

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 14th January 2019**

**REPORT OF THE HEAD OF PLANNING  
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

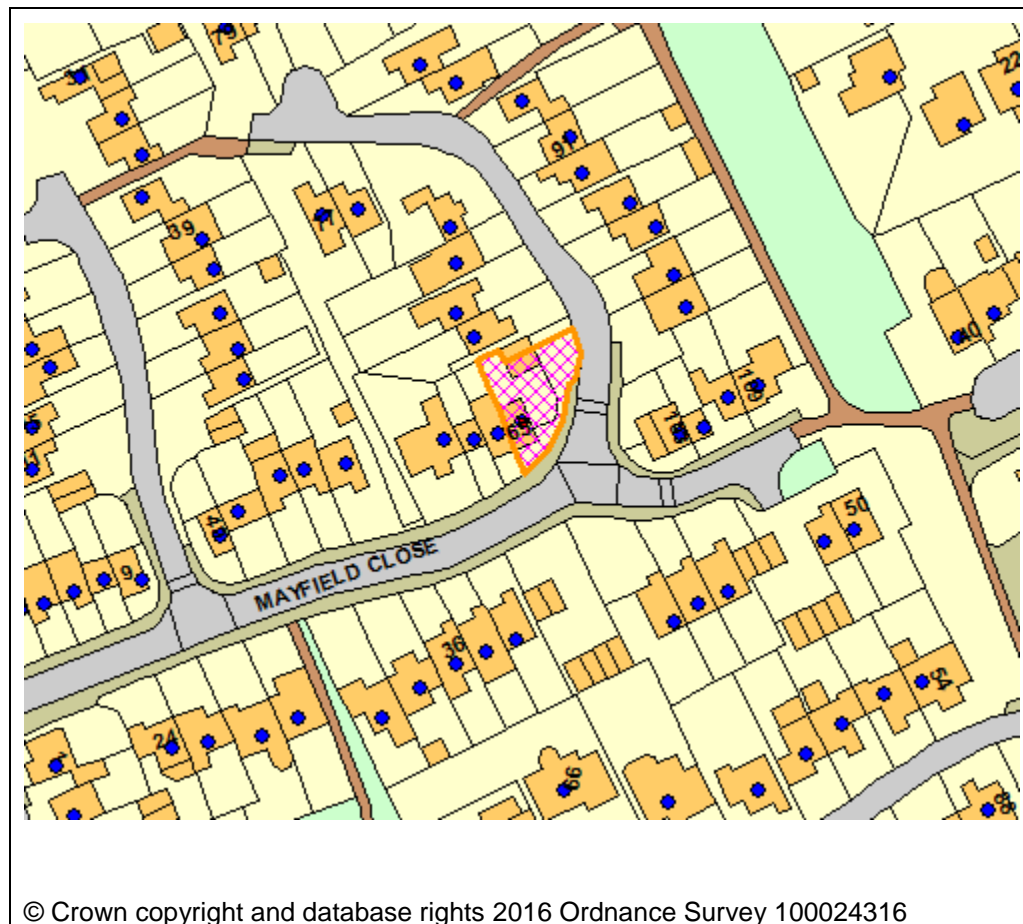
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
18/02999/HHD	<a href="#">65 Mayfield Close, Carterton</a>	3
18/03203/S73	<a href="#">St Michaels House, Acre End Close, Eynsham</a>	7

Application Number	18/02999/HHD
Site Address	65 Mayfield Close Carterton Oxfordshire OX18 3QS
Date	2nd January 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	427591 E 206340 N
Committee Date	14th January 2019

### Location Map



### Application Details:

Two storey side extension.

### Applicant Details:

Mr Dave Haines, Lamb and Haines Ltd, Unit 3, Avenue 3, Station Lane, Witney, OX29 4PB

## **I CONSULTATIONS**

- 1.1 Town Council The Committee felt that this was an over development of the area. They anticipated there would be parking issues.
- 1.2 OCC Highways The red edged application area includes the public highway service strip.
- The application seeks an extension that will, in part, increase the number of bedrooms from 2 to 3.
- The parking requirement is the same for both the existing 2 bed dwelling and the proposed 3 bed dwelling.
- There is therefore no requirement to provide additional on site parking should the application be approved. The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission

## **2 REPRESENTATIONS**

18 third party representations from 15 households summarised as follows:

- An extension or separate dwelling?
- Previous appeal for separate house dismissed at appeal.
- There is only 1 parking space available for this property which inadequate for a two bedroom house let alone a three bedroom house.
- A second or third vehicle will park on the corner, causing restriction to visibility and a hazard to children planning and pedestrians.

## **3 PLANNING POLICIES**

H6NEW Existing housing

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **4 PLANNING ASSESSMENT**

### Background Information

- 4.1 The applicant seeks planning permission for the erection of two storey side extensions at 65 Mayfield Close, Carterton. The property is a modern semi-detached dwelling on a corner plot set within a residential area. A garage and driveway are located at the rear.
- 4.2 It is not within a designated area of special planning control.
- 4.3 Officers acknowledge that this property has had a number of recent applications for a side extension (17/03830/HHD and as separate dwelling (17/02498/FUL) on the site of the proposed extension. The former application was dismissed at appeal in June 2018 on the grounds of not appearing as a secondary or subservient and appearing cramped, visually dominant and overbearing at the point where the development would meet the footway. For this reason, the application is brought to Committee for determination by Members.

### Principle

- 4.4 This current application is a householder application and must be viewed in light of it being an extension to form a single 3-bed dwelling only. Any changes to a separate dwelling in the future will require planning approval and the previous reasons for refusal of a dwelling on this site are likely to still apply.

### Siting, Design and Form

- 4.5 The Parish Council comments and objections are noted however amendments have been made to the scheme as an extension and the ridgeline is now subservient and the front building line stepped back away from the public footpath. The footprint is less than the original dwelling as noted by the previous appeal Inspector. As such Officers consider the design, scale and siting of the proposed extension to be secondary and subservient and would not appear overbearing from the existing footpath or as overdevelopment of the site. The materials are to match the existing property.

### Residential Amenities

- 4.6 The proposed extension, due to its siting, scale and window positions, would not cause any adverse impact to neighbouring amenity in regards to the loss of light or loss of privacy. The Inspector previously concurred with this point.

### Highways

- 4.7 The red line of the application site is as submitted at on all previous applications and at appeal. The extent up to the highway in part was not commented on by Highway Officers or by the Inspector. The character of the street is that much of the ownership extends to the road and the footpath does not exist in many places across the frontages of properties. From the site visit it was clear that two driveway spaces exist and a garage thus the proposed extension to form an additional bedroom would not result in harm to highway or pedestrian safety as sufficient off-street car parking for a 3-bed is retained. The Highway Officer does not object to

the proposal. Again, in response to third party objections, an application for a separate dwelling would be assessed on its own merits.

### Conclusion

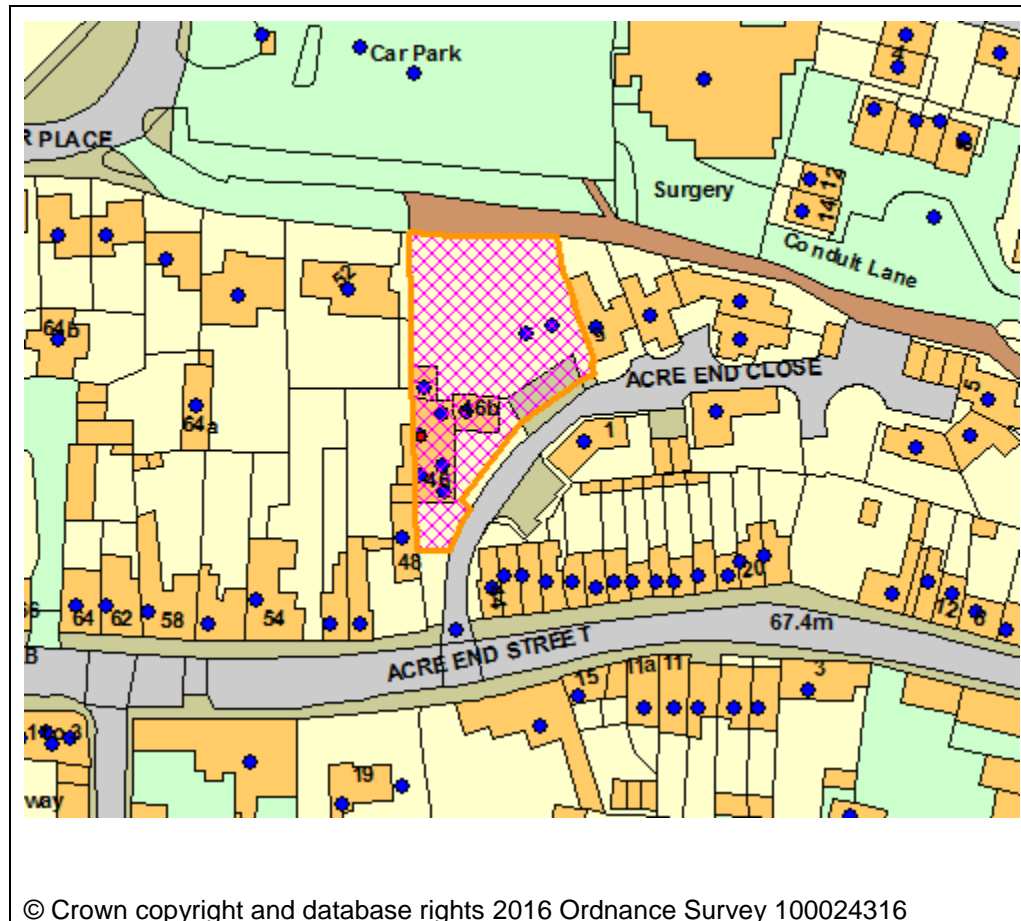
- 4.8 In light of the above, the application is considered to be acceptable and compliant with adopted Policies OS2, OS4, H6 and T4 of the West Oxfordshire Local Plan and is therefore recommended for approval.

## **5 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The window and door frames shall be recessed from the face of the building to match windows and doors on the existing building.  
REASON: To ensure the architectural detailing of the building reflects the established character of the existing building.

Application Number	18/03203/S73
Site Address	St Michaels House Acre End Close Eynsham Oxfordshire OX29 4AE
Date	2nd January 2019
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443117 E 209325 N
Committee Date	14th January 2019

### Location Map



#### Application Details:

Non compliance with conditions 2, 4, 5 and 9 of 16/03427/FUL to allow changes in design, parking and landscaping. (Part retrospective)

#### Applicant Details:

Mr Gary McHale, The Old Chapel, Union Way, Witney, OX28 6HD

## **I CONSULTATIONS**

- |     |                         |  |
|-----|-------------------------|--|
| 1.1 | Parish Council          | Eynsham Parish Council cannot make an informed decision as the LPA have not provided adequate documents and information. |
| 1.2 | OCC Highways            | No Comment Received.   |
| 1.3 | Conservation Officer    | No Comment Received.   |
| 1.4 | WODC Drainage Engineers | No Comment Received.   |

## **2 REPRESENTATIONS**

2.1 Two letters have been received objection to the proposals:

- The builders have done an excellent job laying the paving in the car parking area in the back garden. However the layout does not comply with the plans.
- The plans show a grass garden area in the north west corner with planting, seat and area for bin storage. The area is now fully paved.
- The paving goes right up to the west wall and a flower bed approximately one metre deep should have been left to be planted up with shrubs.
- The paving also goes right up to the north perimeter wall and the plans said the existing trees would be left. They have been removed except for one tree on the left of the fence for the first house. Clearly some of the paving will need to be removed so that additional trees can be planted.
- The gate in the back north wall has been blocked up and the fences for the two houses taken right up to the wall. The gate should have been left for access to Conduit Lane and Back Lane car park for the residents and a passageway put behind the two gardens to the gate from the parking area. I understand that the developers hope to get permission for another gate to be put in the back wall in the car parking area and keep the existing gate permanently blocked up so that the houses will have slightly longer gardens. This need clarifying.
- The windows in the two houses show as timber sashes on the plans. The front windows are not sash design and have an ugly horizontal bar across the middle. The windows clearly open outwards and they look out of keeping with other windows.
- The windows on No 46 should be timber sash and they are Upvc. The enforcement officer was informed about these windows and the windows on the two houses not complying but the windows have not been replaced.
- We are disappointed that the wooden sash windows planned for the new houses and the retaining of original character for the main house (incl for windows) have not been adhered to in the building. Developers have told us this was due to a mistake by a buildings inspector, so they are not going to revert to the planned sashes. This is a real shame for compatibility with neighbouring houses.
- Secondly, the current planting appears to be absolutely minimal compared with the greenery which existed in the original gardens and was felled. The new carpark area does not even include the mini corner of garden shown on the current plans; it has been block paved. We feel that a number of small trees, rather than just shrubs, should be planted, perhaps in the carpark area, in the gardens of the houses and in the front of the two new houses. We have already requested that the developer should landscape the front of No.



10, as that area will now not be designated for parking. This is within the Eynsham conservation area and the replanting is totally insufficient.

### **3 APPLICANT'S CASE**

3.1 The Design and Access Statement submitted with the application has been summarised as follows:

- The scheme has been altered to accommodate a change in boundary position that was identified after the original approval was granted. This relates to a strip of land running parallel to Acre End Close and is in the ownership of the resident's management company. This has now been resolved and the site plan/location plan amended accordingly.
- This application also incorporates changes to the fenestration details and inclusion of an additional roof light as identified in an e-mail from the planning department on 2nd May 2018.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

EH10 Conservation Areas

T4NEW Parking provision

OS4NEW High quality design

The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### Background Information

5.1 This application is a resubmission after the original application for the conversion of the existing building to provide six 2 bed self-contained flats and the erection of two 4 bed semi-detached houses with parking and communal gardens was approved under planning application reference 16/03427/FUL. The current planning application is seeking to regularise breaches in association with the layout and design of the development which is nearing completion. The application also seeks to discharge a condition relating to drainage.

5.2 The application site is sited within the Conservation Area and set back from Acre End Street. The site is set adjacent to new dwellings at Acre End Close.

5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### Principle

5.4 Your officers consider that the principle of development has been established. The development would still be compliant with the now adopted West Oxfordshire Local Plan housing policies.

### Siting, Design and Form

- 5.5 Your officers consider that the changes regarding the type of material used for the windows and the design of the windows is acceptable. Whilst officers advise that timber windows are used for new buildings, existing properties within Conservation Areas do not always require planning permission to change existing timber windows to UPVC. In terms of the changes of the windows to the existing building and the additional velux roof light, your officers do not consider that these have an adverse impact to the visual appearance of the Conservation Area to warrant refusal of the application. The changes to the design of the windows to the new houses are also considered to be acceptable. Such changes would be deemed to be non-material amendments, which would not require an application. However in these circumstances, with the breaches being notified to your Enforcement officers, it was considered that a more formal application should be submitted.
- 5.6 In view of the Parish Council's response, the plans submitted with the application by the applicant are considered to be sufficient.
- 5.7 The layout for the parking has been altered, which reduces the scale of the private garden area to the rear of the new dwellings. Your officers do not consider that this change adversely affect the visual appearance of the Conservation Area.
- 5.8 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposals are therefore considered to respect the local area and the development would comply with EH10 and OS4 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 5.9 Your officers are awaiting a final response from your drainage officers. A full verbal update will again be given at the meeting.

### Highways

- 5.10 At the time of writing your officers are awaiting a formal response from OCC Highways. A verbal update will be given at the meeting.

### Residential Amenities

- 5.11 Your officers consider that these changes to the design and layout, will not materially adversely affect the residential amenities of the neighbouring properties in terms of loss of light or privacy issues.

## Conclusion

- 5.12 In conclusion, whilst officers note the concern raised by neighbouring residents, your officers do not consider that the changes will adversely affect the visual appearance or character of this part of the Conservation Area, or neighbouring residential amenities. However comments regarding drainage and highway issues have yet to be formally received. Officers will verbally update Members at the meeting.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, porches, outbuildings, roof extensions, dormer windows, roof lights, windows, and to include no walls or fences forward of the new dwellings;, other than those expressly authorised by this permission, shall be constructed.  
REASON: Control is needed to retain the visual character and appearance of the Conservation Area, and to protect neighbouring properties' residential amenities.
- 4 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.