

APPLICATION NO.	P16/S1299/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.4.2016
PARISH	WHEATLEY
WARD MEMBER(S)	Toby Newman
APPLICANT	Mr Mark Keely
SITE	95 High Street Wheatley, OX33 1XP
PROPOSAL	Erection of new 2 storey 1 bedroom dwelling. Provision of enclosed bin store.
AMENDMENTS	None
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 This application is before Planning Committee because the Officers' recommendation is contrary to the Parish Council's view.
- 1.2 The application site is a residential plot to the northern side of the High Street within the built up area of Wheatley forming part of the established residential curtilage of no 95 High Street. The plot measures approximately 35sqm. The site lies within the Wheatley conservation area and outside the Oxford green belt. An OS extract is **attached as Appendix 1.**
- 1.3 This property was converted into 2 no two bed apartments and 1 no one bed apartment in 2014. In 2015 planning permission was granted for a two storey structure for a bike shed and domestic storage for the ground floor flat (ref P15/S3048/HH). A copy of the approved plans for this scheme is **attached as Appendix 2.**

2.0 **PROPOSAL**

- 2.1 This application seeks full planning permission for a new 1 bed dwelling of identical size and position to the bike shed and storage building approved under ref [P15/S3048/HH.](#)
- 2.2 A copy of the submitted plans is **attached as Appendix 3.**

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Wheatley Parish Council** – Object – condition 4 of the planning permission P15/S3048/HH for the erection of a bike store and mezzanine to provide shed storage states that “ the development hereby permitted shall only be used for the incidental storage purposes specified within the application submission. Reason: As the separate occupation of the accommodation would represent an undesirable sub-division of the property and result in inadequate standards of amenity and privacy in accordance with policies D4 and H13 of the SOLP.

County Archaeological Services (SODC) - No strong views

Conservation Officer (South) – The proposed dwelling will neither preserve nor enhance the conservation area. There is an extant planning permission for an ancillary storage building in this area. The approved scheme is for a timber clad building of the same size as the proposed dwelling. However the proportion of the openings and materials contribute to the character of this structure as ancillary to a main building, appropriate to its location on the site and proposed use. The design of this dwelling,

although the same size as the approved outbuilding is not ancillary in character to the main building or in keeping with the scale and proportion of features for High Street domestic dwellings. The result is a contrived dwelling which takes little reference from the character of the area. However the proposal would result in less than substantial harm to the character and appearance of the conservation area.

Highways Liaison Officer (Oxfordshire County Council) - No objection subject to conditions relating to cycle parking facilities and construction traffic management

Neighbour Object (2) – massive loss of privacy. Spoil the feel and character of our house which is a grade II listed property. Cramped, overdevelopment. No parking. Windows will be put in later to damage the privacy of neighbours.

4.0 **RELEVANT PLANNING HISTORY**

4.1

[P15/S3048/HH](#) - Approved (29/10/2015)

Erection of bike store and mezzanine to provide shed storage.

[P14/S0046/FUL](#) - Approved (12/03/2014)

Change of use of existing ground and first floors (A2 Financial use) to form two flats (C3 Residential use)(as amended and amplified by drawings accompanying email from Agent dated 13 February 2014 and amplified by letter from Agent dated 21 February 2014)

[P09/W0368/LB](#) - Approved (29/06/2009)

Conversion of stable to include structural repairs, installation of staircase and plasterboard wall lining. New window and door and conservation roof lights to the western elevation. (As amended and clarified by agent's letter dated 23 June 2009).

[P09/W0367](#) - Approved (29/06/2009)

Use of stable as annexe for the main house to include new window and door and conservation roof lights to the west elevation (As amended and clarified by Agent's letter dated 23 June 2009).

[P97/N0357](#) - Approved (21/07/1997)

Change of use of first floor flat into office use.

[P96/N0279/TL](#) - Refused (05/06/1996)

Installation of a broadband communications network, consisting of underground ducting, joint chambers and above ground cabinets.

[P86/N0460](#) - Refused (13/08/1986) - Approved on appeal (20/05/1987)

Conversion of loft space to form flat.

[P85/N0384](#) - Approved (21/02/1986)

Change the use of the ground floor from shop (vacant) to office use; also to change ground floor frontage in line with other properties of that age in the High Street. (As amended by plan no. 8524/2A accompanying agents letter

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSEN3 - Historic environment

CSQ3 - Design
CSR1 - Housing in villages

5.2 South Oxfordshire Local Plan 2011 policies;

CON7 - Proposals in a conservation area
D1 - Principles of good design
D3 - Outdoor amenity area
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
CON5 - Setting of listed building

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this planning application are:

- i. Whether the principle of residential development is acceptable in this location
- ii. Policy H4 criteria
- iii. Other issues

6.2 **Principle**

Policy CSR1 of the SOLP allows for infill development within the larger villages such as Wheatley. 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. The site lies within the built up limits of Wheatley and is closely surrounded by buildings. As such, the proposal accords with policy CSR1 of the South Oxfordshire Core Strategy and the principle of a dwelling on this site is acceptable. The proposal has to be considered against the criteria set out in policy H4 of the SOLP.

6.3 **Policy H4 criteria**

Policy H4 allows for housing on sites within the built up areas of the villages provided that the following criteria are met:

- i. **An important open space of public, environmental or ecological value is not lost, nor an important public view spoiled;** the site is not of public or environmental or ecological importance. There is an extant planning permission on this site to erect a building of exactly the same size and scale and of very similar appearance to the proposed dwelling.
- ii. **The design, height, scale and materials of the proposed development are in keeping with its surroundings;** the height and scale of the building has been approved by way of the extant permission. As can be seen in appendix 1 and 3, the design and materials of the extant and proposed schemes are not significantly different. As such, a refusal of planning permission on the proposed use or design of the building would not be reasonable in your officers' opinion. The external finishes of the proposed development comprise red brick walls with grey framed doors and windows with clay tiles. This reflects materials used in the locality.
- iii. **The character of the area is not adversely affected.** There is an extant

permission for an ancillary storage building in this area. The approved scheme is the same size as the proposed dwelling. The proportions of the openings and materials differ between these two schemes. The council's conservation officer has concluded that the proposal would neither preserve nor enhance the character of the conservation area, as it would not follow the established pattern of residential development along High Street or reflect the character of the built form. However she acknowledges in the light of the extant permission that there would be less than substantial harm to the character and appearance of the conservation area. Paragraph 134 of the NPPF advises that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the proposal would replicate, in terms of size and scale, a development which has an extant planning permission and would provide a small unit of accommodation in a highly sustainable location. **There are no overriding amenity, environmental or highway objections** The Highway Authority have raised no objection to this proposal. It is being submitted as a car free development in the same way as a recent permission to convert the adjacent offices to flats. Wheatley is a sustainable location with regular public transport links and has a wide variety of services and shops within the village. Cycle storage is provided. There are no windows proposed in the side or rear elevations. Planning permission would be required to insert any opening and/or clear glazed windows at first floor level. The extant scheme had a first floor window in the front elevation so the impact of the amenity on the neighbouring properties is not considered to be materially different. The existing flats have a small communal amenity area which would be shared by this dwelling. The site is within walking distance of parks and open spaces. In locations of the centre of towns and villages the council has not been successful in defending appeals where the reason for refusal has been the lack or provision of substandard garden spaces.

- iv. **If the proposal constitutes backland development it would not create problems of privacy and access and would extend the built limits of the settlement.** This application does not propose backland development.

6.4 **Community Infrastructure Levy (CIL).** The council's CIL charging schedule was adopted on 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is liable for the whole building because the proposal involves the creation of a new dwelling. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1).

6.5 **Parish Council's objection**

The Parish Council have objected to this proposal on the grounds that when the application for the extant permission was approved – for a storage building- a condition was included which sought to prevent the use of this outbuilding as a separate dwelling as the subdivision of the plot was considered detrimental in terms of amenity space and privacy. Your officers fully understand this concern. The Local Planning Authority is however, obliged to consider and determine the application on its merits. After carefully considering this proposal, it is felt that a refusal of planning permission on the grounds of inadequate amenity space and adverse impact on neighbours' amenity would not be justified and for the reasons set out in the report, the application is recommended for approval.

7.0 CONCLUSION

7.1 The principle of a new dwelling on this site within the built up limits of Wheatley is acceptable. There is an extant planning permission on this site for a building of an identical size and scale to the scheme currently proposed. Whilst it is acknowledged that the proposal would not enhance or preserve the character of the conservation area, this has to be assessed against what has already been approved on this site and whether harm can be identified. The council's conservation officer has confirmed that in her opinion the proposal does not constitute substantial harm and therefore consideration has to be given to the public benefits of the proposal. In this instance, the benefits of providing of a small unit of residential accommodation in a highly sustainable location are considered to outweigh the impact on the conservation area given the extant planning permission.

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. Cycle parking facilities.
5. Construction traffic management.
6. Removal of permitted development rights.

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