

<b>APPLICATION NO.</b>	<a href="#">P22/S4346/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	14.12.2022
<b>PARISH</b>	GORING HEATH
<b>WARD MEMBER</b>	Peter Dragonetti
<b>APPLICANT</b>	Charterist Developments LTD
<b>SITE</b>	Timbers Goring Heath Road Whitchurch Hill, RG8 7NU
<b>PROPOSAL</b>	Demolition of existing dwelling and erection of replacement 5 bed dwelling with detached garage. (Amended plans received 10 May 2023 showing new dwelling of new design repositioned in the plot closer to the north-east corner of the site with the vehicle access from Goring Heath Road. Bat Scoping Report and Preliminary Ecological Appraisal also submitted and amended plans received 21 June 2023 and 5 July 2023).
<b>OFFICER</b>	Davina Sarac

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the Planning committee as the Parish Council has raised an objection to the application (see section 2.1 of this report) and the application has also been referred to Committee by the Local Ward Member on the grounds that the altered positioning of the dwelling on site has resulted in a more adverse impact on the character of the area and that the dwelling on site has been abandoned thus the principle is unacceptable. 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.
- 1.2 The application site comprises a detached chalet style bungalow and detached garage within a substantial garden located at the south-western edge of the built-up limits of Whitchurch Hill which is shown on the plan **attached** as Appendix A. The site area is approximately 0.60 hectares. The site falls within the Chilterns National Landscape (formerly AONB). For the sake of consistency and legibility with the evidence submitted I have referred to the Chilterns AONB rather than the Chilterns National Landscape in my report. There are views into the site from the adjacent lane/public footpath on the north-eastern boundary. The south-western and north-western boundaries are bounded by trees and hedges. There is a group of trees along the south-western boundary that have tree protection orders (TPOs) on them.
- 1.3 The application seeks planning permission for the demolition of the existing dwelling and garage and the erection of a replacement 5 bed dwelling with detached 2 bay garage in a different position within the plot. The proposal seeks to utilise an existing access onto Goring Heath Road as the main access

to the new dwelling as detailed within the submitted plans. A copy of the plans associated with the application is **attached** as Appendix B, whilst 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 **Goring Heath Parish Council** – Objects on the following grounds:

- The new dwelling would have a detrimental impact to the character of site and the village green;
- The access onto Goring Heath Road would contribute to additional traffic on an already busy road – no vision splays provided;
- Would be harmful to the AONB as significantly larger than existing dwelling;
- The LVIA is not detailed enough and is in relation to the original position on site not the amended one;
- Lack of biodiversity mitigation and enhancement measures;
- Would be visually dominant and intrusive to nearby residents, concern regarding external lighting;
- Is contrary to Policies within SOLP 2035.

**Drainage - (South & Vale)** - No objections to planning permission being granted subject to a drainage condition being imposed.

**Forestry Officer (South and Vale)** – No objections as the amended information submitted 05 July 2023 includes an updated arboricultural report, the report has addressed the Forestry Officers previous comments. A landscaping condition is recommended as is a compliance condition for the protection of retained trees on site.

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

**South -Highways Liaison Officer (Oxfordshire County Council)** – No objections on highways grounds subject to the recommended conditions.

**CPRE South Oxfordshire District Committee** – Do not believe that the proposed dwelling would conserve or enhance the landscape of the Chilterns AONB but that it would have an adverse impact. The proposed large replacement dwelling has considerably more glazing than the existing modest chalet bungalow. This glazing would have the potential for light spill into the surrounding currently unlit countryside. Should officers be minded to approve the application, we would request that mitigating measures be taken to minimise light spill from the house and that no external lighting should be installed without prior approval of the Council in order to protect nocturnal wildlife and the dark skies of the AONB.

**Ecology Officer** - Subject to mitigation and compensation being secured with a planning condition, the impact of development on bats roosting within the existing dwelling are likely to be acceptable. Should committee be minded to

grant planning permission, an informative could be used to make the developer explicitly aware of their legal liabilities with regards to protected species.

2.2 **Neighbour Representations** – A total of 15 letters have been received during the course of the application, only one letter was received in support of the proposal the others all raised objections. A summary of the main points raised are as follows: -

- No objection in principle, but object to the overwhelming scale of the proposed new dwelling;
- Significantly larger than dwelling it replaces;
- Out of keeping with character of area
- Object to any planting along the lane on the north-east boundary that would obstruct light from the dwellings on the lane;
- Light pollution;
- Loss of biodiversity on site;
- It is disingenuous to suggest the proposed development replaces an existing residential building. It is clearly derelict and has apparently never been occupied;
- Would like to see iron fence on pathway in front of 507 New Buildings restored;
- The relocation of the new dwelling has exacerbated the intrusion on the whole community of dwellings facing it by demanding even higher and closer screening by the planting along the boundary and justifying converting to domestic curtilage an area of the plot that could otherwise have remained paddock;
- Concern that further development of the site to allow another dwelling on the plot at a later date;
- P99/S0016/O was refused, cannot see what has changed to make this acceptable now;
- No objection to this proposed development. The tree planting at the North-East boundary along the Chiltern Way will be welcome and would like to see some trees planted along the South-East boundary, to break up the view of the proposed house from the Chiltern Way approaching from Path Hill.

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 [P22/S2962/PEM](#) - Advice provided (28/09/2022) Replacement dwelling.

[P99/S0016/O](#) - Refused (08/03/1999) - Appeal dismissed (20/09/1999)  
Construction of two 4 bedroom dwellings.

[P67/H0051](#) - Refused (27/02/1967)  
OUTLINE. DWELLINGHOUSES & ACCESS.

[P66/H0602](#) - Approved (02/02/1967)  
DWELLINGHOUSE.

### 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

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

EP4 - Flood Risk

H1 - Delivering New Homes

H16 - Backland and Infill Development and Redevelopment

H18 - Replacement dwellings

INF4 – Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

**5.2 Neighbourhood Plan**

N/A

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

**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 relevant planning considerations are the following:**

- **Principle of development**
- **AONB landscape impact**
- **Design and character**
- **Residential amenity**
- **Trees**
- **Ecology and Biodiversity**
- **Access and parking**
- **Sustainable measures**
- **Drainage**

6.2 **Principle of development**

The application site is considered to lie outside the built up limits of the village of Whitchurch Hill. Policy H18 supports proposals for the replacement of an existing dwelling located outside the built-up limits of a settlement provided that the use of the existing dwelling has not become abandoned, the existing dwelling is not subject to a temporary or time limited planning permission, the proposed replacement dwelling is not materially larger if in the Green Belt and the proposal can demonstrate satisfactory vehicular access and parking arrangements and adequate amenity areas are retained for the replacement dwelling.

6.3 The property is not within the Green Belt, it is not subject to a temporary or limited time permission. The existing dwelling on site has been vacant for some years with no one living there, however, it was purchased in November 2022 by the current owner who could renovate and restore the dwelling to a liveable standard. Proving abandonment can be difficult in planning case law, and the courts have held that there are four factors to be taken into account when considering whether abandonment has occurred. These relate to the period of non-use, the physical condition of the property, any intervening use, and the owner's intention. With the site being purchased it is clear the intention is to continue the residential use of the site. There does not appear to have been any intervening use since the property was last occupied and the building is not in such a poor condition that it would need to be substantially rebuilt as the walls and roofs are still present. The proposal has demonstrated that the satisfactory vehicular access and parking and amenity areas can be achieved. Therefore, it is considered that principle is acceptable in regard to Policy H18 of the SOLP 2035 subject to other material considerations.

6.4 **AONB Landscape character**

As the site falls within an AONB, Policy ENV1 of the SOLP and Paragraph 182 of the NPPF are both particularly relevant as they attach 'great weight' to the importance of conserving the scenic beauty and special landscape character of the area. Policy H18 advises in the supporting text paragraph 4.85 that "*In the Areas of Outstanding Natural Beauty, the Council will give great weight to conserving and enhancing the natural beauty of the area, wildlife and cultural heritage.*"

6.5 It is clear the proposal for a new replacement dwelling would be larger than the existing bungalow on site. The submitted planning statement discusses the landscape and visual impact of the dwelling in section 4.0. This only relates to the now superseded scheme and not the revised new position on the plot. However, it is still relevant as it highlights the site's characteristics and states that it benefits from substantial dense mature tree and hedge planting to the boundaries adjacent to both roads from which access to the site can be gained.

6.6 The most significant impact would be from the Public Right of Way running along the North-East boundary of the site, exiting through the shared access, and passing across Goring Heath Rd. This is a major consideration for the proposed development and proposed mitigations. The document goes on to

say that although some planting is present between the shared access and houses to the north-east of the site it is felt more could be done to improve this aspect. The applicants state that this boundary could benefit most from additional planting to help soften the appearance of the new dwelling. The site, currently run down and overgrown, does not provide an attractive outlook for The Chiltern Way and Goring Heath Footpath 60. The new location of the dwelling now positioned closer to Goring Heath Road in a more central position on the site but slightly closer to the north-western boundary would still be visible from the public footpath and the Chiltern Way. Officers consider the new dwelling would be an improvement over the appearance of the existing vacant dwelling.

- 6.7 There would be long reaching views into the site from Whitchurch Hill and from the public footpath, but these views can be softened using landscaping to break up the built form. The view of the new dwelling from Goring Heath Road and the village green would largely be screened by the existing trees along this boundary. It is recommended that additional planting is provided. This can be secured through an enhanced landscaping scheme by condition. In order to integrate the dwelling appropriately into the rural setting, which is of even greater importance being in the AONB, an updated landscape strategy and mitigation is recommended to be secured by condition. In this way, the species most appropriate to the local area can be designed into the scheme, as well as maximising the opportunity for the infilling of gaps along the boundary.
- 6.8 A new dwelling in such a rural location brings with it the risk of domestic clutter as a result of hardstanding, use of the garden area, lighting etc. Cumulatively, these could introduce a harmful effect on the AONB. Given the sensitive landscape character, it is reasonable to require a condition to ensure the details of hardstanding, external lighting and boundary treatments are provided, to ensure the appearance of these domestic features in this rural context is carefully managed. Subject to conditions, officers consider that the development conserves the setting and scenic beauty of the AONB, safeguards important views, and ensures light pollution can be appropriately managed, in accordance with paragraph 182 of the NPPF and policy ENV1 of the SOLP 2035.
- 6.9 **Design and Character**  
The council's design objectives as expressed by SOLP Policies DES1 and DES2 carry significant weight as they seek to secure high quality, inclusive design and reinforce local distinctiveness.
- 6.10 The Planning Statement shows that the design has been informed by the nearby property North Lodge which lies to the west of the site, with large gable features and pitched roof. The proposed elevation plans show that the new dwelling would be constructed in red brick work (Aldwick Blend), heritage clay plain tiles and aluminium framed windows. The proposed materials are considered to be acceptable and appropriate for this location having regard to the local Chilterns vernacular. The application also proposes a detached garage with office room within the loft space. Although larger in footprint and height than the existing chalet bungalow on site, the plot is substantial, and a

dwelling of this size would not appear cramped or perceived as an overdevelopment of the site. Overall, the form, size and scale of the new dwelling would be acceptable in terms of policies DES1 and DES2 of the SOLP.

**6.11 Residential amenity**

A number of concerns were raised with regards to the relocation of the new dwelling due to the intrusion on the residents of the dwellings facing it from the north-east by screening and proposed planting along the north-eastern boundary. The dwelling itself would be 25 metres from the north-eastern boundary of the site that runs adjacent to the lane. This would comply with the amenity distances (21 metres) within the Design Guide that would be acceptable in terms of not creating overlooking issues. The garage would be 14 metres from the boundary and thus closer to the dwellings fronting the lane, it would be 6.0 metres in height and given that the distance between the front of the dwellings and the garage would be approximately 25 metres this would not result in any harmful impact on the outlook or light currently afforded to the neighbouring occupiers. The proposed planting shown on the site drawing 9156 Rev 06 shows some planting to the north-eastern boundary. The houses along the lane that front onto this boundary are set back and the approximate distance from the front of the houses and the boundary of the site is 14 metres. It is not clear at this stage what this planting will consist of, but this can be secured through a planning condition, and the impact on the dwellings nearby will be considered. Overall, officers consider the proposal would have an acceptable impact upon the residential amenity of the nearby dwellings and would not pose any privacy issues and would not be overbearing in nature.

**6.12 Trees**

The trees situated close to the western site boundary are protected within the Tree Preservation Order 10S24. An arboricultural report was submitted with the application. The report provides adequate information to ensure trees shown to be retained would be safeguarded during construction, and this is subject to implementation of the tree protection measures identified within the report and shown on the tree protection plan. An amended site plan was then submitted (10 May 2023), and the amended site plan indicates the position of the proposed building would be within an area previously shown within the submitted tree report to be excluded from construction activity. Further to this an amended arboricultural report was received (5 July 2023) which addressed the Forestry Officer's previous comments. The Forestry Officer raised no objection to the proposed relocation of the new dwelling subject to a compliance condition requiring implementation of the tree protection measures as specified within the arboricultural report.

**6.13 Ecology and Biodiversity**

The Ecology report (The Ecology Co-op, February 2023) concludes that the existing house on site has a number of features potentially suitable for use by roosting bats. A Bat survey was submitted and concluded that the existing structure supports a low number of roosting bats. As such, the proposed development must be implemented under a derogation licence from Natural England to be lawful. Recommendations are made in the report which accord with mitigation and compensation guidelines. This gives confidence that the

proposed development would likely receive a derogation licence from Natural England if permission were to be granted. The Council's Ecologist raised no objection subject to mitigation and compensation being secured through a planning condition.

- 6.14 The Council's Ecologist noted that visibility splays may require the removal of vegetation along the northern boundary of the site and suggested that if trees are proposed for removal, these may need to be subject to a ground level tree assessment for bats. However, the existing site access could be cleared to create better vision splays without the need for planning permission. Therefore, officers consider it unnecessary and unreasonable to require additional surveys in relation to the access. However, an informative would be added to any permission to make the developer explicitly aware of their legal liabilities with regards to protected species.
- 6.15 There are confirmed populations of Great Crested Newts (GCN) in close proximity to the site. Aerial photography shows that there is a pond c.35m to the southwest of the application site, and 7 within 500m. Some of these ponds have confirmed records of GCN. The application site comprises of former garden areas subject to infrequent management, encroaching scrub, and scattered trees. These habitats are suitable for GCN in the terrestrial phases of their lifecycle. On balance, the Council's Ecologist has stated they are satisfied that there is a reasonable likelihood that GCN are present onsite and could be impacted by the proposed development and recommend that the GCN district licence is utilised. The applicants have obtained the GCN district licence, and the relevant GCN conditions have been added to the recommendation.
- 6.16 The Council's Ecologist has confirmed that the quantum of development on site (single dwelling) can maintain biodiversity interest with a high quality landscaping scheme. As such, a biodiversity metric assessment was not required for this scheme.
- 6.17 **Access and parking**  
The previous scheme was to use the existing vehicular access located on 'Bozedown Drive'. The current proposal proposes the vehicular access to be taken from the existing access from 'Goring Heath Road'. A revised plan has been supplied which demonstrates visibility splays, and these are considered acceptable by the Local Highway Authority. Parking and turning provision has been demonstrated within the site which is considered acceptable. The proposal is unlikely to have a significant adverse impact on the highway network and the Local Highway Authority raised no objection to the proposal on highway safety grounds.
- 6.18 **Light pollution**  
I note the concerns raised by the CPRE with regards to light spill from the new dwelling and any external lighting which may be installed, and their requested conditions requiring the submission of specifications for any proposed external lighting and of the glass coating on all external glazing to reduce illumination and light spill in respect of the AONB dark skies. As mentioned above in



paragraph 6.6 a condition is recommended requiring details of any external lighting to be agreed in writing prior to occupation of the new dwelling.

**6.19 Sustainable measures**

Policy DES10 of the SOLP states that planning permission will only be granted where development proposals for new build residential dwelling houses achieve at least a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base case. The SAP calculations in the submitted Energy Statement show the new dwelling would meet the 40% minimum reduction in carbon emissions and would accord with Policy DES10.

**6.20 Drainage**

The site does not lie within any Flood Zone. The Council's Drainage Engineer has assessed the proposal and raised no objection subject to a surface water drainage condition being imposed.

**6.21 Community Infrastructure Levy (CIL)**

As a new dwelling the proposal is CIL liable.

**7.0 CONCLUSION**

7.1 Officers recommend that planning permission is granted for the proposed development. A replacement dwelling is acceptable in principle and the size, scale and design of the proposed development would be acceptable and would respect the character and appearance of the surrounding area, including the wider landscape character of the Chilterns AONB. It would have an acceptable impact on the amenity of neighbouring properties and highway safety. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

**8.0 RECOMMENDATION**

8.1 **Planning Permission is granted subject to the following conditions (for full wording of conditions please see attached Appendix C) : -**

**1 : Commencement to begin within 3 years - Full Planning Permission**

**2 : Development to be constructed in accordance with the Approved plans**

**3 : Schedule of Materials to be approved in writing**

**4 : Surface water drainage works details to be submitted and approved in writing**

**5 : - UNIQUE - Great Crested Newt 1**

**6 : - UNIQUE - Great Crested Newt 2**

**7 : UNIQUE - Great Crested Newt 3**

**8 : Landscaping Scheme to be submitted and approved in writing**

**9 : Glass coating details to be submitted and approved in writing**

**10 : External lighting scheme to be submitted and approved in writing**

**11 : Tree protection (implementation as approved)**

**12 : Energy Statement Verification details to be submitted**

**13 : Wildlife Protection (mitigation as approved)**

**14 : Existing vehicular access**

**15 : Vision splay protection**

**16 : Parking & Manoeuvring Areas Retained**

**17 : No Surface Water Drainage to Highway**  
**18 : EV charging point to be provided**

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