

APPLICATION NO.	P13/S3896/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	11.2.2014
PARISH	STOKE ROW
WARD MEMBERS	David Nimmo-Smith & Charles Bailey
APPLICANT	Mr N Spiller
SITE	Land adjacent to Village Green, Newlands Lane, Stoke Row
PROPOSAL	Erection of a two storey, 4 bedroom house and detached two-bay garage, parking and driveway (garage, parking and driveway repositioned to north-western part of site and appearance of dwelling revised with steeper pitch roofs, lower eaves and altered window design, as shown on amended plans received 25th June 2015).
AMENDMENTS	See above
OFFICER	Paul Lucas

1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between the officers' recommendation and the views of Stoke Row Parish Council. A Committee Site Visit is due to take place on Monday 16 November 2015.

1.2 The application site, as identified on the plan attached at **Appendix 1**, is an undeveloped parcel of land approximately 0.243 hectares in area, located within the built up confines of the village of Stoke Row and in a central location within the Stoke Row Conservation Area. The western boundary of the site is adjacent to Newlands Lane, opposite a two storey dwelling called Orchard Green, the southern boundary adjoins the village green and rear garden of The Old Bakery, the eastern boundary is alongside White House and the northern boundary adjoins Primrose Cottage. The surrounding residential properties are all two storey dwellings of traditional proportions and have all been extended so they vary in visual appearance with a range of walling materials including red brick, painted brick, painted render and hanging tiles and clay tiles and slates on the roofs. Both Primrose Cottage and The Old Bakery have outbuildings that are located adjacent to the site boundaries. The site was historically an orchard, however, most of the trees remaining on the site are in relatively poor condition and the land is overgrown with bramble. However, the boundary hedgerows, consisting of a mixture of deciduous and evergreen foliage, are in better condition and form a strong boundary to the site. There is an opening in the hedgerow to Newlands Lane towards the south-western corner, which has historically provided access to the site. Any trees with a diameter greater than 7.5cm at 1.5 metres above ground level receive statutory protection due to their location within the conservation area. There is a slight fall in the land levels from north to south. The site also lies within the Chilterns Area of Outstanding Natural Beauty (AONB).

2.0 PROPOSAL

2.1 The application seeks full planning permission for the erection of a two-storey 4-bedroom dwelling and detached 2-bay garage incorporating a driveway and parking spaces. The application has been subject to several amendments, which have seen the position of the dwelling moved westwards, the garaging separated from the house and repositioned from the southern to the northern end of the site with consequential

realignment of the driveway. The design of the house has also been adjusted to increase the pitch of the roof, lower the eaves, change roofing materials from slate to clay tile, remove a catslide dormer, improve the proportions of dormer windows and introduce brick quoins.

- 2.2 The dwelling would have an L-shaped footprint with an east to west axis of about 15.4 metres with a secondary wing projecting 13.2 metres southwards from the main ridge line. The main east to west ridge would measure 6.7 metres in height and the ridge of the secondary wing would measure 6.5 and 6.2 metres in height. The width of the west facing gable end would be 6.15 metres and the width of the south facing gable would be 6.5 metres. The facing materials for the house would be a mixture of brick and flint and it would have clay roof tiles. The garage would have a 4.5 metre high ridge and have an external finish of feather-edged weatherboarding and clay tiles. The driveway would extend westwards from the existing access point and then arc round to the north to serve the proposed garage with parking spaces on its eastern side. A parcel of land of 0.043 hectares in area to the south and east of the driveway has been identified as undeveloped land outside the curtilage of the proposed dwelling.
- 2.3 A copy of the current plans is provided at **Appendix 2** whilst other documentation associated with the application can be viewed on the Council's website: www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Stoke Row Parish Council** – The application should be refused for the following reasons:

- The site is one of the most important, perhaps the most important, undeveloped site in the village particularly as it is within the Conservation Area and its location will form part of the perimeter of the village green. We feel that any development should enhance the Conservation Area around the village green. Specifically we are concerned that the location, scale and orientation of the proposed development interferes with views of the Old Bake House when viewed from the green.

- We believe a solution would be to move a proposed development further west on the site rather than trying, unsuccessfully to "hide" it at the back of the site. Also consideration of the aspect presented to the green could reduce the apparent mass and bulk of a new property.

- We feel that any development should be supported by comprehensive and consistent landscaping plans. They should include requirements to preserve hedgerows and the highway access. The recommendations of the Highways officer seem to impinge on other land owners and therefore could not be delivered by the property owner.

Conservation Officer (South) - No objection subject to planning conditions concerning finishing materials

Countryside Officer(South Oxfordshire & Vale of White Horse) - No objection

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to highway-related planning conditions

Forestry Officer (South Oxfordshire District Council) - No objection subject to tree protection and landscaping conditions

Neighbours – 18 representations of objection/concern to the original submission and previous amendments; 7 representations of objection to the current set of plans and

one stating no objection, summarised as follows:

- Would be in conflict with the SOCS Policies CS1, CSR1, CSEN1, CSEN3 & CSQ3 and the SOLP 2011 Policies G2, C4, C9, CON7 & CON16
- Residential development of this important site fails to meet the statutory duty in respect of conservation areas and should enhance the conservation area through its design and layout
- Siting would be harmful to the setting of Old Bakery due to its visible bulk behind this dwelling when viewed from the village green
- Concern that space is being left for a second dwelling closer to Newlands Lane
- Position would lead to the full bulk of the house presented to public view – should be rotated so that the frontage would address the village green
- Design is out of keeping with Old Bakery and Primrose Cottage and lacking in sufficient architectural merit in such a prominent location to protect local character and distinctiveness
- Position of dwelling would have an intrusive impact on the residential amenity of the occupiers of Old Bakery, Primrose Cottage and White House
- Lack of tree survey information, particularly relationship between the proposed garage and northern site boundary trees
- Concern about the relationship between the proposed garage and the south and east-facing windows on the boundary in the annex of Primrose Cottage
- Lack of details showing appearance of front entrance/access
- Fails to demonstrate highway safety close to dangerous bend in Newlands Lane - sightlines encroach across boundary of Primrose Cottage and therefore not within applicant's control
- Achieving sightlines would result in loss of front boundary hedging
- Replacement hedging should be provided within the site
- Ridge height should be lowered to be between the height of Primrose Cottage and Old Bakery
- Levels should be agreed at this stage
- North-facing rooflight should be more than 1.7 metres above first floor level
- Lack of storage space in garage
- Criticism of internal layout of house

The representations can be viewed in full on the Council's website:

www.southoxon.gov.uk.

4.0 **RELEVANT PLANNING HISTORY**

4.1 On the application site:

[P99/S0935](#) - Refused (20/01/2000)

Use of orchard for domestic purposes. Construction of a garage and store building.

[P83/S0250](#) - Approved (15/06/1983)

ACCESS (FOR ORCHARD MAINTENANCE).

[P82/S0126/O](#) - Refused (05/05/1982) - Dismissed at appeal (05/01/1983)

ERECTION OF A SINGLE DWELLING. ACCESS

[P61/H0828](#) - Approved (20/12/1961) – not implemented

Erection of one house only on the whole of the land

On the adjacent Primrose Cottage:

4.2 [P13/S3543/HH](#) - Approved (27/01/2014)

Alterations and extension to garage/outbuilding

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies

- CS1 - Presumption in favour of sustainable development
- CSB1 - Conservation and improvement of biodiversity
- CSEN1 - Landscape protection
- CSEN3 - Historic environment
- CSM1 - Transport
- CSQ2 - Sustainable design and construction
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

- C4 - Landscape setting of settlements
- C6 - Maintain & enhance biodiversity
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- CON16 - Protection of common land and open spaces
- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D10 - Waste Management
- G2 - Protect district from adverse development
- H4 - Housing sites in towns and larger villages outside Green Belt
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008 (SODG 2008) – Sections 3 & 5
Stoke Row Conservation Area Character Appraisal 2000
South Oxfordshire Landscape Assessment – Character Area 10
Chilterns Buildings Design Guide – Chapter 3

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

The policies within the SOCS and the 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 in rural areas;
- result in the loss of an open space or view of public, environmental or ecological value;
- preserve or enhance the character and appearance of the Stoke Row Conservation area, maintain the setting of the village green and the landscape setting of this part of the Chilterns AONB including the protection of important trees and hedgerows;
- safeguard the living conditions of neighbouring residential occupiers and would provide adequate living conditions for future occupiers of the development;

- demonstrate safe and convenient access and off-street parking provision for the development; and
- give rise to any other material planning considerations

6.2 Principle of Development

The SOCS housing Policy relevant to this proposal is CSR1, which outlines the approach for assessing proposals for infill residential development in the District. The planning history reveals that residential development was found to be contrary to the Council's housing policies in the 1980s. However, the SOCS now classifies Stoke Row as a "Smaller" village. Policy CSR1 explains that 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." Officers consider that the application site is closely surrounded by buildings, with three dwellings lying adjacent to the north, south and east and a fourth dwelling opposite to the west. The application site has an area of about 0.243 hectares, which would exceed the maximum infill plot size specified under Policy CSR1. However, the proposal seeks to set aside a portion of the land of 0.043 hectares in front of the proposed dwelling alongside the southern boundary to remain as undeveloped land. This means that the residential area would be 0.2 hectares in compliance with Policy CSR1. On the basis of the above assessment, officers are satisfied the principle of this development is acceptable under the SOCS. Consequently, the proposal falls to be assessed primarily against the impact-based criteria of Policy H4 of the SOLP 2011 for new dwellings, which are addressed below.

6.3 Loss of Open Space

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 spoiled. The site represents a prominent undeveloped open space in the core of the village, but it is not accessible to the public. The most important public views of the site are from the village green to the south. The proposal would change the use of the majority of the site to residential and introduce built form onto the site incorporating a two-storey dwelling, garage, driveway and hardstanding. However, the dwelling would be positioned on the site so that it would be seen amongst the cluster of existing buildings around the site and through retention and augmentation of the hedgerow along the southern boundary would retain an open character to the western part of the site when viewed from the village green. In spite of the former use of the site as an orchard, there would also be no adverse ecological implications arising from this proposal, and the Council's Countryside Officer has raised no objection. On this basis, the proposal would be in accordance with the above criterion.

6.4 Visual Impact

The SOCS Policy CSEN3 seeks to preserve or enhance the District's designated heritage assets, including conservation areas. The SOLP 2011 Policy CON7 sets out the Council's statutory duty to ensure that development would preserve or enhance conservation areas. The SOLP 2011 Policy CON16 seeks to protect village greens from adverse development. The SOCS Policy CSEN1 aims to protect the District's distinct landscape character and key features, with high priority to the setting of the Chilterns AONB. The SOLP 2011 Policy C9 explains that any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 explain that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and the character of the area should not be adversely affected. This policy is supported by detailed guidance in

Section 3 of the SODG 2008.

- 6.5 The Stoke Row Conservation Area is focused on the green, and the surrounding area is characterised by a low density of dwellings laid out informally on generous plots. The Stoke Row Character Appraisal explains that within the conservation area the open spaces and groups of trees predominate and that buildings are subservient to this. The proposal is for an L-shaped house to be built just off centre in the eastern half of the site. This area of the site is largely concealed from the public realm by those trees and hedges along the southern boundary to be retained. A number of objections have been received stating that the siting of the proposed dwelling would be inappropriate. In contrast, the Council's Conservation Officer considers that the location and orientation of the proposed dwelling would ensure that its built form would remain part of the cluster of existing buildings and would be read as part of the established built up character of this part of the conservation area and would not detract from the openness of the village green.
- 6.6 In relation to the proportions and design of the dwelling, which has also been the subject of local objection, the Conservation Officer is satisfied that the form and detailing of the dwelling would be appropriate in this sensitive area. The recent amendments have introduced a more appropriate eaves height, which would serve to better position the dormer windows, reducing the need for rainwater downpipes across the elevations. The fenestration of the dormers has been improved so that the proportions of these openings would make appropriate reference to those of the ground floor and the design of the dormers would be traditional thereby reducing the need for excess guttering and to be in-keeping with the local vernacular. Details of the proposed materials indicated in the current submission suggest the proposed appearance of the dwelling would be well suited to its local context. Both Primrose Cottage and The Old Bakery are buildings of local note and it is considered that there would be sufficient separation between these and the proposed dwelling to maintain their setting within the conservation area. The position of the garage, although forward of the proposed dwelling, would nonetheless be set back over 8 metres from the frontage behind the boundary hedgerow and close to the position of the annex to Primrose Cottage. The driveway and hardstanding would only extend 20 metres into the site and its full extent would not be visible in public views.
- 6.7 There are concerns about the impact of the proposal on the established trees and hedgerows on the site and around the site boundaries. An arboricultural report has been submitted with the application, which identifies that many of the trees on the site have a low life expectancy. Although the proposed development would result in the removal of some of the trees, the Council's Forestry Officer agrees with the report's conclusions and has no objection to this. The Forestry Officer is also satisfied that the proposed pruning of the front boundary hedge to achieve vehicular sightlines would not harm this landscape feature and other pruning of retained foliage around the garage and parking area would also be acceptable. The Forestry Officer considers that the proposals set out in the arboricultural report in relation to tree and hedge protection during the construction phase would be achievable, subject to a planning condition to ensure that they are implemented. The Forestry Officer also considers that the proposal allows for significant new planting to be provided, including both the planting of individual trees that over time would enhance the conservation area and additional hedge planting to mitigate for any pruning. The Forestry Officer is satisfied that the detailed planting scheme could be secured through a landscaping condition and that a landscape management plan condition would ensure that the undeveloped parcel of land and any planting within it would be appropriately managed.
- 6.8 In the light of the above assessment, officers consider that the proposed development

would preserve the informal character and appearance of the Stoke Row Conservation area and would not adversely affect the openness of the village green. In addition, important trees and hedgerows that contribute towards the appearance of the site would be adequately protected. Officers are also satisfied that the proposed residential development would be seen within the context of established residential built form. Given that the proportions and detailing of the dwelling has been found to be appropriate, the proposal would not be harmful to the landscape character of this part of the Chilterns AONB. As such, the proposal would be in compliance with the policies and guidance referred to in paragraph 6.4.

- 6.9 Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. Local residents consider that the proposed development would be intrusive to The Old Bakery, Primrose Cottage and White House. The closest facing walls of the proposed dwelling would be 31 metres from the closest part of The Old Bakery, 14.5 metres to Primrose Cottage and 17 metres to White House. The dwelling would also be located more than 10 metres from the boundaries with The Old Bakery and White House and 9.5 metres from the annex to Primrose Cottage. These distances are considered sufficient to prevent any significant loss of light or outlook to the respective adjoining occupiers. In relation to overlooking, the proposed south-facing first floor dormer windows would be 20 metres from the boundary with The Old Bakery and 40 metres from the closest part of that dwelling. The proposed east-facing gable window would be 21 metres from the boundary with White House and would only face the west-facing bedroom window of that property at an oblique angle at a distance of 25.5 metres. These distances would comply with the relevant guidance in Section 3 of the SODG 2008 in relation to privacy. The west-facing first floor dormer windows and first floor end gable window would only directly overlook the frontage of the proposed dwelling. The north and east-facing roof slopes contain rooflights. To ensure that these do not give rise to overlooking of Primrose Cottage or White House, a planning condition is required to confirm that these are positioned so that the cill level is at least 1.7 metres above the internal first floor level.
- 6.10 The annex to Primrose Cottage contains two windows on the boundary with the application site. Although these are not plotted on the application plans, from observations on site and examining the approved plans for the extension of this annex into a two storey outbuilding under planning permission [P13/S3543/HH](#), officers are satisfied that the proposed garage would not significantly obstruct light and outlook to the south-facing home office window and the east-facing garage window would continue to have an open aspect. The amount of outdoor amenity space available to future occupiers of the proposed dwelling would be well in excess of the recommended minimum standard of 100 square metres. On the basis of this assessment, the proposed development would accord with the above policies.
- 6.11 Access and Parking
Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding highway objections. The proposed vehicular access to the dwelling would be through the existing access point that was originally granted planning permission in 1983 for maintenance of the orchard. Although local residents believe that the sightlines would not be achievable, the Highway Liaison Officer has raised no objection to the proposed access and visibility splays. The HLO has confirmed that the vision splays have been plotted over the highway verge rather than private land and therefore the highway authority would be able to exert control to ensure that the splays are maintained. The HLO also recommends several highway-related planning conditions, including that any gates are set back a minimum of 5 metres from the highway and the garage and

spaces to be retained for parking. On this basis, the proposal would comply with the above criterion.

6.12 Other Material Planning Considerations

Concerns about future development in the form of a second dwelling at the front of the site can only be formally assessed as and when any applications are submitted. However, it is unlikely that the development of the site with two dwellings would be in keeping with the grain of development in the conservation area or be successful in maintaining the openness of the site. Deficiencies relating to the amount of storage space or the internal layout of the dwelling are not matters which would warrant refusal of planning permission, particularly as once built, future occupiers could alter the internal layout without planning permission. The section plans submitted with the application provide floor and ridge levels for the proposed dwelling and a planning condition is deemed necessary to ensure that the dwelling is built in accordance with these details. Planning conditions are also considered reasonable to remove permitted development rights for extensions and outbuildings and openings on the first floor north, south and east-facing walls and roof slopes, so that the Council can exercise control over any future alterations to ensure that no unacceptable visual harm or neighbour impact would arise.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would be acceptable in principle, preserve the character and appearance of the Stoke Row Conservation Area and the openness of the village green, safeguard important landscape features, would not detract from the residential amenity of adjoining occupiers, and would not give rise to conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

8.1 **To grant planning permission subject to the following conditions:**

1. **Commencement of development within three years.**
2. **Development to be carried out in accordance with the approved plans.**
3. **House levels to be in accordance with the approved plans; garage levels to be submitted and agreed prior to commencement of this part of the development.**
4. **Samples of all external materials to be submitted and agreed prior to commencement of development.**
5. **Sample panel of flintwork to be knapped flint in slim mortar beds to be submitted and agreed prior to commencement.**
6. **Flush fitting conservation rooflights to have a cill level at least 1.7 metres above internal first floor level.**
7. **No additional first floor windows or roof openings.**
8. **Withdrawal of permitted development rights for extensions and outbuildings.**
9. **Improvements to existing vehicular access to be implemented prior to occupation of the dwelling.**
10. **Vision splay details implemented and retained as approved.**
11. **Parking and manoeuvring areas retained as approved.**
12. **No surface water drainage to the public highway.**
13. **No garage conversion into accommodation.**
14. **Any gates to be set back a minimum of 5 metres from the carriageway.**
15. **Soft landscaping scheme including details of planting of trees and any replacement hedgerows and hard landscaping including driveway and**

parking surfacing and boundary treatments to be submitted and agreed prior to commencement.

16. A maintenance schedule and a long term management plan for the 'undeveloped land' shown on the approved site area plan to be submitted and agreed prior to commencement.
17. Tree protection measures to be implemented as set out in the approved arboricultural report for the duration of development.

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