

<b>APPLICATION NO.</b>	<a href="#">P14/S0090/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	11.2.2014
<b>PARISH</b>	TETSWORTH
<b>WARD MEMBER</b>	Mrs Dorothy Brown
<b>APPLICANT</b>	Mr Scott Simon
<b>SITE</b>	Zion Farm, 78 High Street, Tetsworth
<b>PROPOSAL</b>	Erection of 3 bedroom chalet-bungalow with off-street parking on former garden land of 78 High Street. (Removal of proposed gate and stile from public right of way and replacement of existing stile with pedestrian gate as shown on amended plan received 30th April 2014)
<b>AMENDMENTS</b>	As above
<b>OFFICER</b>	Paul Lucas

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**1.0 INTRODUCTION**

1.1 This application is reported to the Planning Committee as a result of a conflict between officers' recommendation and the views of Tetsworth Parish Council.

1.2 The application site is identified at **Appendix 1**. The site extends to 0.079 hectares and comprises the western end of the extensive parcel of undeveloped land associated with Zion Farm, a two storey dwelling located about 75 metres to the north-east of the site. The site has been segregated from the remainder of this land by post and rail fencing. The adjacent land has been planted in recent years and consists of semi-mature trees, some of which remain on the site. The land immediately to the north of the site comprises a large outbuilding and parking area belonging to No.1 Chiltern View, a semi-detached house located to the north-west of the site. The site includes a private driveway, which is also in the ownership of No.1. This driveway passes between the east-facing side wall of No.1 and the front elevation of 15 Parkers Hill. It provides access to the closest highway land at the junction between Parkers Hill and Chiltern View and also accommodates Tetsworth Public Footpath 3, which forms part of the Oxfordshire Way, running through the western side of the site. The land slopes up towards the site from the highway, but then falls away towards the rear. The rear gardens of No's 1 & 9 Chiltern View form the western boundary of the site. The remaining land belonging to No.78 wraps around the rear of the site. Beyond this lies open countryside sloping down more steeply towards the M40 motorway. There are no special designations on the site.

**2.0 PROPOSAL**

2.1 The application seeks full planning permission for the erection of a three-bedroom chalet-bungalow with off-street parking, as detailed on the current plans submitted in support of the application. The amended plans do not change the proposed dwelling or parking arrangements, but they omit the relocation of the existing stile and gate to a different location and instead seek to change the existing stile into a pedestrian gate.

2.2 A copy of the current plans is attached at **Appendix 2** whilst other documentation associated with the application can be viewed on the Council's website: [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**3.1 Tetsworth Parish Council** – The application should be refused for the following reasons:

- It appears from the additional information submitted by objectors to this development Mr and Mrs Surman, 1 Chiltern View, that the appellant has submitted this plan without any consultation with the properties most directly affected by the proposal. There is no right of vehicle access across Mr and Mrs Surman's land and no right for the connection of services; there are currently no services to this site, water, sewage or power. Part of the proposed access to the site, between the two gates, is private land, despite the appellants claims to the contrary, he has no right of access to cross it. Making an alternative access through Zion Farm 78 High Street has been discussed with the appellant he is unwilling to take this as an alternative option, which in the view of Tetsworth Parish Councillors makes the proposal unworkable.
- This area of land is also a public footpath and part of the Oxfordshire Way. The existing pathway is not a byway open to all traffic, there is no right of use for wheeled vehicles over it, with the exception for agricultural vehicles to access the land beyond the proposed building site. To open the designated access to the site would require the new driveway to become an integral part of the Oxfordshire Way. It is believed that planning consent has to take account of the need to authorise access or use of a public footpath or bridle way. Where the development would need access for a private vehicle or site vehicles to cross it, would require a private vehicle &/or access easement including permission from the affected land owners and relevant highways authority.
- This part of the path, through Tetsworth, is a popular route and building here would reduce its amenity value for the walking public.

**OCC Rights of Way Field Officer** - I can confirm that, having removed the proposal for new gates over the path and confirmation that the entrance gates into the proposed new property will only open inwards and away from the path, we are satisfied with these aspects and would not object. However, the improvement of the surface of the part of the path to form the driveway to their property would need our prior approval and would be for the applicant or their successors to maintain in the future. Please also advise the applicant that no materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the route whilst development takes place. Any accidental damage to the surface of the path caused by the construction / demolition traffic will be the responsibility of the applicants or their contractors to put right / make good.

**CPRE – Rights of Way** – Objection to the original plans; no comments received on the amended plans

- 1) FP3 would form the vehicular access to the site and in particular turning vehicles would constitute a hazard to path users;
- 2) The location of the house directly alongside the path would detract from its amenity by giving it a confined aspect;
- 3) As some windows of the house would overlook the path, future residents might find path users intrusive and path users might feel embarrassment at having to pass them;
- 4) A number of poor stiles on the Oxfordshire Way in the Tetsworth area have recently been replaced by gates, some of which were donated for the purpose by a user group. We therefore do not welcome the proposal to erect a new stile on the Oxfordshire Way as part of the development, which would be likely to prove less user-friendly than the new gates erected elsewhere on the Oxfordshire Way.

**County Archaeological Services (OCC)** - No objection.

**Highways Liaison Officer (Oxfordshire County Council)** - No objection subject to standard parking and turning area condition.

**Forestry Officer** - No objection subject to general tree protection condition.

**Countryside Officer** - No objection

**Health & Housing - Environmental Protection Team** – No objection subject to internal soundproofing and acoustic fencing conditions.

**Health & Housing - Contaminated Land** - No objection.

**Neighbours** – Six representations of objection, summarised as follows:

- Conflict with the Core Strategy Policy CSR1 outside the village boundary
- Consider that lawful use of the site is agricultural rather than as a garden
- Vehicular access would compromise users of the Oxfordshire Way
- Development would exacerbate existing parking problems in this part of the village, especially resulting in increased on-street parking and deterioration of road surface and cobbled paths
- Unneighbourly to the occupiers of 13 & 15 Parkers Hill and 1, 3 & 9 Chiltern View, particularly loss of privacy to side kitchen window of No.1 and garden of No.9
- Noise pollution from M40 for future occupiers
- Obstruction to existing residential access and nuisance including ground stability issues during building work
- Gravel material is unsuitable for driveway
- Part of driveway within site is owned by No.1 – there is no right of vehicular access other than for agricultural purposes and no right to run water, sewerage or power services across it [not a planning matter]
- If planning permission is granted, planning conditions should be imposed to restrict vehicular access from No.78 only and to prevent any precedent for further housing development

#### 4.0 **RELEVANT PLANNING HISTORY**

4.1 None of relevance

#### 5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSM1 - Transport

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

C4 - Landscape setting of settlements

C9 - Loss of landscape features

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

**Agenda Item 11**  
**South Oxfordshire District Council – Planning Committee – 23 July 2014**

- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- EP2 - Adverse affect by noise or vibration
- EP3 - Adverse affect by external lighting
- EP4 - Impact on water resources
- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H4 - Housing sites in towns and larger villages outside Green Belt
- R8 - Protection of existing public right of way
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008 – Sections 3 & 5  
South Oxfordshire Landscape Assessment – Character Area 3 The Clay Vale

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and SOLP 2011 of relevance to this application are considered to be in general conformity with the provisions of the NPPF and therefore this application can be determined against these relevant policies.

6.0 **PLANNING CONSIDERATIONS**

6.1 The planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's strategy for housing development;
- result in the loss of an open space or view of public, environmental or ecological value;
- be in keeping with the character and appearance of the surrounding area;
- safeguard the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- provide adequate off-street parking spaces for the resultant dwelling and not give rise to any conditions prejudicial to highway safety;
- not obstruct or dissuade users of the Oxfordshire Way;
- demonstrate adequate sustainability and waste management measures; and
- give rise to any other material planning considerations.

Principle of Development

6.2 The site is located at the southern edge of the village of Tetsworth. The SOCS Policy CSR1 outlines the current approach for assessing proposals for infill residential development in the District. The SOCS classifies Tetsworth as a 'smaller village'. Under Policy CSR1, residential development on infill sites of up to 0.2 hectares in size is acceptable in principle in smaller villages. The supporting text for Policy CSR1 states, "*Infill development is defined as the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings.*" It is accepted that the development of this site would not present a built-up frontage. Instead, it would be in a backland location. However, there would be buildings located close to the proposed dwelling in three directions. No's 1 and 15 would be located at a distance of 30-35 metres to the north, the outbuilding to No.1 at 20 metres to the north-east, No.88 High Street at about 50 metres to the east and outbuildings belonging to No.9 approximately 45 metres to the west. The proposed dwelling would be positioned in line with a notional axis drawn from No.88 to the east to No.20 to the west. Although the land is described by the applicant as a garden, anecdotal evidence

**Agenda Item 11**  
**South Oxfordshire District Council – Planning Committee – 23 July 2014**

from third parties suggests that its lawful use may be agricultural. A planning application from 1975 shows that the land has been in the same ownership as No.78 at least since then, there has been no planning permission or established use certificate submitted for a material change of use to a domestic garden.

- 6.3 The Council's aerial photographs over the last 15 years show that the land was segregated from the large agricultural field to the south and appears to have been maintained initially as a paddock, prior to the planting of the trees in more recent years. Notwithstanding this, Policy CSR1 only requires the land to be within a settlement and does not restrict development based on its current use. Officers have concluded that the land is physically connected to the village through its association with No.78 and proximity to nearby buildings forming part of the built form of the village. It would also be located behind the established line of foliage forming the field boundary to the south of the site, which screens many of the surrounding buildings from view from the adjoining countryside. As the site is less than 0.2 hectares in size and is closely surrounded by buildings, the proposal would be within the allowances of Policy CSR1 and officers are satisfied the principle of this proposal is acceptable under the SOCS.

Loss of Open Space

- 6.4 Criterion (i) of Policy H4 of the SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. Although the Oxfordshire Way passes through the western side of the site, the application would maintain this access. The remainder of the site is inaccessible to the public. In close-range views along the Oxfordshire Way the dwelling would be seen in the context of surrounding buildings. In wider views from the field to the south the dwelling would be only partially visible behind the boundary foliage and against the backdrop of established development. The Council's Countryside Officer has confirmed that there would be no significant ecological implications arising from this proposal. On this basis, the proposal would accord with the above criterion.

Visual Impact

- 6.5 Criterion (ii) of Policy H4 of the SOLP 2011 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings and criterion (iii) requires that the character of the area is not affected. Policies CSEN1 CSQ3 of the SOCS and D1 of the SOLP 2011 support these requirements. The appearance of nearby dwellings is mixed, with variation in size, form and detailing. The footprint of the proposed dwelling would be comparable with the footprint of the dwellings in the vicinity. The dwelling would be relatively modest in scale with a ridge height of about 7.35 metres and first floor accommodation contained within the roof served by dormer windows. This would be a simple design which would add to the variety of dwellings in the surrounding area. The appearance could be enhanced through the use of traditional brick and tile in the external finishes. The proposed building to plot ratio would be about 27%, which would be less than the maximum plot coverages set out in Section 3 of the SODG 2008. The Council's Forestry Officer is satisfied that the development would preserve the existing trees on and surrounding the site through a general tree protection condition, with a landscaping condition to secure additional planting and appropriate boundary treatment. As discussed above, the existing dwellings adjoining the application site are all partially screened by the established foliage when viewed from the public footpath crossing the adjoining field. Officers consider that the dwelling, which would be set back by approximately 32 metres from this boundary would be similarly screened. It is noted that existing dwellings further to both the east and west of the site where there is a lack of screening are more prominent from this viewpoint. Consequently, the strong settlement edge at this part of Tetsworth would be maintained, which would be in accordance with the objectives of the South Oxfordshire Landscape Assessment. In light of this

**Agenda Item 11**  
**South Oxfordshire District Council – Planning Committee – 23 July 2014**

assessment, the proposed dwelling would be in keeping with the character of the immediate surroundings and would not harm the wider landscape setting of the settlement. In overall terms, officers consider that the dwelling would broadly comply with the relevant sections of the SODG 2008 and with the above policies and criteria.

Neighbour Impact

- 6.6 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Development will not be permitted if it would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight. Advice on privacy standards is also included in the SODG 2008. In Section 3.2.6 it advocates that a distance of 25 metres between facing habitable rooms is desirable. Officers are satisfied that there would be sufficient levels of separation between the proposed dwelling and surrounding dwellings to prevent any significant loss of residential amenity from occurring in relation to loss of light and outlook or overlooking between windows and over private garden areas. The first floor windows in the side gables of the dwelling could be obscure glazed and fixed shut to prevent overlooking of adjoining land. The level of vehicular activity associated with a single dwelling would not result in a level of noise nuisance to No.1 and No.15 to warrant refusal of planning permission. Measures to safeguard the future occupiers of the proposed dwelling from internal and external noise nuisance emanating from the M40 have been agreed with the Council's Environmental Protection Officer and can be implemented through planning conditions. The amount of amenity space would accord with the 100 square metres recommended minimum standard as set out in Section 3 of the SODG 2008. On the basis of the above assessment, the proposal would accord with the above policies and guidance.

Access and Parking

- 6.7 Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. The OCC Highway Liaison Officer (HLO) is satisfied that the proposed access and parking arrangements would be acceptable to serve the proposed dwelling, subject to a standard planning condition relating to parking and turning area provision. Although the scale of development is such that the HLO does not recommend a construction traffic management plan condition, the applicant is encouraged to ensure that construction activity at the site embraces the principles of the Considerate Constructors Scheme (CCS) by following the Code of Considerate Practice, and is CCS registered. In this regard it is expected that contractors vehicles should pass slowly and with caution down Parkers Hill and Chiltern View, endeavour to keep all construction related vehicle parking within the curtilage of the site and refrain from obstructing either these roads or the Oxfordshire Way. This matter can be dealt with through an informative on any planning permission. The proposal would therefore satisfy the above criterion.

Public Right Of Way

- 6.8 Policy R8 of the SOLP 2011 seeks to ensure that the users of public rights of way are not compromised by development. The OCC Rights of Way Field Officer is satisfied that the amended proposal would enable the Oxfordshire Way to continue to be used by walkers. Any change in the surfacing materials would require the separate agreement from OCC. It has been requested that informatives are placed on any planning decision advising the applicant that they should prevent obstruction of the path and would be responsible for repairing any damage that occurs during the construction phase. Therefore, the proposal would meet the objectives of Policy R8.

Sustainability Measures

- 6.9 Core Strategy Policy CSQ2 requires proposals to incorporate sustainability measures

**Agenda Item 11**  
**South Oxfordshire District Council – Planning Committee – 23 July 2014**

in terms of energy, water and materials efficient design to reach at least Level 4 of the Code for Sustainable Homes. A planning condition is recommended requiring measures to achieve Code Level 4 to be implemented prior to occupation. There would be sufficient space on the plot to store waste in line with the SOLP Policy D10.

Other Material Planning Considerations

6.10 Matters relating to surface water drainage could be dealt with through building regulations. Any matters arising in relation to construction noise and building stability could be dealt with under separate legislation. In relation to the proposal setting a precedent for future residential development in the locality, it is an established planning principle that each application has to be assessed on the basis of its individual merits. Land ownership is not a material planning consideration, however, even if planning permission is granted for the proposal, the applicant will require a separate permission from the landowner in order to gain vehicular access to the site or run services across it. If the applicant is unable to obtain this permission, it will not be possible to implement the development.

7.0 **CONCLUSION**

7.1 The proposed development would be acceptable in principle, would safeguard the character and appearance the surrounding area, would not detract from the living conditions of adjoining residents or be prejudicial to highway safety or users of the Oxfordshire Way and would be in accordance with Development Plan Policies, Supplementary Planning Guidance and Government Guidance.

8.0 **RECOMMENDATION**

8.1 **Planning Permission**

**1 : Commencement 3 yrs - Full Planning Permission**

**2 : Approved plans**

**3 : Levels (details required)**

**4 : Sample materials required (all)**

**5 : Obscure glazing all first floor side windows**

**6 : Withdrawal of permitted development rights**

**7 : Code Level 4**

**8 : Parking & Manoeuvring Areas Retained**

**9 : Landscaping (including boundary fencing and screen walls)**

**10 : Tree Protection (General)**

**11 : Noise attenuation (internal noise)**

**12 : Surface Water Drainage (details required)**

**13 : Foul Drainage (details required)**

**14 : External Lighting – General**

**Informative – Construction Traffic**

**Informative – Public Right of Way**

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