

<b>APPLICATION NO.</b>	<a href="#">P16/S1336/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	27.4.2016
<b>PARISH</b>	SHIPLAKE
<b>WARD MEMBER(S)</b>	Will Hall Paul Harrison
<b>APPLICANT</b>	Mr & Mrs G McClure
<b>SITE</b>	Brookfield Mill Road, Lower Shiplake, RG9 3LW
<b>PROPOSAL</b>	Demolition of existing single dwelling and construction of a new single dwelling
<b>AMENDMENTS</b>	None
<b>OFFICER</b>	Simon Kitson

**1.0 INTRODUCTION**

- 1.1 This application is referred to Planning Committee because the Officers' recommendation conflicts with the Parish Council's view.
- 1.2 The application property (which is shown on the OS extract attached as **Appendix A**) comprises a detached, two storey dwelling set in generous grounds measuring 0.68ha at the eastern edge of Shiplake. The site is located behind the built-up frontage at Mill Road and accessed via a long driveway serving a number of other residential properties and it is close to a waterway (Lash Brook) which forms a boundary to the south east. Although there are no Tree Preservation Orders (TPOs) within or adjacent to the site, there is substantial boundary screening and a number of mature trees within and adjacent to the site which make an important contribution to the verdant character of the area.
- 1.3 Although the access road is inaccessible to public vehicular traffic, a public footpath leading to the River Thames (Shiplake Footpath 38) runs adjacent to the south-west boundary and crosses a bridge over Lash Brook to the east. There is clear visibility of parts of the site, particularly in views from public vantage points towards the north east.
- 1.4 The site does not fall within a conservation area or an Area of Outstanding Natural Beauty (AONB).

**2.0 PROPOSAL**

- 2.1 As detailed in the application submission, this proposal is for the demolition of the existing dwelling and its replacement with a new dwelling of a more contemporary appearance, incorporating flood risk mitigation measures.
- 2.2 The plans accompanying the application submission are attached as **Appendix B**. The detailed supporting information and all consultation responses can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

**3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Shiplake Parish Council – Objection
  - The proposal does not comply with SOLP Policy H4 or C4, due to the incongruity between the proposed modern form and the Arts and Crafts style of the majority of surrounding properties. The inappropriate scale and commercial appearance would be harmful to the setting of this particular part of Shiplake

- The proposal is likely (subject to EA input) to increase the risk of flooding due to the siting of the proposed dwelling, its footprint and the amount of hardstanding
- There would be construction issues associated with the new build, due to the road condition and access difficulties. Conditions should be used to control the construction activities if permission is granted.

Environment Agency - No objection

- Following the receipt of further information by the consultant engineers, the EA is now satisfied that the submitted Flood Risk Assessment (FRA) demonstrates that the proposal would not increase flood risk
- No objections are raised to the development, provided that a condition is attached to any approval requiring the agreed mitigation measures to be implemented.

Countryside Officer (South Oxfordshire & Vale of White Horse) - No objection, subject to condition.

Forestry Officer (South Oxfordshire District Council) - No objection, subject to implementation of submitted tree protection and landscaping schemes

Health and Housing – No objection, following receipt of contaminated land questionnaire

Drainage Engineer (MONSON) – Holding objection having regard to the FRA.

N.B. The Environment Agency has raised no objections to the FRA.

Countryside Access - No strong views

SGN Plant Protection Team - No impact on gas pipelines.

Neighbour Approve (4)

- Although the house is of a modern design, it would be sympathetic to the plot and of an appropriate scale. There is precedent for bespoke modern designs elsewhere within Shiplake
- The replacement dwelling would be a significant improvement over the existing dilapidated house
- The site has been improved by the removal of a number of diseased trees and this will improve views for walkers
- The modern house would look fantastic viewed by walkers and commuters alike

Neighbour Object (7)

- The design of the proposed building is unsympathetic to the style of the surrounding cottages and it is not appropriate to the rural location. A more sympathetic scale, design and position within the site should be sought.
- The important open space of public environmental value would be lost.
- The proposal is outside the built-up limits of the village, contrary to Policy H4 of the development plan. It would also constitute 'backland development'
- The dwelling should be assessed against Policy H12, as it is outside the settlement
- Concerns over foul drainage arrangements
- The access drive and parking area will increase the risk of surface water flooding
- Issues raised over the removal of a number of mature trees around the site. The

- replacement planting scheme will take many years to develop
- There is inadequate screening provided with respect to the neighbouring properties. The dwelling would be visible from neighbouring gardens and there would be privacy impacts as a result of the high glazing
- The proposal would significantly increase flood risk to the neighbouring properties, mainly because of the position of the swimming pool

Neighbour No Strong Views (1)

- No issues with the replacement dwelling. However, the construction activities would cause subsidence to the drive, blocking access to neighbouring properties and antisocial activities

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P15/S1955/HH](#) - Approved (17/08/2015)

Proposed two storey extension, alterations, carport and vehicular access improvements.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies;

CSEN1 - Landscape protection

CSS1 - The Overall Strategy

CSQ3 - Design

CSB1 - Conservation and improvement of biodiversity

5.2 South Oxfordshire Local Plan 2011 (SOLP) policies;

C4 - Landscape setting of settlements

C6 - Maintain & enhance biodiversity

C8 - Adverse affect on protected species

C9 - Loss of landscape features

H4 - Housing sites in towns and larger villages outside Green Belt

D1 - Principles of good design

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

G2 - Protect district from adverse development

G4 - Protection of Countryside

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008 (SODG)

Shiplake Villages Plan Report 2014

5.3 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in relation to this application are:

1. The principle of the development
2. The impact on the character and appearance of the site and surrounding area
3. The impact on the amenity of neighbouring occupiers
4. The impact upon protected species and important landscape features
5. The impact of the proposal upon the surrounding floodplain

### Principle of development

- 6.2 As the site falls within Flood Zone 3, the provision of additional housing would not pass the sequential test set out under the NPPF and the principle of new housing is only acceptable if the proposal is for a replacement of an existing dwelling with no net gain in the number of residential units. As this proposal is for a direct replacement, the principle is acceptable, provided that it can be demonstrated that the scheme would not have a greater vulnerability to flooding and it would not increase the risk of flooding elsewhere.
- 6.3 In terms of assessment under the Development Plan, the council does not object to the demolition of the existing dwelling on the basis of architectural or historic interest. Whilst some argue that the application site is not within the built-up limits of the settlement, due to its rural character and the absence of any dwellings immediately to the north or east, officers do not consider it reasonable to assess the application for a replacement dwelling against Policy H12 of the SOLP. This is on the basis that the current dwelling is located directly behind the line of residential properties fronting Mill Road and it is accessed via a shared driveway also serving properties to the west. The site is contiguous with and shares more characteristics with the Mill Road properties than the open, agricultural surroundings to the south-east of the site and as such, officers consider that the volume limits and more strict design restrictions set out under H12 do not apply here.

### Scale and Design

- 6.4 Whilst Policy H12 does not apply to the proposal, SOLP Policy H4 still requires the scale, layout and design to be in keeping with the surroundings and as such, it could be argued that the bespoke and contemporary design of the proposed replacement dwelling would be at odds with both the predominantly traditional architectural forms within the wider locality, and the verdant character of the site. However, officers note that this is not an area identified as worthy of special protection on the basis of exceptional landscape quality and it is evident on visiting the site that it has a unique setting, as a result of its proximity to wooded areas, a watercourse and a railway bridge which forms a dominant feature within the landscape. The council does not necessarily seek to be prescriptive over design matters and this is consistent with Paragraph 60 of the NPPF which states that:

*“..planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*

- 6.5 Whilst it is accepted that the reinforcement of local distinctiveness and the protection of the countryside also need to be weighed in the balance, in accordance with both the NPPF and Policies D1, CSQ3 and CSEN1, officers note that the existing building is in poor condition and of no particular architectural merit. It does however occupy a plot at the edge of the settlement, with some visibility from public views as walkers follow the footpath from the River Thames, where there is an abundance of interesting and bespoke architectural forms. Whilst officers are mindful that the built form along Mill Road is characterised by relatively traditional architectural forms, punctuated by more generic volume housing, the site has a markedly different character to the neighbouring properties and officers recognise that this proposal provides an opportunity to create a more contemporary landmark building, creating visual interest on the approach into the settlement. It is recognised that some of the consultation responses raise objection to the design merits of the scheme; however, there are also comments in support from

users of the public footpath, reflecting the subjective and sometimes divisive nature of contemporary architectural design.

- 6.6 Whilst recognising that visibility of a building does not necessarily represent harm, officers at the pre-application stage did raise a number of potential concerns over the rectilinear form of the building originally proposed, its depth of projection, particularly at the eastern wing, and the position of the proposed dwelling partly within a comparatively undeveloped area of land towards the rear of the site. The applicants have responded by adding a curved roofline, in lieu of a flat roof, lowering the eaves and gutter level by 500mm and breaking up the visual bulk and massing by reducing the amount of first floor accommodation towards the eastern part of the dwelling. The building has also been moved closer to the position of the original house by around 4m, bringing it more within the notional curtilage of the existing property.
- 6.7 Whilst some respondents to the consultation have pointed out that the changes do not fully address the council's initial concerns over the proposed design, these points were the subject of further pre-application discussions between the council and the applicants and officers consider that the current changes to the form are an acceptable compromise as they have largely addressed the perceived impact upon the site and landscape setting. The evolved scheme is now at the point where officers do not consider that there would be a material harm to the visual amenity of the area and it would contribute positively to local distinctiveness. As such, the proposal would not be at variance with the council's design objectives; as expressed by Development Plan Policies D1, CSQ3 and the SODG. There are inevitable differences of opinion locally which are unlikely to be reconciled by the outcome of this application. Nevertheless, officers consider that the scheme, would not harm the character of the site or its unique setting when considered in conjunction with the extensive landscape measures, which would help to soften rather than obscure the dwelling in public views.

#### **Arboricultural impact**

- 6.8 It is noted that some issues have been raised locally over the removal of a number of trees within the site prior to the application submission. No trees within the site were covered by a TPO and it was nonetheless demonstrated to the council at the pre-application stage that the affected trees were all of insufficient amenity value, poor quality or poor structural condition to represent constraints to development. The council is satisfied that the detailed landscaping scheme, replacement planting and tree protection measures would both ensure that the existing features within the site are adequately protected and provide an appropriate level of screening.

#### **Ecological impact**

- 6.9 This application was accompanied by a bat survey report which found no evidence to suggest that the accessible loft space in the existing dwelling is used for shelter by roosting bats. However, the building is considered to have 'high' potential to offer shelter to roosting bats within the fabric of the building and within inaccessible roof voids. Further emergence and re-entry surveys are recommended by the project ecologist and the council's specialist countryside officer agrees with this recommendation. Officers are satisfied that in this instance, the further surveys can be conditioned as a pre-commencement condition of consent.

#### **Flood risk and drainage**

- 6.10 Whilst a number of objections to the proposal have been received on the basis of flood risk, the principle of a replacement dwelling in this location is acceptable, provided that it can be demonstrated that there would not be an increased risk of flooding. For the avoidance of doubt, officers accept that an extant planning permission is a material planning consideration in relation to both design and the assessment of potential impact of development within the flood plain. Specialist advice is sought for this type of in these instances from the Environment Agency (EA), who are a statutory consultee for residential development in Flood Zone 3.
- 6.11 The application was accompanied by a detailed FRA by Glanville Consultants which detailed the flood risk mitigation measures, including raised floor levels and increased floodwater storage through a reduction in the amount of built development at ground level. Following a number of discussions, the report demonstrated to the satisfaction of the EA that the proposed development would not increase flood risk. Provided that the mitigation measures are implemented, and Sustainable Drainage (SuDS) measures incorporated into the areas of hard landscape treatment, officers have no reasonable basis to object to this aspect of the proposal.

### **Neighbouring amenity**

- 6.12 It is well established that the right to a private view from a neighbouring garden is not a material planning consideration. Therefore, visibility of the proposed dwelling from the neighbouring properties does not constitute planning harm, provided that there would not be an unacceptable impact in terms of loss of light, outlook or privacy. In order to maintain acceptable privacy and outlook for existing and proposed dwellings, Section 3.2.6 of the SODG recommends a minimum distance of 25m between facing habitable rooms.
- 6.13 It is noted that there would be a distance of around 9.5m between the proposed dwelling and the boundary with the nearest properties at Shiplake Cottage, Gypsy Cottage and Walnut Tree House and a distance of more than 60m separating the dwellings. Whilst this is considerably greater than the SODG recommendation, additional screening is also provided within the landscaping scheme and, if this is included as a condition of consent, there would be a clause specifying that replacement planting must be undertaken in the event of loss of any of these features. Officers are therefore satisfied that there would not be a significant loss of light or outlook with respect to any neighbouring properties. Whilst it is accepted that some parts of the neighbours' gardens would be visible from the first floor north-west facing openings at the new dwelling, the proposed windows do not serve primary living accommodation. Two of the rooms are en-suite bathrooms and it is therefore not unreasonable for them to be obscure glazed as a condition of consent.

### **Highways Impact**

- 6.14 The dwelling would continue to benefit from adequate parking provision and the turning areas within the site would be significantly improved by the scheme. Although there would be no material increase in the number of vehicular movements, officers accept that this is a sensitive site and there are likely to be some access issues associated with the demolition and construction activities adjacent to a public right of way. It is therefore appropriate that a construction traffic management scheme is agreed with the council prior to the commencement of development.

## **7.0 CONCLUSION**

- 7.1 The proposal is in accordance with the relevant development plan policies and national planning policy. On balance, the council is satisfied that the contemporary design of the dwelling, in conjunction with the proposed landscaping measures, would not result in a material harm to the overall character and appearance of the site or the surrounding area. The proposal is also considered acceptable in terms of the impact upon the amenities of neighbouring occupiers and it would not be prejudicial to highway safety. On the advice of the Environment Agency, the council is also satisfied that the proposed dwelling would not be more vulnerable to flooding than the existing dwelling or increase the risk of flooding elsewhere.

8.0 **RECOMMENDATION**

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

1. **The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.**
2. **The development hereby approved shall be carried out in accordance with the details shown on the approved plans.**
3. **A schedule of all external materials shall be submitted to, and agreed in writing by, the local planning authority prior to the commencement of development.**
4. **All areas of hardstanding with the site shall be of permeable, SuDS (Sustainable Drainage) compliant construction.**
5. **Except in the case of any building work hereby permitted, no change in the levels of the land shall take place unless in accordance with a detailed scheme which shall have been submitted to and approved in writing by the local planning authority before any development commences on site.**
6. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development falling within Part 1, Classes A, B or E of the Order shall be erected within the site without the prior grant of planning permission.**
7. **The trees within the site shown to be retained shall be protected in accordance with the measures detailed within the submitted arboricultural method statement and accompanying tree protection and landscaping plan.**
8. **The submitted landscaping scheme shall be implemented as approved within 12 months of the commencement of the approved development and thereafter be maintained in accordance with the approved details.**
9. **Prior to the commencement of the development, a bat survey report shall be submitted to and approved in writing by the local planning authority. This report shall identify whether a licence from Natural England will be required to undertake the development and propose a proportionate mitigation and enhancement strategy.**
10. **The development hereby permitted shall not be occupied until foul drainage works have been carried out in accordance with details that have been first submitted to and approved in writing by the local planning authority.**
11. **The existing dwelling at Brookfield must be demolished within three months**

of first occupation of the dwelling hereby approved.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) in all respects. Any variation to the approved details must be approved by the local planning authority prior to the commencement of development.
13. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
14. Any parts of the north-west facing window openings below 1.7m from floor level shall be obscure glazed prior to first occupation of the development hereby approved and retained as such thereafter.

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