

APPLICATION NO.	P21/S2229/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	13.5.2021
PARISH	WOODCOTE
WARD MEMBERS	Jo Robb Lorraine Hillier
APPLICANT	High Barn Developments Ltd
SITE	12 Gap Way Woodcote, RG8 0RU
PROPOSAL	Demolition of existing chalet bungalow and residential annexe, and erection of a 3-bed detached dwelling and a 4-bed detached dwelling. (amended plans received 30th July and 15th September 2021, reducing the width of the proposed dwellings and increasing the separating distance from the plot boundaries)
OFFICER	Simon Kitson

1.0 **INTRODUCTION AND PROPOSAL**

1.1 The application is referred to the District Council's Planning Committee as the recommendation of approval conflicts with the views of Woodcote Parish Council.

1.2 **The site**

The application site (**Appendix A**) is a residential plot measuring approximately 845 sq.m to the south of Gap Way, Woodcote. Access to the site is via a relatively short shared access road which terminates at a telephone exchange building. The road is single track and also provides vehicular access to allotments to the north. The chalet bungalow at no. 12 has been recently demolished, along with an ancillary annex building.

1.3 The site falls within the Chiltern Area of Outstanding Natural Beauty (AONB). There are no trees within the site protected by a Tree Preservation Order (TPO) but there is fairly extensive shrubbery across the frontage and a number of conifer trees which collectively make a visual contribution to the character of the area.

1.4 In 2020, consent was granted for the erection of a single dwelling with a contemporary form and character within part of the application site (P20/S2510/FUL). This consent is unimplemented, but remains extant until 2023.

1.5 **The proposal**

As detailed within the application submission, consent is sought for the redevelopment of the site, to provide two, two-storey dwellings. One would be 3-bed and the other 4-bed. Each property would have a separate access, off-street parking and a private garden area in excess of 100 sq.m. The height of each dwelling would measure approximately 7.9m from slab level to the top of the ridge.

1.6 The proposed site plans, elevations and floor plans are attached as **Appendix B**. All associated documents and consultation responses can be viewed on the council's website: www.southoxon.gov.uk

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Woodcote Parish Council – Objection to initial submission and amendment:

- The proposal may result in highway obstructions along Gap Way, due to narrowness of the road and the parking provision
- The ownership of Gap Way is unclear. It may be owned by the Parish Council hence there may be rights of access issues
- The proposal would not fully accord with the recommended separating distances within the Design Guide. There would be adverse losses of privacy
- The proposal would represent an overdevelopment of the site
- There would be potential noises and disturbances during construction. If consent is granted, this should be subject to construction management conditions and a legal agreement guaranteeing access to the telephone exchange, allotments and residential properties.
- PD Rights should be removed for garage conversions

Highways Liaison Officer (Oxfordshire County Council) – No objection to initial submission

- The parking provision is acceptable and meets guidance. The proposal would not result in a significant transport intensification and there is no overall increase in development beyond the existing and approved schemes.

Countryside Officer (South and Vale) – No objection:

Drainage - (South&Vale) – No objection, subject to foul and surface water drainage conditions

Forestry Officer (South and Vale) – No objection, subject to conditions

Energy Consultant – No objection to energy statement as amended.

Neighbour objections to initial submission (2) – Key issues raised:

- The two storey rear elevations would result in losses of privacy to no. 16 Gap Way.
- Care must be taken to ensure that there is no damage to neighbouring Laurel.
- Potential issues raised over obstructions during construction phase and potential damage to road.
- The proposal would represent an overdevelopment of the site

3.0 RELEVANT PLANNING HISTORY

3.1 [P20/S2510/FUL](#) - Approved (04/11/2020)

Erection of new dwelling house

[P20/S0757/PEM](#) - Advice provided (05/06/2020)

Erect new dwelling within the garden area to the west of 12 Gap Way

[P90/S0871](#) - Approved (05/03/1991)

Roof conversion and erection of porch.

Roof conversion to provide additional bedroom and bathroom and erection of porch.

[P89/S0728](#) - Refused (14/03/1990) - Appeal allowed (30/01/1991)

Dwelling.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Not applicable to this scale of proposal.

5.0 **POLICY & GUIDANCE**

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

- DES1 - Delivering High Quality Development
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES10 - Carbon Reduction
- ENV1 - Landscape and Countryside
- EP4 - Flood Risk
- H1 - Delivering New Homes
- H4 - Housing in the Larger Villages
- TRANS5 - Consideration of Development Proposals

5.2 **Woodcote Neighbourhood Plan policies**

- D1 – Good design
- T8 – Residential car parking spaces
- H10 – Infill housing

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 The following considerations are particularly relevant to the proposal:-

- The principle of the development
- The impact of the design, height, scale and materials upon the character of the site, the street scene and the wider landscape
- The arboricultural impact
- Energy efficiency
- The drainage arrangements
- The impact upon neighbouring amenity, in terms of light, outlook and privacy
- The impact upon the highway network, in terms of highway safety, access and parking provision.

6.2 **Principle**

The principle of an infill dwelling to the side of the existing property was established under the previous extant consent at the site (P20/S2510/FUL). SOLP Policy H4 and WNP Policy H10 remain supportive of infill and redevelopment schemes within this type of sustainable location within the built limits of a larger village. The principle is considered acceptable, subject to compliance with other development plan policies.

6.3 **Scale, design and landscape**

The design objectives of the Development Plan, as expressed by SOLP Policies DES1, DES2 and WNP Policy D1, require new development to be of a high-quality and inclusive design that responds positively to and respects the character of the site and its surroundings, particularly where there are historic significance or heritage values affected. Proposals should seek to enhance local distinctiveness and ensure that new development is of a scale, type and density appropriate to the site and its setting. The appropriateness of levels of plot coverage, layout, building placement, forms and external finish need to be considered in the specific context of each site. Policies ENV1 and Paragraph 176 of the NPPF attach great weight to the conservation and enhancement of the landscape and scenic beauty of AONBs.

6.4 There have been amendments to the scheme which were submitted in response to officers' concerns over the width of the dwellings, their respective distances to the property boundaries and the level of development within the site. Officers now consider that the proposal in its current form is acceptable from a design perspective.

6.5 In terms of scale, each dwelling would have a useable rear garden area in excess of 100 sq.m. This accords with the SODG recommendations. Whilst parts of the gardens would be less than 10m in depth, this would be consistent with other properties in the area.. The spacing between the dwellings and the levels of plot coverage are not considered to be out-of-keeping with the grain of development along Gap Way, having regard to the existing and approved properties immediately to the west.



Extract from site plan (top) and street elevation (bottom)

6.6 The design of the dwellings is considered appropriate, having regard to the vernacular styles along both Gap Way and Whitehouse Road. The submitted street elevation

demonstrates that the height of the dwellings broadly accords with the nearest built form. With the amended separating distances and the opportunities for planting within parts of the frontage, officers are satisfied that there would not be an adverse impact upon the character of the street scene, as viewed from both Gap Way and the allotments to the north of the site. Further detail on the planting to the front of the site is considered necessary, in order to ensure that the proposal accords with the verdant character of the area. This can be secured by condition in line with the Forestry Officer's comments and the applicant is agreeable to this approach.

6.7 Officers do consider it necessary in this instance to remove Permitted Development (PD) rights for extensions to the dwellings and outbuildings. It is considered important that the Council retains control over these forms of development here, in order to ensure that reasonable amounts of amenity space are retained within the site in accordance with the SODG standards.

6.8 With the above measures in place, officers are satisfied that the scheme complies with SOLP Policies DES1, DES2 and ENV1, and WNP Policy D1. The proposal would preserve the special landscape character of the wider Chilterns AONB.

6.9 **Arboricultural impact**

The Council's Forestry Officer has previously undertaken a detailed assessment of all trees within the site during the assessment of the previous application and pre-application enquiry. None were considered worthy of being protected by a tree preservation order and should therefore not be considered a constraint to the proposed development. There are no issues with the current development proposal from an arboricultural perspective, subject to further agreement over a landscaping scheme.

6.10 **Energy efficiency**

The applicant has demonstrated within their supporting energy statement that the proposal can achieve a 40% carbon reduction relative to a 2013 Building Regulations base case. The proposal complies with SOLP Policy DES10.

6.11 **Drainage**

Under the previous application, officers were satisfied that the applicant had undertaken a reasonable level of investigative works to demonstrate that appropriate and feasible surface water drainage measures can be implemented. On the advice of the drainage team, the specific foul and surface water drainage details can be agreed by way of a pre-commencement condition and the applicant is agreeable to this approach.

6.12 **Neighbouring amenity**

It is noted that there are objections to the scheme on the basis of neighbouring amenity. The responses argue that there would be adverse losses of privacy and conflict with the recommended minimum separating distances set out under Section 7 of the SODG. Site visits to nos. 8 and 16 Gap Way were undertaken over the course of the application.

6.13 Officers are in no doubt that the proposed development would be visible to various degrees from the gardens and living accommodation at several neighbouring properties. However, it is well established that the impact of a development upon private views is not a material planning consideration. Officers do not consider that there would be overriding losses or daylight, sunlight or privacy. Neither is it considered that the buildings would be so visually prominent and overbearing that they would cause material harm to the amenity of the neighbouring properties. It is considered necessary to require the proposed first floor side-facing windows to be obscure glazed

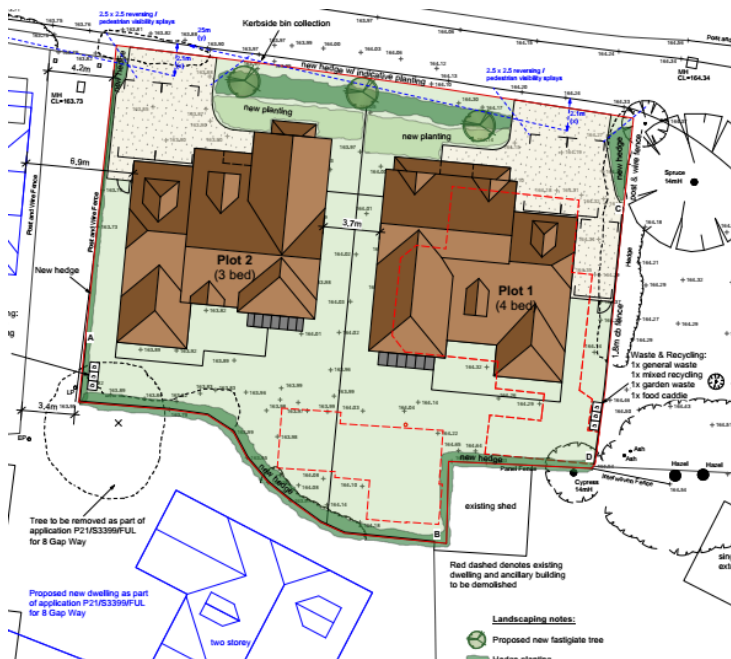
and non-opening where below 1.7m from finished floor level. This is in the interests of privacy between the proposed dwellings and the neighbouring gardens, particularly at no. 6 Gap Way. This can be secured by condition.

- 6.14 With regard to the separating distances from the neighbours, the SODG recommends that habitable rooms between dwellings in a ‘back-to-back’ relationship are separated by a distance of at least 25m. In ‘back-to-side’ relationships, the recommended distance between habitable rooms and gables is 12m. These are guidelines, and the Council acknowledges that there are situations where the recommendations cannot be fully met but could otherwise be mitigated through internal layouts, room functions and privacy features.



Extract from SODG, Section 7.

- 6.15 In this instance, there are no neighbouring habitable rooms directly opposite the rear windows of the proposed development. There is a dwelling proposed on land to the south (P21/S3399/FUL) but the relationship between the dwelling in Plot 2 and that proposed development is closer to a ‘back-to-side’ arrangement. If that dwelling were to be approved, the distance from the centres of the current proposed habitable rooms exceeds 12m.



- 6.16 With regard to the relationship with no. 16, there is a reasonable separating distance between the dwelling proposed in Plot 1 and the neighbouring dwelling. The two buildings are in an oblique relationship and the proposed rear projecting gable nearest

to no.16 has no first-floor opening. The central dormer at that elevation would be recessed, with an obscured view and it would serve a landing rather than a specific habitable room. The rear window opening serving bedroom 1 would have limited visibility of neighbouring land due to the distance, the oblique relationship, the boundary conditions and the presence of the neighbouring shed at no.16. Officers do not consider that this would represent a material loss of privacy warranting refusal of planning permission.

6.17 There is no evidence that any part of the development would result in material losses of daylight or sunlight to any of the neighbouring gardens or primary living accommodation. Having regard to the orientation of the site, officers consider it highly likely that there would not be any conflict with the Building Research Establishment (BRE) guidelines and there would be no conflict with SOLP Policies DES5 or DES6.

6.18 **Highway safety**

The Local Highways Authority (LHA) raise no issue with the proposal in terms of safety issues arising from the intensification in the use of the land, visibility standards at the proposed access point, or the level of parking provision within the site.

6.19 As the Parish Council state, Policy W8 of the WNP requires one parking space per bedroom, though this is caveated to allow for site specific circumstances and Oxfordshire County Council (OCC) standards. Policy TRANS5 of the SOLP also defers to OCC standards and these have a lower parking requirement for residential development, requiring less than 3 spaces for 4-bed dwellings.

6.20 The dwelling in plot 2 would have a total of 3 spaces, two to the front and one within an integral garage. The dwelling in Plot 1 would have a total of 4 spaces, two to the front, one in an integral garage and one to the side of the dwelling. These exceed the OCC standard and accord with the WNP. Whilst the Parish Council question the size of the garages, these are in accordance with the recommended 6m x 3m garage standard and officers are satisfied that they are feasible as such. It is agreed that the garage function should be protected, in order to ensure that adequate off-street parking is retained.

6.21 With regard to the Parish Council's comments on the ownership of Gap Way, this is a civil matter which would need to be pursued separately by the Parish Council if there is an issue. A grant of planning permission does not give the applicant any automatic right to utilise land outside their ownership for construction purposes or to obstruct any third-party rights of access. With regard to control over construction activity, the District Council does not generally apply construction management conditions for this scale of development. There are none imposed on the previous approved development within the site or the approved scheme at 6 Gap Way, and officers do not consider there to be any wholly exceptional grounds for these to be imposed here that would not be covered by other legislation.

6.22 **Community Infrastructure Levy (CIL)**

The proposal is CIL liable at a rate of £150 per sq.m (index-linked).

7.0 **CONCLUSION**

7.1 The proposal broadly complies with the relevant Development Plan policies and national planning guidance. The District Council is satisfied that the scale, layout and form of the proposed dwellings would not impact adversely upon the character of the site, the street scene or the special landscape character of the wider AONB. The proposal is also considered acceptable in terms of the impact upon the neighbouring properties and highway safety.

8.0 **RECOMMENDATION**

8.1 **To grant Planning Permission subject to the following conditions:**

- 1: **Commencement within three years - Full Planning Permission**
- 2: **Development to be in accordance with the approved plans**
- 3: **Schedule of Materials to be submitted and agreed prior to commencement of any development above slab level.**
- 4: **Withdrawal of Permitted Development rights (Part 1 Class A) - no extensions etc**
- 5: **Withdrawal of Permitted Development rights (Part 1 Class E) - no outbuildings etc**
- 6: **Parking and manoeuvring areas to be provided as on plan and retained**
- 7: **No garage conversions into accommodation.**
- 8: **Energy Statement Verification condition**
- 9: **Surface water drainage details to be submitted and agreed prior to commencement of development**
- 10: **Foul drainage details to be submitted and agreed prior to commencement of development**
- 11: **Landscaping plan to be submitted and agreed prior to commencement**
- 12: **Prior to first occupation, all first floor side-facing windows to be obscure glazed and non-opening where below 1.7m from finished floor level.**

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