

APPLICATION NO.	P15/S3822/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	17.11.2015
PARISH	HORSPATH
WARD MEMBER(S)	Elizabeth Gillespie
APPLICANT	Mr C Shepherd
SITE	4 Gidley Way, Horspath, OX33 1RQ
PROPOSAL	Demolition of existing outbuilding. Erection of new outbuilding to provide motorcycle storage and new accommodation. (As amended by drawings P202 Rev B and P2 01 Rev A omitting the dormer window, reduction in the height of the roof and making the garage single storey and clarified by e-mail dated 15 December 2015 in relation to opening times.)
AMENDMENTS	None
GRID REFERENCE	457496/204673
OFFICER	Paul Bowers

1.0 **INTRODUCTION**

1.1 The application is referred to planning committee because the views of the Horspath Parish Council differ from the officer's recommendation.

1.2 The application site is located behind properties fronting on to Gidley Way to the north west and Cuddesdon Road to the south. To the west are existing commercial units. The site is accessed via an existing driveway serving the commercial units which runs between properties 2 and 6 Gidley Way. The site currently includes single storey open sided outbuildings. It is not located in a conservation area but is located within the Oxford Green Belt.

1.3 A location plan identifying the site can be found at **Appendix 1**.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission to erect a detached timber clad tiled roof building with accommodation in the roof space to create a single dwelling. On the ground floor is a motorcycle storage and office in connection with the MOT business located in the adjacent commercial unit at first floor.

The scheme has been amended reducing the height of the building by 300mm, lowering the end of the building adjacent to 2 Gidley Way so that it is now single storey pitched roof garage and removing a dormer window to the front elevation.

2.2 Reduced copies of the plans accompanying the application can be found 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.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Horspath Parish Council** – Recommend that the application is refused on the basis that the proposal is backland development and the motorcycle storage is ancillary to 4 Gidley Way.

Neighbour Representations – 8 properties/neighbours have submitted objections to the original and amended plans and their concerns cover the following issues;

- Loss or rural character and visual amenity.
- The scale of the building is inappropriate – large and imposing
- Overlooking of the rear gardens of properties on 4 Gidley Way.
- Concerns over parking provision.
- Concern over the expansion of the motorcycle business.
- Impact on the openness of the Green Belt.

OCC Highways Liaison Officer - No objection subject to the conditions relating to parking and turnings areas and that the garage accommodation is not converted without first gaining planning permission.

Health & Housing - Environmental Protection Team – No objection but suggest a condition that no commercial repairs, test or other mechanical activities shall be carried within the motorbike storage area.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P12/S2788/HH](#) - Approved (11/01/2013)

Removal of structures, construction of extension to dwelling, new roof construction, sundry remodelling works.

[P09/W1075](#) - Approved (23/12/2009)

Change of use from class B8 (storage) to B2 (motorcycle MOT centre).

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy 2027** - policies

CS1 - Presumption in favour of sustainable development

CSEN2 - Green Belt protection

CSQ3 - Design

South Oxfordshire Local Plan 2011 policies;

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

EP2 - Adverse affect by noise or vibration

G2 - Protect district from adverse development

GB4 - Openness of Green Belt maintained

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

National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in relation to this proposal are;

- **The principle of development in terms of housing policy.**
- **Impact on the Green Belt.**

- **Whether the proposal accords with the criteria of Policy H4.**
- **Impact on the amenities of the occupants of nearby properties.**

The principle of development in terms of housing policy.

- 6.2 Policy CSR1 of the South Oxfordshire Core Strategy 2027 (SOCS) permits infill development within the settlements of ‘Smaller Villages’ such as Horspath on sites of up to 0.2 hectares.
- 6.3 Infill development is defined in the Appendix 1 of SOCS 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’.*
- 6.4 The proposed site does not constitute a gap in an otherwise built up frontage but it is closely surrounded by buildings to the south, west and east. In my view this meets the definition of infill and the principle of a dwelling in this location is acceptable.

Impact on the Green Belt.

- 6.5 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 9 of the NPPF.
- 6.6 The five purposes of the green belt are;
- to check the unrestricted urban sprawl of large built up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

- 6.7 The NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes;
- Agriculture and forestry.
 - Appropriate facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the green belt and don’t conflict with the purposes of including land in it.
 - The extension alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
 - The replacement of a building where it is in the same use as the existing and is not materially larger.
 - Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan or;
 - Limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The first step in assessing the impact on the Green Belt is to consider whether the

proposal constitutes inappropriate development or not. If it is established that the development is not inappropriate then the second step is to consider whether the development harms the openness of Green Belt.

- 6.8 The NPPF says that where villages are included within the green belt, it has to be because they too contribute to its openness.
- 6.9 The site is considered an infill plot as it is closely surrounded by buildings in a village where infill is acceptable in principle. CSR1 considers that if a site meets the definition of infill, then it will be part of a built up area/ frontage and there would be harm to the openness but that it would be limited. However in some cases the site may be an important open space within the village and filling the gap would cause serious harm which would not be acceptable. The acceptability of this scheme revolves around the impact on the openness of the green belt.
- 6.10 In terms of the impact on openness regard must be had to the position of the dwelling in respect of the existing built form. The applicants argue that this is a site where even if there were no buildings it would justify an exception to Green Belt policy by virtue of being infill development.

The site is higher than properties to the south on Cuddesdon Road making it more prominent to them. However in the context of the wider visual amenity of the Green Belt its position next to existing two storey built form will not, in my opinion mean that the wider openness of the Green Belt will be materially harmed.

- 6.11 Erecting a dwelling on a piece of land which is either open or has smaller buildings than the one proposed will always have an impact on openness. The NPPF does not consider infill development to be an inappropriate form of development. As such there is an acceptance that some limited impact as a result of having new infill buildings is acceptable.

Whether the proposal accords with the criteria of Policy H4.

- 6.12 If a proposed housing development is acceptable in principle and accords with Policy CSR1 of SOCS then the detail of the proposal must be assessed against the criteria of Policy H4 of the South Oxfordshire Local Plan 2011 (SOLP).
- 6.13 Provision (i) of Policy H4 states *'an important open space of public, environmental or ecological value is not lost, nor an important view spoilt.'*

The site does not comprise an important open space of either public or environmental value. There are no wider public views of the open countryside beyond the site which will be lost as a result of this development.

- 6.14 Provision (ii) states *'the design, height, scale and materials of the proposed development are in keeping with its surroundings.'* whilst Provision (iii) states that the *'character of the area is not adversely affected.'*

The design and materials of the building reflect ancillary buildings found through in the district in rural settings. Had this design been proposed on the street frontage it would appear at odds with the surrounding area and street scene. However in this case the building is set away from the road behind existing buildings where this style of building is commonly found either in court yard settings or behind a host dwelling. It uses natural materials which are locally distinctive and as such its overall appearance is acceptable.

- 6.15 Provision iv) of Policy H4 states that there should be no overriding amenity or

environmental or highway objections.

The proposal provides for sufficient private amenity space for the new property. The South Oxfordshire Design Guide sets out the minimum amount of private amenity space for one bedroom properties at 35 square metres. The private amenity space includes an area of some 63 square metres, well in excess of the minimum standard the council seeks.

Neighbour amenity is dealt with separately at paragraph 6.15 onwards of this report.

- 6.16 The council's parking standards set out at Appendix 5 of SOLP states that as a 1 bedroom property should provide for 1 space. The attached single garage to the side of the building provides that space and in order to ensure that it is retained a condition is proposed removing the normal permitted development right to convert it in to accommodation.

Impact on neighbour amenity.

- 6.17 As originally submitted the building included a front facing dormer window which overlooked the rear garden of 6 Gidley Way to an unacceptable degree. It also extended full height to the boundary with the 2 Gidley Way presenting an overbearing an oppressive impact.
- 6.18 The scheme was amended addressing these concerns by removing the dormer window and pulling the first floor of the building in from the boundary by the width of the now single storey garage. In my view the gap between the rear of the recently extended 2 Gidley Way and the full height mass of the new building is such that it no longer presents a significantly harmful overbearing or oppressive impact.
- 6.19 The front of the building now includes roof lights looking toward 6 Gidley Way. These also have the potential to allow for overlooking and harm the amenities of the occupants of that property. However, the applicant's agent has confirmed that the roof lights are to be installed at a height of 1.7 metres from floor level making them high enough in the plane of the roof that they would not allow for views out and over the rear garden of number 6. Although a section drawing demonstrating this has not been provided the fact that the agent has confirmed this is acceptable and a condition is included in this recommendation that ensures that they would be 1.7 metre from finished floor level.
- 6.20 In terms of the properties on Cuddesdon Road to the south these dwellings are located on a lower land level which exacerbates the impact of the height of the building making the concerns of local residents understandable given that the existing buildings are barely visible.
- 6.21 Objections have been raised in terms of overlooking in to the rear gardens and windows of these properties. The council has set out in the South Oxfordshire Design Guide 2008 (SODG) a minimum distance between first floor windows where properties are back to back to each other. This is included in Section 3.2 of the SODG which advises that a minimum distance of 25 metres should be respected between first floor windows.
- 6.22 The proposed roof lights on the rear facing roof slope would be 34 metres from the rear

of 19 Cuddesdon Road and 28 metres to the rear of 21 Cuddesdon Road which would be the most directly affected properties by virtue of the building being located on their common boundary. Because these windows meet the council's standards it is not reasonable to insist that they are 1.7 metres from floor level in the same way that I am able to justify insisting that they are on the front elevation. However, the applicant's agent has confirmed, that with the exception of the larger roof light on the rear roof slope at the western end of the building they are proposed to be 1.7 metres high and therefore not permit views in to the properties at the rear.

- 6.23 The exception of the larger roof light is at a point where it would be 34 metres from the rear of number 19. This distance is such that it would not be materially harmful to the occupants of that property.
- 6.24 Additional windows, roof lights, dormer windows or extensions added to the building that could cause harm to the amenities of the occupants of nearby properties so conditions are proposed removing the normal permitted development rights to make these alterations at a later date.
- 6.25 Turning to the mass and the bulk of the building and its impact on 6 Gidley Way and properties on Cuddesdon Road the distances between the dwellings and the new building, even with the change in levels, does not create a significantly harmful overbearing or oppressive impact.
- 6.26 In respect of loss of direct sunlight there will be some impact to number 2 and 6 Gidley Way but this will be limited to parts of the later morning and middle of the day. The proposed building will not result in the amount significant reduction in the amount of sunlight reaching these properties. The properties on Cuddesdon Road lie to the south and will not be impacted in terms of loss of sunlight.
- 6.27 The ground floor of the building is proposed to be used in connection with the MOT testing bay in the adjacent building and provide bike storage and an office. This application does not include a proposal to have MOT's taking place in the building and the grant of planning permission would be necessary for this. The use of the ground floor in connection with the adjoining business is not in itself objectionable given the existing uses on the wider site. However the use of mechanical equipment in connection with commercial activities within the building could be harmful to the occupants of surrounding properties given the position the boundaries of the site and the residential accommodation on the first floor. Therefore as suggested by the council's Environmental Health Officer, a condition ensuring that mechanical equipment in connection with commercial activities is not used in the bike storage part of the building is included in this recommendation.

7.0 CONCLUSION

- 7.1 The proposal constitutes infill development as it is closely surrounded by buildings in a settlement where such development is acceptable. The development is also acceptable as infill development and the proposal does not materially harm the wider openness or visual amenity of the Green Belt

The site affords for sufficient amenity space and parking and does not result in a materially harmful unneighbourly impact to either adjoining property. Conditions are proposed relating to highway matters, window levels and restriction of permitted development rights ensuring that the amenities of the occupants of nearby properties are protected. The development accords with the relevant development plan policies.

8.0 RECOMMENDATION

8.1 That planning permission is granted subject to the following conditions:

1. Commencement three years - full planning permission.
2. Approved plans.
3. Materials as on plan.
4. Withdrawal of permitted development (Part 1 Class A, B and C) - no extensions etc.
5. Turning area and car parking.
6. Withdrawal of permitted development (Part 1 Class E) - no buildings etc.
7. No garage conversion into accommodation.
8. Roof light heights to be 1.7 metres off finished floor level.

Author: Paul Bowers
E-mail : paul.bowers@southandvale.gov.uk
Contact No: 01235 540546

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