

APPLICATION NO.	P15/S4315/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.12.2015
PARISH	WATERPERRY
WARD MEMBER(S)	John Walsh
APPLICANT	School of Economic Science
SITE	Waterperry Estate, Waterperry, OX33 1JY
PROPOSAL	New detached 5-bedroom house sited to the north west of Spinney Cottages at the entrance to Waterperry Estate.
AMENDMENTS	As amended by revised plans received on 5 February 2016 showing proposed revisions to existing front boundary wall. As clarified by Agent's e-mail dated 16 February 2016.
GRID REFERENCE	462852/206468
OFFICER	Gabriella Brown

1.0 **INTRODUCTION**

- 1.1 The application has been referred to the Planning Committee because the officer recommendation conflicts with that of the Parish Council.
- 1.2 The application site is shown on the OS extract **attached** at Appendix 1 and it measures some 0.09 hectares. It is located within the built-up limits of Waterperry and currently forms part of the garden belonging to 1 Spinney Cottages. A stone wall marks the front boundary of the site and a Leylandii hedge marks the rear boundary.
- 1.3 The site lies within the Oxford Green Belt and an area of archaeological constraint. There are a number of listed buildings in the surrounding area including No's 27, 28 and 29 Waterperry on the opposite side of the road.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission to erect a detached two storey dwelling on the site. A new vehicular access is to be created in to the site which will require some alterations to the existing stone boundary wall. The dwelling would be served by a driveway to the front and a garden area to the side and rear.
- 2.2 The plans of the proposed development are **attached** at Appendix 2. Full details of the application and the consultation responses can be viewed on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Waterperry Parish Council** – Object. The stone boundary wall is a village character feature and should not be demolished. The dwelling is oversized and too dominant. The applicants did not consult with neighbours prior to submitting the application. There are concerns about the driveway entrance at a very busy and narrow section of the road. Most of the windows in the new house would overlook the neighbouring property to the north-west. No justification has been provided for the proposed dwelling. There is no mention of trees on the site. What will happen to the memorial Oak in the middle of the garden?

3.2 **OCC (Archaeology)** - The site is located in an area of archaeological potential within the historic core of the settlement. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

3.3 **Conservation Officer** - No objection

3.4 **OCC (Highways)** - No objections. Conditions requiring the new access to be implemented in accordance with the highway authority's specifications and to meet the required visibility splays are required as is a condition requiring details of the car parking and turning area to be submitted for approval. It is recommended that the 'Waterperry Estate' sign is relocated as it is likely to affect the visibility splay towards the Estate. One Way signs could also be installed to prevent vehicles exiting from the Estate Entrance.

3.5 **Neighbour Objections (5)** - The concerns that have been received can be summarised as follows:

- We object because the site is outside the village curtilage and is within the private Waterperry Estate.
- The site represents an important gap between the Estate and the Village. As the Estate is grade II listed we believe listed building consent is required for the proposed development.
- Justification was required when two farmers in the village recently wanted to build new farmhouses. No justification has been put forward for this proposed dwelling.
- The proposed dwelling should have a horticultural tie on it.
- The development would exceed the level of new residential development that the Village sees as appropriate. If this fact is not taken into account it makes the whole process of the Village Plan redundant.
- The property is very large and is out of keeping with the locality in terms of its scale and design.
- All three neighbouring properties would be affected by reason of overlooking.
- The boundary wall is both old and very attractive; any such breach will reduce the pleasing nature of the approach to the Estate, & of the village.
- Concerns over the safety of having a new access opposite the drive of Abbey Cottage and the potential for it to exacerbate existing congestion difficulties.
- The front windows of the proposed new house would look straight into our garden, giving us no privacy.
- We are concerned about site access for construction vehicles and the road is not wide enough to allow long vehicles to enter or leave the site without driving over the opposite verge. This will destroy the verges that form an important visual amenity and enhance the entrance to the Gardens.
- The proposed dwelling has one window, two sets of French doors and a conservatory on the ground floor and three windows on the upper floor, all of which overlook Deaseland House and its garden, resulting in a major loss of privacy. The proposed new house has 225 square metres of accommodation, so is over 30% larger than its neighbour.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/S3663/PEM](#) - Responded (02/12/2015)
Construction of new 5-bedroom two storey house.

[P14/S1877/FUL](#) - Approved (15/08/2014)

Conversion of 'No 2 Spinney Cottages' from a 3-bedroom family unit to two self-contained 1-bedroom flats.

[P53/M0184](#) - Approved (05/05/1953)

Pair of farmworkers cottages

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies;

CSB1 - Conservation and improvement of biodiversity

CSEN2 - Green Belt protection

CSEN3 - Historic environment

CSQ2 - Sustainable design and construction

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

C8 - Adverse affect on protected species

C9 - Loss of landscape features

CON11 - Protection of archaeological remains

CON5 - Setting of listed building

D1 - Principles of good design

D10 - Waste Management

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

EP3 - Adverse affect by external lighting

EP4 - Impact on water resources

EP6 - Sustainable drainage

EP7 - Impact on ground water resources

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

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

South Oxfordshire Design Guide 2008

Waterperry Village Plan 2014

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of the application are:

- The principle of the proposed development
- The impact of the development on the openness & visual amenity of the Oxford Green Belt
- Whether it would be detrimental to an important open space of public,

- environmental or ecological value
- Whether the design, height, scale and materials of the proposed development are acceptable
- Whether the character of the area would be adversely affected
- Whether there are any overriding amenity, environmental or highway objections
- Whether the proposal constitutes backland development
- Impact on the setting of neighbouring listed buildings
- Parking and amenity provision
- Sustainability
- Archaeology

6.2 **Principle.** The site lies within the Oxford Green Belt. The National Planning Policy Framework (NPPF) attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open – the most important attribute of Green Belts is their openness.

The Green Belt serves five purposes:

- to check the unrestricted 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.

6.3 It is important to note that whilst the Green Belt contains areas of attractive landscape, the quality of the landscape is not relevant to the inclusion of land in the Green Belt or its continued protection. It is the openness of land that is important.

6.4 To protect openness there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt.

New buildings in the Green Belt are not appropriate unless for the following purposes:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or 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, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the 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.

6.5 The South Oxfordshire Core Strategy (SOCS) adopts a more flexible approach to the provision of housing in the smaller and other villages in the district than the previous local plan policies (SOCS Policy CSR1). Waterperry is identified at Appendix 4 of the SOCS as an “other village” where infill development on sites of up to 0.1 hectares will

be permitted by Policy CSR1. Infill development is defined as being “the filling in of a small gap in an otherwise built up frontage or on other sites within settlements where the site is closely surrounded by buildings”. CSR1 and CSEN2 also make reference to respecting Green Belt designations.

- 6.6 The NPPF says that where villages are included within the Green Belt, it has to be because they too contribute to the openness (para 86). A reasonable interpretation is that there are features in the character of the village (open spaces) that make that contribution in particular.
- 6.7 CSR1 considers that if a site is an infill site, then it will be part of a built up area/ frontage and there would be harm to the openness but it would be limited; unless it was an important open space within the village, then that is serious harm and will not be allowed. These are the balanced judgements CSEN2 is seeking.
- 6.8 Waterperry is a liner settlement which follows the road that runs through the village. The application site lies on the eastern side of the road and sits amongst a continuous row of development between Deaseland House to the north-west and 1 Spinney Cottages to the south-east. The site measures some 0.09 hectares and although some local residents consider that the site lies within the Waterperry Estate and that the Estate is separate to the rest of the Village, your officers consider that, in planning terms, the proposed development falls within the definition of ‘infilling’ (ie. the filling of a small gap in an otherwise built-up frontage) and that as such, the principle of erecting a new dwelling on the site is acceptable.
- 6.9 Some of the representations that have been received in relation to the application state that the proposed development would be contrary to the Waterperry Village Plan 2014. The Plan is based on the findings of a consultation carried out in 2013 that was designed to find out what residents wanted for the village. With regard to new housing the consensus view among respondents was for only very limited development with some residents wanting none or single infills only and three-quarters wanting no more than three additional houses to be built. Your officers consider that the proposed development generally accords with the aspirations of the Village Plan given that the proposal is for one dwelling on an infill plot within the built-up limits of the settlement. Furthermore, such development accords with the up-to-date Development Plan which was adopted following an extensive independent assessment by the Planning Inspectorate.
- 6.10 In addition to the principle of the development being acceptable it is also required to meet the criteria of saved Policy H4 of the SOLP which are discussed in detail from para. 6.14 to 6.30 of the report.
- 6.11 **The impact on the openness & visual amenity of the Oxford Green Belt.**
The site is located within the built-up limits of the village and sits between two existing two storey dwellings with other buildings directly opposite. The proposed house would sit in line within the adjacent properties and a significant amount of open space would remain to the north-western side of the proposed dwelling. As such, whilst the development would result in some harm to the openness and visual amenity of the Green Belt, your officers consider that the harm would be limited.
- 6.12 In order to maintain the sense of openness and visual amenity of the Green Belt, officers recommend that a condition is imposed on any planning permission removing the right to extend the dwelling or to erect any outbuildings within its curtilage without planning permission.

- 6.13 **Whether it would be detrimental to an important open space of public, environmental or ecological value.** The plot currently comprises part of the private garden belonging to 1 Spinney Cottages. A stone wall marks the front boundary and there is a mature Leylandi hedge on the rear boundary. There are no wider views of the countryside beyond the site and no ponds or structures on the site that could provide a habitat for any protected species of wildlife. Your officers do not therefore consider that the erection of a new dwelling on the plot would result in the loss of an important open space of public, environmental or ecological value.
- 6.14 **Whether the design, height, scale and materials of the proposed development are in keeping with its surroundings.** Dwellings line both sides of the main road that runs through the village. On the eastern side where the proposed development site is, the position of the properties relative to the road varies with some being within 2 or 3 metres of the road and others set back further by around 11 metres. The width of the plots also varies greatly from 93 metres (The Old Rectory) down to just 6.5 metres (19 Waterperry) and the dwellings range from large, two storey detached properties to modest, one and half storey cottages.
- 6.15 Planning permission was granted in November 2014 for the erection of a pair of semi-detached cottages on the opposite side of Spinney Cottages (adjacent to 2 Spinney Cottages). The single detached dwelling proposed under this application is almost identical to that pair of semi-detached cottages in terms of its footprint, height and design. In terms of its external appearance the proposed dwelling is to be finished in brick with a tile/slate roof and timber joinery. All of these materials can be found in the immediate area and a condition requiring the submission of sample materials prior to commencement of the development can ensure that the colour and texture of the materials is in keeping with the local vernacular. The proposed dwelling would sit slightly forward of Spinney Cottages, in line with the approved cottages next to 2 Spinney Cottages and your officers' consider that this would be in keeping with the existing, varied building line.
- 6.16 A number of properties in the village benefit from driveways to the front or side and as such, the proposed driveway to the front of the dwelling would not appear as an incongruous feature within the street scene. The retention of the front wall, albeit in a slightly altered form in order that the visibility splays can be achieved will also help to ensure that the proposed development is in keeping with the established character of the area.
- 6.17 The pair of semi-detached cottages are yet to be built but the addition of the proposed dwelling to the other side of Spinney Cottages would frame those dwellings and bring some symmetry to this part of the street. The property is a substantial 5 bedroom dwelling however, the site is large enough to accommodate it and a gap of over 13 metres would remain between the side wall of the proposed dwelling and the north-western boundary of the site which is shared with Deaseland House. Your officers consider therefore that the proposal would not represent an overdevelopment of the plot and that a precedent has already been set for a building of this scale and design.
- 6.18 **Whether the character of the area would be adversely affected.** Having regard to the fact that there is a continuous line of development along this side of the street your officers do not consider that the partial closing of the existing gap between 1 Spinney Cottages and Deaseland House would be out of keeping with the character of the area. As discussed above, the height of the proposed dwelling is the same as that of the approved semi-detached cottages on the opposite side of Spinney Cottages. The submitted elevations also clearly demonstrate that the proposed dwelling would be no higher than Spinney Cottages themselves and it would be just 0.5 metres higher than

Deaseland House. The proposed dwelling has a hipped roof which is in keeping with the form of other properties in the village and it is to be finished in materials that are in keeping with the local vernacular. It is to be set back from the road and having regard to the width and overall size of the plot your officers do not consider that the proposal would result in a cramped form of over-development.

- 6.19 Furthermore, the existing front boundary wall which is considered by local residents to be an important characteristic of the village is to be retained although it will need to be lowered in order that the required visibility splays can be achieved.

6.20 **Whether there are any overriding amenity, environmental or highway objections**

Amenity considerations

Policies D4 and H4 of the SOLP seek to resist development that would be harmful to the amenities of occupants of nearby properties or that would not provide a sufficient level of amenity for occupiers of the new dwelling.

- 6.21 The plans show that the proposed dwelling would be erected at a distance of some 1.4 metres from the shared boundary with 1 Spinney Cottages which is itself set away from the boundary by almost 2 metres. The proposed dwelling would sit closer to the road than Spinney Cottages by 1.6 metres and the rear of the property would line up with the rear building line of the flat roof extension at 1 Spinney Cottages. Only one first floor window is proposed within the south-east facing side elevation of the new dwelling and this would serve a bathroom and be obscure glazed (see recommended condition 6). The first floor windows in the rear elevation of the proposed dwelling would only allow obscure views of the garden to the rear of Spinney Cottages and this is an accepted relationship in a residential area such as this. Having regard to the fact that the properties would sit largely parallel to one another, to the degree of separation between the two houses and to the sensitive siting of windows in the proposed dwelling your Officers consider that the relationship between the new property and 1 Spinney Cottages would be acceptable.
- 6.22 To the north-east lies Deaseland House (DH) and the proposed dwelling would be located at a distance of some 13 metres from the low stone wall that marks the shared boundary with that property. There is a conservatory to the side of DH which is within approximately 5.5 metres of the shared boundary and a number of windows within the side elevation of that property which face towards the application site. It is accepted that the proposed development would alter the outlook from the neighbouring property however, the gap between the dwellings is considerable and is much greater than that between other properties within the village. As such, your officers do not consider that the proposal would have an overbearing or oppressive impact on the occupants of DH. Some additional planting along the shared boundary could provide effective screening between the two dwellings at ground floor level. In terms of overlooking from first floor openings, there are three, secondary windows proposed within the side elevation of the new dwelling and there are two windows within the side of DH. The overall distance between these windows would be some 20 metres, thus limiting any direct views between the two properties.
- 6.23 The occupants of the property on the opposite side of the road are concerned that the proposed development would introduce direct views of their amenity area which is located to the front of their property. The overall distance between the front elevations of the two properties (across the highway) would be some 29 metres. This exceeds the council's minimum recommended back-to-back distance between properties of 25 metres. As the back-to-back relationship is generally accepted to be the most sensitive,

your officers consider that a front-to-front distance in excess of 25 metres is acceptable. Furthermore, the front facing first floor windows in the proposed property would serve bedrooms which are unlikely to be in constant use during the day when the neighbours' are most likely to be using their garden. In addition, the height of the neighbours' front boundary wall means that their garden is not entirely hidden from public view and the first floor windows in 1 Spinney Cottages already face towards the neighbours' garden such that your officers consider that the proposed development would not have a material impact on the level of privacy that is currently enjoyed by the occupants of the neighbour property.

6.24 Environmental considerations

The proposal involves the loss of part of a domestic garden which consists of mown grassland and a number of trees and shrubs. There are no existing buildings on the site that need to be demolished to make way for the proposed dwelling. Your officers are therefore satisfied that the development would not result in any harm to protected species.

6.25 The trees on the site are not protected and as such, they could be removed by the land owner at any time and no permission would need to be sought from the Local Planning Authority. The Parish Council is concerned about the loss of a memorial Oak in the garden and your officers have encouraged them to contact the land owner directly to discuss whether the tree can be re-located to an alternative site within the village. In order to soften the proposed development and to help to assimilate it in to its surroundings your officers recommend that a landscaping condition is imposed on any planning permission which requires the applicant to provide details of tree and shrub planting.

6.26 **Highway considerations.** The highway liaison officer has considered the merits of the proposed development and further to the submission of some additional information from the applicant, he is satisfied that the proposed development would not be detrimental to highway safety. His conclusions have been based on the fact that the proposal is for a single additional dwelling, that traffic speeds along this part of the road are slow and on the fact that vehicles are only able to enter and not exit the Waterperry Estate through the access gates which lie just beyond the application site. The officer has recommended that conditions are imposed on any planning permission that require the new access to be provided in accordance with the highway authority's specifications, vision splay details to be provided and agreed by the Local Planning Authority prior to the commencement of the development and the turning and car parking area be agreed in writing the LPA and provided and retained in accordance with those approved details.

6.27 The officer has also commented that the existing sign at the entrance to the Waterperry Estate is likely to affect the visibility splay from the new dwelling towards the Estate and has noted that the 'one way' system is not adhered to by all vehicular traffic. He has therefore suggested that the existing sign should be relocated and that 'No Entry' signs which accord with the Traffic Signs Regulations and General Directions 2002 be erected on the Waterperry Estate side of the access. As the Estate is under private ownership the highway authority is unable to insist that these signs are erected but your officers suggest that the applicant is alerted to the highway officers' suggestions by way of an informative on any planning permission.

6.28 To conclude therefore, the erection of one house on the site does not, in the Highway Officers' opinion, present "severe harm" and warrant a recommendation for refusal.

- 6.29 **Whether the proposal constitutes backland development.** The proposed dwelling would have a road frontage and the proposal does not constitute backland development.
- 6.30 **Impact on the setting of neighbouring listed buildings.** The council's conservation officer has considered the merits of the proposed development and is satisfied that the new dwelling is sufficiently far from the main house and estate buildings not to harm their setting. In addition, the siting retains some separation between the other estate cottages and houses in the village but still reflects the pattern of development within the village. The plans have been amended during the course of the application to retain the stone wall along the frontage, albeit at a lower height to accommodate a visibility splay. As such, sense of enclosure will be retained which is to be welcomed.

To conclude therefore, the council's conservation officer is of the view that the proposal would not harm the setting of the high status areas of the estate or neighbouring listed buildings.

- 6.31 **Parking and amenity provision.** The proposed five bedroom dwelling would be provided with four off-road parking spaces which accords with the Council's parking Standards.

The council's amenity standard for a property of this size is 100 sq metres. The property would be afforded with a garden area well in excess of this.

- 6.32 **Sustainability.** Policy CSQ2 of the SOCS seeks to ensure that all new development demonstrates high standards in the conservation and efficient use of energy, water and materials. It requires that any new building must be designed to achieve at least level 4 of the Code for Sustainable Homes. The policy is no longer up to date as a result of the government's withdrawal of the Code in March 2015. The Development Plan Policies have yet to be updated to take account of the new technical standards and so the property will need to meet with current building regulations in terms of energy performance and water efficiency and this will be controlled under the building regulations application.
- 6.33 **Archaeology.** The proposed development lies in an area of considerable archaeological potential and as such, the County Archaeologist has recommended that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of development.

7.0 CONCLUSION

- 7.1 Your officers recommend that planning permission is granted on the basis that the principle of infill development is acceptable within the Green Belt and Waterperry is one of the settlements where the housing policies of the Development Plan permit infill development. The Highway Officer is satisfied that the proposal would not have an adverse impact on highway safety and the relationship of the dwelling with neighbouring properties and listed buildings is acceptable. The proposal is otherwise in accordance with Development Plan Policies.

8.0 RECOMMENDATION

8.1 To grant planning permission subject to the following conditions:

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Sample materials required (all).**
- 4. Withdrawal of permitted development (Part 1 Classes A & B) - no extensions etc.**
- 5. Withdrawal of permitted development (Part 1 Class E) - no buildings etc.**
- 6. Obscure glazing to bathroom window.**
- 7. New vehicular access to be provided in accordance with highway authority specifications.**
- 8. Vision splay details to be submitted for approval.**
- 9. Turning area and car parking – details to be submitted and approved.**
- 10. Landscaping scheme (trees and shrubs only).**
- 11. Archaeological watching brief.**
- 12. Implementation of programme or archaeological work.**

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