

APPLICATION NO.	P16/S2143/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	20.6.2016
PARISH	CLIFTON HAMPDEN
WARD MEMBER(S)	Sue Lawson
APPLICANT	Mr G Bertram
SITE	18 Courtiers Green Clifton Hampden, OX14 3EN
PROPOSAL	Erection of a 2-bedroom, self-contained dwellinghouse adjoining no. 18.
AMENDMENTS	None
OFFICER	Katherine Canavan

1.0 INTRODUCTION

1.1 The application was deferred from the Planning committee on 10 August 2016 to allow for members to visit the site. The member site visit is scheduled for 26 September 2016.

1.2 The application has been called to Planning Committee by the ward councillor, Cllr Lawson. The application has also been referred to Planning Committee because the officer recommendation conflicts with the views of Clifton Hampden Parish Council.

The objections raised are as follows:

- Overdevelopment of the site
- Negative impact on neighbouring occupants
- Detracts from the layout and visual amenity of the area
- Car parking arrangements insufficient, resulting in loss of front lawn
- Harmful precedent to replace garage area with additional dwelling within a quiet cul-de-sac
- Abuse of planning process across recent applications

1.3 The 2-storey, semi-detached dwelling is located at the northern end of the cul-de-sac. The side elevation of the property runs alongside high hedging, which screens the house from the access track to Woodfield House – a detached dwelling located to the rear of the application property. There is also high hedging along the rear boundary. The front of the property has a small area of hard standing leading to the garage, and a small grassed area alongside the boundary with no. 20.

1.4 The site is located within the Oxford Green Belt, and within the built limits of the settlement of Clifton Hampden.

1.5 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 PROPOSAL

2.1 The applicant seeks full planning permission for one 2-bedroom, self-contained dwellinghouse adjoining no. 18. A retrospective application is being made under Section 73A of the Town and Country Planning Act 1990.

2.2 The application before Members follows two earlier planning approvals for 2-storey side extensions which were not implemented in accordance with approved plans. The development is close to completion and, prompted by enforcement investigations, the applicant seeks retrospective planning permission for the dwelling.

2.3 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Clifton Hampden Parish Council – Object

OCC (Highways) - No strong views, subject to conditions

Neighbour representations (5) – Objections:

- Adversely alters the character of the street, including loss of established gaps between properties
- Lack of parking
- Setting a harmful precedent for similar development in the street
- Development has not been in accordance with approved plans - abuse of the planning process, and sets a precedent for retrospective applications

4.0 **RELEVANT PLANNING HISTORY**

4.1 [SE16/29](#) - Ongoing enforcement investigation (January 2016)

Development not built in accordance with the approved plans

[P16/S0917/HH](#) - Approved (26/05/2016)

Demolition of existing single storey side extension and erection of two storey side and rear extension (as amended by revised location plan extending site area and clarifying parking details, received 24/05/16)

[P15/S3036/HH](#) - Approved (04/11/2015)

Demolition of existing single storey side extension and erection of two storey side and rear extension.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 – Presumption in favour of sustainable development

CSS1 – The overall strategy

CSEN2 – Green Belt

CSR1 – Housing in villages

CSQ3 – Design

5.2 South Oxfordshire Local Plan policies

G2 – Protect district from adverse development

GB4 – Visual amenity in the Green Belt

H4 – Proposals for houses

D1 – Design

D2 – Parking provision

D3 – Plot coverage and garden areas

D4 – Privacy and overlooking

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

5.4 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

5.5 Neighbourhood Plan

Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Clifton Hampden Parish Council are working towards the adoption of a neighbourhood plan and are at stage 1 in the process - (Area designation) claim submitted to DCLG. The neighbourhood plan has limited weight at this stage.

6.0 **PLANNING CONSIDERATIONS**

6.1 The key considerations in determining the application are:

- Principle of development within the Green Belt
- Principle of residential development
- Impact on neighbouring occupants
- Highways and parking provision
- Additional matters

6.2 **Principle of development within the Green Belt**

6.2i The site lies within the Oxford Green Belt. As a general rule, development in the Green Belt is normally considered to be inappropriate from the outset unless very special circumstances exist to override the presumption against such development. Exceptions to this are set out in paragraph 89 of the NPPF which allows for limited infilling in villages.

6.2ii The application site is located on the edge of the built-up area of the settlement, and within a residential cul-de-sac. Clifton Hampden is categorised as a 'smaller village' in the South Oxfordshire Core Strategy (SOCS), and a sustainable location where limited infill development is appropriate. Policy CSR1 of the SOCS allows for limited development within the Green Belt within the parameters set out in section 6.3, and subject to complying with national policy in the NPPF. On this basis, the principle of development on the proposed site would not harm the openness of the Green Belt and the proposal can be considered in respect of the remaining Development Plan policies.

6.3 **Principle of residential development**

6.3i In establishing the principle of residential development on the site, consideration has been given to policy CSR1 of the SOCS. In assessing the detail of the proposal, consideration is given to saved policy H4 – 'Proposals for houses' of the South Oxfordshire Local Plan.

6.3ii Policy H4 permits housing on sites within the built up areas of the four main towns and within the built-up areas of villages provided that:

- i) an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt;*

Prior to demolition of the garage, the area to the side of no. 18 formed a side access to the rear garden and was garden area enclosed by high hedging. Given the dwelling's position at the far end of the cul-de-sac, visibility in and out of this side area was limited. An important space would not be lost as a result of the development - the proposal would not conflict with any of the areas listed in point i).

- ii) the design, height, scale and materials of the proposed development are in keeping with its surroundings;*
- iii) the character of the area is not adversely affected;*

While the site itself is compact, the size, height and scale of the building is no different in terms of massing to that of a 2-storey extension, which has previously been approved on the site under applications P16/S0917/HH and P16/S2143/FUL. Similarly, the gap over the former garage could be infilled through a 2-storey addition, which would not detrimentally affect the character of the street or be resisted in planning terms. Any impact is mitigated further by the site's concealed position at the end of the cul-de-sac.

The materials are proposed to match the adjoining dwelling, and the features are consistent with those on no. 18.

The scale of the proposed dwelling is smaller than those seen elsewhere in the cul-de-sac. However, there are no area or character designations that require a particular design to be followed in development terms, and the proposal does not introduce elements or design features that conflict with the character of the surrounding residential area.

iv) *there are no overriding amenity, environmental or highway objections; and Residential amenity is considered in section 6.4. Highway implications and parking standards are addressed in section 6.5.*

v) *if the proposal constitutes backland development, it would not create problems of privacy and access and would not extend the built limits of the settlement. The proposal is not considered to be backland development – not applicable.*

6.4 **Impact on neighbouring occupants**

6.4i The property fronts onto the end of the cul-de-sac turning area, and looks across to the rear garden of no. 16. The introduction of upper floor windows on the front elevation would have no greater impact on the garden space across the cul-de-sac than existing upper floor windows on no. 18.

There are no dwellings immediately to the north of the site, and the northern boundary is well screened by high hedging.

The only house behind the semi-detached property is Woodfield House, separated by high hedging along the western boundary. The distance to this property is 29.5m. The South Oxfordshire Design Guide requires the distance between facing habitable rooms in new proposals to be no less than 25m. Even with the introduction of additional upper floor windows, the privacy of neighbouring occupants would be safeguarded at this distance.

6.4ii The current layout, with screening along the boundary is more than sufficient to safeguard residential amenity, and the distance between the application property and neighbouring dwellings, even if the hedge were to be partially removed, is great enough that privacy would not be compromised. The proposed dwelling would be set away from neighbouring properties, including no. 20, and would therefore not result in overshadowing or an overbearing impact to neighbouring private amenity space or habitable rooms.

6.5 **Highways and parking provision**

6.5i The South Oxfordshire Local Plan – Appendix 5, and policy D2 of the SOLP, set out the car parking standards for residential developments, and require 2 spaces for dwellings with 2/3 bedrooms, and 2+ spaces for dwellings with 4 bedrooms. The proposal includes loss of the garage, retention of 2 spaces on the front, and an additional 2 spaces on the front.

6.5ii There is no planning condition on the original development preventing conversion of

the garage to habitable accommodation, and the Highways Liaison Officer has advised that the loss of the garage would not be harmful in terms of highway safety, given the site's location at the end of a cul-de-sac.

The plans indicate that development would result in the layout of no. 18 changing from a 4-bed property to a 2-bed property, and a new 2-bed property being created. With regard to the internal layout in no. 18, there is no enforceable mechanism to insist on the bedrooms being reduced to 2 and being retained as such in the long term. Because of this, the assessment by the planning officer takes into account the impact of a 4-bedroom property and a 2-bedroom property, and associated parking requirements.

The 2 southern-most spaces have sufficient buffering in front of the front elevation to be acceptable. The additional parking would require dropped kerb consent prior to being implemented. While concerns have been raised over a covenant relating to parking on the fronts, this does not form a material planning consideration and would have to be dealt with as a matter outside the planning process.

The 2 northern-most spaces have a 6m clear zone to allow for manoeuvring in and out of the spaces while other vehicles are parked on the front. There is enough room on the frontage for the parking, which takes into account vehicle 'shyness' against the building and limited passing traffic, and does not raise highway safety concerns.

- 6.5iii The scheme, even with the loss of the garage, provides 4 spaces to serve no. 18, the '4-bed dwelling' and the proposed 2-bed dwelling. While there is a slight under provision, there are insufficient highway grounds to object to the proposal or insist on further revisions to the scheme. The occupation of the proposed dwelling is subject to all parking spaces being implemented and useable, and requires the spaces to be SuDs compliant and retained in the long term.

6.6 **Additional matters**

6.6i **Private amenity space**

Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in Policy D3 of the Local Plan. A minimum of 50 square metres of private garden area would be required for two bed dwellings and a minimum of 100 square metres for three or four bed dwellings.

Following the division of the plot, no. 18 would retain 104sqm of amenity space for the '4-bed property', and the new dwelling with 2 bedrooms would have 86sqm of amenity space. Both plots meet the policy requirement, and have suitable private amenity space.

However, the proposed development is considered to be the maximum that could be achieved on the site without resulting in a cramped development and retain a suitable amount of amenity space and safeguard the privacy of neighbouring occupants. In light of this, it is reasonable to restrict permitted development rights on the site, as listed in section 8.1i.

6.6ii **Community Infrastructure Levy (CIL) liability**

The council's CIL charging schedule has recently been adopted and applies to residential proposals from 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. The CIL charge applied to new build residential development is £150 per square metre in Clifton Hampden. 15% of the CIL payment will go directly to

Clifton Hampden (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

In this case the proposal involves an increase in floorspace of 61sqm to create a new dwelling. The development is CIL liable and the relevant procedures have been followed to enable the contribution to be collected on commencement, ie. immediately, in the event that permission is granted.

7.0 CONCLUSION

7.1i Your officers recommend that planning permission is granted because the proposed development is considered to be acceptable for the following reasons:

7.1ii The development is located within a smaller village where the principle of limited infill development is appropriate within the green belt. By virtue of the site's position within a residential, built-up area of Clifton Hampden, one additional dwelling is acceptable. The scale, height, location and design of the dwelling do not detract from the character and appearance of the surrounding residential area. The proposal does not adversely impact the residential amenity of neighbouring occupants, and is at a scale that is would not encroach upon adjacent dwellings or private amenity space.

Subject to conditions, the proposal accords with the National Planning Policy Framework (2012) and National Planning Practice Guidance (2014), South Oxfordshire Core Strategy (2012), South Oxfordshire Local Plan (Saved policies, 2011) and the South Oxfordshire Design Guide (2008).

8.0 RECOMMENDATION

8.1 **That planning permission be granted subject to the following conditions:**

1. **In accordance with plans.**
2. **Parking spaces as indicated on plan to be useable prior to occupation of the approved dwelling, and sustainable drainage scheme compliant.**
3. **Materials to match existing, or otherwise agreed in writing.**
4. **No drainage of surface water onto the highway.**
5. **Removal of permitted development rights of both no. 18 and 18a – Class A (enlargement / alteration), Class B (Roof alterations / dormer windows), Class D (Porch), Class E (Outbuildings)**

Author: Katherine Canavan
Contact No: 01235 422600
Email: planning@southoxon.gov.uk