

<b>APPLICATION NO.</b>	<a href="#">P15/S3932/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	17.12.2015
<b>PARISH</b>	ROTHERFIELD PEPPARD
<b>WARD MEMBERS</b>	David Nimmo-Smith Charles Bailey
<b>APPLICANT</b>	Mr David Carter
<b>SITE</b>	Well Cottage Kingwood Common, RG9 5NB
<b>PROPOSAL</b>	Proposed erection of a detached 1.5-storey dwelling house plus formation of new access driveway.
<b>AMENDMENTS</b>	As amended by drawings accompanying Agents email on 15 February 2016 omitting outbuilding and incorporating design changes to dwelling.
<b>GRID REFERENCE</b>	469780/182148
<b>OFFICER</b>	Emma Bowerman

**1.0 INTRODUCTION**

- 1.1 This application is referred to the Planning Committee as the Officers' recommendation differs from the views of Rotherfield Peppard Parish Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) is part of the garden of Well Cottage and is accessed via a private, unmade track. The site is located within a group of other dwellings of various sizes and designs in the settlement of Kingwood Common. The settlement is surrounded by woodland and Kingwood Common has been identified as a Local Wildlife Site as a result of the heathland and woodland habitats which it contains. The site falls within the Chilterns Area of Outstanding Natural Beauty (AONB).

**2.0 PROPOSAL**

- 2.1 The application seeks planning permission for a detached dwelling. The dwelling would be L shaped, with the rear projecting element single storey. The dwelling would be some 6.8m high with the first floor accommodation contained partly within the roof space. The materials proposed are white painted render walls below slate roofs. Access would be onto the unnamed track serving Kingwood Common. The application plans are **attached** as Appendix B.
- 2.2 Amended plans were received during the application process. The original submission included a detached outbuilding close to the southeast boundary of the site. The Applicant chose to remove this element of the development from the application following objections raised by local residents and the Parish Council.
- 2.3 The amended plans also incorporated design changes and added a porch and dormer window to break up the front elevation of the dwelling. The eaves level was also reduced to improve the proportions of the dwelling. The rear projecting gable was reduced from two storey to single storey under the amended plans.

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Rotherfield Peppard Parish Council - Considers the application should be refused for the following reasons:

- Concern regarding the points raised in the Highways Officer's report
- The quality of the roadway to the site is poor, narrow and insufficient to accommodate the vehicular requirements of a new property
- The visual splays are insufficient – these cannot be compared to the splays for Lovell House and Red House as the access for this property is nowhere as acceptable as it is for Lovell House or Red House.

3.2 Forestry Officer – No objection subject to a landscaping condition.

3.3 County Council Highways – Considers the application should be refused and provided the following comments:

- Access to the proposal is along a private lane in which the Highway Authority has no control over. The Applicant has not shown ownership of this nor a right of access from the highway to the property.
- Vision splays have not been provided and are unlikely to meet standards.
- Given the characteristics of the access lane there are limited forward visibility and passing opportunities. The proposal can only increase vehicle movements using the access lane to the detriment of highway safety and to users of the highway.

3.4 Neighbour Representations – Three received in objection to the amended plans raising the following concerns:

- Track too narrow
- Noise pollution / environmental health issues
- Overlooking
- Additional cess pit not acceptable
- Development has historically been refused on this site and others in Kingwood Common
- Overdevelopment
- Change to character of the area
- Precedent for further development
- Insensitive to surrounding area
- Intrusive to neighbours
- Hazardous traffic situation

One received in objection to the original plans commenting that the access road is unsurfaced and not adequate to support increased housing numbers. Also commented that an increase in density would reduce privacy and that there have been no fundamental changes since previous refusals.

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

4.1 Applications for dwellings on this site have historically been refused and the most recent of these was in 1995 when an Inspector dismissed an outline application for a new dwelling under application ref P94/S0556/O. This decision was taken some 16 years ago under a very different policy context when the principle of new dwellings in Kingwood Common was not acceptable. The current application has to be assessed on its merits on the basis of the current development plan policies. This includes the NPPF, which require Planning Authorities to take a positive and proactive approach to development proposals.

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

5.1 **National Planning Policy Framework (NPPF)**

5.2 **NPPF Planning Practice Guidance (PPG)**

**5.3 South Oxfordshire Core Strategy (SOCS)**

- CBS1 – Conservation and improvement of biodiversity
- CS1 - Presumption in favour of sustainable development
- CSEN1 - Landscape protection
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

**5.4 South Oxfordshire Local Plan (SOLP) 2011 saved policies**

- C4 - Landscape setting of settlements
- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- D1 - Principles of good design
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D6 - Community safety
- D10 - Waste Management
- EP3 – Adverse effect from external lighting
- EP6 - Sustainable drainage
- EP7 - Impact on ground water resources
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- 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

**5.5 South Oxfordshire Design Guide (SODG)**

Sections 3, 4, 5 and 6

**5.6 Chilterns Building Design Guide**

Chapter 3

**6.0 PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are:

1. The principle of the development
2. The impact on the character and appearance of the site and surrounding AONB
3. The impact on neighbouring properties
4. The impact on highway safety
5. The impact on trees
6. The impact on biodiversity

Principle:

6.2 Kingwood Common is classed as a smaller village in the SOCS. Policy CSR1 of the SOCS allows for infill development within smaller villages. Infill development is described as the filling of a small gap in an otherwise built up frontage or a site within a settlement that is closely surrounded by other buildings.

6.3 The application site borders residential plots to the south, west and north and there is a neighbour opposite the site. As such I consider that it is reasonable to conclude that this is a site that is closely surrounded by buildings and the principle of the development is acceptable. The proposal therefore falls to be assessed against the amenity and environmental criteria of Policy H4 of the SOLP.

Character:

- 6.4 Criterion (i) of Policy H4 of the SOLP requires that an important open space of public, environmental value is not lost, nor an important public viewpoint spoilt. The site is part of an enclosed garden and is not open to the public. The site has no particular environmental or ecological value and there are no important views across the site. On this basis, the proposal would be in accordance with the above criterion.
- 6.5 Criterion (ii) of Policy H4 requires that the design, height, scale and materials of the proposed development are in keeping with its surroundings. The proposed dwelling would be based on a simple L shaped plan, with a rear projecting gable. The building would be accommodated under pitched roofs and would be eaves fronted. The amended plans have added some interest to the front elevation and the reduction in the eaves level has created a building of appropriate proportions. In my opinion the design of the new dwelling would be acceptable and would generally accord with the guidance in the SODG.
- 6.6 At 6.8m in height, the building would reflect the height of neighbouring buildings. The span of the building is narrow and it would not appear bulky or excessive in terms of its scale. There are a variety of materials evident within Kingwood Common and in my opinion the use of render and slate would not be at odds with the character of the area. The details submitted with the application states that the windows would be dark grey or black aluminium. I do not consider that the use of modern materials for the fenestration would be harmful to the locality and planning decisions should not impose architectural styles or particular tastes, as outlined in the NPPF. On the basis of this assessment, I consider that the development would comply with criterion (ii) of Policy H4
- 6.7 Criterion (iii) of Policy H4 requires that the character of the area is not adversely affected. The proposed dwelling would be located amongst other buildings and would not appear prominent in this AONB location. There would be sufficient space to the boundaries to ensure that the dwelling would not appear cramped. The amenity space would significantly exceed the councils standards in the SODG and at least two car parking spaces would be accommodated on the site. The space around the building would not be dissimilar to other plots in Kingwood Common, which has a wide variety of house types and sizes and plot sizes.
- 6.8 On the basis of the above assessment, I do not consider that the proposal would result in an overdevelopment. In my opinion the development would have an acceptable impact on the character of the site and surrounding area and would not detract from the landscape character of this part of the AONB. As such, the proposal would accord with criterion (iii) of Policy H4 and the other policies that seek to protect the character of the area, including Policies G2 and D1 of the SOLP and Policies CSQ3 and CSEN1 of the SOCS.

Neighbours:

- 6.9 Criterion (iv) of Policy H4 requires that there are no overriding amenity objections. The proposed dwelling would be positioned some 24m from The Croft and this separation would be sufficient to ensure that the development would not result in any harm to this neighbour in terms of light or outlook. With regards to privacy, there would be no first floor side windows that would face towards The Croft as the roof lights in the rear projection serve the ground floor accommodation. I have recommended a condition stipulating that these are to be 1.7m above floor level so that there would be no potential to add first floor accommodation in the rear outshoot without the need for further planning permission.

- 6.10 To the other side, the proposed house would be 17m from the rear projecting gable of Comilla and again, this separation would be sufficient to ensure that the proposed dwelling would not impact on this neighbour in terms of light and outlook. With regards to privacy, there would be no first floor windows facing towards Comilla and the boundary treatment and separation distance involved would ensure that there would be no adverse overlooking from the ground floor side facing window.
- 6.11 The layout of the new development would be acceptable in terms of the relationship with the existing dwelling at Well Cottage and all other neighbours would be a sufficient distance away from the proposal to not be impacted on by the development. As such, I consider that the development would accord with criterion (iv) of policies H4 and the other policies that seek to protect the amenities of neighbours, including policies G2 and D4.

Highways:

- 6.12 Criterion (iv) of Policy H4 also requires there to be no overriding highway objections. Policies D1, D2, T1 and T2 of the SOLP also require an appropriate parking layout and that there would be no adverse impact on highway safety. With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

- 6.13 The County highways officer has raised an objection to the application and has recommended that the application be refused on highway safety grounds. The full comments from the highways officer are included in section 3 above. I do not consider that a reason for refusal on highways grounds is justified and in my opinion a refusal on highway grounds could not be sustained at appeal.
- 6.14 The access track that serves the site and surrounding development is a narrow lane with no footway but this is not unusual for a country lane. The surface of the lane is poor and given the specific conditions of the road, traffic speeds are likely to be low. Furthermore, the existing property at Well Cottage could choose to access the site from the point of the proposed access without the need for planning permission.
- 6.15 The applicant would need to secure a private right of access across the lane that provides access to the site as this is within the ownership of Nettlebed Estates. This is not a planning matter and an informative would bring to the applicant's attention that the grant of planning permission does not grant any access rights. Concern has been raised by neighbours that construction vehicles would cause harm to the surface of the lane. This is also not a matter that can be controlled under the conditions of the planning application as the lane is outside of the application site. Any accidental damage to the lane caused by construction traffic would be a civil matter for the owners of the lane to resolve with the applicant / contractor.

- 6.16 It is acknowledged that an additional dwelling on site would have some impact but taking in to account all of the above, the impact would not be severe as per the test in the NPPF. In my opinion a reason for refusal on highway grounds could not be sustained at appeal. The site layout would provide an appropriate level of parking to serve the proposed dwellings and would provide sufficient turning space to leave the site in a forward gear. As such, I consider that the development is acceptable in highways terms and complies with the above policies.

Trees:

- 6.17 Policy C9 seeks to resist the loss of important landscape features. The trees within this site are not protected by a conservation area or tree preservation order. The proposed development would require the removal of a small number of trees, none of which are of sufficient arboricultural quality to be considered as a constraint to development. The submitted tree protection information demonstrates suitable tree protection measures will be taken throughout the construction phase and the council's forestry officer has raised no objection to the development subject to a condition requiring additional landscaping to help assimilate the development into its surroundings. The proposal would therefore comply with policy C9.

Biodiversity:

- 6.18 Policies CBS1 and C8 seek to avoid a loss of biodiversity and take account of any protected species. The site itself is laid to well maintained lawn of low ecological value. The proposals would involve the loss of part of the existing lawn area but would not have any wider impacts on the Local Wildlife Site. Due to the low value of the habitats affected I consider that the proposal would comply with the above policies.

Other matters:

- 6.19 There would be sufficient space on site to incorporate appropriate storage for waste and recycling on site, in accordance with Policy D10. As the site forms part of an existing garden I do not consider that it would be reasonable to request a contaminated land assessment in accordance with policy EP8. Appropriate drainage would be secured through the building control process.
- 6.20 I do not consider that the level of activity from a single dwelling would have an unacceptable impact on neighbours in terms of noise. The level of light from one dwelling would not be significant and would also have an acceptable impact on neighbouring properties. I have recommended that an informative is added to the planning permission encouraging that the principles of the Considerate Constructors Scheme are followed during construction to minimise disturbance on neighbouring properties.

**7.0 CONCLUSION**

- 7.1 This proposal represents an appropriate infill development within a settlement where the principle of additional residential development is acceptable. The proposed dwelling would be of an appropriate design and would be of a scale suitable to the size of the plot. The development would not detract from the character and appearance of the site, would preserve the landscape quality of this part of the AONB, and would not be unneighbourly. Although the County highways officer has raised an objection to the application, the highway impacts would not be severe, as per the test in the NPPF. Having carefully considered highway safety issues, officers do not consider that a reason for refusal on highway safety grounds could be sustained at appeal. As such, the application is recommended for approval.

8.0 **RECOMMENDATION**

8.1 That planning permission is granted for the development contained in planning application P15/S3932/FUL subject to the following conditions-

1. Commencement within 3 yrs - Full Planning Permission
2. Development to be as shown on approved plans
3. Sample materials to be approved prior to the commencement of development
4. Parking to be provided as on plan prior to occupation
5. Rooflights in northwest elevation to be above floor level
6. Landscaping scheme to be submitted and approved prior to the commencement of development

**Informatives –**

- Planning permission does not grant or infer any rights of access
- The applicant is encouraged to embrace the principles of the Considerate Constructors Scheme

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