

<b>APPLICATION NO.</b>	<a href="#">P15/S3709/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	11.11.2015
<b>PARISH</b>	SHIPLAKE
<b>WARD MEMBERS</b>	Will Hall & Paul Harrison
<b>APPLICANT</b>	The Air Group
<b>SITE</b>	Land to rear of The Gables, Station Road, Lower Shiplake
<b>PROPOSAL</b>	Demolition of existing building and proposed erection of one detached three bedroom dwelling with detached car port and amenity space provision and creation of a new vehicular access via Oaks Road (height of dwelling reduced and external appearance altered and additional information provided concerning vehicular access, boundary treatment and services, as shown on amended plans and tree report received 17th February 2016).
<b>AMENDMENTS</b>	Yes – as above
<b>OFFICER</b>	Paul Lucas

**1.0 INTRODUCTION**

1.1 This application is reported to the Planning Committee as a result of a conflict between officers' recommendation and the views of Shiplake Parish Council.

1.2 The application site, as identified on the plan attached at **Appendix 1**, forms a 0.08 hectare parcel of land in a residential area within the built-up confines of the village of Lower Shiplake. It lies in the south-eastern corner of a large residential plot comprising a detached two and a half-storey dwelling known as The Gables, which fronts onto Station Road. The site is surrounded on all sides by residential development with The Gables located to the north, Oaks Road properties lying to the south and west and Mill Road properties to the east. The site area includes an 11.6 metre deep and 4.1 metre wide strip of land, between the rear boundary of The Gables, denoted by a close-boarded fence and the northern edge of a turning head on Oaks Road. This land presently forms part of the front garden of No.7 Oaks Road, a detached two-storey dwelling located to the eastern side of the turning head. As such, No.7 borders the application site to the south and the east and No.5, a similar dwelling to No.7 on the western side of the turning head, lies to the west of the site.

1.3 The Oaks Road development was built in the 1970s on land that partially belonged to The Gables. A deed of covenant was created at that time, which the applicant considers establishes a legal right for the owner of The Gables to build a road over the land between the front of No's 5 & 7 Oaks Road and then to use that road to pass over the land. However, this legal right can only be exercised in compliance with all requisite planning and highway consents. There is a detached outbuilding on the application site that historically served The Gables. The Gables site as a whole contains numerous mature trees that are protected by a Tree Preservation Order. This includes a Pine within the northern part of the application site and a Cedar adjacent to the north-west of the application site. There are two small trees located on either side of the proposed access that are not subject to a TPO.

- 1.4 There are no other special designations within or adjacent to the site. The remainder of The Gables site has been segregated by a new wall, which separates the original house from the western side of the plot for which planning permission exists for a new dwelling with a separate access from Station Road.

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission for the demolition of the outbuilding and the erection of a detached two-storey three-bedroom dwelling and a detached two-bay carport. The dwelling would be accessed from Oaks Road, with a driveway being formed over the land between the northern edge of the turning head and the existing southern boundary with The Gables. The originally submitted plans were amended in response to concerns raised by officers and third parties to reduce the height of the proposed dwelling and alter its external appearance and to provide additional information concerning vehicular access, boundary treatment and services. The dwelling would have external materials consisting of brick and tile.

- 2.2 The amended plans can be viewed at **Appendix 2**. Other supporting documents can be viewed on the Council's website:

<http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P15/S3709/FUL>

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Shiplake Parish Council** – Objection to both original and amended plans. The application should be refused for the following reasons:

- Design of house out of character and keeping with surrounding estate properties
- Loss of amenity to existing residents, particularly overbearing on No.7
- Problems of access, privacy and safety, especially for children
- Construction traffic and contractors' vehicles should access the site from Station Road
- Legal right of access, conditional upon planning consent and highway approval should be resolved
- Blue edged land includes land not part of previous planning permission P14/S3761/FUL

**Countryside Officer (South Oxfordshire & Vale of White Horse)** - No objection subject to bat mitigation condition

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

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

**Neighbours** - 15 individual representations of objection to the original plans, 9 of which were reiterated for the amended plans, summarised as follows:

- Inappropriate backland development that would result in loss of privacy, safety and living conditions of a significant number of neighbouring properties.
- Using the right of way as a permanent access instead of one of three accesses from Station Road will destroy a beautiful garden and create pedestrian safety issues, particularly for children, and possibly years of disruption to all the residents of Oaks Road and Brocks Way.
- Access should be relocated westwards so that less of No.7's garden is subdivided.
- Additional traffic would exacerbate existing on-street parking problems on the

narrow cul-de-sac and builder's vehicles would block access to Oaks Road properties.

- Oaks Road and Brocks Way are unsuitable for construction traffic, as sightlines at the junction between Brocks Way and Station Road are impaired and road condition could not cope with heavy traffic – it would be more appropriate to access the site from Station Road.
- Inadequate off-street parking provision for future occupiers and their visitors within the site.
- Obstruction of Oaks Road turning head and loss of privacy to No's 5 & 7 Oaks Road from service and delivery vehicles once dwelling is occupied.
- Concern that construction access from Station Road through The Gables site would damage protected trees.
- Loss of privacy to No.7 Oaks Road from first floor south-facing windows.
- Loss of privacy to rear aspect of No.16 Brocks Way and No.1 Oaks Road from first floor west-facing windows and loss of privacy to Beavers Lodge due to first floor east-facing windows .
- Loss of daylight to No.7 Oaks Road due to proximity of proposed dwelling to the boundary being overbearing.
- Removal of trees on either side of the proposed access.
- Appearance of dwelling shown on original plans out of keeping with surroundings in relation to cheap-looking materials and overcomplicated detailing.
- Loss of wildlife habitat.
- Concern that proximity of dwelling would result in undermining and ground disturbance of No.7 Oaks Road – a new boundary wall should be provided to mitigate this to be constructed prior to any other development as a condition of any planning permission.
- Easements for services from Oaks Road only applied for 20 years after 1973 - service routes from Station Road should be a condition of any planning permission.
- Boundary walls on either side of the proposed access should be constructed at the same time as the access as a condition of any planning permission.
- Developer's intentions for remainder of The Gables site are unclear – concern that a future application would be submitted for a second dwelling using the access from Oaks Road.
- Query as to whether right of way applies to the land forming the application site.

In addition, two petitions opposed to the development were received. 16 households signed a petition objecting to the original set of plans. Following receipt of the amended plans, 15 households signed a petition requesting that construction traffic, workforce access and vehicle parking be taken from Station Road and expressing concern about increased traffic and on-street parking on Oaks Road and Brocks Way.

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

##### 4.1 On the application site:

[P81/S0492](#) - Withdrawn (22/09/1981)

Demolition of existing garage and lean-to and erection of two new houses each with a double garage and access onto Oaks Road.

On the adjoining land at The Gables:

[P14/S3763/HH](#) - Approved (16/03/2015)

Erection of a two storey side and single storey rear extension as amended by drawings received 6 February 2015 reducing the overall width and Tree Report received 12 March 2015.

[P14/S3761/FUL](#) - Approved (12/03/2015)

Erection of a two and a half storey detached 5-bed dwelling with a linked triple garage and annex and the creation of a new vehicular access as amended by drawings received 7 February 2015 reducing the garage and hard surfacing

Original planning permission for Oaks Road development:

[P74/S0491/RM](#) - Approved (21/03/1975)

Erection of fifteen detached houses with double garages. Estate road and ancillary works.

## 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

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

C8 - Adverse affect on protected species

C9 - Loss of landscape features

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

EP2 - Adverse affect by noise or vibration

EP6 - Sustainable drainage

G2 - Protect district from adverse development

G5 - Best use of land/buildings in built up areas

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 South Oxfordshire Design Guide 2008 (SODG 2008) – Sections 3 & 5

### 5.4 National Planning Policy Framework

Paragraph 32 – “....Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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 acceptable in principle;
  - result in the loss of an open space or view of public, environmental or ecological value;
  - be in keeping with the character and appearance of the surrounding area through its size and appearance, including the protection of important trees;
  - safeguard the living conditions of neighbouring residential occupiers and provide suitable living conditions for future occupiers;
  - provide sufficient off-street parking spaces for the resultant development and prevent conditions prejudicial to highway safety from arising; and
  - Give rise to any other material planning considerations.
- 6.2 Principle of Development  
The site is located within the built-up confines of the settlement of Lower Shiplake. The SOCS Policy relevant to this proposal is CSR1. The SOCS classifies Lower Shiplake as a “smaller village”. Under Policy CSR1, residential development on infill sites of up to 0.2 hectares 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 proposal would represent infill development where the site would be closely surrounded by buildings. This is because No.7 Oaks Road would be 4.5 metres to the south, No.5 Oaks Road would be 14 metres to the south-west, The Gables would be 35 metres to the north, No.1 Oaks Road would be 45 metres to the west and Beavers Lodge would be 55 metres to the east of the site boundaries. Officers are therefore satisfied the principle of this development is acceptable under the SOCS. Consequently the proposal falls to be assessed primarily against the 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 spoilt. The site has formed part of a residential plot containing a dwelling for many decades. It is bordered by residential plots on all sides and is only visible in public views from Oaks Road, where it would be seen in the context of established residential development. The existing outbuilding contains a feeding/night roosting perch for long-eared bats. The Council’s Countryside Officer is satisfied that the submitted bat mitigation strategy would provide adequate compensation for its loss including the provision of four bat boxes. The implementation of this mitigation strategy could be secured through a planning condition. This criterion would therefore be satisfied.
- 6.4 Visual Impact  
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. The erection of the proposed dwelling would inevitably lead to an intensification of built form on the original plot. However, this is one of the largest plots in the locality and there is already a precedent for subdivision on this plot in the form of planning permission [P14/S3761/FUL](#) for a detached two and a half storey dwelling alongside The Gables. The plot on which the proposed dwelling would sit would be similar in size to many of the established residential plots on Oaks Road. The dwelling and carport would take up about 28% of the proposed plot, below the Council’s recommended maximum plot coverages shown at Section 3.2 of the SODG 2008.
- 6.5 The gap between the proposed dwelling and No.7 Oaks Road would be about 6 metres

and this would represent a level of separation that would compare favourably with the 3 metre gaps between many of the established dwellings on Oaks Road. The visual appearance of the proposed dwelling would be different to the dwellings on Oaks Road, which broadly consist of two house types with red bricks and clay tiles. However, the amended plans have introduced facing bricks and plain clay tiles and the use of these traditional materials for the external finishes could be secured through a planning condition. Although the overall height of the dwelling would be about 0.6 metres higher than No.7, the lower level of the site means that the ridge heights would be within 0.1 metre of each other. As such, the dwelling would not appear as an overly dominant form of development.

- 6.6 The proposed carport would be in contrast to the appearance of the attached garages serving the existing dwellings on Oaks Road. Nonetheless, it would have a low profile and lightweight structure and would be set back from the southern boundary by over 7 metres. It would therefore appear as a subservient outbuilding in compliance with the advice in Section 3.3.1 of the SODG 2008. The introduction of a driveway at the end of the turning head would represent a material change to the appearance of this part of the estate. However, the driveway would be framed by brick walls on either side that would be similar in appearance to other brick boundary walls on Oaks Road and garden areas would remain on either side. It is recognised that the position of the proposed access would subdivide garden land belonging to No.7. Some of the objectors have raised the alternative of repositioning the proposed access further to the west, so that No.7's remaining garden land would all be on the eastern side of the access. However, this would mean that the junction of the access would be off-centre with the turning head, which in officers' view would make this element of the development appear more visually incongruous.
- 6.7 The Council's Forestry Officer has raised no objections to the amended plans, because the amended arboricultural report demonstrates that appropriate tree protection measures can be taken to prevent harm to the protected trees and the service route information is acceptable. The tree protection measures also include a suitably designed temporary haul road from Station road into the site, avoiding the need for a construction access from Oaks road. Whilst the loss of T54 (a young Beech in a raised bed) to the east of the proposed access would be regrettable, the Forestry Officer considers that T54 is not a good quality specimen tree as it has developed a poor structural form, therefore it is not of sufficient arboricultural quality to be considered as a constraint to development. It would be more sustainable to remove T54 and plant a better quality replacement tree that could grow on into a much better tree in the long term. The impact of the new driveway on T55 (a Cherry Plum on the western side of the access) would be far less damaging and it is expected that the tree would remain healthy if care is taken throughout the construction process. There would also be scope for new planting around the site boundaries. Both tree protection measures and new planting could be secured through planning conditions. In the light of the above assessment, the proposed development would be in accordance with the above criteria.
- 6.8 Neighbour Impact  
Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 of the SOLP 2011 requires that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers. The proposed dwelling would have a front building line of about 1 metre further forward than No.7. This projection would have no discernible impact on the front windows and garden of No.7 given its location to the north of the neighbouring dwelling. The rear gable of the proposed dwelling would project about 4.4 metres further back than the main rear building line of No.7. Due to the gap of approximately 7 metres
- 6.9

between this element of the proposed dwelling and the closest part of No.7, the rear gable would lie outside a notional 45-degree line taken from the closest windows at the rear of No.7. As such, the proposed dwelling would not result in a significant loss of daylight to the rear-facing rooms of No.7. The rear gable would be about 2.5 metres from the boundary and would result in some enclosure of the northern part of the rear garden of No.7, however the majority of the garden would retain its open aspect and the amount of sunlight received would remain unaffected. There is also scope for planting along this section of the boundary, to be secured through a landscaping condition, which would soften the appearance of that part of the dwelling.

- 6.10 In relation to privacy there would be two windows serving en-suites in the south elevation of the proposed dwelling facing No.7. These could be subject to an obscure glazing condition to preserve the neighbours' privacy. There would be a triangular section of glazing in the south-facing gable providing high-level lighting to Bedroom 2, however, as this would be positioned well above first floor level and would directly face the blank side wall of No.7, officers consider that this would not result in any significant loss of privacy. Concerns about disturbance during the construction phase could be addressed through the proposed 1.8 metre boundary wall to be erected in place of the existing fence between the proposed dwelling and No.7. It is a requirement of the recommended landscaping condition that this wall is erected prior to the commencement of any other elements of the development. Both the occupiers of No.5 and No.7 object to the proposed access on grounds of noise nuisance. The front of the adjoining dwellings would be 8 metres from the access and the inclusion of a 1.8 metre high boundary wall on either side of the access would help to block vehicle noise. As such, officers consider that the use of the proposed access by a single household would not result in a level of vehicular activity that would result in unacceptable levels of noise nuisance to the adjoining occupiers. It is a requirement of the recommended access condition that the access and its walls are erected concurrently not before the development is substantially completed to minimise disruption to the neighbours during the development process. Whilst the subdivision of land owned by No.7 would result in inconvenience to these neighbours, this would not present, in itself, sufficient grounds to warrant refusal of planning permission.
- 6.11 The proposed first floor front windows would be about 35 metres from the boundary of The Gables with No.1 Oaks Road and 16 Brocks Way, which would be in excess of the recommended 25 metre window to window distance set out in Section 3 of the SODG 2008 and an acceptable distance to enable the rear gardens of these dwellings to remain sufficiently private. These windows would be more than 10 metres from the site boundary with the remaining garden land to The Gables, which would be sufficient to ensure privacy for users of this space. The east-facing first floor bedroom window would be over 13 metres from the eastern site boundary with Beavers Lodge. This would be adequate separation to prevent loss of privacy to these adjoining occupiers, particularly as Beavers Lodge has a long garden and their rear windows are located 55 metres from this boundary. The relationship to The Gables would also be acceptable, given that the closest part of the proposed dwelling would be about 6 metres from the northern site boundary, the closest first floor window would be over 14 metres from the boundary, and The Gables is positioned about 30 metres from the boundary and there are protected trees located in between. The garden area for the proposed dwelling would be over 300 square metres, which would comfortably exceed the recommended minimum standard of 100 square metres set out in Section 3 of the SODG 2008. On the basis of the above assessment, the proposed development would be in compliance with the above policies.
- 6.12 Access and Parking  
Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there are no overriding

highway objections. The OCC Highway Liaison Officer (HLO) is satisfied that the proposed parking and turning arrangements within the site would be acceptable to serve the proposed dwelling, subject to standard highway-related planning conditions. The HLO also considers that the proposed access arrangement with the boundary wall lowered to allow for visibility splays at the junction with the turning head would be acceptable in terms of highway and pedestrian safety. The use of Oaks Road and Brocks Way by traffic associated with the residential occupation of one dwelling would not result in severe harm as required by Paragraph 32 of the NPPF. The alternative of providing a permanent access to the application site from Station Road would be precluded by the location of protected trees and the lawful implementation of approved extensions to The Gables and the detached dwelling to the west of The Gables.

- 6.13 Many local residents are rightly concerned about the impact of construction traffic, if this was permitted to use the proposed access to enter and exit the site. The HLO has found that this would have an unacceptable impact on the local highway network. The applicant has demonstrated that a temporary haul route could be achieved avoiding harm to the protected trees on site. On this basis, a construction traffic management plan condition is recommended, which will require the applicant to provide full details on a number of aspects including arrangements for construction or related vehicles and pedestrian workforce accessing the site from Station Road and parking on land within the applicant's ownership. On this basis, the proposal would satisfy the above criterion.

6.14 Other Material Planning Considerations

Concerns about further development in the future on The Gables site are understood, but it is an established planning principle that each application must be assessed on its individual merits and any future applications to be evaluated if submitted at that time. It is acknowledged that the blue edged land on the current application is different to the red edged area shown on planning permission [P14/S3761/FUL](#). However, the purpose of the blue line is to identify land also in the applicant's ownership and in this respect the current application is correct. Although the implementation of the right of way is dependent on acquiring the relevant planning and highway consents that granting this application would provide, the validity of the right of way is a separate legal matter between the applicant and the landowner. Should it be determined that no right of way exists then any planning permission could not be implemented. Officers consider it necessary to impose a condition to remove householder permitted development rights in order to enable the Council to exercise control over any future development that might otherwise be unneighbourly or result in visual harm or damage to important trees.

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 in keeping with the character and appearance of the area, would safeguard protected trees and the living conditions of nearby residents and would not result in conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

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

1. **Commencement three years - full planning permission.**
2. **Development to proceed in accordance with approved plans.**
3. **Schedule of materials required prior to commencement.**
4. **Obscure glazing of first floor south-facing windows prior to occupation.  
Gable window on south elevation to be at least 1.7 metres above internal floor level.**



5. **Withdrawal of permitted development rights (extensions, outbuildings, hardstandings).**
6. **New vehicular access to be constructed concurrently with walls on either side not before substantial completion of dwelling and to be completed prior to occupation.**
7. **Vision splay dimensions to be retained as shown on plan.**
8. **Parking and manoeuvring areas to be retained as shown on plan.**
9. **Construction traffic management plan showing site access from Station Road to be submitted and agreed prior to commencement.**
10. **No surface water drainage to highway.**
11. **No carport conversion into accommodation.**
12. **Landscaping (access, hardstandings, boundary treatment) details to be submitted and agreed prior to commencement.**
13. **Tree protection to be carried out in accordance with submitted details.**
14. **Bat mitigation to be carried out in accordance with submitted details.**

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