

APPLICATION NO.	P22/S2574/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	11.7.2022
PARISH	EAST HAGBOURNE
WARD MEMBER(S)	Anne-Marie Simpson Jane Murphy
APPLICANT	Mr J Clayton
SITE	Lower Cross Farm Blewbury Road East Hagbourne, OX11 9LF
PROPOSAL	Erection of detached dwelling, with associated garage, access and turning space and landscaping (As amplified by additional energy information received 26 July 2022, archaeology information received the 29 July 2022 and ecological information submitted on the 21 October 2022 and amended by drawings altering the rear elevation, site area and amplified by arboricultural information accompanying email from agent received 27 September 2022).
OFFICER	Paul Bowers

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out to the officer’s recommendation that **planning permission should be granted** having regard to the material planning considerations relevant to the development and development plan policies.
- 1.2 The application is referred to planning committee as the recommendation to grant planning permission conflicts with the views of the East Hagbourne Parish Council who object to the proposal.
- 1.3 The application site forms part of on agricultural field that sits between existing properties to the east and west and to the south of a recently constructed new dwelling within the village of East Hagbourne. A plan showing the location of the site is attached at **Appendix 1**.

The site is located within the East Hagbourne Conservation Area, within Flood Zone 1 and access to it is via a private drive connecting to Blewbury Road to the north.

- 1.4 The application seeks full planning permission for the erection of a two-storey detached four-bedroom dwelling constructed in brick and flint with a plain clay tile roof. In addition, the application also seeks planning permission for a two bay, detached garage with store and accommodation above.

1.5 The application has been amended during the course of the application reducing the size of the application site and the rear garden area. Changes have also been made to the rear of the dwelling in addition to information being submitted relating to ecology and trees.

1.6 Reduced copies of the plans accompanying the application are attached at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website www.southoxon.gov.uk under the planning application reference number

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **East Hagbourne Parish Council** – Object to the development.

Comments in relation to the plans as originally submitted –

- Loss of open space within the conservation area.
- Impacting the view from the Grange footpath.
- Overbuilding in a conservation area.
- Overlooking of adjoining properties.
- Increase in flood risk.
- Impact on biodiversity.

Comments on the amended plans –

- Maintains original objection.

Third party representations – 8 x letter of objection covering the following issues;

- Concern over alleged non-compliance with previous permissions.
- Concern over the amount of disruption from construction works that has taken place over an extended period of time.
- Loss of tranquillity along the footpath extending into the countryside.
- Impact on views along the footpath
- Impact on wildlife.
- Overlooking of South Grange.
- Loss of important open space.
- The development is not infill.
- Harmful to the character and appearance of the conservation area.

The comments are available on the council's website in full under the planning application reference number.

County Archaeological Services - no objection subject to conditions requiring investigations to be carried out and approved by the council prior to the development commencing.

Conservation Officer - no objection to the application in its amended form subject to a condition relating to the approval of materials.

Countryside Officer – No objection subject to conditions in relation to construction exclusions zones, mitigation and enhancements to be carried out as proposed.

Drainage - No objection subject to conditions relating to foul and surface water drainage scheme to be submitted and approved in writing before the development can commence.

Forestry Officer - No objection subject to conditions relating to tree protection and landscaping.

OCC Highways Liaison Officer – No objection subject to conditions relating to improvements to the access on to Blewbury Road and the parking being retained as shown on the plan.

Energy Assessor - No objection subject to a condition requiring verification that the development has been carried out as per the energy report.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 [P13/S2218/FUL](#) - Refused (06/09/2013) - Appeal allowed (21/08/2014)
Erection of a single dwelling with parking and access. (Re-submission of withdrawn application P13/S0694/FUL)

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The site lies in a sensitive area but the scale of development means that an EIA is not required.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- ENV1 - Landscape and Countryside
- ENV6 - Historic Environment
- ENV8 - Conservation Areas
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H16 - Backland and Infill Development and Redevelopment
- H8 - Housing in the Smaller Villages
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

East Hagbourne Neighbourhood Plan (EHNP) policies;

SD1 - Sustainable development
VC2 - Conserving and enhancing important views
VC3 - Retaining smaller village character and promoting good design
VC5 - Conserving and enhancing heritage assets
H1 - Housing provision
TA1- Road safety

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (JSVDG)

East Hagbourne Conservation Area Character Study

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 (SOLP) and the East Hagbourne Neighbourhood Plan (EHNP).

6.2 The main issues that need to be considered in relation to this proposal are;

- **The principle of the development in terms of housing policy.**
- **Impact on setting of the East Hagbourne Conservation Area.**
- **Neighbour impact.**
- **Impact on trees.**
- **Impact on ecology.**
- **Impact on archaeology.**
- **Access, parking and Highway Safety.**
- **Amenity space.**
- **Drainage.**
- **Carbon reduction.**
- **Community Infrastructure Levy.**

6.3 The principle of the development in terms of housing policy.

Policy STRAT1 of the SOLP sets out the overall strategy for development in the district. The policy includes specific reference to supporting smaller and other villages by allowing for limited amounts of housing and employment to help secure the provision and retention of services.

In addition, Policy STRAT1 seeks to protect and enhance the countryside and particularly those areas within the two AONBs and Oxford Green Belt by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.

Policy H1 of the SOLP relates to delivering new homes and states development within the existing built-up areas of Smaller Villages as defined in the settlement hierarchy (shown in Appendix 7 in SOLP) will be acceptable.

Policy H8 of SOLP relates to housing in ‘Smaller Villages’, such as East Hagbourne, where they accord with Policy H16.

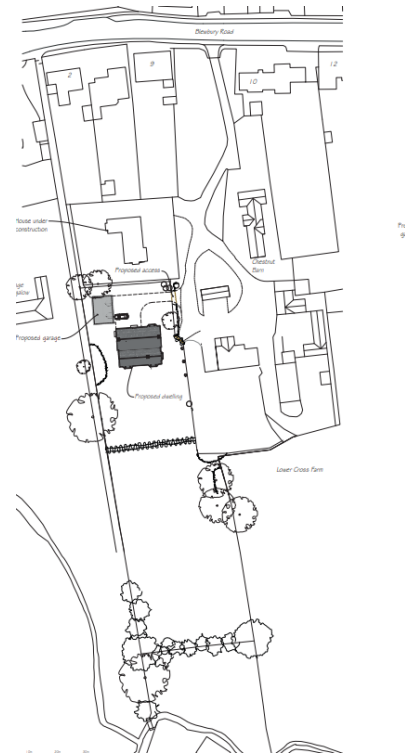
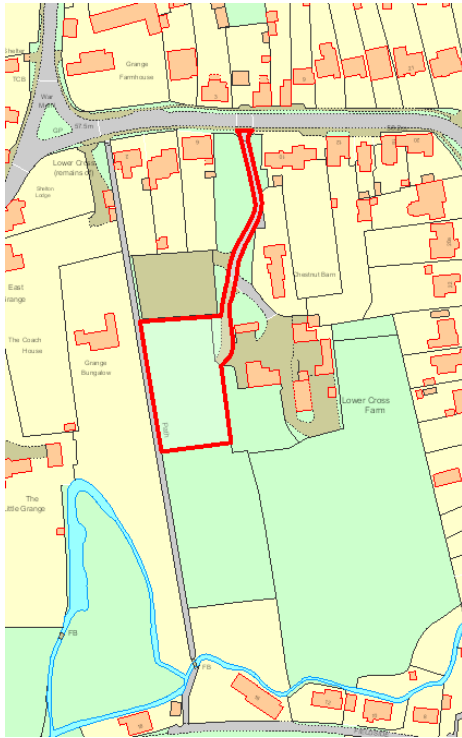
Policy H16 relates to infill development and states that within ‘Smaller’ and ‘Other’ villages, development will be limited to infill development and redevelopment of previously developed land or buildings.

Infill is defined in Policy H16 as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.

Policy H1 of the EHNP states that development proposals including infill within the built-up area should accord with policies within the EHNP and the development plan for the district.

6.4 The first step in the assessment is to consider whether the site is within the settlement.

The extracts below show the application site area in the context of its surroundings and a block plan showing the position of the new dwelling and garage;



6.5 In your officers view the position of the site, in line with the southern boundary of the dwelling to the east at Lower Cross Farm and between that property and the property to the west at South Grange, I am of the view that the site is located within the settlement.

6.6 The second step is to consider whether or not the development meets the definition of infill.

As can be seen by the block plan the proposed dwelling will have an adjacent building to the east, a dwelling to the north and a dwelling to the north west some 20 metres away. In my view the fact that there is built form on three sides is sufficient to be considered 'closely surrounded by buildings' and this principle has been confirmed in a number of previous appeal decisions.

I conclude that it meets the definition of infill development and consequently accords with Policy H16 of the SOLP.

6.7 I am satisfied that the principle of erecting a dwelling in this position accord with policy and is acceptable.

6.8 Impact on setting of the East Hagbourne Conservation Area.

The heritage asset to consider in the case of this development is the East Hagbourne Conservation Area. The impact to consider is how the proposed development affects the character and appearance of the conservation area.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that :

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 72 (1) must also be considered alongside relevant policies contained in the NPPF.

The NPPF requires that in determining applications LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable use consistent with conservation, the positive contribution that conservation deals with the impact of a proposed development on the "significance" of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

This advice is followed through into the development plan by Policy ENV8 of the SOLP which relates to conservation areas and Policy VC5 of the EHNP.

- 6.9 More generally Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design subject to a series of criteria and Policy DES2 of the SOLP states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

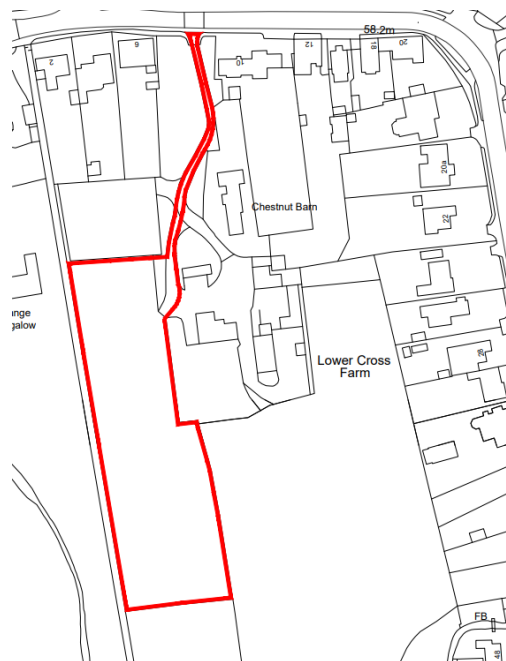
Policy VC3 of the EHNP states that new development or alterations to existing buildings should have regard to their local design context and building design and quality of materials should be sympathetic to and be in keeping with existing buildings in each character area of the village.

- 6.10 This application is for a new dwelling in the East Hagbourne Conservation Area. The southern part of the site (approximately below the hedge) forms part of the setting of Hacca's Brook, a natural corridor, wild in character, which softly transitions to paddock land within the application site.

Views across the site can be seen from the adjacent public footpath which is a recreational route through the village and historically (since the C19) a connection between the brook and agricultural land to the south, and the centre of the village to the north.

- 6.11 The site is one of a small number of open spaces within the conservation area and identified in the neighbourhood plan and conservation area appraisal as an area of locally distinctive landscape character, an example of the small parcels of land farmed by individuals following enclosure in 1840-3. Views across the site illustrate the historic relationship of the water beds, orchards and parcels of agricultural land which contributed to the development of the village.
- 6.12 Change of use to recreational land would un-wild this open space with paraphernalia, obscuring the historic relationship of the agricultural land and brook to the village and harming the character and appearance of the conservation area.
- 6.13 The amended proposals reduce the site area so that the entirety of the site now lies outside of the locally distinctive area of 'Hacca's Brook and its setting' as identified in figure 7 of the East Hagbourne Neighbourhood Plan.

The original site area for the development, including what would have been a significant garden area extending south that could potentially have been filled with outbuildings and domestic paraphernalia, is shown below and can be compared to the current area shown in paragraph 6.4.



The amended site area is an 'important open space' as identified by the East Hagbourne Character Assessment and Conservation Area Appraisal but is outside of the immediate setting of Hacca's brook. Your officers therefore consider the harm to the conservation area is reduced from that previously proposed but remaining less than substantial.

- 6.14 Amendments have also been made to the rear elevation of the dwelling improving its visual appearance of the building from views to the rear.
- 6.15 To minimise the impact and to control built development south of the existing built development extending into the open space, a condition is proposed which seeks to remove permitted development rights for outbuildings to be erected in the rear garden.
- 6.16 Your officers are satisfied that the less than substantial harm identified by the Conservation officer is low. In conjunction with the removal of permitted development rights and a condition that requires approval of materials, the benefit of creating a new dwelling in a sustainable location within the village outweighs this harm. Consequently, I am satisfied that the character and appearance of the East Hagbourne Conservation Area will be conserved and the proposal accords with the relevant policies within the development plan.
- 6.17 **Neighbour impact.**

Policy DES6 of the SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

- 6.18 The new dwelling will sit relatively in line with the dwelling to the east at *Lower Cross Farm*. The juxtaposition between those two buildings in conjunction with the distance ensures that it will not give rise to an unacceptable overbearing or oppressive impact or result in the loss of any direct sunlight to that property.

There are two east facing windows at first floor level in the new dwelling. The southern/rear most window serves a bedroom and is secondary window to the main window on the rear elevation whilst the forward northernmost window serves an ensuite bathroom.

The ensuite bathroom window provides views of the more communal area forward of the dwelling at *Lower Cross Farm* and as such I did not consider that it provides for any material or harmful overlooking.

The secondary bedroom window at the rear has the potential to look towards the rear garden of *Lower Cross Farm* in a more direct way than the windows on the rear elevation of the new dwelling. Therefore, I think it appropriate on the basis that this is not the primary window to this room that this window is obscured glazed and fixed shut below 1.7 metres to prevent overlooking.

- 6.19 The property known as *South Grange* is located to the west with the dwelling of that property sited to the northwest of the new dwelling.

The proposed garage building will have the greatest impact due to its closer proximity to the boundary the dwelling house.

However, the majority of the built form of the garage sits parallel to the side elevation of *South Grange*. It does not include windows at first floor level in the rear roof slope of the building thereby ensuring it does not overlook. In addition, the distance between the bungalow and the garage is such that I am satisfied that it is not overbearing or oppressive.

6.20 The proposed new dwelling is set further in the plot to the southeast of *South Grange*. This distance away from the boundary is sufficient, in my view, to ensure that the overall bulk and height of the building does not create such an oppressive or overbearing impact to *South Grange* that it would cause a level of material harm that would justify the council in refusing planning permission.

6.21 There are windows on the western elevation of the proposed dwelling at first floor level which look towards the rear garden of *South Grange*. The forward most northern window is an ensuite bathroom window and the southernmost window is a secondary bedroom window.

On the basis that the bedroom window is a secondary window with a south facing first floor window on the rear of the dwelling also serving the room, I am satisfied that it is entirely necessary and reasonable to ensure that this window is obscured glazed and fixed shut below 1.7 metres to ensure no direct overlooking with the rear garden of that property. Equally, I also deem it necessary to ensure that such obscured glazing is also applied to the ensuite bathroom window. Thereby ensuring that the development is not unneighbourly.

6.22 A new dwelling has recently been erected to the north of the application site where the side of that property would face the front of the proposed dwelling. The distance between the two buildings is in the region of 20 metres. Whilst the council does not have a minimum distance for a front to side relationship it does have one for rear to side at 12 metres. The proposed distance far exceeds this to such an extent that I am satisfied that there will be no material overlooking of that property or oppressive or overbearing impact.

6.23 Overall, and after a detailed analysis your officers are of the view the development is not unneighbourly and accords with Policy DES6 of the SOLP.

6.24 **Impact on trees.**

Policy ENV1 of the SOLP aims to protect South Oxfordshire's landscape, countryside and rural areas against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries.

6.25 The trees within this site and the adjacent sites are protected as they are located within the East Hagbourne conservation area.

The applicant has submitted an Arboricultural Method Statement August 2022. No tree protection plan appears to have been submitted with this report. A tree constraints plan is included showing the constraints of existing trees.

- 6.26 The submitted plan shows that the proposed dwelling and garage are located outside of the root protection areas of the adjacent trees and therefore are unlikely to impact on them, subject to suitable tree protection measures being implemented during construction works.

Details of drainage and utility routes will be required to ensure that they avoid trees. In addition, appropriate landscaping to assimilate the development into its surroundings is considered necessary and therefore two conditions are proposed in relation to tree protection and landscaping details to be submitted to and approved in writing by the council.

- 6.27 In conjunction with these conditions the proposal will then accord with Policy ENV1 of the SOLP.

6.28 Impact on ecology.

Policy ENV3 of the SOLP relates to biodiversity. The policy concludes by stating that planning permission will only be granted if impacts on biodiversity can be avoided, mitigated or, as a last resort, compensated fully.

- 6.29 At present, the site is currently undeveloped and has many habitats across the site which would be suitable to support some protected species.

The Preliminary Ecological Assessment (PEA) advises the creation of a construction zone separating the area of development from the rest of the site to protect the undeveloped areas of grassland. The PEA suggests the primary habitats are amenity grassland and hardstanding, these are of lower ecological value. The Council's Countryside Officer has advised that prior to the establishment of the construction zone the long areas of grass are cut using a strimmer and then maintained at a short length throughout the duration of the development. This is to reduce the ecological value of the grass and prevent reptile and amphibians from using the grass area.

All other habitats discussed within the PEA are either outside of the construction zone or not being removed through development. Therefore, any potential impact is negligible. Furthermore, the planting of a native species hedgerow to mark the boundary of the garden area of the dwelling from the wider site will help mitigate long term impacts to these habitats.

There are no priority habitats within the application site area.

- 6.30 The PEA makes recommendations that bat and bird boxes are installed. Consequently, a condition is included to ensure that the series of mitigation measures and enhancement set out in the PEA are undertaken. In addition, conditions which relate to the strimming of the grass in the construction zone

and that these measures are undertaken prior to the dwelling being occupied are included.

6.31 Your officers are satisfied that in conjunction with these conditions the overall development will accord with Policy ENV3 of the SOLP.

6.32 Impact on archaeology.

Policy ENV9 of the SOLP relates specifically to archaeology and scheduled monuments. It states that development must protect the site and setting of Scheduled Monuments or nationally important designated or undesignated archaeological remains and that applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is known to, or is likely to, contain archaeological remains. Proposals must show the development proposals have had regard to any such remains.

6.33 The submitted desk-based assessment concludes that the application site has a potential to contain archaeological remains of medieval and/or post-medieval date relating to early settlement that could be impacted by development.

6.34 The County Council Archaeologist has recommended that, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. A condition to that effect forms part of this recommendation and ensures compliance with Policy ENV9 of SOLP.

6.35 Access, parking and Highway Safety.

With respect to highway safety matters the advice from Central Government set out in paragraph 111 of the National Planning Policy Framework (NPPF) is as follows:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Policy TRANS5 of the SOLP requires that proposals for all types of development will, where appropriate amongst other things provide for a safe and convenient access for all users to the highway network and provide for the parking of vehicles in accordance Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise.

6.36 The proposal seeks the construction of a detached dwelling. Given the proposal is likely to increase the vehicular movements accessing and egressing the site it has been recommended by the Highway Authority that the existing access is widened so as to allow for two vehicles to pass each other and prevent vehicles having to manoeuvre at the access point onto the classified road.

6.37 A planning condition requiring improvement to be made to the junction and a condition which seeks to ensure the areas shown for parking are provided before the house is occupied are proposed as part of this recommendation. In conjunction with these conditions the proposal will accord with Policy TRANS5 of the SOLP.

6.38 Amenity space.

Policy DES5 of the SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of land should be provided for amenity space will be determined by the size of the dwelling.

The JSVDG sets out the minimum standard based on the number of bedrooms. For 3 bedroom properties and above, at least 100 square metres should be provided.

An inability to provide the minimum amenity space and or parking provision can be an indicator of an over development of the site.

6.39 Although the garden size has been reduced to address the concerns of the conservation officer, the area shown on the current plans provides an area in excess of the council's minimum standards.

It is similar in overall size to the dwelling immediately to the east. I am therefore satisfied that what is shown on the plans does not represent an overdevelopment of this site and accords with Policy DES5.

6.40 Drainage.

Policy EP4 of the SOLP relates to matters of flooding and states that the risk of flooding will be minimised through;

- i) directing new development to areas with the lowest probability of flooding;
- ii) ensuring that all new development addresses the effective management of all sources of flood risk;
- iii) ensuring that development does not increase the risk of flooding elsewhere; and
- iv) ensuring wider environmental benefits of development in relation to flood risk.

Policy INF4 of the SOLP relates to water resources and requires that all new development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

6.41 The council's Drainage Engineer has considered the development in the context of foul and surface water drainage provision. They have no objection but have requested conditions to require detailed schemes for both aspects to

be considered and approved prior to the commencement of development thereby ensuring compliance with Policies EP4 and INF4 of the SOLP.

6.42 **Carbon reduction.**

Policy DES10 of the SOLP requires that all new build residential development must achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. This reduction is to be secured through renewable energy and other low carbon technologies and/ or energy efficiency measures. It goes on to state that an energy statement must be submitted to demonstrate compliance with the policy and how the development will comply with this.

6.43 The application includes an energy statement. It demonstrates that the proposed building would amount to a 40% reduction in line with the requirements of the policy.

A condition is proposed that seeks a verification report to be submitted to the council before the building is occupied.

6.44 **CIL.**

The development is CIL liable to the amount of **£83, 301.82**

7.0 **CONCLUSION**

7.1 The proposal results in the creation of a single dwelling within one of the smaller villages in the district. Its position relative to surrounding buildings is such that it would constitute infill development and is acceptable in principle. There will be low level, less than substantial harm to the conservation area which is outweighed by the public benefit of an additional dwelling to the village. The impact on trees, archaeology, highway safety and drainage are matters which can be made acceptable through the attached conditions and will ensure that the development complies with the development plan.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions;**

8.2 **Standard Conditions -**

1 : Commencement 3 yrs - Full Planning Permission

2 : Approved plans

Prior to commencement conditions –

3 : Landscaping Scheme (trees and shrubs only)

4 : Tree Protection (Detailed)

5 : Archaeological Watching Brief

6 : Archaeology (Submission and implementation of WSI)

7 : Construction zone – grass land

8 : Surface water drainage works (details required)

9 : Foul drainage works (details required)

Prior to the relevant works being carried out conditions -
10 : Submission of material details

- Prior to occupation conditions –**
11 : Energy Statement verification
12 : Access widening
13 : Wildlife protection (mitigation as approved)
14: Biodiversity enhancements
15 : Parking & Manoeuvring Areas Retained
16 : Electric Vehicles Charging Point

- Compliance conditions -**
17 : Withdrawal of P.D. (Part 1 Class E) - no outbuildings etc
18 : Obscure glazing first floor side windows

Author: Mr. P Bowers
E-mail: planning@southoxon.gov.uk
Contact No 01235 422600

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