

<b>APPLICATION NO.</b>	<a href="#">P20/S2092/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	6.7.2020
<b>PARISH</b>	STOKE ROW
<b>WARD MEMBERS</b>	Jo Robb & James Norman
<b>APPLICANT</b>	Mr Bob Jacob
<b>SITE</b>	Fairhaven School Lane Stoke Row, RG9 5QS
<b>PROPOSAL</b>	Demolition of a single storey residential property and the construction of a new two storey residential property
<b>OFFICER</b>	Marc Pullen

**1.0 INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to Planning Committee as the officers' recommendation to grant planning permission conflicts with the views of Stoke Row Parish Council.
- 1.2 The application site (which is shown on the OS extract attached as **Appendix A**) contains a single storey dwelling. The site lies within the built-up limits of Stoke Row village and lies within the Chilterns Area of Outstanding Natural Beauty (AONB). The Church of St John, which is a Grade II building, lies adjacent to the site to the north-east.
- 1.3 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations.
- 1.4 This application seeks planning permission to demolish the existing dwelling and replace it with a new two-storey dwelling.
- 1.5 Reduced copies of the plans accompanying the application are attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

**2.1 Stoke Row Parish Council – Object**

- The parish appreciate the reduction in size of the proposed development and the move to align the development to the neighbouring houses – however the parish maintain their objection. Overlooking toward the rear of 1 Southview and other rear gardens in the road. The photos and pictures that this neighbour has submitted detail this. Reinstating side facing windows is foolish. Frosted glass may work but no mention is made of fixed casements. These windows clearly overlook 1 Southview. Plain brick is a clear pallet for School Lane, laid with some semi-Victorian style by using two colour bricks – the applicant's design clearly breaks with the established look of School Lane. The background/vista when looking at the church is being further compromised if the proposed

dwelling isn't in line with all the other two storey properties on that side of the church view. The neighbours accept that a two-storey house is acceptable – that the site has to be redeveloped and that the reduced size is acceptable. However, it is a pity that the applicant does not feel that he can modify his plans and move the development forward to the building line created by 1 & 2 Southview and further north to give more space between the site and 1 Southview. The PC believes that resolution is near if the applicant considers these actions.

**Heritage Officer** (South and Vale) – No objection

- I am satisfied that the proposed replacement dwelling would not harm the significance of the listed church. The building is similar in scale, massing and orientation to C20 development also in the setting of the church and I therefore consider that there would be no harmful impact to the way in which the church is experienced. If minded to approve, officers should attach a condition which requires details of external materials to be agreed and landscaping/boundary treatments to be approved to reinstate native hedgerow in the gap between the site and church graveyard.

**Ecology Officer** (South Oxfordshire & Vale of White Horse) – No objection

- I am happy to accept the findings of the bat report. Surveys were negative, consistent with 2019 surveys. Bats are not a constraint to development. Recommend development is implemented in accordance with Section 4.2 of the updated bat report (October 2023), with all features being provided onsite prior to first use.

**Drainage** (South & Vale) – No objections

- Subject to conditions being imposed to ensure surface water drainage measures are drawn up and approved in writing by the council.

**Forestry Officer** (South Oxfordshire District Council) – No objections

- The applicant has submitted an amended Tree Protection Plan that has addressed my previous comments. Therefore, I have no objections to the proposed development subject to a condition being attached requiring the implementation of the tree protection measures set out in the submitted Development Tree Report and shown on the Tree Protection Plan. The tree protection measures must be installed prior to the commencement of all works, including demolition, and remain in place for the duration of development.

**Neighbours** - Objection (22) [views made on the most recent set of amendments]

- The proposed would still be too tall, too wide and too long – an overdevelopment of this land
- The property does not fit in with the area
- Whilst the property has been reduced, the position of the property has shifted backward which will be visibly intrusive and encroach even further on neighbouring 1 Southview's rear garden (loss of light and will have an overbearing impact).

- The property now extends 2.5 metres proud of the rear of all cottages on School Lane. This worsens the oppressive and overbearing impact the proposed dwelling will have on neighbours and reduces the enjoyment of the garden.
- The first-floor windows on the side of the dwelling would impact on neighbouring 1 Southview (overlooking/loss of privacy)
- Most recent amendment is even more unneighbourly
- Whilst the design is more appropriately sized – it still presents harm to the amenity of neighbouring 1 Southview
- The look and feel of the design of the house is crude – not in keeping with the AONB
- Agree that the plot is suitable for development, that the orientation of the house should face onto School Lane and that the proposed dwelling is more appropriate than that previously proposed – however the depth of the dwelling and the side facing windows proposed are harmful.
- Advice offered by neighbours to amend the scheme to an acceptable level.
- Very little space for cars which will push them out into the land which is busy enough with traffic and both a school and a church to accommodate parking for.
- Surprised to see that the dwelling, now smaller, has not been moved away from 1 Southview

### 3.0 **RELEVANT PLANNING HISTORY**

#### 3.1 [P18/S2097/PEM](#) - (01/08/2018)

Replace bungalow with two storey house.

### 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

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV6 – Historic Environment

ENV7 - Listed Buildings

EP3 - Waste collection and Recycling

EP4 - Flood Risk

H16 - Backland and Infill Development and Redevelopment

H8 - Housing in the Smaller Villages

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

**5.2 Neighbourhood Plan**

Stoke Row do not have a made 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**

- Planning (Listed Buildings and Conservation Areas) Act 1990.
- Section 85 of the Countryside and Rights of Way Act 2000.
- 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:**

- **Principle of development**
- **Design and character**
- **Impact on neighbour amenity**
- **Access and Parking**
- **Impact on trees**
- **Impact on bats/important ecological habitats**
- **Setting of listed building**
- **Other material planning considerations**
- **Other matters**

**Principle of development**

6.2 The site lies within the built-up limits within the main settlement limits of Stoke Row. Policy H16 of the South Oxfordshire Local Plan (SOLP) allows for new housing in Stoke Row (as a 'smaller village') on infill and redevelopment sites. Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.

6.3 The site would replace an existing bungalow within an existing built-up area in Stoke Row. The application site would appropriately meet the definition of infill as it currently contributes to the continuous built-up frontage along School Lane and is located close to other nearby buildings.

6.4 **Design and character**

The council's policies and guidance seek to ensure that all new development is designed to be of a high-quality. Development must use land efficiently, take into account landform, layout, building orientation, massing and landscaping, and respect the local context working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area. All development must be designed to reflect the positive features that makes up the character of the local area; both physically and visually enhancing and complementing the surroundings.

6.5 The National Design Guide states that well-designed new places will be influenced by an appreciation and understanding of the local vernacular of the area, including existing built form and landscaping.

6.6 The existing bungalow on the application site is somewhat at odds with the built form along School Lane, which is largely semi-detached red brick housing with either slate roofing tiles or concrete roofing tiles. The massing, scale and orientation of nearby dwellings are consistent with each other and the existing bungalow on site is at odds with this.

6.7 The proposed development would bring the dwelling on this site more in keeping with the surrounding area by re-orientating the building more in accordance with nos. 1 & 2 Southview and adopting a design and external appearance which is more in keeping with the dwellings along School Lane.

6.8 The site is well screened from view by vegetation, but views of the existing bungalow can be achieved further north along School Lane as will be the case with the proposed dwelling. The existing trees and hedgerow along the front of the site make a positive contribution to street scene and the wider character of the area. Based upon the Tree Protection Plan the trees to the front of the site would be retained and protected during the course of the development. This has been supported by the council's Forestry Officer.

6.9 A number of concerns have been raised that the proposed new dwelling would be at odds with the area, by reason of its siting, scale and design. In this respect, officers acknowledge that the existing property does not respond positively to the wider vernacular and an opportunity exists to redevelop this plot to bring the built form more in line with the existing vernacular along School Lane. The proposed new dwelling would not lie in strict alignment with nos. 1 & 2 Southview but it would better align with these neighbouring buildings than the existing property does and would still be read alongside these properties from oblique views.

6.10 The proposal seeks to use the same or similar brickwork used on neighbouring properties and the use of slate roofing tiles. It is officer's opinion that these materials would respond well to those seen on this side of School Lane and would appear in keeping when viewed alongside neighbouring properties.

6.11 **Impact on neighbour amenity**

Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

6.12 The proposed new dwelling would be sited approximately 11 metres away from the closest part of no.1 Southview and approximately 3.5 metres off the shared boundary to this neighbour. The proposed new dwelling would be set further back from the frontage of no.1 Southview. The proposal would have side facing windows looking toward the Church and no.1 Southview.

6.13 Officers are of the opinion that the proposed new dwelling, whilst larger than the existing, would be set a sufficient distance away from the boundary to neighbouring no.1 Southview – with a reasonable degree of separation. The side facing windows at first floor level would be fitted with obscure glass, which can be secured with a planning condition. The proposed new dwelling would lie due north of neighbouring no.1 Southview and given the extent of physical separation proposed, officers do not consider that the development would result in any harmful loss of daylight or sunlight throughout the day. Similarly, the proposal would lie a reasonable distance away from the shared boundary to avoid any harmful overbearing impact on this neighbour's house and garden area. This is disputed by the neighbour in question, who is concerned that the development would be overbearing and visually intrusive. However, officers do not agree as the distance between this neighbour (and the shared boundary) is acceptable and the windows that might offer views toward this neighbour would be obscured via condition.

6.14 The proposed new dwelling would be sited sufficiently far away from any other neighbour to not cause any material impact on amenity.

6.15 **Access and Parking**

Policy TRANS5 (SOLP) advises that all types of development will, where appropriate provide for a safe and convenient access for all users to the highway network, provide safe and convenient routes for cyclists and pedestrians and provide parking of vehicles in accordance with the Local Highway Authority (LHA) parking standards and provide for loading, unloading, circulation and turning spaces on site.

6.16 In consultation with the LHA, the proposed development is considered to provide sufficient parking on site to serve the dwelling and is unlikely to result in any significant intensification of transport activity at the property or result in any significant adverse impact on the highway network.

6.17 **Impact on trees**

Policy ENV1 (SOLP) seeks to ensure that South Oxfordshire's landscape, countryside and rural areas are protected against harmful development. Development will only be permitted where it protects and, where possible

enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, which includes trees and hedgerows.

- 6.18 The council's forestry officer raises no objection to the proposed development as the submitted tree protection plan provides for sufficient protection and retention of trees on site during the construction process. A planning condition is recommended to ensure that the tree protection measures identified are implemented and maintained on site during the construction process. Accordingly, officers are satisfied that the proposed development meets the aims of Policy ENV1.
- 6.19 **Impact on bats/important ecological habitats**  
Policy ENV2 (SOLP) seeks to ensure important habitats and protected species are protected. Policy ENV3 (SOLP) seeks to secure net gains for biodiversity and ensure that there is no net loss.
- 6.20 Following up-to-date bat surveys (October, 2023) the council's Ecology Officer is satisfied that bats are not considered a constraint to the proposed development. A condition is recommended to ensure the provision of mitigation measures as outlined within the bat survey report.
- 6.21 **Setting of listed building**  
The council's heritage officer is satisfied that the proposed replacement dwelling would not harm the significance of the listed church. The building is similar in scale, massing and orientation to twentieth century development also in the setting of the church and considers that there would be no harmful impact to the way in which the church is experienced. The proposal has been assessed against the tests of the Planning (Listed Building and Conservation Areas) Act 1990, the relevant Paragraphs of the NPPF and Policies ENV6 and ENV7 (SOLP).

**Other material considerations**

- 6.22 Carbon reduction – A condition is recommended to ensure that an Energy Statement is submitted to demonstrate compliance with Policy DES10 (SOLP).
- 6.23 Electric charging – A condition is recommended to ensure the provision of an electric charging point.
- 6.24 Waste/Recycling – Sufficient space would be provided on site to store and present waste and recycling.

**Other matters**

- 6.25 Community Infrastructure Levy  
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 be liable to pay toward CIL and will be charged based on the net internal floor space provided on site.

6.26 Pre-commencement conditions

In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These will all have been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.

7.0 **CONCLUSION**

7.1 Officers consider that planning permission should be granted. The principle of the development is considered acceptable, and the proposed development is not considered to harm the character or appearance of the area and would ensure that local amenity is not adversely impacted. The proposed development would ensure that the new dwelling would not adversely harm the amenity of neighbours or any known protected species. The proposed development would be acceptable in relation to parking and access arrangements and carbon reduction measures. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

8.0 **RECOMMENDATION**

**It is recommended to grant Planning Permission subject to the following conditions:**

**1 : Commencement development within 3 years**

**2 : Implement permission in accordance with approved plans**

**3 : Schedule of Materials to be submitted and agreed in writing by Local Planning Authority**

**4 : Parking & Manoeuvring Areas to be implemented and retained as per approved plan**

**5 : Landscaping Scheme (trees and shrubs only) to be submitted and agreed in writing by Local Planning Authority**

**6 : Tree protection to be as submitted**

**6 : Wildlife Protection (mitigation as approved) to be implemented on site prior to occupation**

**7 : Energy Statement to be submitted and agreed in writing by Local Planning Authority**

**8 : Surface water drainage works to be agreed in writing by Local Planning Authority**

**9 : Electric Vehicle Charging Points to be agreed in writing by Local Planning Authority**

**10 : Obscure glazing on side facing first floor windows**

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