

APPLICATION NO.	P23/S2067/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	17.7.2023
PARISH	KIDMORE END
WARD MEMBER	Peter Dragonetti
APPLICANT	Mr Smith
SITE	Oakdown Chalkhouse Green Road Kidmore End, RG4 9AU
PROPOSAL	Proposed outbuilding for use as an annex. (as amended by plan received 7 September 2023 re-siting the proposed annex and arboricultural information received 17 October 2023).
OFFICER	Victoria Clarke

1.0 INTRODUCTION AND PROPOSAL

- 1.1 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 is shown on the location plan attached at **Appendix 1**. The site lies within the village of Kidmore End and comprises a detached two storey dwelling known as Oakdown and its large garden. The site falls within the Chilterns National Landscape (CNL) formerly known as the Chilterns Area of Outstanding Natural Beauty (AONB).
- 1.3 The application seeks planning permission for the erection of an outbuilding in the rear garden of Oakdown to be used as an annex in connection with the dwelling.
- 1.4 Amended plans were received during the course of the application re-siting and reorientating the proposed building within the garden. The plans are attached at **Appendix 2**.
- 1.5 The application was called to committee by Cllr Dragonetti who considers that what is described as an outbuilding appears to be a separate dwelling and is therefore contrary to South Oxfordshire Local Plan (SOLP) Policy H16 (Backland and infill development) part 3 and Policy DES2 (Enhancing local character).

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Full copies of the representations are available on the Council's website at www.southoxon.gov.uk under the planning reference number.
- 2.2 **Kidmore End Parish Council –**
First consultation: Objection:
- Annex is effectively a dwelling
 - Backland development in a National Landscape

- Contrary to Kidmore End Neighbourhood Development Plan paragraph 9.11 and Policy LC1 which “seeks to maintain a linear character of the settlements in the KENDP area, in essence maintaining the sense of village lanes of roads facing dwellings with little or no backfill”

Amended plans consultation: Objection:

- See previous comments

SGN Plant Protection Team – Gigaclear route along the frontage of the site. Plans, conditions and information provided.

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

- General tree protection

Neighbours –

First consultation:

Four letters of objection were received raising the following points:

- Bedroom, bathroom, kitchen and lounge and more likely to be a dwelling
- Backland development in a National Landscape contrary to Kidmore End Neighbourhood Plan
- Out of keeping with the Chilterns National Landscape character
- Detrimental to the visual and spatial character of Kidmore End village.
- Loss of privacy / amenity – overlooking of garden and bedroom of neighbouring dwelling Cobnar
- Large and imposing structure would result in loss of visual amenity and outlook, loss of internal and external entertaining areas.
- A number of existing large sheds / workshops already clutter the garden space. The proposed bungalow will result in additional visual clutter and mar the visual and spatial character of the neighbouring garden landscapes.
- Light pollution
- Increased noise from additional people living in dwelling
- Query about site access and car charging point [there is no additional site access and the charging point shown is to serve a mobility scooter]

Amended plans consultation – One letter of objection was received raising the following points:

- Revised location of the building (effectively a dwelling) will be one metre from boundary with neighbouring property Brandoch and will extend for 8 metres.
- Rear windows will overlook the garden of Brandoch.
- Roof style means that the structure will have a considerable height that will be difficult to screen and will alter the rural character of the back garden.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P04/E1425](#) - Approved (31/01/2005)

Single storey building at bottom of garden for storing garden equipment & woodworking machine (private use).

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

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

EP3 - Waste collection and Recycling

H20 - Extensions to Dwellings

INF4 - Water Resources

TRANS5 - Consideration of Development Proposals

5.2 **Kidmore End Neighbourhood Plan (September 2022)**

LCDPG – General design principles policy

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**
- **Design and character**
- **Residential amenity**
- **Carbon reduction**

6.2 **Principle of development**

The proposed development is for an outbuilding that will be used as an annex not as an independent dwelling. The acceptability of the proposal in principle

should therefore be assessed against SOLP Policy H20 (Extensions to dwellings). The proposal accords with the residential extension policy; it provides sufficient parking and private amenity space, and it is not in the Green Belt.

- 6.3 Officers note the concerns raised by consultees that the property could be used as a separate dwelling. Any independent residential use would require a separate grant of planning permission. However, it is unlikely that an independent use would be feasible due to the lack of access.
- 6.4 **Design and character**
The proposed building would be subservient in scale, and an appropriate design and massing in relation to its surroundings and would have the general appearance of an outbuilding. It is proposed to be single storey with a footprint of approximately 9.9 metres by 5.4 metres and would have a maximum roof height of approximately 3.7 metres tall and an eaves height of approximately 2.6 metres. The walls would be clad in timber and the roof would be finished in clay tiles.
- 6.5 Officers consider the design of the proposed building is in keeping with the character and appearance of the existing site and that it would not be harmful the character of the local area nor the Chilterns National Landscape. The dominant linear pattern of development of the dwellings in the village will be retained.
- 6.6 **Residential amenity**
The impact of the proposal on neighbour amenity is acceptable. The building would be sited close to the garden boundary of the neighbouring property “Brandoch” but it would be positioned approximately 30 metres from the neighbouring dwelling itself. The proposed building would be modest in height and would not be overbearing on the garden of Brandoch.
- 6.7 Windows are proposed facing towards neighbouring dwellings and their gardens. Due to the distance to the neighbouring property to the south (Cobnar) and the fact the windows are at ground floor level they would not result in a harmful level of overlooking of this property. However, because of the proximity to the boundary with Brandoch and the low height of the boundary treatment, a condition is recommended to require that the rear windows are obscure glazed and fixed shut to prevent an unacceptable level of overlooking of the neighbouring garden.
- 6.8 The proposed annex building would be sited within the existing garden area of the application property but would be positioned away from nearby dwellings. It would therefore be unlikely to result in a harmful level of disturbance to neighbours. It is also noted that in planning terms the use of the site will remain as a single residential planning unit where varying levels of noise and activity can be experienced whether or not outbuildings are present.

6.9 **Carbon reduction**

A sustainable construction checklist has been submitted with the application. This is a modest outbuilding with limited scope for reducing greenhouse emissions beyond Part L of Building Control Regulations.

6.10 **Community Infrastructure Levy**

The proposal is CIL liable because the development is an annex.

6.11 **Pre-commencement conditions**

A pre-commencement tree protection condition is recommended.

7.0 **CONCLUSION**

7.1 Officers respectfully recommend that planning permission is granted for the proposed development. The scale and design of the proposed building would be in keeping with the character of the site and the surrounding area, including the Chilterns National Landscape, and would not materially harm the amenity of neighbouring properties, trees or highway safety. In conjunction with the recommended conditions listed below and shown in full in **Appendix 3**, the proposal accords with relevant planning policy.

8.0 **RECOMMENDATION**

Planning Permission

1 : Commencement within three years

2 : Development in accordance with the approved plans

3 : Materials as on plan

4 : Prevention of overlooking – rear windows obscure glazed and fixed shut

5 : Tree Protection (General)

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