

APPLICATION NO.	P22/S4152/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	15.11.2022
PARISH	DIDCOT
WARD MEMBER(S)	Alan Thompson Ian Snowdon
APPLICANT	Mr Stephen Murphy
SITE	5 Lydalls Close Didcot, OX11 7LD
PROPOSAL	Erection of chalet-style dwelling. (As clarified by SAP calculations received 8 December 2022).
OFFICER	Sharon Crawford

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This report sets out the justification for the recommendation to grant planning permission having regard to the development plan and any other material planning considerations. This application is referred to Planning Committee because the applicant is related to Cllr Jane Murphy.
- 1.2 The site is some 0.005h in size and has a frontage onto an unmade section of Britwell Road in the centre of Didcot. Britwell Road is registered as a Restricted Byway in the records of Oxfordshire County Council. The site lies to the rear of 5 Lydalls Close, a chalet style dwelling on a prominent corner of Lydalls Close and the unmade section of Britwell Road. 5 Lydalls Close was originally a bungalow but has been extended and the roof space converted to living accommodation. Until recently the site has been largely covered by buildings and hardstanding associated with the repair of agricultural machinery. An evergreen hedge to some 1.8m in height marks the boundary to Britwell Road.
- 1.3 **The proposal.** The application seeks full planning permission for a five-bedroom, detached, chalet style dwelling. The materials for construction would be facing bricks under a plain tile roof. Two bedrooms would be on the ground floor and the first-floor rooms would occupy the roof space. Access would be provided onto Britwell Road from an existing access point with parking for 2 cars at the frontage including a charging point for an electric car. An integral garage is also provided. A private garden area is proposed to the rear of the dwelling. The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.
- 1.4 Reduced copies of the plans and documents 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

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Full responses can be found on the Council's website

Didcot Town Council – No objections to this application.

Drainage – No objection subject to a condition for surface water drainage details.

Forestry Officer - There are trees to the South of the site that are protected by a Tree Preservation Order. No objection subject to a condition to secure the protection of adjacent trees retained trees during demolition and construction works.

OCC Highways Liaison Officer - Comments from original application - In terms of the access, the proposal uses the existing access which is to be improved and the movements associated with a single residential dwelling are considered less than the previous use.

No objection – recommend conditions to secure the parking area.

Energy Assessor (ESE Ltd) - Complies with DES10, no objection, subject to imposition of compliance condition.

Waste Management Officer – No objections raised. The application proposes to store bins within the rear garden of the property, and the local authority will supply bins to allow correct segregation of waste, recycling and food. This is acceptable. Please ensure that the gate to rear is wide enough for wheeled bins. Collection of bins and food caddy will be from the curtilage of the property with Lydalls Close.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P21/S5138/DIS](#) - **Approved (26/07/2022)**

Discharge of conditions 3 (Materials) & 4 (Drainage) on planning application P21/S0414/HH (Single and two storey extensions to existing bungalow). (As clarified by additional drainage information received 25 July 2022)

[P22/S1434/FUL](#) - **Approved (01/07/2022)**

Erection of a new bungalow. As clarified by Agent's emails received on 9 May and 7 June 2022 regarding access.

[P66/R3544](#) - **Refused (01/12/1966)**

Proposed use of land for repair of agricultural machinery.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The site is not within a 'sensitive area' for the purposes of the EIA regulations 2020 and 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
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES7 - Efficient Use of Resources
- ENV1 – Landscape and Countryside
- ENV2 - Biodiversity - Designated sites, Priority Habitats and Species
- ENV3 - Biodiversity
- EP3 - Waste collection and Recycling
- EP4 - Flood Risk
- H1 - Delivering New Homes
- INF4 - Water Resources
- STRAT1 - The Overall Strategy
- STRAT3 - Didcot Garden Town
- TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan

There is no neighbourhood plan for Didcot.

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 and Section 70 (2) of the Town and Country Planning Act 1990 require applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In the case of this application, the most relevant parts of the Development Plan are the South Oxfordshire Local Plan 2035 (SOLP)

The relevant planning considerations are:

- **Principle of development**
- **Design and character**
- **Residential amenity of neighbours**
- **Residential amenity of occupants**
- **Access and Parking**
 - **Road classification**

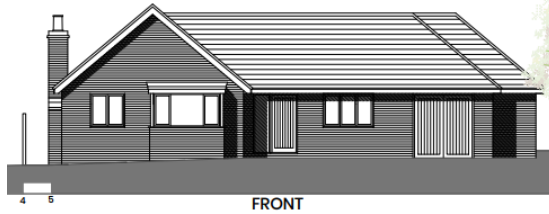
- **Access details**

- **Impact on trees**
- **Drainage and flooding**
- **Carbon reduction**
- **Ecology**
- **Other material planning consideration**
- **CIL**

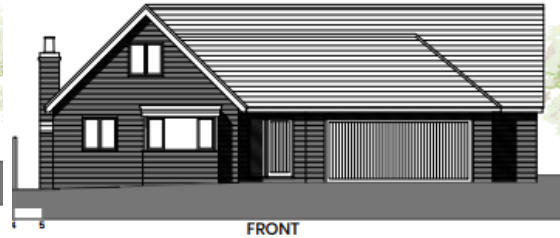
- 6.2i **Principle of development.** Planning permission has already been granted for a detached bungalow on this site under application ref P22/S1434/FUL. The dwelling now proposed is of a similar size and layout to the approved proposal. The main difference is to the height of the dwelling to allow for rooms within the roof space and an increase in the size of the integral garage. The existing planning permission has established the principle of residential development on the site and is a material consideration in the determination of this application.
- 6.2ii The site is situated within Didcot, one of the four towns within the district. Policies STRAT1 and H1 of the SOLP direct growth to these highly sustainable areas and encourage residential development on previously developed land within the existing towns (Policy H1.4). The site is classified as previously developed land. Subject to meeting the requirements of the design, neighbour amenity, transport, ecology and carbon reduction policies (which are discussed below), the principle of development continues to be acceptable.
- 6.3i **Design and character.** Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design. One of the key requirements of the policy is to ensure development respects the local context working with and complementing the scale, height, density, grain, massing, type, and details of the surrounding area. Policy DES2 of the SOLP requires development to enhance local character, it states that 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.
- 6.3ii The proposed dwelling is to be constructed of the same materials as the approved dwelling and the form and design of the proposed dwelling is very similar. The main change is to the height of the building to allow for rooms within the roof space. The increase in height is from a maximum height of some 5.5m at the front gable to a height of some 6.2m at the front gable. The eaves height increases from some 2.5 m to some 2.6m. In addition, the size of the integral garage on the front elevation has increased to be wide enough for two cars. The siting and layout remain very similar to the approved dwelling.
- 6.3iii The character of the area is very mixed with examples of bungalows, chalet style and two storey dwellings in the immediate vicinity. In addition, Rymans Court immediately to the south of the site is a substantial three storey building of retirement flats. Despite the increase in height over the approved dwelling,

the proposal continues to be in keeping with the general character of the area in terms of plot coverage and design and accords with Policies DES1 and DES2 in your officer’s view.

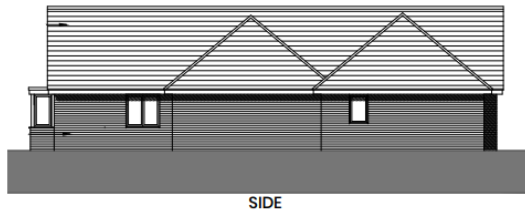
Approved front elevation



Proposed front elevation



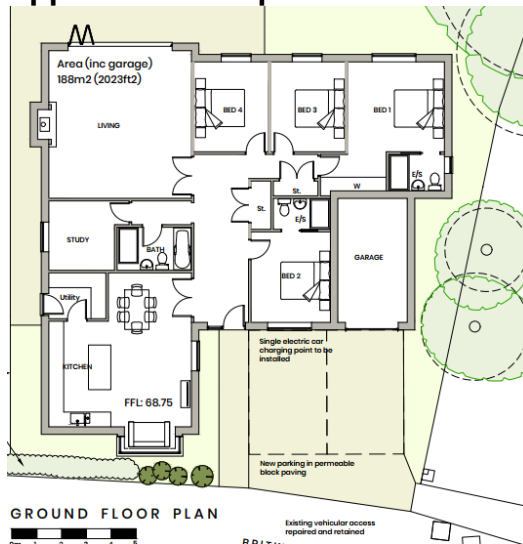
Approved side elevation to Rymans Court



Proposed side elevation to Rymans Court



Approved block plan



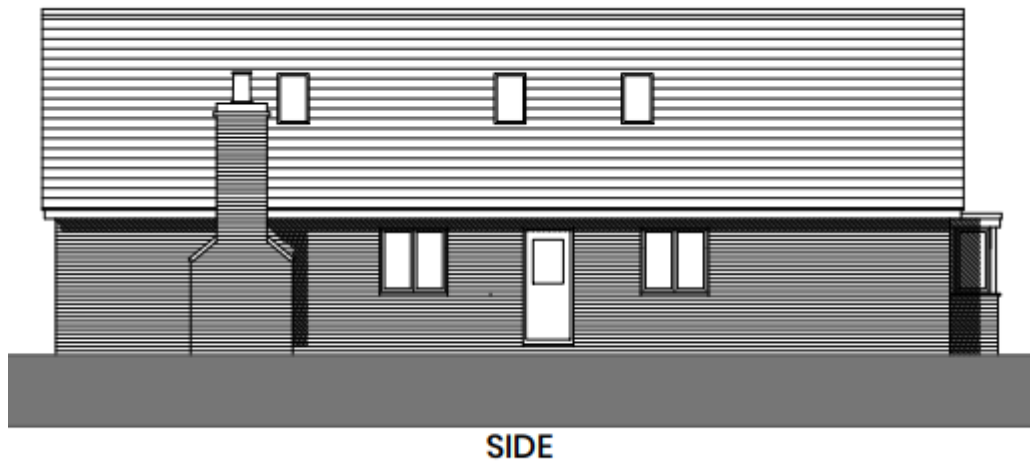
Proposed block plan



6.4i **Residential amenity of neighbours.** Policy DES6 of SOLP aims to protect the amenity of neighbouring uses from loss of privacy or day/sunlight, visual intrusion, noise, contamination or external lighting.

The main impact of development will be felt by the occupants of 5 Lydalls Close to the north, 3 Lydalls Close to the north-east and the retirement flats at Rymans Close to the south.

- 6.4ii **5 Lydalls Close** – The rear of 5 Lydalls Close would look onto the side elevation of the new bungalow with a distance of some 8 metres between buildings. The boundary between is marked by a new 1.8 metre fence. One doorway and a kitchen window look towards 5 Lydalls Close at ground floor but any potential overlooking is completely blocked by the boundary fence. At first floor, three rooflights serving a bathroom and two bedrooms are proposed. Whilst there is a dormer window and a rooflight on the rear roof elevation of 5 Lydalls Close they are not aligned with those on the proposed dwelling. Given the sloped nature of the roof and the positioning of the rooflights, overlooking from these windows is not considered to be materially harmful to neighbour amenity. In terms of size and scale the impact of the proposed dwelling is not dissimilar to that of the approved bungalow. It should be noted that no objections have been received from neighbours. As such I conclude that the impact on the amenity of occupants of 5 Lydalls Close is acceptable.



Elevation to 5 Lydalls Close

- 6.4iii **3 Lydalls Close** – The proposed bungalow would back onto the spacious rear garden of 3 Lydalls Close. Windows to bedrooms, a study and living room are provided at ground floor. Windows and rooflights are proposed to bedrooms, a landing and bathrooms at first floor and would look out onto the rear boundary. The rear garden at some 8.8 metres deep falls short of the 10-metre distance required in the Joint Design Guide, however, I consider this impact is offset by the size of the rear garden for no 3 and the significant distance of some 21 metres between 3 Lydalls Close and the new dwelling. In addition, any overlooking from the rear windows would be largely blocked by the mature, evergreen hedge (over 2 metres in height) along that boundary. I conclude that the impact on the amenity of occupants of 3 Lydalls Close is acceptable. It should be noted that no objections have been received from neighbours.



REAR

Elevation to 3 Lydalls Close

- 6.4iv **Rymans Close** – This property to the south is a three-storey building that is subdivided into 44 flats providing retirement accommodation. The proposed dwelling and flats would side onto each other with a gap of some 11 metres between buildings. The elevation to Rymans Close has one small obscure glazed window serving an ensuite bathroom and a recessed window to the living room. In my view any perceived overlooking from these windows is blocked by the existing boundary fence and landscaping screening. The occupants of the proposed dwelling may feel somewhat overlooked by the side elevation windows in Rymans Close that extend across all three floors. However, any occupier of the proposed dwelling would be fully aware of this situation before buying or renting the property.

The development would not result in significant adverse impacts on the amenity of neighbouring uses in my view and would comply with policy DES6 of the SOLP.



SIDE

Elevation to Rymans Close

- 6.5 **Residential amenity of occupants.** Policy DES5 of SOLP aims to ensure that all new dwellings have an adequate provision of private outdoor garden space. The garden size will be dictated by the number of bedrooms and minimum garden sizes are prescribed in the SODG. The proposed dwelling is a five bedroom property and at least 100sqm of garden area is required. In this case, some 216sqm of garden is provided at the rear of the dwelling which exceeds the requirement and is acceptable.

It should be noted that the site has not been part of the residential curtilage for 5 Lydalls Close as it has been used for commercial purposes for the repair of agricultural/industrial machinery. In any event 5 Lydalls Close would retain a garden space of some 210sqm also exceeding the requirement. The proposal accords with Policy DES5 of SOLP.

- 6.6 **Access and Parking.** With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) makes it clear that 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 of the SOLP requires development to provide safe and convenient access for all users to the highway. It states that new accesses should be constructed to adoptable standards and be completed as soon as they are required to serve the development.

Policy TRANS2 of SOLP also promotes sustainable forms of transport and accessibility by ensuring that new development is close to or along existing public transport corridors. New development should also be designed to encourage walking and cycling.

- 6.7i **Road classification.** The site exits onto part of Britwell Road that is partly unmade and is classified as a Restricted Byway. Public rights of access along a Restricted Byway are limited to on foot, bicycle, horseback and horse drawn carriage.

On the previous application, the agent clarified that the site was previously occupied by agricultural/commercial buildings and had a dedicated access which the new owner has retained. It was their view that the rights to this access passed from the previous to the current owner and therefore they did not consider this to be an issue. The access rights themselves are a civil matter which will need to be resolved between the applicant and the Highways Authority and do not preclude the grant of planning permission. This continues to be the case for the current application.

- 6.7ii **Access details.** The proposed dwelling would use the existing access point that served the former commercial use of the site. The Design and Access

Statement and block plan indicate improvements to the vision splays at the access point and provides for two external parking spaces to the front of the dwelling. Whilst an integral garage is included the dimensions fall short of a full internal parking space and so this space cannot be included in the parking provision. However, two parking spaces are provided on the frontage and it is recognised that this is a highly sustainable location within easy walking distance of public transport, shops, schools and other facilities. In the planning balance, the provision of two spaces is considered acceptable in this case.

- 6.8 **Impact on Trees.** In addition to assessing landscape impact, Policy ENV1 of the SOLP aims to protect trees where they contribute to the nature and quality of the landscape.

There are trees to the South of the site in the grounds of Ryman Court that are protected by a Tree Preservation Order.

The application includes an Arboricultural Report which concludes that the proposal will not adversely impact on the adjacent protected trees. It recommends that an arboricultural method statement is produced to protect the trees.

The Forestry Officer has no objection to the proposed development subject to a condition to ensure the satisfactory protection of adjacent retained trees during demolition and construction works. With the addition of the condition, the proposal accords with Policy ENV1 of the SOLP.

- 6.9 **Drainage and flooding.** Policy INF4 of SOLP aims to ensure that development proposals demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development. Policy EP4 of SOLP aims to minimise flood risk directing new development to areas of the lowest probability of flooding and also aims to achieve sustainable drainage systems.

The site lies in flood zone 1 which has the lowest probability of flooding but Britwell Road and Lydalls Close are susceptible to surface water flooding.

With regard to water resources, foul drainage is proposed via the main sewer with surface water being dealt with via a soakaway. The Drainage Engineer has no objection to the proposed dwelling subject to a condition to require more details of the surface water drainage arrangements. With the addition of the condition, the proposal accords with Policies INF4 and EP4 of the SOLP.

- 6.10i **Carbon reduction.** Policy DES8 of SOLP seeks to ensure that all new development limits greenhouse emissions. Policy DES10 of the SOLP 2035 requires proposals for new build dwellinghouses to achieve at least a 9% reduction in carbon emissions compared with 2022 Building Regulations compliant base case.

6.10ii The council’s Energy Consultant has assessed the submitted Energy Statement and has confirmed that the scheme complies with Policy DES10 of the SOLP subject to a condition to require a verification report. Conditions to secure a verification report and an Electricity Vehicle Charging Point have been included. As such the proposal would comply with Policies DES8 and DES10.

6.11 **Ecology.** Policy ENV3 of SOLP 2035 aims to achieve a net gain of biodiversity as a result of development proposals. As a minimum there should be no net loss of biodiversity.

The site is previously developed land in the centre of Didcot and was largely covered with buildings until recently; opportunities to improve ecology are relatively limited. However, a condition is attached to retain the majority of the existing hedges onto Britwell Road (some hedge will be lost to secure improvements to the access) and the boundary to Lydalls Close and these hedges will continue to offer opportunities for birds to nest. In addition, a condition is attached to secure the provision of a bird box and the establishment of a rear garden will, on balance, provide a limited gain in biodiversity in accordance with Policy ENV3.

6.12 **Community Infrastructure Levy (CIL)** The development is CIL liable for the sum of £29,964.51. A CIL informative has been added to the recommendation.

6.13 **Pre-commencement conditions.** The pre-commencement conditions have been agreed with the applicant

7.0 CONCLUSION

7.1 The application has been assessed against relevant policies in the development plan, the NPPF, NPPG, adopted SPD and all other material planning considerations.

7.2 In my view planning permission should be granted for the proposed dwelling because Didcot is a highly sustainable location and identified as a growth point. The provision of a new dwelling on this plot will not unduly harm the character and appearance of the area, or neighbouring amenity given that the site was previously developed land. The plot can accommodate the dwelling proposed, providing adequate standards of private amenity area and parking spaces. There are no technical concerns with this application, subject to the recommended conditions. The proposal accords with the Development Plan Policies and the NPPF.

8.0 RECOMMENDATION

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

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans

Pre-commencement conditions

3: Surface Water Drainage

4: Tree Protection

Compliance conditions

5: Energy statement verification

6: Electric Vehicle Charging Point

7: Provide bird box.

8: Retain hedges (biodiversity)

9 : Provide parking as per plan

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