

<b>APPLICATION NO.</b>	<a href="#">P21/S2637/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	8.6.2021
<b>PARISH</b>	DIDCOT
<b>WARD MEMBER(S)</b>	Celia Wilson Axel Macdonald Mocky Khan
<b>APPLICANT</b>	M L King
<b>SITE</b>	Land at 4 Ernest Road, Didcot, OX11 8QH
<b>PROPOSAL</b>	Proposed new dwelling. (As amplified by energy statement received 31 August 2021).
<b>OFFICER</b>	Paul Bowers

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This item was deferred from the committee on 13 October 2021 to allow the members of the committee to visit the site. A site visit took place on Monday 25 October 2021.
- 1.2 This report sets out the officer’s recommendation that planning permission should be granted having regard to the material planning considerations and the development plan.
- 1.3 The application is referred to planning committee because the recommendation by your officers differs from the views of the Didcot Town Council.
- 1.4 The application site comprises part of the rear garden of one half of a semi-detached pair of dwellings within the built confines of Didcot located on Ernest Road. The site backs on to Edmonds Court to the west. A map extract identifying the site is **attached** at Appendix 1.
- 1.5 The application seeks planning permission from the council to erect a single storey, one bedroom property with attached garage of contemporary design with mono pitched roofs and timber cladding for the walls.
- 1.6 Reduced copies of the plans accompanying the application are **attached** as Appendix 2 to this report. All the plans and representations can be viewed on the council’s website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Didcot Town Council** – Objects to the application for the following reasons;
  - Insufficient parking.
  - Loss of on street parking in Edmonds Court.
  - Unneighbourly.
  - Out of keeping, and
  - Overly bulky.
- 2.2 **Third Party Representations** – 5 x letters of objection covering the following issues;
  - The design of the building is out of keeping.
  - The proposal is unneighbourly to 2A and 2B and Ernest Road.
  - Impact of the noise from rain on the roof surface.
  - Concern over the loss of vegetation and habitats.
  - Loss of parking on Edmonds Court.

- No electrical charging point.

2.3 **Drainage** – No objection subject to condition.

2.4 **Highways Liaison Officer** – No objection subject to condition.

2.5 **Waste Management Officer** – Comments.

2.6 **Energy Assessor** – No objection.

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/S2042/PEO](#) - Advice provided (19/07/2019)

Construct a new 2/3 bedroom bungalow accessed from Edmonds Courts.

[P17/S2776/HH](#) - Approved (27/10/2017)

Proposed demolition of outside toilet. Proposed erection of single storey rear extension. Proposed conversion of garage and rebuilding/ conversion of workshop to side of the property. Proposed widening of existing access.

### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

### 5.0 **POLICY & GUIDANCE**

#### 5.1 **Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

EP4 - Flood Risk

H16 - Backland and Infill Development and Redevelopment

H2 - New Housing in Didcot

INF4 - Water Resources

STRAT1 - The Overall Strategy

STRAT 3 – Didcot Garden Town

TRANS5 - Consideration of Development Proposals

#### 5.2 **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**

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.

In the case of this application South Oxfordshire Local Plan 2035 (SOLP) comprises the development plan and the policies within it must be considered in relation to the material considerations relevant to this proposal.

6.2 The main issues to consider in relation to this proposal are as follows;

- **The principle of the development in terms of housing policy.**
- **Neighbour impact.**
- **Impact on the character and appearance of the area.**
- **Highway impact.**
- **Amenity space.**
- **Carbon reduction.**
- **Drainage.**
- **Ecology.**
- **Community Infrastructure Levy.**

6.3 **The principle of development in terms of housing policy.**

Policy STRAT1 of the South Oxfordshire Local Plan sets out the overall strategy for development in the district. The policy includes specific reference to focussing major new development in Science Vale and Didcot Garden Town. In addition to protecting and enhancing the countryside and particularly those areas within the two AONBs and Oxford Green Belt by ensuring that outside of the towns and villages any change relates to very specific needs such as those of the agricultural industry or enhancement of the environment.

6.4 Policy H1 relates to delivering new homes and states that the residential development of previously developed land will be permitted within and adjacent to the existing built up areas of towns, larger villages and smaller villages.

6.5 This site is located within the confines of Didcot. It is surrounded on all sides by existing residential properties and meets the definition of infill development.

I am satisfied that in principle a dwelling can be erected here in line with development plan policy.

6.6 **Neighbour impact.**

Policy DES6 of SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual

intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

- 6.7 The main impact of the development will be to the properties which share a physical boundary with the site at numbers 2, 2A and 2B Ernest Road. These properties share a rear boundary with the northern side boundary of the application site. The orientation of the properties is such that numbers 2A and 2B will have the building sited along the full extent of their rear boundary.
- 6.8 The proposed building is single storey. It does not include a first floor and consequently there are no high-level windows looking down and into the adjoining properties. What windows are proposed are at ground floor level and will primarily look into its own garden. In my view at this level it does not result in a materially harmful level of overlooking of any adjoining property.
- 6.9 The building at its highest point will be 3.8 metres. This would be 1.8 metres higher than the height of a 2 metre boundary fence.

The neighbours have provided photographs from their properties looking towards the location of the building. Its siting here will have some impact in terms of bulk and mass and overshadowing of the gardens due to its location to the south. This impact will be limited in my view and impacts less so on the internal spaces of those properties in my judgement.

- 6.10 It is worth noting that within the rear garden of the existing property a building for incidental purposes could be erected up to 4 metres in height without needing planning permission from the council. This possibility recognises that such a building would have an acceptable impact on neighbour amenity. I consider this fact has some weight in considering the impact of the current proposal.
- 6.11 The neighbours have raised concern about the noise and disturbance caused by rain fall on the material proposed for the roof. In my view this does not amount to a harmful impact and the impact of rain on structures within gardens is an expected one.
- 6.12 On balance I am of the view that this single storey building will have some impact on these properties given the size and shape of the gardens however that impact is not so significant that it would in my view be materially harmful.

I am satisfied the proposal it would accord with Policy DES6 of SOLP.

**6.13 Impact on the character and visual amenity of the area.**

Policy DES1 of SOLP seeks to ensure that all new development is of a high quality design subject to a series of criteria.

Policy DES2 of SOLP states that all new development must 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.

- 6.14 The proposed design and materials are not typical of the area. The proposed dwelling is a unique design located at the end of a cul de sac. The use of timber and its siting at the end of an existing established garden could appear as a modern ancillary structure. In addition, although it differs in scale, material and form from the existing two storey house it will be seen in the context of the back drop of the larger dwellings but also importantly alongside the large extent of communal flat roof garages.

- 6.15 In my view the proposed design in this location whilst visible does not create a harmful impact that would detract from the areas character when that character is a mixture of the rears of two storey houses, flat roof garage blocks and larger new flatted development fronting on to Park Road.

I am satisfied that in this location the proposal accords with policies DES1 and DES2 of SOLP.

**6.16 Amenity space.**

Policy DES5 of SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of land should be provided for amenity space will be determined by the size of the dwelling.

The South Oxfordshire Design Guide sets out the minimum amount of private amenity space (i.e. rear garden) based on the number bedrooms the property has. For 1 bedroom units they should be providing for 35 square metres, 50 square metres for two bedroom units and for 3 bedroom units and above 100 square metres.

The inability to provide these minimum standards can be an indication that what is being proposed is an overdevelopment of the site.

- 6.17 The rear garden of the proposed dwelling allows for 55 square metres which is above what a two bedroom dwelling would be required to provide.

The existing property is shown to retain 100 square metres of garden which is in line with the council's standards for a 3 bedroom and above property.

- 6.18 The site can accommodate a small dwelling and provide adequate levels of amenity in line with the design guide and Policy DES5.

**6.19 Parking and highway safety.**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.*

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

Policy TRANS5 seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. It also requires that development provides for facilities to support the take up of electric and/or low emission vehicles.

- 6.20 The proposal seeks the construction of a one/two-bedroom dwelling, a single parking space has been provided within the curtilage on the site.

The site is accessed via Edmonds Court and a new vehicular access will be provided.

Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low.

Therefore, the proposal is unlikely to have a significant adverse impact on the highway network.

- 6.21 Planning conditions are proposed in section 8.2 of this report which require the new access to be constructed to OCC standards, that vision splays are provided and retained and a detailed plan showing the exact space for a single car is also provided for approval before the building is occupied. In addition, a condition is also proposed to ensure that the details of an electrical charging point is provided.

In conjunction with these conditions the proposal will accord with Policy TRANS5 of SOLP.

- 6.22 It is worth noting that the Didcot Town Council has raised concern that by creating a dwelling and access on Edmond Court it will reduce the ability to park on the highway.

This is a matter that has been raised previously for a dwelling in Didcot which was the subject of an appeal where the Planning Inspector allowed the development and awarded costs against the council to the applicant. In your officer's view this is also not a reason to resist this development.

- 6.23 **Drainage.**

Policy INF4 states that all development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

- 6.24 The council's Drainage Engineer has considered the proposal, the submitted information and the site circumstances and has concluded that in relation to both surface water and foul water drainage the development will be acceptable and accord with Policy INF4 providing that conditions requiring detail relating to surface water is attached to the planning permission.

- 6.25 **Carbon reduction.**

Policy DES10 states that planning permission will only be granted for new build residential development that achieves a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base and that this reduction is to be secured through renewable energy and other low carbon technologies.

The policy also requires that an energy statement will be submitted to demonstrate compliance with this policy.

- 6.26 An energy statement including SAP calculations and monitoring afterwards has been submitted and considered by the council's appointed assessor.

What has been supplied is considered compliant with Policy DES10.

- 6.27 **Ecology.**

Policy ENV3 of SOLP states that development should not result in a net loss of biodiversity and should result in a net gain.

This proposal results in the loss of an extent of garden land. In ecological terms the impact is not likely to be significant. However a condition is proposed to ensure the provision of a bird box on the new dwelling providing a net gain required by Policy ENV.3

6.28 **CIL.**

The development is CIL liable to the amount of £7719.55

7.0 **CONCLUSION**

7.1 The development provides for a single storey one/two bedroom property within one of the four towns in the district and in a sustainable location. It provides for adequate levels of amenity space and parking both for the new dwelling and the existing. The juxtaposition of the new dwelling to the rear gardens of adjoining properties will create an impact on amenity but this is limited due to the single storey nature and height of the proposed building to the extent that it does not create material planning harm.

Overall, the proposal accords with the development in conjunction with the attached conditions.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions:**

**Standard conditions**

1. Commencement three years - Full Planning Permission
2. Approved plans

**Pre-commencement conditions**

3. Surface water drainage works (details required)
4. Plan of Car Parking Provision (specified number of spaces)

**Prior to occupation conditions**

5. New vehicular access
6. Vision splay dimensions
7. Electric charging point details
8. Energy Statement Verification
9. Bird Box

**Compliance condition**

10. Materials as on planning application form

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