

APPLICATION NO.	P15/S2748/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	11.8.2015
PARISH	BRIGHTWELL-CUM-SOTWELL
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Castle House Joinery Ltd
SITE	Land Between Mount Vernon & North Barn Bakers Lane Brightwell-cum-Sotwell
PROPOSAL	Construction of one dwelling and garages. (Re-submission of P14/S0851/FUL)
AMENDMENTS	As amended by plan reconfiguring garage layout, and amplified by hedgerow survey and external detailing materials, rec'd 13/10/15
GRID REFERENCE	458592/190871
OFFICER	Katherine Quint

1.0 **INTRODUCTION**

- 1.1 The application has been referred to Planning Committee because the recommendation conflicts with the views of Brightwell-cum-Sotwell Parish Council who consider that:
- the proposal does not fully conform to policy CSR1 in the way the site has been divided
 - harmful impact on local heritage assets, the character of the site and surroundings, as a result of the design and size of the proposed dwelling
 - insufficient arboricultural information regarding protection of the front hedge which provides valuable screening
 - proximity of garage to neighbouring dwellings, resulting in an overbearing relationship
- 1.2 The application site relates to a cleared, open area in the turn-in-the road along Bakers Lane. A bridleway runs along the western side of the site and adjacent to 'Mount Vernon', and residential properties along Bakers Lane sit to the south of the site, namely 'North Barn', 'South Barn' and 'Plus Four'. Both Plus Four and North Barn are set at a lower level along Bakers Lane. To the north, the site sits alongside the rear garden of a property which fronts onto High Road. To the east is open green space.
- 1.3 The site is located alongside Brightwell-cum-Sotwell Conservation area and is within an archaeologically sensitive area.
- 1.4 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

- 2.1 The applicant seeks full planning permission to erect a 5-bedroom dwelling with detached 2-bay garage (and garden store). The proposed dwelling has a footprint of 357sqm. A new access is proposed in the south-west corner of the site, and additional natural screening along the southern boundary.
- 2.2 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on

the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Original plans:**

Brightwell-cum-Sotwell Parish Council – Object (see section 1.1)

County Archaeological Services - No strong views

Conservation Officer - No strong views: principle is acceptable, but further details required on design and materials

Countryside Officer - No strong views, subject to hedgerow protection by condition

Highways Liaison Officer (Oxfordshire County Council) - No strong views, subject to conditions (Access, vision splays, parking and retention of garage for garage use only)

Neighbour representations (5) – Objections:

Residential amenity:

- Amenity considerations – entrance of garage overlooks front of neighbouring dwellings
- Scale of garage is overbearing and unnecessarily close to neighbouring dwellings, and out of proportion with traditional designs and the proposed house
- The remaining triangle of land has no separate access, and cannot be used as garden but has been done to meet policy requirements – there is still no need for the dwelling to be located so close to neighbouring dwellings.
- Principle of a house on the site is acceptable, but there are a number of issues

Character and impact conservation area:

- 5-bed dwelling in prominent position is inconsistent with the character of the area and the appeal Inspector's comments
- Unsuitable, pastiche, new-build design which is not in-keeping with the historic, traditional centre of the village
- A residential development adjacent to the Bach Centre would detract from the classes and activities at the centre, and have a negative impact on the number of visitors, and therefore local businesses in the village
- The development will change the open character across the fields to a more enclosed and suburban feel
- The large modern house would conflict the traditional design of the neighbouring Bach centre
- The over-sized property does not respond to the village's need for affordable housing – it is disproportionately large for the plot
- Loss of vital small plot, which serves as valuable space in terms of openness, nature benefits, wildlife, sense of space and seclusion – a distinguishable feature of a rural village

Highways, parking and access:

- Access issues, traffic generation, parking pressure, and disturbance from large construction vehicles
- Reduction in parking provision, access, on-street parking and drop-off area to neighbouring sites and Bach Centre.
- The proposal will make this already tight and overused bend, even more restrictive, inconvenient and hazardous to people on horseback, as well as visitors and wheelchair users of the centre and bridleway.

Revised plans:

Brightwell-cum-Sotwell Parish Council – Objection maintained (see section 1.1)

County Archaeological Services - No strong views

Conservation Officer - No strong views: additional information provided

Countryside Officer - No strong views, subject to hedgerow protection by condition

Neighbour representations (1) – Objection:

Residential amenity:

- Excessive height of garage (given lower level of adjacent sites) in relation to neighbouring dwellings
- Layout of proposed dwelling overly close to adjacent dwellings, given overall size of site

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P14/S0851/FUL](#) - Refused (29/08/2014) – Dismissed on appeal (06/07/2015)
Construction of one dwelling and garages.
(As amended by documentation received 16 April submitted by the applicant/agent)

5.0 **POLICY & GUIDANCE**

- 5.1 South Oxfordshire Core Strategy policies (SOCS)
CS1 – Presumption in favour of sustainable development
CSS1 – Overall strategy and distribution of development
CSQ2 – Sustainable design and construction
CSQ3 – Design
CSR1 – Housing in villages
CSEN3 – Historic environment
- 5.2 South Oxfordshire Local Plan policies (SOLP)
G2 – Protect district from adverse development
C4 – Landscape setting of settlements
D1 – Design
D2 – Vehicle and cycle parking
D3 – Plot coverage and garden areas
D4 – Privacy and overlooking
D10 – Waste facilities
CON7 – Conservation area
CON11 – Archaeological area
H4 – Proposals for houses
EP6 – Surface water management
T1 & T2 - Transport, parking and highway safety
- 5.3 South Oxfordshire Design Guide (SODG)
- 5.4 National Planning Policy Framework (NPPF)
National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues in this case are;
- Principle of residential development
 - Impact on residential amenity
 - Design in the context of the character of the area
 - Arboricultural and countryside implications
 - Highways considerations
 - Sustainable design issues

6.2i **Principle of residential development**

In establishing the principle of residential development on the site, consideration is

given to policies CSR1 – ‘Housing in villages’ of the South Oxfordshire Core Strategy, and saved policy H4 – ‘Proposals for houses’ of the SOLP of the South Oxfordshire Local Plan.

- 6.2ii Policy CSR1 of SOCS allows for new housing within the towns and infill development in the larger and smaller villages subject to the criteria of policy H4 of the SOLP being met. Brightwell-cum-Sotwell is identified as a smaller village where infill development is permitted on sites of up to 0.2ha in area. Infill development is defined under para 13.10 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’.
- 6.2iii The appeal decision dated 14/05/15 assesses whether the site conforms to policy CSR1 of the SOCS and H4 of the SOLP. The Inspector establishes that *‘9. With regard to the first limb of CS policy CSR1...The appeal site, albeit positioned on a curve, comprises a gap in the frontage between the dwellings named North Barn and Mount Vernon.’* and that *‘8...the site, except for the lane and bridleway, is virtually bounded by development to the south, by development to the west, and by a residential garden containing a tennis court to the north... the site could not reasonably be considered to form part of the countryside, and has far more of a locational affinity with the built-up area of the village in the terms of LP policy H4.’*
- 6.2iv In the interest of clarity, the area of land being considered for residential development is indicated by the red line on the Block Plan DWG 02 Rev A. The area to the north-east of the application site does not form part of the development and would remain unchanged in terms of its use in planning terms, or in any proposed use for domestic purposes or garden space. A condition is recommended to secure implementation of boundary treatment for the application site.
- 6.2v Given the site area, the siting of the proposed dwelling and the relationship with adjacent buildings - these particular elements are consistent with the appeal proposal, the principle of ‘Housing in villages’ remains unchanged from that established through the appeal process. On this basis, the development is considered to infill a small gap in an otherwise built up frontage, and the principle of residential development in this particular location accords with the Development Plan.
- 6.3i **Impact on residential amenity**
The proposed dwelling is set back into the site, and the southern, side elevation is located 20m from the front elevation (and driveway) of North Barn and 27m from the rear elevation (and rear garden) of Plus Four. The southern gable end, facing the neighbouring properties is free from windows, and the side elevation facing into the courtyard, incorporates obscure glazing and is screened by the proposed garage. As such, the privacy of neighbouring dwellings would be safeguarded.
- 6.3ii Given the orientation of the property, facing westwards onto Bakers Lane, and the mature hedging along the front boundary, the proposed front windows would not result in overlooking or loss of privacy. Mount Vernon is located 25m away across the bridleway, and hedge screening. There are no other dwellings close to the proposal site that may otherwise be affected by the proposal.
- 6.3iii It is recognised that land to the south of the site is set at a lower level and a section plan has been provided to illustrate the relationship between the proposed buildings and existing dwellings. The area where the dwelling is to be located is shown as being levelled and slightly lowered. The garage is located on the southern edge, measuring 5.5m in height; 7.5m to the ridgeline from the ground level of the southern sites. With a separation distance of 10.5m, and as it is set back into the site (in line with Plus Four)

the impact of the garage on residential amenity is not considered to be overbearing or to result in an enclosed relationship with neighbouring dwellings. The separation distance to the main house, even taking into account the higher ground level, is sufficient to avoid an overly dominant relationship with other dwellings. The impact is minimised further by existing hedging along the southern boundary, which is to be extended along the full length of the boundary to provide natural screening.

6.3iv In assessing impact on residential amenity, consideration has been given to the heights of the buildings, positioning of openings, site levels and proposed screening along the boundary. By virtue of the orientation of the buildings, the positioning on the site, and the separation distances to neighbouring buildings, the proposal is not considered by the planning officer to adversely affect the residential amenity of neighbouring occupants, and on this basis conforms to policy D4 of the SOLP.

6.4i **Design in the context of the character of the area and the setting of the conservation area.**

Advice from the Conservation Officer clarifies that the current scheme is better positioned within the site and an improved design, in terms of the scale and proportions of the dwelling and through the incorporation of a more traditional design which picks up on features seen elsewhere in the village. Given the weight the inspector afforded to the need for a high quality design which would respond to the adjacent conservation area, there is a need for the proposal to clearly identify what design details have been chosen, where these have responded to local context and how the materials chosen will assimilate with the surroundings. It is noted that the site sits adjacent to the Conservation Area, and not within it.

6.4ii A schedule of details and materials have been drawn up and submitted in dialogue with the Planning Officer and Conservation Officer in order that the design and detailing are secured by condition. The proposed bricks and tiles have some variation which will help to soften the appearance in-keeping with the local vernacular and other successful new build developments nearby. The proposed materials supplied in the schedule are acceptable in this context.

6.4iii While the green infrastructure benefits of the hedgerow and long term maintenance strategy are assessed in section 6.5, the existing hedge makes an important contribution to the setting of the Conservation Area. The Conservation Area Appraisal emphasises the significance and importance of greenery and hedges in this part of the Conservation Area. It contributes to the local character and is visually important, framing a significant view north along the bridleway which should be preserved. This is reinforced by the assessment made in the Appeal Inspector's report in relation to the previous, similar scheme. Safeguarding the hedgerow along the western boundary is considered necessary in conserving the character and appearance of the village setting alongside the Conservation Area, and it is recommended that retention and maintenance of the hedgerow be secured by condition.

6.5i **Arboricultural and countryside implications**

Advice from the Countryside Officer confirms that the situation and proposal have not changed significantly from the previous proposal, and maintains the same position in relation to the hedgerow. The key points are set out as follows:

- There was no evidence that would indicate the presence of any protected species and the habitats on site would not be considered as a constraint to development.
- The hedgerow along the western boundary with the lane was assessed against the hedgerow regulations and was found to contain at least eight different woody species. This is likely to mean that the hedgerow would qualify as an important hedgerow under the regulations. The proposals would involve the removal of a

section of the hedgerow to accommodate the access drive and associated vision splay.

- 6.5ii The appeal inspector's comments emphasise the need for further detail on the punctuation of the hedge to form the access, and detail on how the hedge will be retained. The current scheme is supported by a hedgerow assessment and maintenance strategy, which sets out that although implementation of the maintenance scheme will result in temporary loss of screening, the work aims to enhance the qualities of the hedge and ensure its longevity as an attractive landscape feature.
- 6.5iii The current scheme requires a 5m wide section of the hedgerow to be removed, which is appropriate in providing access onto Bakers Lane, while safeguarding the vast majority of the hedgerow, in conjunction with the Hedgerow Survey.
- 6.5iv Retention of the hedgerow is considered to be important in biodiversity, green infrastructure and conservation terms, and in light of this, a condition is recommended tying the retention and maintenance of the hedgerow to the assessment and methodology set out in the Hedgerow Survey (October 2015).
- 6.5 Sufficient information has been provided to establish a methodology for the long term retention of the hedgerow, and the proposal conforms to policy C9.
- 6.6i **Highways considerations and parking provision**
The application site opens onto a quiet rural road within the village, and onto an open curve where visibility is generally good. The siting of the garage provides adequate space on-site for a turning circle to allow a forward-facing exit of the site. Given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low. The proposal is unlikely to result in any significant intensification of transport activity at the property. The proposal is unlikely to have a significant adverse impact on the highway network. This position is supported by the Highways Liaison Officer, and it is noted that point 22 of the Appeal Inspector's report for a similar scheme states that '*I consider that the lane is capable of safely accommodating the traffic generated by an additional dwelling.*'
- 6.6ii The South Oxfordshire Local Plan – Appendix 5, and policy D2 of the SOLP, set out the car parking standards for residential developments, and require 2+ spaces for new dwellings with 4+ bedrooms. The scheme comprises 1 x 5-bed properties, and plans indicate a 2-bay garage. There is sufficient driveway space to allow for visitor / additional parking in addition to the 2 allocated spaces. The scheme is considered to conform to policy requirements.
- 6.7i **Sustainable design issues**
Policy CSQ2 of the Core strategy seeks to ensure that all new development demonstrates high standards in the conservation and efficient use of energy, water and materials.
- 6.7ii On 27 March 2015, and therefore since determination of application P14/S0851/FUL, the government announced a new approach to the setting of technical housing standards in England. This was accompanied by the publication of a new set of streamlined national technical standards and withdrawing the requirement for 'Code for Sustainable Homes' levels from the planning determination process. On the basis of this recent change, and that equivalent standards continue to be assessed through building regulations, it is no longer reasonable to continue to apply the part of policy CSQ2 which requires that 'houses are to be built to achieve a Code for Sustainable

Homes Level 4 standard’.

7.0 CONCLUSION

7.1i Your officers recommend that planning permission is granted because the proposed development is considered to be acceptable for the following reasons:

7.1ii The development is considered to infill a small gap in an otherwise built up frontage and the principle of residential development in this particular location accords with the policy CSR1 of the SOCS. The scale, height, location and design of the dwelling and detached garage do not detract from the character and appearance of the village setting or the adjacent Conservation Area. The hedgerow methodology provides suitable measures for the long term retention and maintenance of this important landscape feature.

The proposal does not adversely impact the residential amenity of neighbouring occupants in terms of outlook, privacy, overshadowing or loss of light, and the orientation responds appropriately to the plot and neighbouring buildings.

Subject to conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

8.0 RECOMMENDATION

8.1 **That planning permission be granted subject to the following conditions:**

1. **Three year commencement of work.**
2. **In accordance with plans.**
3. **Boundary detailing to be submitted.**
4. **New vehicular access.**
5. **Parking and turning space in place prior to occupation.**
6. **No surface water drainage to highway.**
7. **Materials and detailing in accordance with schedule, or otherwise agreed in writing with the local planning authority.**
8. **Protection of hedge during development.**
9. **Hedge protection and maintenance in accordance with hedgerow methodology, or otherwise agreed in writing with the local planning authority.**
10. **No garage conversion into accommodation.**
11. **Removal of permitted development rights – Class A (extensions and alterations).**
12. **Removal of permitted development rights – Class B (roof enlargement and dormer windows).**
13. **Removal of permitted development rights – Class E (outbuildings).**

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