

APPLICATION NO.	P20/S4809/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	15.12.2020
PARISH	ROTHERFIELD PEPPARD
WARD MEMBER(S)	Jo Robb & Lorraine Hillier
APPLICANT	Mr David Colin
SITE	Mulberry Barn, Church Lane, Rotherfield Peppard, RG95JL
PROPOSAL	Extension and remodelling with associated landscaping
OFFICER	Marc Pullen

1.0 INTRODUCTION AND PROPOSAL

- 1.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion.
- 1.2 This application is referred to the Planning Committee at the call-in request of Councillor Lorraine Hillier. The reasons given for calling in this application are that, in the view of Councillor Lorraine Hillier, the development:
- would be inconsiderate to neighbours
 - would result in an overdevelopment in the AONB and Conservation Area
 - would result in issues of noise and light pollution and traffic and safety concerns
- 1.3 This application was deferred from planning committee (8 April 2021) to allow the Highways Authority to consider the application and provide a view. This has now been carried out.
- 1.4 This application seeks planning permission for an extension and remodelling of the existing building. The building was previously ancillary to Slaters Farm but has since been granted planning permission to be converted into a separate, self-contained, dwellinghouse (application ref: [P20/S3192/FUL](#)).
- 1.5 The application site is shown at **Appendix A**. The proposed extension would be south of the dwelling and finished in materials to match the exterior of the existing dwelling. The existing building would be increased in height by approximately 300mm and one roof light would be installed on the rear roof slope. The current plans are included at **Appendix B**.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 **Rotherfield Peppard Parish Council** – Recommend refusal
- Planning Officer previously agreed to conversion on the basis of no external changes.
 - The proposal seeks to more than double the size of the dwelling with a new extension of approximately 73 m² this is overdevelopment in the AONB and Conservation Area.
 - The proposal seeks to extensively change the internal and external size and appearance of the barn. It will inevitably intrude upon a neighbour's privacy, overshadow and obstruct daylight in neighbouring properties and have an oppressive and overbearing impact which would be harmful to the amenity of the occupiers living in neighbouring properties.

- The increased ridge height on the existing barn will have a seriously detrimental effect on the light and amenity of the neighbouring property which would be below the new ridge line.
- If this application is approved there will be around 7+ extra cars resulting from the 4/5 bedroomed new house currently being built by the applicant on the same site to the east of Slaters Farm and this proposal for a three bedroomed dwelling. The cumulative effect of the additional traffic (residents' cars, visitors and other traffic movements) generated by this proposal would create yet more safety issues in Church Lane opposite a primary school. It would also add very significantly to the congestion on this dangerous corner with teachers and staff parking and parents dropping children off at the school.
- The cumulative impact of the development when considered alongside other developments on the Slaters Farm site (four sub-divisions in 5 years) will have an adverse impact on the Conservation Area and surrounding properties.
- There has been no tree report or tree protection assessment and the applicant says no trees or hedges are to be removed but there is strong anecdotal evidence that there is an intention to remove several mature trees. The trees surrounding the site are an important contribution to the setting of the area which is a conservation area. The trees also form a vital barrier between neighbouring properties and the site. Removal of these trees would increase light pollution and noise for surrounding properties.
- This site has been a dark quiet corner of a conservation area for many years frequented by owls, many bird species and bats in a conservation area are wildlife habitats including bat roosts. The applicant's own Bat Survey noted that the habitats surrounding the site are therefore of high suitability for commuting and foraging bats.
- RPPC is also advised that the base of the proposed extension will lie directly over piping to the septic tank belonging to a neighbouring property denying that property rights of access for maintaining etc the pipe.

2.2 Highway Authority (OCC) – No objection

- It is recommended that a third parking space is provided within the development. There is sufficient space within the site to accommodate this along with space for a vehicle to turn and egress in a forward gear – a condition recommended to secure this.
- Under a previous application this resulted in the existing access being improved which will accommodate the shared use of the access.
- The Highway verge fronting the access is wide and sufficient in allowing a vehicle egressing the site to wait prior to accessing the carriageway improving the vision onto Church Lane.
- By providing a third parking space within the curtilage of the which this will reduce the likelihood of vehicles parking within the vicinity of the site, namely within the vicinity of the access or on Church Lane where it is noted a school is within the proximity and parking is constrained during school pick up and drop off.
- Given the scale of the proposal for a single dwelling I would expect vehicle movements to be between one and two vehicles in the peak hour. This is unlikely to result in a significant risk to Highway Safety and to other users of the Highway within the vicinity given the relatively low speed of vehicles traveling along this section of the carriageway.
- Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low.
- The proposal is unlikely to have a significant adverse impact on the highway network.

2.3 **Countryside Officer** – No objection

- The supporting ecological survey report has concluded that the existing barn has a low potential to support roosting bats and, in accordance with best practice guidance, recommended that a further bat emergence/re-entry survey is undertaken to establish whether bats are impacted by the proposed development.
- I am confident, considering the findings of the PRA and scope to mitigate against a worst-case scenario in the design of the proposed development, that a derogation licence would likely be granted for this development by Natural England.
- As such, I am minded to take a pragmatic approach and request that additional survey information is secured with a planning condition. This approach is somewhat contrary to best practice guidance but is permissible by law and is consistent with previous permissions granted on Slaters Farm.

2.4 **Forestry Officer** – No objection

- I have no objections to the proposed development subject to conditions being attached. A tree protection condition to ensure the satisfactory protection of trees to be retained and the drainage and utilities condition to secure their locations to ensure impact on trees is minimised.

2.5 **Neighbours** - Objections (5)

- Second floor windows on southern elevation would overlook neighbours and neighbour's gardens. There has never been a second-floor window on the southern elevation of the existing barn.
- Increase in noise and light pollution due to the proposed increase in activity and habitation from two-bedroom property to four-bedroom property.
- Overdevelopment: this is a third large property added to the original Slaters Farm site since 2014. This seems excessive in this AONB and represents the fourth sub-division of the original plot since 2014.
- The proposed building plan will increase Mulberry Barn by over double the size of the existing property.
- Concerned about the sewage pipes of "The Barn" being concealed below the new build. The Deeds for The Barn clearly state a Right of Access for 'cleansing, maintenance repairing and renewing' to the pipe and tank. The Right of Access would be denied if any form of building was built across this pipeline.
- This is a quiet "No Through Road" lane and extra housing and traffic (opposite the primary school) are inappropriate.
- The highest ridge height of The Barn is at least 3-4 metres away from Mulberry Barn. As such, any increase in roof height of Mulberry Barn will be overbearing, overshadow half of the property and reduce sunlight into the garden at The Barn (especially in Winter with the lower sun).
- On the southern elevation wall of The Barn, the wall closest to Mulberry Barn, there is a high-set window positioned to allow sunlight and natural light into the Master Bedroom. This is the only south-facing window on the property, and any increase in roof height would restrict the light into the Master Bedroom.
- The "L" section of the new extension includes a window that looks directly in the line of The Barn. Despite this window being on the ground floor, the low wall height dividing the properties means there may be impact from overlooking resulting in a loss of privacy.
- Rooflight would overlook neighbour

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/S3192/FUL](#) - Approved (25/11/2020)

Change of use from a 2 bed ancillary barn to a 2 bed separate dwelling house

[P19/S2881/DIS](#) - Approved (23/12/2019)

Discharge of conditions 3 (Materials) 5 (Landscaping) 6 (Arboricultural method statement) 7 (Bat Survey) 8 (Licence) on planning application P19/S1367/FUL (Demolition works, new dwellinghouse alterations and extension of existing dwellinghouse).

[P19/S1367/FUL](#) - Approved (16/07/2019)

Demolition works, new dwellinghouse alterations and extension of existing dwellinghouse

[P18/S3967/HH](#) - Approved (20/02/2019)

Two storey side extension with demolition to a 1970's extension, alterations, refurbishment and remodelling.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site is within a 'sensitive area' for the purposes of the EIA regulations 2017 but the scale and nature of the proposed development does not require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

ENV1 - Landscape and Countryside

ENV8 - Conservation Areas

H20 - Extensions to Dwellings

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Rotherfield Peppard have not progressed a Neighbourhood Plan.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

- Section 85 of the Countryside and Rights of Way Act 2000.
- Chilterns Management Plan (2019-2024)
- Chilterns Building Design Guide
- Human Rights Act 1998 - The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
- Equality Act 2010 - In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Impact on the character and appearance of property and surrounding area**
- **Impact on neighbour amenity**
- **Access and Parking**
- **Impact on trees**
- **Impact on ecology**
- **Other material planning considerations**
- **Other matters**

Impact on character and appearance

- 6.2 The National Planning Policy Framework (NPPF) encourages the delivery of well-design places and forms of development. Paragraph 127 states that planning decisions should seek to ensure developments are sympathetic to local character and history, including the surrounding built environment. Policy DES2 of the South Oxfordshire Local Plan (SOLP) requires all new development to be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.
- 6.3 The South Oxfordshire Design Guide (SODG) advises that all extensions to dwellings should follow the design principles set out in the Guide. Extensions to dwellings should respond to and respect the character and appearance of the area; use simple, uncomplicated buildings forms that compliment and coordinate with the scale, form and massing of the dwelling; uses building materials which match those of the existing dwelling; ensures the original building remains the visually dominant element of the property and has a roof form appropriate to the original dwelling.
- 6.4 The proposed extension looks to continue the rural aesthetic of the building. The existing barn would not be altered significantly and would maintain its current form and appearance. The extension is simple in plan form and takes design queues from the existing building with the use of matching materials, consistent window and door designs and half hipped gable ends. The extension would complement the existing form and massing of the dwelling with similar roof massing and low eaves. The proposed extension would appear as a sympathetic addition of the existing building which would ensure that the original dwelling remains the visually dominant form.
- 6.5 Paragraph 172 of the NPPF confirms that "great weight" should be given to conserving and enhancing the character and qualities of the Area of Outstanding Natural Beauty (AONB) "which have the highest status of protection". This reinforces the statutory duty placed on the council under S85 of the Countryside Rights of Way Act 2000. An over-riding principle of the NPPF is that any development within the Chilterns AONB should conserve and enhance the natural beauty of the AONB and in so doing not result in harm to the special qualities of the AONB (para 11, 171, 172). It is officers' view that the proposed development would not detract from the character or the wider beauty of the Chilterns AONB. The proposed development would maintain the rural character and appearance of the dwelling and compliment it. Views of the proposal would be limited to the private garden areas of certain neighbours with no publicly available views of the development. It would be difficult therefore to ascertain any change that this development might have on the landscape and scenic beauty of the Chilterns AONB. As such, officers are satisfied that the development would not be harmful to the Chilterns AONB.

- 6.6 Previous consultations with the council’s conservation officer revealed no objections to the use of the barn as a separate, independent, dwelling. The conversion of the barn and use of it as a new dwelling preserves the character and appearance of the conservation area or the way it will be appreciated and/or experienced. The proposed extensions to this dwelling would, in officer’s view, also preserve the character and appearance of the conservation area. In addition, it would not be readily appreciated and/or experienced from the wider conservation area. The verdant nature of the site and the contribution that Slaters Farm and its formal entrance and boundary wall make on the conservation area would not be adversely affected by this development. As such, officers consider that the character and appearance of the conservation area would be preserved.
- 6.7 The Parish Council and Cllr Lorraine Hillier raise concern that the proposed development would amount to an overdevelopment of the site. Officers consider that the extension would not result in the plot becoming overdeveloped. Indeed, the plot is sizable and would retain a generous garden area of approximately 300 sq. metres and enough space to the front for parking and turning. Comparative to other plots in the surrounding area, officers observe that the application site is reasonable in size and not overly small. As such, officers consider the development would not result in the overdevelopment of the site.

Impact on neighbour amenity

- 6.8 The council’s policies and guidance seek to ensure that all development proposals should not result in significant adverse impacts on the amenity of neighbouring uses. In considering the impact on neighbours the following matters should be considered; loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of/or storage of hazardous substances and external lighting.
- 6.9 The below drawing illustrates the distances associated with the proposed extension and neighbours. The extension would allow for a 3.5m gap to the boundary to neighbouring Little Acre. There would be a 11m distance between the extension and neighbouring The Barn and more than 20m between the extension and neighbouring The Talbotts to the south (not shown on plan).



6.10 North elevation:

The north elevation has one additional window at ground floor level (serving a living room area). This would be 11m away from the boundary to the neighbour to the north.



The window would not allow views towards the neighbour's habitable rooms and existing trees along the boundary ensure that screening is offered to safeguard this neighbour's garden area. This neighbour has raised concerns that the 300mm increase to the ridge of the existing building would adversely affect their existing side facing window. This neighbour's window is a high-level window which serves a bedroom. This window is already faced with some visual experience of the dwelling. However, this bedroom has another window along its east elevation. As such, any obstruction to this high-level window would not result in the bedroom losing all of its access to natural daylight. Furthermore, it is officer's view that the increase to the ridge of the dwelling would not present any significant overbearing or imposing impact on this window beyond the existing situation.

6.11 West elevation:

The west elevation shows no windows proposed on the new extension but one additional window on the existing dwelling which would serve an existing living area. However, this window would be above an internal head height of at least 1.7m so officers are satisfied that this window would not allow views towards neighbouring Little Acre, to the detriment of their privacy.



The extension would be approximately 3.5m away from the boundary to Little Acre. Based upon a visit to this neighbour it is clear that the extension would be partially seen beyond an existing row of hedging and some small trees, but it would not have an imposing feel on this neighbour's garden or their home. The lack of any windows serving the new extension would ensure that this neighbour would not be overlooked in any case and would not be directly impacted on by any activity associated with the domestic occupation of this extension. In officers' view, this neighbour would not experience any significant adverse harm to their residential amenity.

6.12 South elevation:

The south elevation shows the majority of the windows and doors which would serve the new extension, including ground floor patio windows serving the kitchen/dining/living area and three dormer windows at first floor level which would serve two bedrooms and one bathroom.



These windows would be more than 20m away from the boundary to Talbotts to the south. At this distance officers are satisfied that the privacy of this neighbour would be safeguarded. Views out from the first-floor windows to the east or west would be oblique and would not offer clear and easy views towards neighbouring Little Acre or the garden area of Slaters Farm or the approved dwelling adjacent to Slaters Farm.

6.13 East elevation:

The east elevation contains no windows on the extension (except for the glazed link aspect which serves a staircase). But changes to windows on the existing dwelling including one roof light are proposed.



As with the rear rooflight, it would be at a height that would not allow direct views out towards those neighbours to the east or their garden areas. The change to the existing windows would not change from the existing situation.

6.14 The above illustrations and explanatory text demonstrate that the proposed development would not result in any significant adverse impact on neighbours. Any other matters that have not been discussed are detailed below.

6.15 Noise:

The area is residential in use with a number of neighbouring gardens and properties which bound what was the former garden area of Slaters Farm. As such, it is acknowledged that there was and still is a pre-existing close relationship with neighbours with a mutual level of domestic noise being created and experienced by neighbours. It would be difficult to ascertain how the proposed extension to the dwelling would result in any additional domestic noise above and beyond what is currently experienced and what was previously experienced. The existing dwelling can already be accessed via an existing access off Church Lane with parking available for at least two cars. Importantly therefore, there will already be a level of noise associated with vehicle movements. The Oxfordshire County Council requirement for this resultant three/four-bedroom dwelling would be for two parking spaces.

6.16 As such, officers are satisfied that movements to the site would be the same as existing, but it is noted that if a third or fourth car does access this site then the movements associated would not result in any significant increase in noise beyond existing.

6.17 Light:

Similar to the above, the existing dwelling was formerly used as ancillary accommodation to Slaters Farm with a functional unit which could be slept in and used day-to-day, including at night-time. The proposed development would introduce more glazing, but the area is largely residential and given that this site is situated behind existing dwellings, in officers' view, it is not anticipated that the proposed development would result in a level of 'light pollution' that would be adversely detrimental to the night skies or the amenity of neighbours. It would not amount in a level of light that goes beyond what is currently already caused by nearby properties.

6.18 Sewage pipes:

Some neighbours have concerns that the proposed extension would prevent access or may disrupt existing foul waste pipes that run underneath the site that serves

neighbouring The Barn, contrary to the Deeds for The Barn. The applicant confirms that the development is not expected to disrupt these pipes. Regardless of this, matters relating to covenants/deeds and civil matters are not planning considerations and this civil matter will need to be addressed separate to the planning process. Officers are therefore unable to recommend a condition to cover this issue.

Impact on the access and parking arrangements

- 6.19 The Oxfordshire County Council requirement for this resultant three/four-bedroom dwelling would be for a maximum of two allocated parking spaces. The submitted site plan shows a layout with two parking spaces. The Highways Authority does not object to the proposed development; subject to a condition requiring the provision of a third parking space within the curtilage of the site. The Highways Authority is satisfied that this additional parking space can be provided and will reduce the likelihood of vehicles parking within the vicinity of the site, namely within the vicinity of the access or on Church Lane where it is noted a school is within the proximity and parking is constrained during school pick up and drop off. Given the scale of the proposal for a single dwelling it is expected that vehicle movements would be between one and two vehicles in the peak hour. This is unlikely to result in a significant risk to Highway Safety and to other users of the Highway within the vicinity given the relatively low speed of vehicles traveling along this section of the carriageway. In the view of the Highway Authority the existing highway verge fronting the access is wide and sufficient in allowing a vehicle egressing the site to wait prior to accessing the carriageway, improving the vision onto Church Lane. The existing access will be widened as part of a previous planning permission [P20/S3192/FUL](#). On the basis of the above assessment, officers consider that the proposed development would have an acceptable impact on highway safety and that there would no severe residual cumulative impacts on the road network. As such, the proposal would comply with the aims and objectives of the SOLP 2035 Policy TRANS5.

Impact on trees

- 6.20 The council's forestry officer has reviewed the application documentation and raises no objection to the proposed development. However, two conditions are requested to ensure the protection of all those trees on site which are of good quality and are sought to be retained and to submit full details of proposed subterranean drainage and services for agreement.

Impact on ecology

- 6.21 The supporting ecological survey report has concluded that the existing barn has a low potential to support roosting bats and, in accordance with best practice guidance, recommended that a further bat emergence/re-entry survey is undertaken to establish whether bats are impacted by the proposed development. The countryside officer considers that it would be likely that Natural England would grant the necessary derogation licence considering the findings of the preliminary roost assessment. As such the countryside officer is happy to take a pragmatic approach and request that additional survey information is secured with the attached planning condition.

Other materials considerations

- 6.22 Carbon Reduction - Policy DES8 (SOLP) promotes sustainable design by way of encouraging developments to minimise the carbon and energy impacts of design and construction, improve resilience to the effects of climate change, and encourage adaptability and optimised function of buildings. It states all new development should

seek to minimise the carbon and energy impacts of their design and construction and that proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting.

- 6.23 In this case the applicant has not been requested to demonstrate how emissions will be minimised because it is for the construction of an extension. The extension would result in an increase of less than 100 square metres and it is not possible to orientate the building differently. However, the extension will be insulated to minimise heating needs. The increase in height to the existing dwelling by 300mm would enable the applicant to insulate above the existing rafters and then re-batten and re-tile to improve the thermal qualities of the building.
- 6.24 Community Infrastructure Levy (CIL) - The council's Community Infrastructure Levy (CIL) charging schedule applies to all relevant development proposals. 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 or net gain of residential use on site. This development would not be liable to pay CIL since the net internal floor space does not exceed 100 square metres.

7.0 **CONCLUSION**

- 7.1 The proposed development is not considered to result in any adverse impact upon the site or the surrounding area. It would conserve the appearance of his part of the Chilterns AONB and Conservation Area. The proposed development would not result in any adverse impact on the amenity of neighbours, would preserve landscape features and would not harm any protected species. As such, subject to the below conditions, officers consider that planning permission should be granted.

8.0 **RECOMMENDATION**

Grant Planning Permission subject to the following conditions:

- 1. Commencement development within three years - Full Planning Permission**
- 2. Development must be implemented in accordance with plans submitted**
- 3. Development must be implemented in accordance with materials identified on application documentation**
- 4. Scheme for protecting existing trees during development process, including any demolition and clearance, to be submitted to and agreed in writing by the Local Planning Authority**
- 5. Details of three parking spaces and turning area to be agreed prior to development above slab level and implemented prior to occupation**
- 6. A scheme showing full details of the proposed subterranean drainage and services should be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development**
- 7. Prior to the commencement of the development a report containing the findings of additional bat surveys should be submitted to and agreed in writing by the Local Planning Authority**

Author: Marc Pullen

Tel: 01235 422600

Email: Planning@southoxon.gov.uk