

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 2nd July 2018**

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



**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***

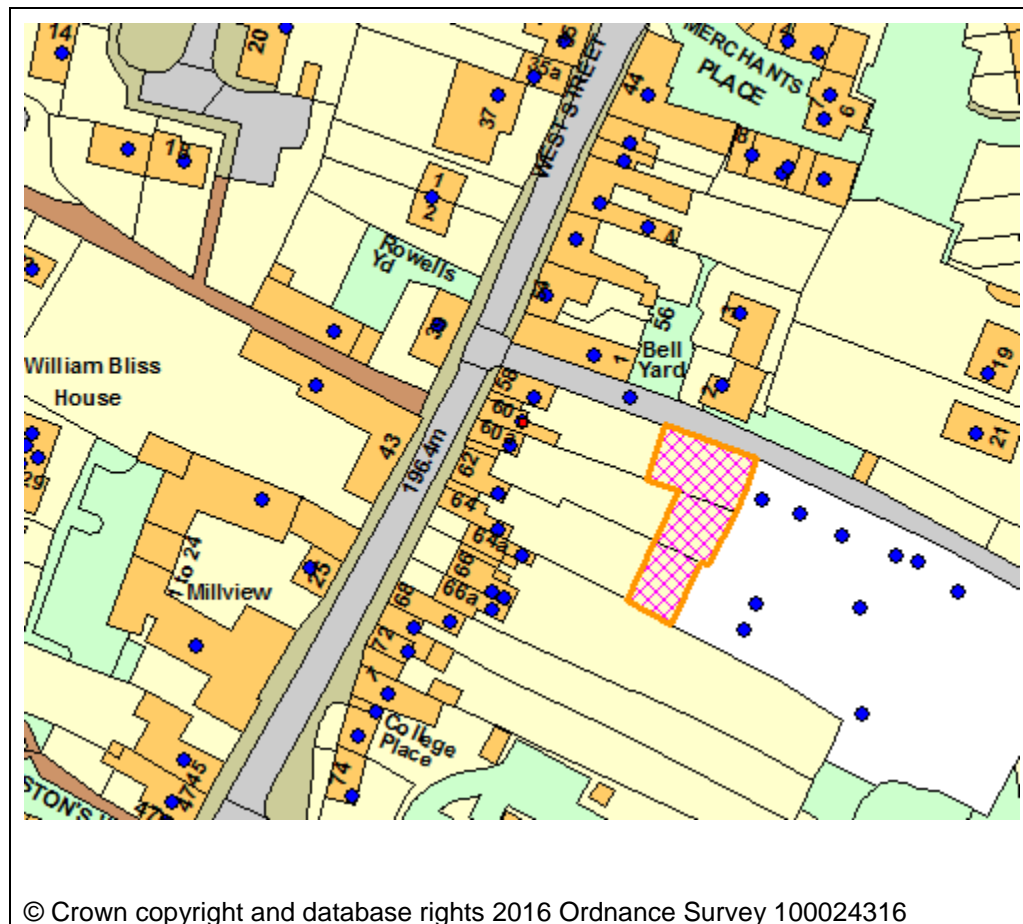
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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)

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Application Number	17/04153/FUL
Site Address	60 West Street Chipping Norton Oxfordshire OX7 5ER
Date	20th June 2018
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431248 E 226781 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

Erection of detached dwelling and associated works, removal of log cabin (amended plans)

### Applicant Details:

Mr & Mrs Smith, 60 West Street, Chipping Norton, Oxfordshire, OX7 5ER

## **I CONSULTATIONS**

- 1.1 Town Council The Town Council did not approve of this planning application and suggested that the proposed house should be pushed further back on the development. By moving the property back on the site it would reduce the affect of construction and the delivery of material as the access road is very wide.
- 1.2 OCC Highways Bell Lane/Yard is a private lane - the red edged application area therefore does not include access to the highway.  
I am concerned that the proposal, if permitted as submitted, will result in the loss of car parking for 60 West St.
- However you advise that the title for the site ( including the existing parking spaces ) has been separated from 60 West St resulting in no parking spaces available for that property.  
In this case I consider that an additional parking space for use by the occupiers of 60 West St located within the red edged application area would be beneficial in terms of highway safety. The risk resulting from additional movements at the adjacent junction is outweighed by the benefit associated with the removal of the need for servicing along the frontage to 60 West St.
- 1.3 WODC Drainage Engineers No Comment Received.
- 1.4 Conservation Officer No Comment Received.
- 1.5 Town Council No Comment Received.

## **2 REPRESENTATIONS**

- 2.1 18 letters of objection and 2 letters of comment have been received. These can be read in full on the Council's website. The representation received raised the following issues which have been summarised below:

Bell Yard is not a public highway  
Loss of privacy  
Increased overlooking  
Has no legal right of way through the lane  
Insufficient width of access  
Parking will be problematic due to site constraints  
Visibility on to West Street is substandard  
Construction traffic will cause issue for neighbours  
Not an infill plot  
Not in keeping with neighbouring properties  
Increased overshadowing  
Scheme shows no provision for drainage  
Applicants don't have legal right to cross the land  
Dwelling will be overbearing

House should be moved back in to site  
Very close proximity to no.2  
Lane is very busy with pedestrians  
Would be an over development of the site  
Gardens add value as an open space  
Will impact on the trees in the garden and ecology  
Fire service would be unable to access properties  
Inaccurate information submitted  
Form completed incorrectly

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

3.1 Supporting information has been provided as part of the application which can be viewed in full on the Council website, the summary and conclusion of the planning, design and access statement states:

- The principle of design against the lane with the form and scale proposed seems to accord with pre-application advice, local and national planning policy and is within the framework of Chipping Norton where there is a presumption in favour of sustainable development of this kind.
- The applicants have engaged constructively with the planning process and sought relevant and informed advice. They have made a significant and wholesale review of their design approach after pre-application feedback and have then sought further planning input on a new, more appropriate design. They have then reviewed this and sought to incorporate further design amendments or to address remaining concerns by carefully considered design changes where, for example with the suggested removal of the western end of the house, their architects have felt this would compromise design too much. This is in line with planning policy guidance placing design choices and preference with applicants and their designers and encouraging decision makers not to be over prescriptive in steering design decisions.
- The result of this we feel, is a sensitive high-quality design, informed by the local character and pattern of development and of an appropriate scale. The clients propose high quality materials and high levels of insulation and so on all levels it meets the sustainability criteria of current policy.
- The impact on adjoining properties has been minimised as far as practical and reasonable on a site in this location where there is a presumption supporting development and so we urge the case officer to support the latest proposals.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE8 Development affecting the Setting of a Listed Building  
NE4 Cotswolds Area of Outstanding Natural Beauty  
H7 Service centres  
NE13 Biodiversity Conservation

OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH1A AONB  
EH9 Listed Buildings  
EH2NEW Biodiversity  
EH8 Conservation Areas  
T6 Traffic Management  
T4NEW Parking provision  
H2 General residential development standards  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The application seeks planning permission for the erection of a detached dwelling with associated parking.
- 5.2 The application site is located within the built up limits of Chipping Norton, within Chipping Norton conservation area and within the Cotswold AONB.

### Principle

- 5.3 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.4 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.
- 5.5 On this basis it is considered that the Council is able to demonstrate a five year housing land supply albeit this cannot be confirmed with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.6 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted.
- 5.7 Chipping Norton is classified as a service centre in both the adopted and emerging local plan. Policy H2 of the emerging local plan is permissive of new homes and states that the principle of new development is acceptable subject to compliance with the other relevant policies of the plan.

- 5.8 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:

Siting, Design and Form

- 5.9 The site is located to the rear of West Street accessed via Bell Lane which currently comprises a number of dwellings which front on to the lane. The site is made up from the rear gardens of 58-64 West Street. The application site is currently used as garden to the corresponding properties located in West Street.
- 5.10 The property is within the Cotswold AONB. Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the proposal is for a dwelling which will be located in a built up residential area and therefore it is not considered it would be harmful to the AONB.
- 5.11 The dwelling had been designed to sit on the site frontage facing on to the lane following the pattern of development. The dwelling will be viewed in in the context of the built form along the lane.
- 5.12 Officers consider that the development would be in keeping with the pattern of development in the Lane as well as the linear pattern of development in West Street. The design of the dwelling has undergone a number of amendments with the overall scale of the dwelling being reduced. Officers are of the opinion that on balance the scale and position of the dwelling is considered acceptable.
- 5.13 The dwelling will incorporate the boundary wall, retaining this element of the street scene. The dwelling will use the boundary wall as a design feature. The garage element has been set back to allow the massing of the building to be reduced when viewed from West Street. The dwelling is proposed to be built in a combination of stone and render. The materials proposed would be in keeping with those in the wider area and a condition will be added requiring material samples, to ensure that the building forms a visually appropriate relationship with the surrounding dwellings.
- 5.14 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 12 '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 dwelling would read as a logical addition to the pattern of development in the area and is not considered to have an adverse impact on the street scene or wider conservation area.
- 5.15 The two closest listed buildings are 1 Bell Yard and 54 West Street which are both grade II listed. 1 Bell Yard is located on the corner of the Lane. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the

significance of a listed building, great weight should be given to its conservation. Officers are of the opinion that given the separation distance and the existing development in the vicinity, the dwelling would not have an harmful impact to the setting of the listed buildings.

#### Residential Amenities

- 5.16 The dwelling will be located in close proximity to the neighbouring properties. Given the separation distance from those located in West Street the dwelling is not considered to be overbearing or impact the light or outlook afforded to the properties. As the site is set higher than those in West Street further boundary details will be required by condition to ensure that the height of the boundary treatment can prevent overlooking given the levels of the site and the proposed raised patio area.
- 5.17 With regard to the adjacent properties located in Vernon Court, given that the dwelling will set in line with no. 27b the dwelling is not considered to be overbearing.
- 5.18 The dwelling would be located in line with 27b which already benefits from this side on relationship with the neighbouring properties located in West Street and Vernon Court. The proposed dwelling will feature a number of openings at ground and first floor level. Officers are of the opinion that whilst there may be an increased perception of overlooking given that there will be a new dwelling - the level of overlooking would not be unacceptable. The site area already benefits from this type of neighbour relationship on the site and given we are in the built up limits of the Town where this type of relationship is common, officers are of the opinion that this development would not have an unacceptable impact on neighbouring amenity. In addition the applicant has tried to minimise this issue by including obscure glazing to a number of the first floor windows.
- 5.19 The proposed dwelling will be located directly opposite no. 2 Bell Yard. With regard to loss of privacy and overlooking 3 of the 4 first floor windows facing on to the street and no. 2 Bell Yard will be obscurely glazed. Officers are of the opinion that given that properties don't benefit from the same level of privacy to the front as they do the rear, the proposed level of obscure glazing to the front would protect the privacy of no.2 Bell Yard. With regard to overshadowing and loss of light there will be some impact to no. 2 but given that the properties will be separated by a Lane, the relationship is not considered unacceptable in a Town Centre location.

#### Highways

- 5.20 Oxfordshire County Highways have been consulted on the application and raise no objection. They also see the allocation of a space to no. 60 as a benefit to the scheme. Highways are therefore of the opinion that:
- 5.21 "The risk resulting from additional movements at the adjacent junction is outweighed by the benefit associated with the removal of the need for servicing along the frontage to 60 West St".
- 5.22 The applicant has confirmed that the garage will be used as a parking space for no.60 with a flying freehold.



## Conclusion

- 5.23 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, would preserve this area of the Conservation Area as well as Cotswold AONB and would not have an adverse impact on neighbouring amenity and therefore are recommending that the application is approved.

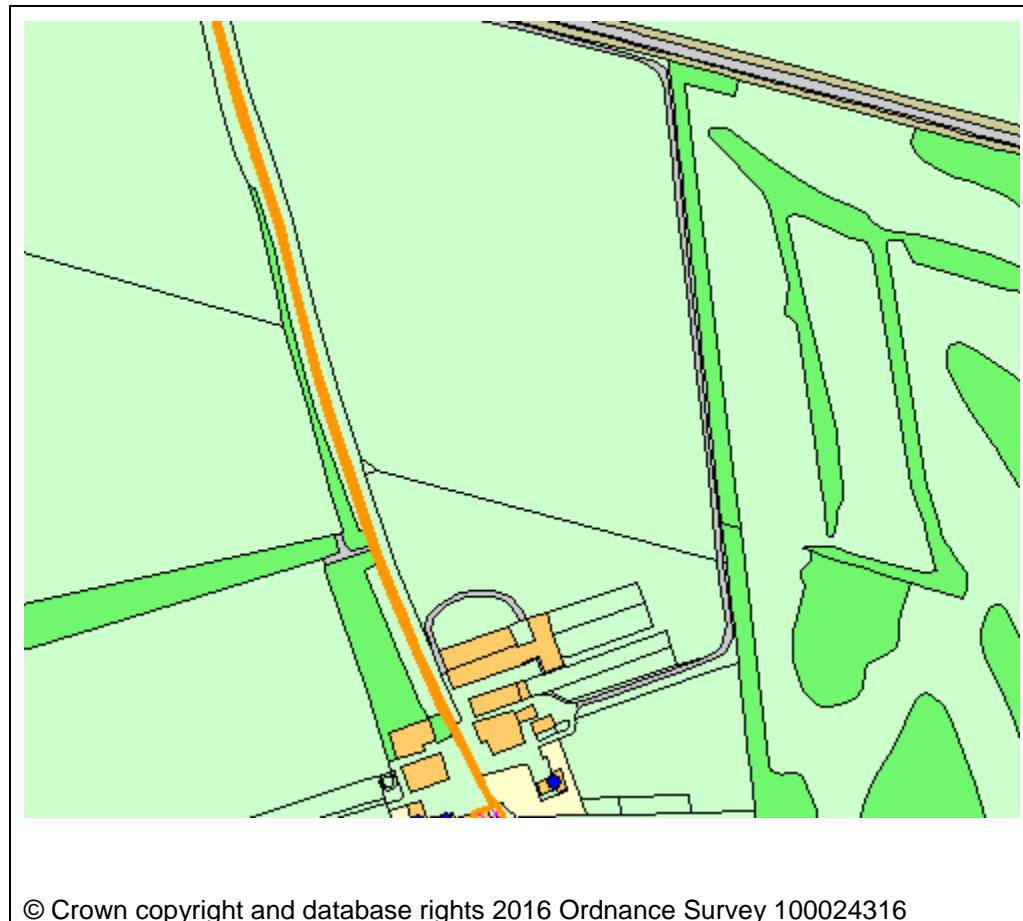
## **6 CONDITIONS**

- 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 5 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.
- 6 The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
- 7 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 8 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 9 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.  
REASON: To safeguard the character and appearance of the area.
- 10 The boundary wall shown on the approved layout plan shall be retained thereafter as part of the scheme unless agreed in writing by the Local Planning Authority  
REASON: In the interests of the appearance of the development and to secure a reasonable standard of privacy for occupants of the plots concerned.
- 11 The windows to be obscurely glazed shown on the approved plan shall be installed prior to occupation and retained thereafter.  
REASON: To protect the amenity of neighbouring properties.
- 12 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect the amenity of neighbouring properties and the visual appearance of the Conservation Area.
- 13 Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.  
REASON: In the interests of Highway safety.

Application Number	I8/01055/FUL
Site Address	New Chalford Farm London Road Chipping Norton Oxfordshire OX7 5QY
Date	20th June 2018
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	433071 E 226677 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

Conversion of existing agricultural building to dwelling. (Part Retrospective).

### Applicant Details:

Mr Glyn Pearman, New Chalford Farm, London Road, Chipping Norton, Oxon, OX7 5QY

## **I CONSULTATIONS**

- 1.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.
- 1.2 Town Council No Objections.
- 1.3 Biodiversity Officer Objection-
- Further information is required relating to roosting bats and Barn Owl before determination of the application; there is therefore a biodiversity objection to the proposal on the basis of insufficient ecological information. Should this matter be resolved, further details on ecological enhancements and lighting, and possible bat/barn owl provision, would be required and the applicant may wish to provide these details before determination to avoid conditions.

## **2 REPRESENTATIONS**

No representations received at the time of writing.

## **3 APPLICANT'S CASE**

- 3.1 A supporting statement submitted with the application states as follows:

The National Planning Policy Framework (2012) supports the residential reuse of rural buildings under paragraph 55. This notes that such development is acceptable where "the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting".

West Oxfordshire Local Plan 2011 (adopted 2006) supports the conversion of unlisted vernacular buildings. Policy BE10 notes that the conversion should not:

"a) extensively alter the existing structure or remove features of interest;

b) include extensions, or an accumulation of extensions, which would obscure the form of the original building".

The lower case text advises the conversion should ensure that the conversion respects the original character of the building.

The primary focus of policy is to ensure that the converted building is in keeping with its setting.

There are adjacent buildings. They are of a similar style. The building will therefore be in keeping with its setting.

The building has been re-roofed, and slates re-laid. The adjacent buildings are clad in slates, so this is in keeping. The stonework is matching of the adjacent buildings, and has been repointed.

The building has been enhanced, and accordingly there has been enhancement of the immediate setting. Policy in the NPPF is satisfied.

In terms of Local Plan policy BE10:

- a) the existing structure has not been extensively altered. The building before re-roofing was of a similar style, albeit slightly lower and without upper windows. However as the photos show, the character of the building is entirely in character with the building attached;
- b) nor has the form of the original building been obscured.

The original roof slates and wooden roof timbers needed replacement. In the roof space was a loft, accessed internally by a ladder. Once the roof had been stripped back and the wall plates exposed, the decision was taken to raise the wall height by circa 40cm (15 inches), and to put in small windows.

These allow for the roof space to be used as living accommodation without the need for roof lights, which it was concluded would alter the character of the building.

In making this alteration, the character of the building has been kept in character with other buildings, including the one adjacent to it

Against the policy, this alteration is not extensively altering the existing structure. It is not removing features of interest. Nor does the change obscure the form of the original building.

Therefore this is not contrary to policy BE10.

The report concludes that the building meets the criteria of local and national policy and that there are no adverse impacts sufficient to warrant refusal.

**In addition to the above the applicant has provided the following information in support of the application:**

'I am hoping a little background to the building and my wish to convert it might help me towards success. In the 1960's along with many other pupils from Chipping Norton School I used to run through the farm on those dreaded cross country excursions. In those days the tenant, an old fashioned Mr Polard, used to keep pigs in it. There was an open exercise yard at the front, built in concrete blocks, to which the pigs had constant access. The rear of the building was open with metal gates restricting the pigs escape. There was a loft above which had very little headroom and no lighting other than that which came up the stairway and through a couple of slits in the wall.

One of my first improvements was to remove the concrete yard and build in the rear with in natural stone and three metal windows purchased when the Bliss Tweed Mill closed down and odds and ends were sold off. From that time I have reared calves, turkeys and table poultry according to demand in the building.'

He wishes to put the barn in trust for his granddaughter who has Downs Syndrome. It would be let out until she is of an age to need it and all of the rent would be paid into an account for her. This way she would end up safe and secure with her own accommodation.

The applicant is more than willing to get terms and conditions drawn up legally for you prior to consent being given if this would help my application.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H4 Construction of new dwellings in the open countryside and small villages

H10 Conversion of existing buildings to residential use in the countryside and

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application is for 'conversion' of a former agricultural building at New Chalford Farm to a dwelling. The building sits within a group of existing stone buildings a number of which were converted without planning consent but which now benefit from lawful residential uses following the submission of lawful development certificates some years ago.
- 5.2 The farmhouse, converted buildings and farm buildings are located within the open countryside.
- 5.3 The application has been submitted following the withdrawal of an application for Prior Approval under Part Q of the GPDO. The application was withdrawn when it came to light that physical works had been undertaken to the building which as a matter of 'fact and degree' were a material re-modelling of the original building (raising the eaves and ridge and providing domestic window openings on the first floor) such that it is considered tantamount to the erection of a new dwelling as opposed to a conversion.
- 5.4 The applicant has put forward a social case with the application which is that he wants to put the dwelling in trust for his granddaughter and is willing to enter a legal agreement accordingly if planning permission is granted.
- 5.5 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 - Housing Policy Position

- 5.6 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.7 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report -

CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.

- 5.8 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.9 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.10 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.11 Paragraph 14 of the Framework says that permission should be granted for dwellings unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.12 The starting point for consideration of this application is whether or not this application is for a conversion to residential or is tantamount to the erection of a new dwelling in the open countryside.
- 5.13 In order to create a useable first floor the former agricultural building has been remodelled and whilst sitting on its original footprint has a raised eaves and ridge height. The supporting statement with the application confirms that once the roof had been stripped back, the decision was taken to raise the wall height by 15 inches and put in first floor windows. In your Officers opinion, the works that have been undertaken as a matter of 'fact and degree' are tantamount to the erection of a new dwelling and as such policy H4 is the key Adopted Local plan policy together with H2 of the Emerging Local Plan and Paragraph 55 of the NPPF are key in determining this application.
- 5.14 The above noted policies seek to avoid isolated homes in the open countryside in remote locations removed from any settlements unless there are special circumstances to set policy aside. The special circumstances cited in the relevant policies are as follows:

Essential operational need;

Where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

Where development would re-use redundant buildings and lead to an enhancement to the immediate setting and where it has been demonstrated that the building is not capable of re-use for other uses or where the proposal will address a specific housing need which would not otherwise be met;

The design of the dwelling is of exceptional quality or innovative.

#### Essential Need

- 5.15 In your Officers opinion the case that has been put forward by the applicant in respect of his granddaughters long term welfare is a type of personal circumstances case that can be repeated too often and which would set a clear precedent for applications for dwellings in unsustainable locations based on similar circumstances.

#### Optimal Viable use of a Heritage Asset

- 5.16 It is clear from the applicants submission that this building has been altered over time and prior to its remodelling had little heritage value such as to warrant re- use as an unfettered dwelling.

#### Enhancement of the immediate setting of the building

- 5.17 The building sits within a range of buildings used for a variety of purposes including residential uses together with associated yard areas, ancillary outbuildings, parking areas and greenery. In light of this Officers consider that the remodelling of the former agricultural building to form a dwelling has had a neutral impact as opposed to an enhancement of the immediate setting.

#### Innovative Design

- 5.18 The new dwelling is not considered to be an innovative design of exceptional quality.

#### Siting, Design and Form

- 5.19 The building has been remodelled to look like a two storey dwelling and as such has lost any of its former agricultural character and appearance.

#### Highways

- 5.20 OCC highways has raised no objections.

#### Residential Amenities

- 5.21 The amenity space serving the dwelling forms part of a concrete yard area serving a single storey range of outbuildings that appear to be in use/used as stables. Given that the proposal is for unfettered residential use the level and quality of amenity afforded the dwelling is considered inadequate.

#### Conclusion

- 5.22 In conclusion and having regard to paragraph 14 of the NPPF Officers can advise as follows:



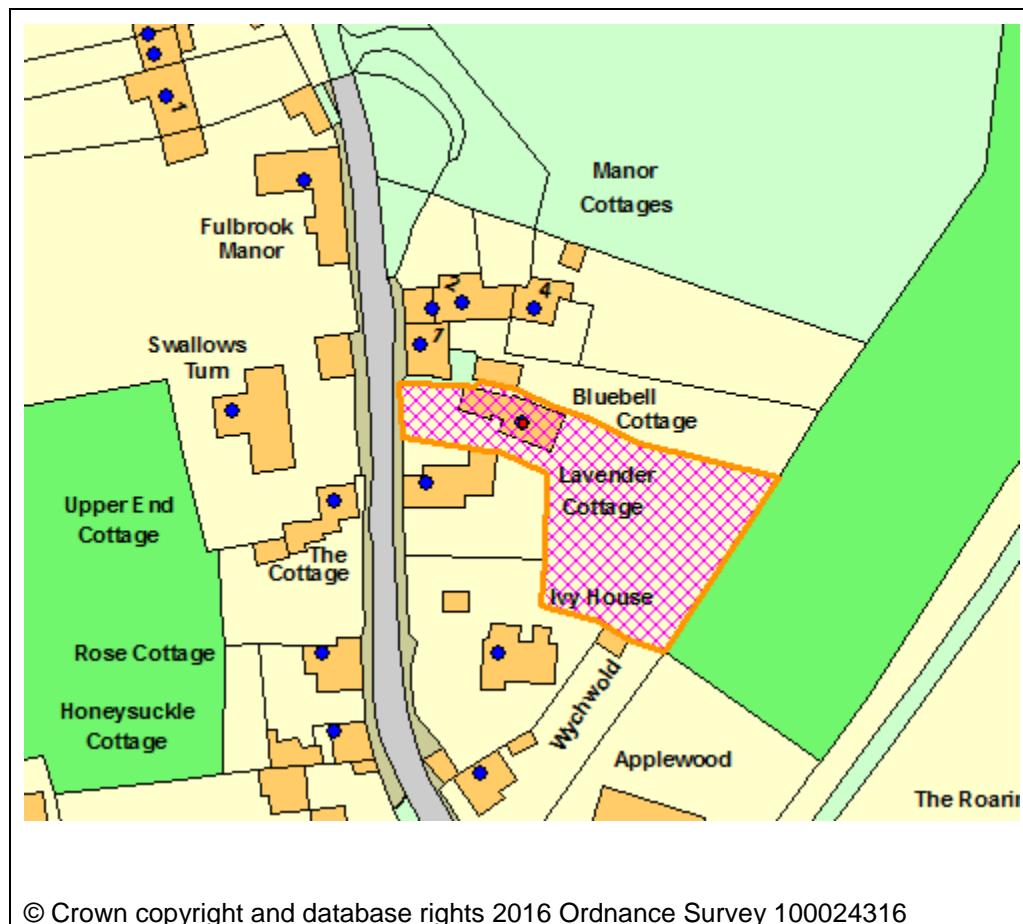
- There would be some benefit in the provision of new housing accommodation, albeit greatly limited by the very modest scale of the proposal (one dwelling).
- Likewise while there would be some economic benefit in the completion of the construction phase this would be limited by the small scale of the proposal.
- There would be some benefits to the current owner in terms of securing the property and additional monies from rental for his granddaughter in the future.
- Set against the limited benefits referred to above the new dwelling is in a location well removed from the nearest settlement and would be likely to lead to greater car usage contrary to Local Plan policies and the NPPF requiring sustainable development.
- In addition to the above the level and quality of the amenity space serving the dwelling is considered inadequate and to result in a poor living environment for an unfettered dwelling.
- Further, there is an objection on ecological grounds in terms of insufficient information relating to roosting bats and barn owls.
- Given the above Officers consider that, taken overall, the harm identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal and as such the application is recommended for refusal.

## **6 REASONS FOR REFUSAL**

- 1 In the opinion of the Local Planning Authority by reason of the raising of the eaves and the ridge of the existing building and the addition of six first floor window openings the part retrospective development is considered tantamount to the erection of a new dwelling as opposed to conversion in the open countryside for which no exceptional circumstances have been demonstrated and due to the isolated location would result in an unsustainable form of development which would result in dependence on the private car to access most services and facilities. The degree of harm of the development is considered to significantly and demonstrably outweigh the benefits. The development is therefore considered contrary to Policies H4 of the adopted Local Plan 2011, OS2 and H2 of the Emerging Local Plan 2031 and Paragraph 55 and other relevant provisions of the NPPF.
- 2 By reason of the hard surfaced yard area, the lack of enclosure and the close proximity of an open sided single storey range of buildings in non- residential use adjacent to the unfettered residential use, the amenity area serving the dwelling is considered inadequate and results in a poor living environment for future occupiers. As such the development is considered contrary to BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, OS2 and H2 of the emerging Local Plan 2031 and relevant policies of the NPPF
- 3 By reason of insufficient ecological information as part of the application submission the impact on the development on protected species or other ecological impacts and any appropriate mitigation and compensation measures cannot be assessed. As such the development is considered contrary to policies NE13 of the adopted Local Plan 2011, EH2 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF

Application Number	I8/01079/FUL
Site Address	Bluebell Cottage Upper End Fulbrook Burford Oxfordshire OX18 4BX
Date	20th June 2018
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Fulbrook Parish Council
Grid Reference	425953 E 213301 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

Construction of detached, ancillary self contained living accommodation.

## **Applicant Details:**

Mr Simon Gibbs, Bluebell Cottage, Upper End, Fulbrook, Burford, Oxfordshire, OX18 4BX

## **I CONSULTATIONS**

- I.1 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.  
No objection.
- I.3 Parish Council The drawings are incomplete and inaccurate, which does not permit effective assessment.
- The proposed building is within the AONB and therefore the proposed materials are not appropriate.
- The plans do not have the building's dimensions or site position accurately indicated.
- There seems to be no drainage, other than use of existing manhole, which is at an unspecified distance from the annex.
- The situation of the proposed timber building (although not accurately indicated) is close to a neighbouring property's oil tank.
- The situation of the proposed building is close to a neighbouring property's load bearing wall, which will not be able to accommodate this extra weight.
- The increased road traffic in Upper End will exacerbate the existing problem. To have additional vehicles for home carers visiting the proposed building will create additional parking problems.
- Section 15, trees and hedges, has not been completed on the planning application.
- FPC believe that this proposed planning application is inappropriate structure for an elderly resident living on their own.

## **2 REPRESENTATIONS**

- 2.1 Four letters of objection have been received from Mr and Mrs Weller, Mr and Mrs Isaacson, Mr Lyon, and Prof. and Mrs Travis. Full versions of these representations are available on the Council's website. The main points raised are summarised as follows:

- The proposed annexe building is out of keeping with the character and appearance of the surrounding area;
- Results in a detrimental impact on the Cotswold AONB;
- This part of the garden is already over crowded with outbuildings;
- The building will be overbearing;
- Concerns over the noise and disturbance associated with the use of the building;
- Concerns over the future use of the building;
- Condition of the road and provision of parking is of serious concern.

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

3.1 The documents submitted with the application are available on the Council's website. The following statement has been provided by the applicant to support the application:

- This application is made by my husband and I. We would respectfully ask the committee to consider the following reasons for our request to build a one-bed studio in our garden.
- We have lived in Fullbrook for 20 years; 14 years in a large family home until we down-sized in 2012 to our 2-bed cottage in Upper End. I am an only child; my parents followed us to the area and bought a home in an over-55 sheltered community in Lechlade over 16 years ago, to be near me and their only grandson (Ross).
- Doreen, my mum died in January, 2018 after a very long illness. My dad Jim has been diagnosed with both Dementia and Alzheimer's and I am his principal carer. I see him almost every day and he is entirely dependent on me emotionally; I am his eyes and ears to the outside world. He has been signed off by his doctor to continue to drive, so he comes back and forth to us, but it is clear that he will need to live with us before the year is out.
- My son is 1st year student at Bath University and will still require his bedroom for at least the next 3 years, hence our request to build the studio for Jim as soon as possible. The studio will also give Jim some feeling of independence, while allowing me to care for him.
- Thank you for your consideration.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 H2 General residential development standards  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 T4NEW Parking provision  
 EH1A AONB  
 H2NEW Delivery of new homes  
 H6NEW Existing housing  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for a self-contained ancillary annexe building to serve Bluebell Cottage. The site falls within the Cotswold Area of Outstanding Natural Beauty. The proposed oak framed timber building has an eaves height of 2.2m and ridge height of 3.4m and features a living area with kitchen units, a bedroom, and a bathroom to accommodate a family member of the applicants.
- 5.2 The application has been brought before Members of the Uplands Planning Sub-committee for consideration as Fulbrook Parish Council have objected to the application.
- 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  
Siting, Design and Form  
Impact on the Cotswold AONB  
Residential Amenity  
Highways Safety  
Drainage

### Principle

- 5.4 Policies H2 of the adopted West Oxfordshire Local Plan 2011 and H2 of the emerging West Oxfordshire Local Plan 2031 are both supportive of the provision of self-contained accommodation within the curtilage of a residential dwelling so long as a condition is included to ensure that the accommodation remains ancillary to the main dwelling and that the development does not conflict with any other policies; the consideration of which will be assessed below.

### Siting, Design and Form

- 5.5 By virtue of its proposed siting, scale and form Officers are of the opinion that the outbuilding will read as a secondary building within the curtilage of Bluebell Cottage. The proposed design and materials are considered to be appropriate in this context and the outbuilding will not be visible from any public viewpoints. Further, a relevant fallback position to be considered in this case is that the building itself could be constructed without planning permission under permitted development rights if it did not include the small kitchen unit within the living area. As such, the application is considered to be acceptable in these terms.

### Impact on the Cotswold AONB

- 5.6 In terms of the impact on the Cotswold AONB, the provisions of paragraph 115 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB. The proposed outbuilding sited within the curtilage of a dwelling located within the built up area of Fulbrook means that the proposal has no real visual presence beyond its immediate setting. It is therefore considered that there would be no material harm to the AONB in this location.

### Residential Amenities

- 5.7 In terms of neighbouring amenity, the proposed annexe does sit within between 2-3 metres from the boundary with Ivy Cottage which due to a change in land levels does sit lower than the proposed outbuilding. However, by virtue of its single storey scale, design, siting against an existing outbuilding which forms part of the boundary, and the existing planting within the site boundary, Officers do not consider that the proposed outbuilding will be overbearing or result in a loss of light or privacy to the detriment of the occupants of Ivy Cottage. Officers note that several of the neighbouring properties have raised objections to the proposal due to concerns over the noise and disturbance caused by the occupation of the annexe building. However, the occupation of the annexe will be fettered by condition to be ancillary to the occupation of the main dwelling and Officers do not consider that the residential occupation of a granny annexe by a family member will result in any undue noise or disturbance. Further, the permitted development fallback position means that if the kitchen units were removed from the development and the occupants meals were provided by the family in the main house then actually planning permission would not be required for the outbuilding itself or the use of it as ancillary accommodation. Officers do not consider that the internal provision of kitchen units will have any additional impact on neighbouring amenity than if they were not provided. As such, the application is considered to be acceptable in these terms.

### Highways

- 5.8 The Highways Authority has been consulted on the application and has raised no objections in respect of highways safety and the impact on the local road network. As such, the application is considered to be acceptable in these terms.

### Drainage

- 5.9 The Council's Drainage Engineers have been consulted on the application and have raised no objections to the development subject to a pre-commencement condition requiring the submission of a full surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority.

### Conclusion

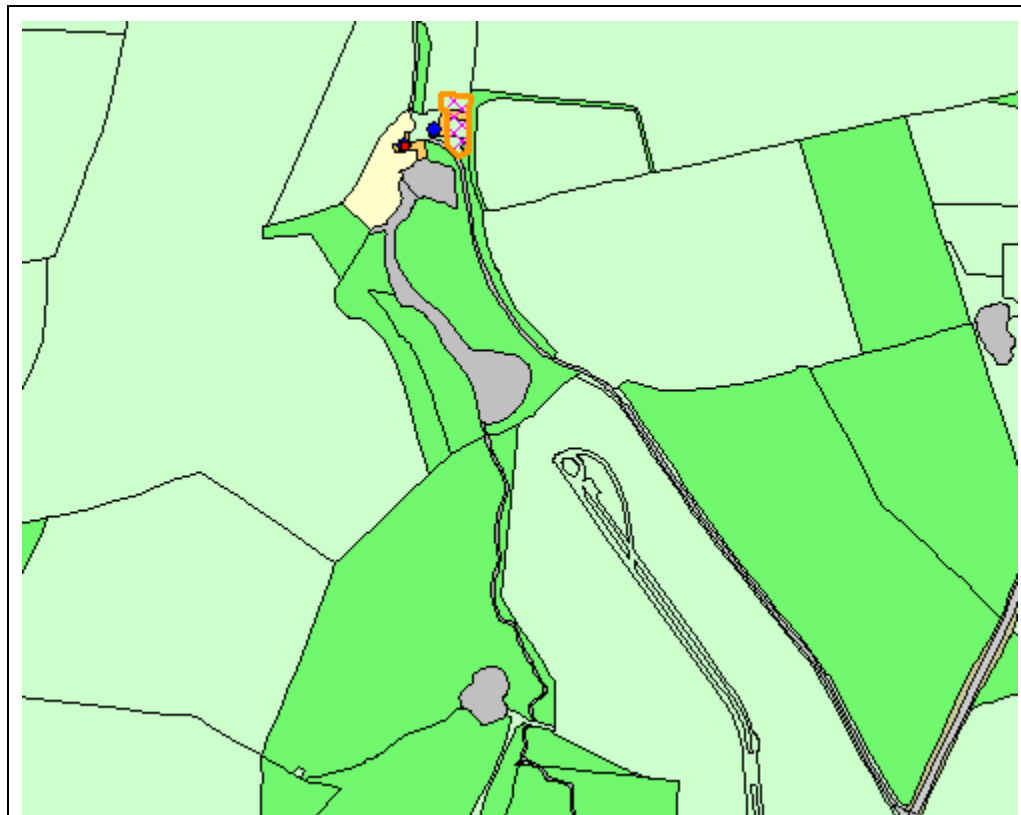
- 5.10 Officers note that a number of issues relating to construction disturbance, the structural safety of the retaining boundary wall and possible impact on the neighbouring oil tank have been raised by neighbours. However, these are not material planning considerations that can form part of the assessment of the application. Further, concerns have been raised by neighbours in respect of the future use of the annexe building once it is no longer required to provide accommodation for the applicant's elderly parent. With regards to this issue planning permission would be required for the use of the property as unfettered accommodation.
- 5.11 In light of the above the application is recommended for approval subject to conditions.

## **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 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 annexe building hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.  
REASON: A separate dwelling in this location would be contrary to the spatial policies for new dwellings and would not be served by adequate private amenity space or off street parking.
- 5 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved before first occupation of the approved annexe or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: In the interest of neighbouring amenity and the Cotswold Area of Outstanding Natural Beauty.

Application Number	18/01169/FUL
Site Address	Priory Mill Hook Norton Road Chipping Norton Oxfordshire OX7 5TF
Date	20th June 2018
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Over Norton Parish Council
Grid Reference	433300 E 229963 N
Committee Date	2nd July 2018

### Location Map



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### Application Details:

Conversion of disused barn to ancillary cottage.(Retrospective)

### Applicant Details:

Mr Mark Ransom. Priory Mill, Hook Norton Road, Chipping Norton, OX7 5TF



## **I CONSULTATIONS**

- 1.1 WODC Drainage Engineers Due to the location and nature of this application, I have no comments to make.
- 1.2 Parish Council No objection

## **2 REPRESENTATIONS**

None received.

## **3 APPLICANT'S CASE**

No supporting statement submitted with the application.

## **4 PLANNING POLICIES**

BE2 General Development Standards

H4 Construction of new dwellings in the open countryside and small villages

H10 Conversion of existing buildings to residential use in the countryside and

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application is for a conversion of a barn within the grounds of Priory Mill to a dwelling for ancillary occupation.
- 5.2 The former open cart shed has domestic windows and doors to the front and rear and five additional dormers in total inserted into the roof elevations.
- 5.3 The site is located within the Cotswold AONB.

### Planning History

- 5.4 04/1638/P/FP Planning permission granted for conversion of the barn to form one nanny cottage and one holiday let.
- 5.5 05/1630/P/FP Planning permission granted for conversion of part of the existing barn to form a groom's cottage and loose boxes. A condition limited occupation to either family or staff.
- 5.6 06/1303/P/FP Retrospective permission granted for conversion of part of the outbuilding to create a groom's cottage and horse loose boxes. The application was submitted to regularise development that was not in accordance with the planning permission approved under 05/1630/P/FP. A condition limits occupation to either staff or family.

- 5.7 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

- 5.8 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.9 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.
- 5.10 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.11 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.12 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.13 Paragraph 14 of the Framework says that permission should be granted for dwellings unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.14 The key policies for consideration in respect of the application are BE10 of the adopted Local Plan 2011, H2 of the emerging Local Plan 2031 and Paragraph 55 of the NPPF.

5.15 The above noted policies seek to avoid isolated homes in the open countryside in remote locations removed from any settlements unless there are special circumstances to set policy aside. The special circumstances cited in the relevant policies are as follows:

Essential operational need;

- Where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- Where development would re-use redundant buildings and lead to an enhancement to the immediate setting and where it has been demonstrated that the building is not capable of re-use for other uses or where the proposal will address a specific housing need which would not otherwise be met;
- The design of the dwelling is of exceptional quality or innovative.

Essential Need

5.16 There is no supporting statement submitted with the application other than the application form which states that the proposal is for the retrospective conversion of the disused barn to an ancillary cottage. Given the size of the Priory Mill itself and the fact that part of the barn attached to the application site area has already been converted for an ancillary residential unit, your officers consider that the creation of a further 'ancillary' dwelling within the grounds has not been justified as no essential need to set housing policy apart has been demonstrated.

Optimal Viable use of a Heritage Asset

5.17 There is nothing in the application submission to demonstrate the remodelling of the former agricultural building to create a dwelling is the optimal viable use of the non-listed barn.

Enhancement of the immediate setting of the building

5.18 Officers consider that the remodelling of the former agricultural building to form a dwelling has had a detrimental impact on the rural character and appearance of the former barn to the detriment of its architectural heritage and as such had failed to enhance the immediate setting of the building.

Innovative Design

5.19 The new dwelling is not considered to be an innovative design of exceptional quality.

Siting, Design and Form

5.20 The insertion of the five dormers in the roof of the former ancillary outbuilding together with insertion of domestic looking windows and doors at ground floor level has resulted in the loss of the agricultural character and appearance of the former barn.

### Impact on the AONB

- 5.21 When considering development proposals within the AONB the relevant policies for consideration are NE4 of the adopted Local Plan, EH1 of the emerging Local Plan and paragraph 115 of the NPPF. This policy context requires that development proposals within the Cotswolds Area of Outstanding Natural Beauty conserve and enhance the natural beauty and landscape of the countryside and that great weight should be given to these principles. Given that the building the subject of this application forms part of a complex of buildings serving Priory Mill and due to surrounding land levels is very well screened from public vantage points Officers consider that the impact of the development on the AONB is a neutral one.

### Conclusion

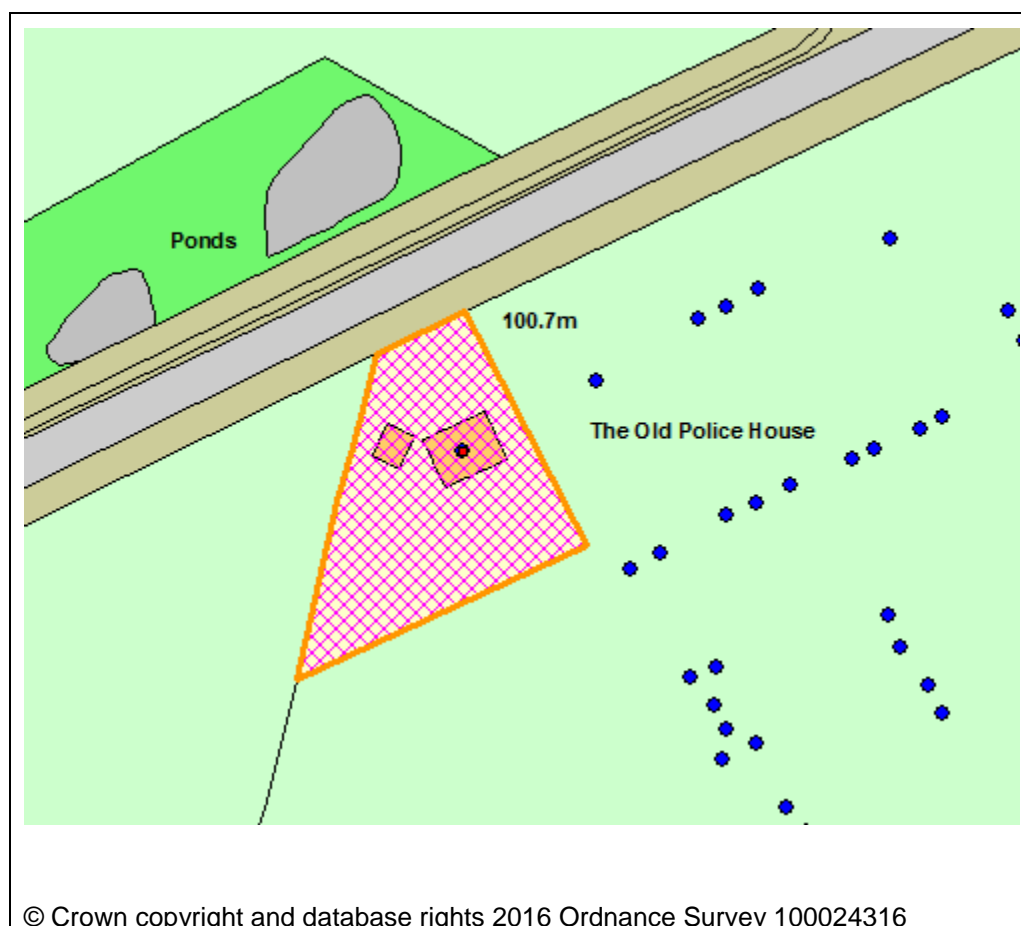
- 5.22 In conclusion and having regard to paragraph 14 of the NPPF Officers can advise as follows:
- There would be some benefit in the provision of new housing accommodation, albeit greatly limited by the very modest scale of the proposal (one dwelling).
  - Likewise while there would be some economic benefit in the completion of the construction phase this would be limited by the small scale of the proposal.
  - Set against the limited benefits referred to above the new dwelling is in a location well removed from the nearest settlement and would be likely to lead to greater car usage contrary to Local Plan policies and the NPPF requiring sustainable development. Further, the part retrospective physical alterations to the building have adversely impacted on the rural character and appearance of the former barn such that the original form of the building is obscured.
  - Given the above Officers consider that, taken overall, the harm identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal and as such the application is recommended for refusal.

## **6 REASON FOR REFUSAL**

- 1 The part retrospective development constitutes an isolated home in the open countryside that does not enhance or maintain the vitality of rural communities and does not represent re-use of a redundant building that would lead to an enhancement to the immediate setting. The development is therefore considered contrary to policies BE10 of the adopted Local Plan 2011, H2 of the emerging Local Plan 2031 and Paragraph 55 and other relevant provisions of the NPPF. The degree of harm of the development is considered to significantly and demonstrably outweigh the benefits contrary to policy OS1 of the emerging Local Plan 2031 and Paragraph 14 of the NPPF.

Application Number	I8/01341/HHD
Site Address	The Old Police House Witney Road Long Hanborough Witney Oxfordshire OX29 8HE
Date	20th June 2018
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	441106 E 214042 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

Alterations and erection of single and two storey extensions.

**Applicant Details:**

Mr And Mrs C Lugg, The Old Police House, Witney Road, Long Hanborough, Witney, Oxfordshire, OX29 8HE

**1 CONSULTATIONS**

- 1.1 Parish Council Hanborough Parish Council does not have any comments to make on the above application.

**2 REPRESENTATIONS**

- 2.1 One letter of objection has been received from Pye Homes Ltd as follows:

- Having observed the construction on site it is clear that the proposed development is very close to the boundary of several properties, and the mass and height of the proposed double storey extension will be overbearing on these neighbouring properties. The height of the proposed extension means it will block afternoon and evening sunlight from the neighbouring gardens, and this has the potential to reduce the occupants enjoyment of their gardens.
- The size of the proposed development will almost double the length of the existing house and the close proximity encroaches on the boundaries of several properties. The proximity and design of the extension presents a substantial shear wall approximately 4.5m high along the boundaries of several properties, which clearly is overbearing and not in keeping with the surrounding properties.
- There is also an issue of overlooking from the proposed dormer window shown on the proposed east elevation. This dormer window will overlook the garden of the neighbouring property, considerably reducing the occupant's privacy.

**3 APPLICANT'S CASE**

- 3.1 A planning statement has been submitted with the application and a full version of this is available on the Council's website. The statement concludes as follows:

We believe that the proposal is appropriate for the site and location, has due regard to the amenity of neighbouring properties and will not have an undue visual impact in relation to its surroundings.

**4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

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

## 5 PLANNING ASSESSMENT

5.1 This application seeks consent for alterations and the erection of single and two storey extensions at The Old Police House. The site does not fall within any special areas of control.

5.2 This application has been called in for consideration by Members of the Uplands Planning Subcommittee by Cllr Marilyn Davies.

### Background Information

5.3 Planning permission was granted in 2015 (Ref: 15/01250/HHD) for the erection of side and rear extensions. The approved extension is 10m long and has a ridge height of 6m.

5.4 In 2017 an amended application was received for the side and rear extensions with the additional provision of a two storey self contained annexe building attached to the rear of the approved extensions. This application was refused and dismissed at appeal by the Planning Inspectorate. The Inspectors key reasons for dismissing the appeal were as follows:

- There is nothing, in principle, wrong with the design of the extension itself. However, in this case, the annex part of the proposal in particular, would be over-dominant in scale and format and would fail to respect the character and form of the host property. For this reason I conclude the proposal would have a harmful effect on the character and appearance of the host dwelling.
- As a result of the development that is taking place under the 2017 approval, there will be houses built to the east of The Old Police House. The house to be built at Plot 1 would be to the side of The Old Police House and would have a shorter rear garden. The proposed annex would be slightly closer to the shared boundary, and due to its height, mass, and position to the south-east of the garden of Plot 1, would have an unacceptable overshadowing and over-bearing effect on the living conditions of future occupants of that property.
- The dormer windows proposed for bedroom four, as shown on the amended plan Ref 1201 006A, would be close to the shared boundary and would enable direct overlooking of the garden of Plot 1. This would result in an unacceptable level of privacy in the rear garden for future occupants of that property. Moreover, I do not consider that obscure glazing would be sufficient to address the perception of being over-looked given the closeness of the proposed dormers to the boundary.

5.5 The key changes between the previously approved application 15/01250/HHD and this application are an increase to the ridge height of the 10m long extension to approximately 7.3m, the infilling of the covered play area, and changes to the fenestration details.

5.6 A key material consideration following the above mentioned 2015 approval is the subsequent reserved matters approval which was granted for 169 dwellings on land between Long Hanborough and The Old Police House.

5.7 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  
Siting, Design and Form  
Highways  
Residential Amenity

Principle

- 5.8 In terms of the principle of development, the proposed extension would be of a substantial scale in relation to the existing dwelling. Policies BE2 of the adopted West Oxfordshire Local Plan 2011 and OS2 of the emerging West Oxfordshire Local Plan 2031 both require any development to be of a proportionate and appropriate scale to its context and the local area. Policy H2 of the Adopted Plan states that extensions which unacceptably dominate the original dwelling which would be of detriment to the original character of the building will be refused. In this case, Officers consider that the proposed extension which will project 10 metres beyond the wall of the existing dwelling and will sit at 7.3 metres high is of substantial scale which dominates the original dwelling.

Siting, Design and Form

- 5.9 Due weight is given to the extant consent which was granted in 2015 (15/01210/HHD) which permitted an extension which projected 10 metres beyond the rear wall of the existing property and sat at 6 metres high. It is noted in the Officers report for the 2015 application that the extension is substantially large and an on balance decision was made to approve the application on the basis that the extension would not be visible in the street scene or have any neighbours to impact on. It is also noted that the decision was made to remove permitted development rights for extensions for the reason that further alterations could be harmful to the character of the building, the character of the area and could represent over development.
- 5.10 In this case, Officers are of the opinion that the proposed development represents a significant extension at two storey level above and beyond the scale of the development previously permitted which, by reason of its siting, excessive scale and massing, fails to appear as a secondary or subservient addition to the host dwelling. As such, the proposed extension will appear overly dominant and will form a contrived relationship with the existing dwelling.

Highways

- 5.11 Officers do not consider that the extension will have a detrimental impact on highways safety or the local road network due to the existing available off street parking provision on the site.

Residential Amenities

- 5.12 In terms of residential amenity, Officers note the approved layout of application 17/00578/RES for 169 dwellings on the site adjacent to The Old Police House. The approved layout plan indicates that the dwelling on Plot 1 will be sited to the east of The Old Police House and will form a shared boundary with the site. The new dwelling on Plot 1 only benefits from a modest and limited area of outdoor amenity space and the proposed blank wall of the extension, the subject of this application, will project along the entire boundary of the plot sitting less than 2m from the boundary at 7.3m high. By reason of its siting and scale, Officers consider that the two storey extension will have an overbearing, oppressive and dominant impact on the neighbouring property and associated amenity space. In addition, due to the siting of the two dwellings, the



increase in height to the extension will result in the further loss of afternoon and evening sunlight to the detriment of the occupants of the neighbouring dwelling on Plot 1.

- 5.13 The new windows in the east elevation are proposed to be obscurely glazed. However, in the appeal decision on application 17/01532/FUL the Inspector clearly states that he does not consider the use of obscure glazing in the proposed dormer windows in the east elevation to sufficiently address the perception of being over-looked given the closeness of the windows to the boundary. Whilst this application proposes only one dormer window and two windows in the second floor of the extension Officers also consider that there is an unacceptable level of perceived over-looking given the closeness to the boundary. As such, the application is considered to be unacceptable in terms of neighbouring amenity.

### Conclusion

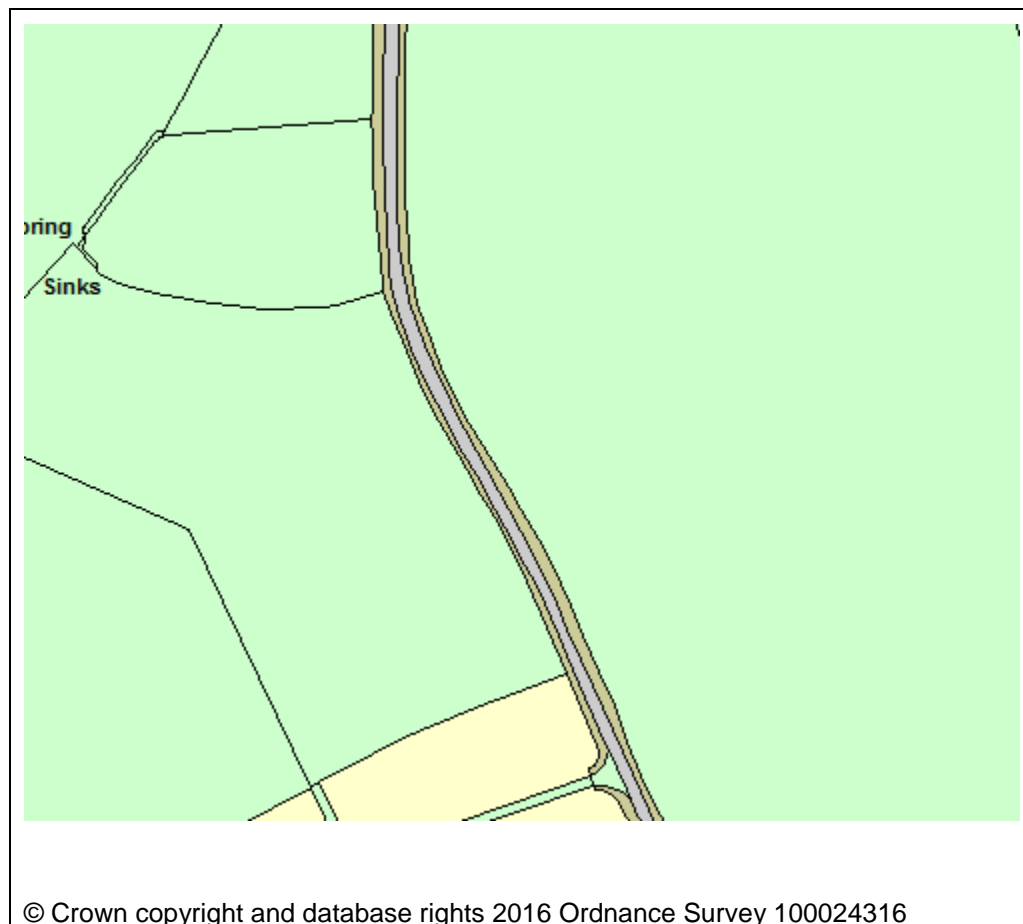
- 5.14 In light of the above consideration, the application is recommended for refusal.

## **6 REASONS FOR REFUSAL**

- 1 The scale of the proposed extension would be unduly dominating and insufficiently secondary or subservient to the host dwelling and fails to respect the character and form of the host dwelling. As such the proposed extension would fail to constitute good design and would be contrary to the provisions of Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011; Policies OS4 and H2 of the emerging West Oxfordshire Local Plan 2031; Paragraphs 14.2 and 14.3 of the West Oxfordshire Residential Design Guide 2016; and the provisions of the NPPF in particular Paragraphs 17 and 64.
- 2 The proposed extension, by reason of its scale and siting, would result in a loss of light to, and have an oppressive and overbearing impact on, the neighbouring dwelling (plot 1) consented under planning application 17/00578/RES. Furthermore, by reason of their siting, the windows in the east facing elevation of the proposed extension, would result in an unacceptable level of perceived overlooking to the detriment of this neighbouring property. Consequently the development as proposed would be contrary to the provisions of Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011; Policies OS4 and H2 of the emerging West Oxfordshire Local Plan 2031; and the provisions of the NPPF in particular Paragraphs 17 and 64.

Application Number	I8/01240/FUL
Site Address	Westbury Farm Little Tew Road Church Enstone Chipping Norton Oxfordshire OX7 4HU
Date	20th June 2018
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	437860 E 225527 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

New access from the highway into an agricultural field with a gateway comprising 6.706m in size.(Part retrospective)

**Applicant Details:**

Mr Frank Creese, 15 Brize Norton Road, Minster Lovell, Witney, Oxfordshire, OX29 0SE

**I CONSULTATIONS**

- 1.1 OCC Highways                      The relocated access, as shown, is in an acceptable location in terms of highway safety and convenience.  
No objection subject to
- G11 Access to specification
- Close unauthorised access and reinstate highway verge
- NB work on the highway verge will require approval from Oxfordshire County Council under S 184 of the 1980 Highways Act
- 1.2 Parish Council                      Mrs B Sinclair Enstone Parish Council objects to this planning application for two reasons:-
1. The location map on the planning application is incorrect.
  2. The Parish Council objects to the driveway being tarmacked.

**2 REPRESENTATIONS**

- 2.1 Six objections have been received in respect of the application the comments of which are precised as follows:
- This is a retrospective application after the applicant knowingly broke the enforcement notice and should therefore be fined as stated on the notice.
  - There are now 2 entrances to the field as the old one has not been fenced or hedged off. There should only be one entrance.
  - It is not necessary to have a tarmac entrance for a field of agricultural land and the hard core in the new entrance should be removed.
  - The location map submitted with these plans is incorrect. They have outlined the neighbours field as well.
  - This is a very small field and is not worthy of such a large tarmaced entrance.
  - It would appear that this field is going to be used for more than livestock and yet nothing is being done by WODC, infact WODC seem to be giving the 'there there' approach and ignoring the concerns of local residents.
  - The new owner has named this small field (area not stated but estimated 1 acre) Westbury Farm. It is not a farm, it is a small field, which might support, for part of the year 1 cow or 4-6 sheep.

- It does not need a tarmac entrance. The most it needs is some stone hard core, through which grass will grow and preserve the rural scene.
- The new owner has proved to be happy to ignore the rules and make false claims. A tight rein should, therefore, be kept.
- The council should be aware of the next steps which could result in a new green field house following the grant of planning permission for an agricultural dwelling.

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

- 3.1 The applicant purchased the land with the intention to utilise the land for agricultural purposes.
- 3.2 The proposal is to move and relocate a new access onto a highway into an agriculture field with a gateway comprising 6.706 metres in size. The old gateway positioned in the north-east corner of the field will be closed off and replaced with a newly planted hedge.
- 3.3 The gateway is 8.706m wide at the road frontage, set 7.815m back with a 4.26m gate opening. The sub-base will be constructed using crushed limestone to a thickness of 75mm. The top base will be 25mm type 1 crushed limestone finished with 65mm of tarmac and granite set edging.
- 3.4 The applicant plans rejuvenate the neglected hedgerow which runs adjacent to the roadside and which has been overgrown, weighted by ivy and liable to collapse under adverse weather thus posing a risk to passing traffic and walkers. Plans to incorporate native species such as Prunus Spinosa, Lonicera periclymenum and Rosa canina. This will create a habitat and suitable food resource for mammals, birds and insects. The applicant then plans to manage the hedgerow to ensure healthy growth, suppress weeds and create a sturdy well formed hedgerow.
- 3.5 The applicant wishes to utilise the land for agricultural purposes, including grazing livestock and thus requires a suitable access to allow him to safely pull off of the road with a vehicle. The new access will prevent potential obstruction or hazards in the road resulting in safer road usage for the applicant and for other road users. The proposed access will eliminate the need for the applicant to park on the roadside with a vehicle and livestock trailer thus increasing the road safety and visibility.
- 3.6 The proposal will provide a significantly safer access onto the highway than the existing gateway on the north-east corner of the field with good visibility splays to the north and south also allowing access throughout the year without causing mess on the highway, which results in safer use.
- 3.7 The National Planning Policy Framework requires that the planning systems "contribute to enhance the natural and local environment" (paragraph 109). However, only if there is "significant harm resulting from a development" should planning permission be refused. We do not see that any significant harm will be caused by having a new access onto the Highway.
- 3.8 The West Oxfordshire Local Plan has saved policies which are relevant with the proposed development. Policy BE2 requires development to be well designed and respect the surrounding area having regard to the West Oxfordshire Design Code. Policy BE3 requires provision for the safe movement of vehicle and pedestrians.

- 3.9 The proposed location of the new access is not going to have a detrimental effect on the surrounding area. Having sought pre-application advice, the Highway's Officer has stated that the location of the new access was safe and would be approved. We therefore cannot see a reason why this application should be refused.

In response to the representations received the applicant has written seeking to clarify matters

- 3.10 The reasoning for the application is to enable a safe access from the road into the field. As stated below the existing access is not safe due to the siting. I plan to utilise the field for grazing. In order to safely transport the livestock to the land, I require the ability to pull off the road with a small trailer to unload the animals. It would not be viable to unload animals on the road due to safety reasons.

#### Materials

- 3.11 I would like to finish the access with 65mm of tarmac. As the field is undulating and slopes down, I feel that tarmac would be the most suitable material because the finish needs to be of a hard compact substance to avoid subsidence due to the new positioning of the access. This will also prevent vehicles becoming stuck and skidding when using the entrance, especially in adverse weather conditions. In addition tarmac is also in keeping with other entrances in the locality.

#### Siting/Location

- 3.12 I had been advised that the existing entrance to the land is in a dangerous position and would not be able to be utilised safely. This is due to the limited visibility splays, specifically the visibility to the north. Thus, in order to improve safety and to reduce the risk of a collision or accident, I wish to locate a new access further along the field. It was also advised by the local planning officer that the original access was moved to the proposed position and this was further advised by the highway officer.
- 3.13 As stated in the design and access statement, not only is the new access safer for all users, it will prevent potential obstruction or hazards in the road resulting in safer road usage. It will also eliminate the need for me to park on the roadside with a vehicle and livestock trailer thus increasing the road safety and visibility.
- 3.14 If the planning application is successful, I will close up the existing entrance with hedging as requested by the county highways officer.

#### Hedgerow/ screening

- 3.15 The previous hedge along the roadside boundary of the hedge was very poor quality with dead and diseased trees and hedge plants. I had gained advice from a specialist who voiced their concerns over the state of the hedge as it had become overgrown and smothered by ivy. The ivy therefore made it liable to collapse under adverse weather which posed a risk to pedestrians and traffic. I therefore took the decision to remove it and replace with a new hedge incorporating native species such as Prunus Spinosa, Lonicera periclymenum and Rosa canina. This will create a habitat and suitable food resource for mammals, birds and insects. I understand that maintaining the hedge is of upmost importance and to ensure healthy growth, I plan to manage the new hedgerow carefully. Although the hedge is still in its early stages, it will

continue to grow and form a mature hedge which will blend in with the surrounding environment.

- 3.16 I have also erected a timber fence behind the hedge in order to make the land stock proof in preparation for the arrival of animals.

#### Conclusion

- 3.17 I hope that I have addressed concerns within this letter and that you will take it into consideration when making the decision for the application. I believe that this new access is the safest option. Once the hedge has matured and the grass verge is reinstated to its previous condition and continued around to the gateway, the new access will have little or no impact on the surrounding area.

## **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

OS2NEW Locating development in the right places

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application is part retrospective and is for an alternative access onto an area of agricultural land located off of Little Tew Road, Church Enstone. An existing access serving the land in a less safe position will be closed if planning permission is granted. The applicant intends using the land for the grazing of livestock and wants the upgraded access in order to safely access and egress the land with a van and trailer.

#### Planning History

- 5.2 Following receipt of complaints that the applicant was formalising the existing access onto the highway by way of laying hardstanding a Temporary Stop Notice was issued by the Council requiring the works to cease. The reason for issuing the notice was that the formalising of the access in this location needed planning permission (because it was onto a classified road) and was considered dangerous on highway safety grounds. The terms of the temporary Stop Notice were complied with.
- 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 Given that an existing gated access, albeit unmade is available to serve the land and that the owner wants to keep livestock, the principle of considering an alternative safer located access is acceptable in planning terms.

### Siting, Design and Form

- 5.5 For clarification an amended site plan has been submitted following the receipt of objections commenting that the application site area contained land outside of the applicants control and ownership.
- 5.6 Concerns have been raised about whether or not the use of 65mm of tarmac top with granite set edging is appropriate given the rural context of the site. Officers consider that once the newly planted hedgerow establishes and the grass verges are re -instated that the use of these materials for the access will not be so obtrusive and alien to the rural street scene as to warrant a refusal of planning permission.

### Highways

- 5.7 OCC Highways has raised no objections to this application subject to conditions and an informative.

### Other Matters

- 5.8 In the representations concerns have been raised about possible future applications for a dwelling on the land if this access is approved. For the avoidance of doubt this application is for an access to serve an agricultural land use. Any future applications for developments requiring planning permission will be considered on their own merits as should this application for an access.

### Conclusion

- 5.9 In light of the above assessment Officers consider that the proposal accords with the relevant policies and paragraphs of both the adopted and emerging Local Plans and the NPPF and recommend conditional approval based on OCC Highways comments.

## **6 CONDITIONS**

- 1 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.
- 2 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 3 The Existing access to the north of the access hereby approved shall be closed by the removal of the round topped gate posts and construction of a post and rail fence to match that of the adjacent existing fencing and the reinstatement of the highway verge prior to first use of the access hereby permitted and shall be retained as such thereafter.  
REASON: In the interests of highway safety.

- 4 Any gaps in the roadside hedgerow along the frontage of the site other than across the access hereby approved shall be planted and maintained in accordance with details to be first submitted to and approved in writing by the LPA upon physical closure of the existing access.  
REASON: In the interests of the rural character and appearance of the area.

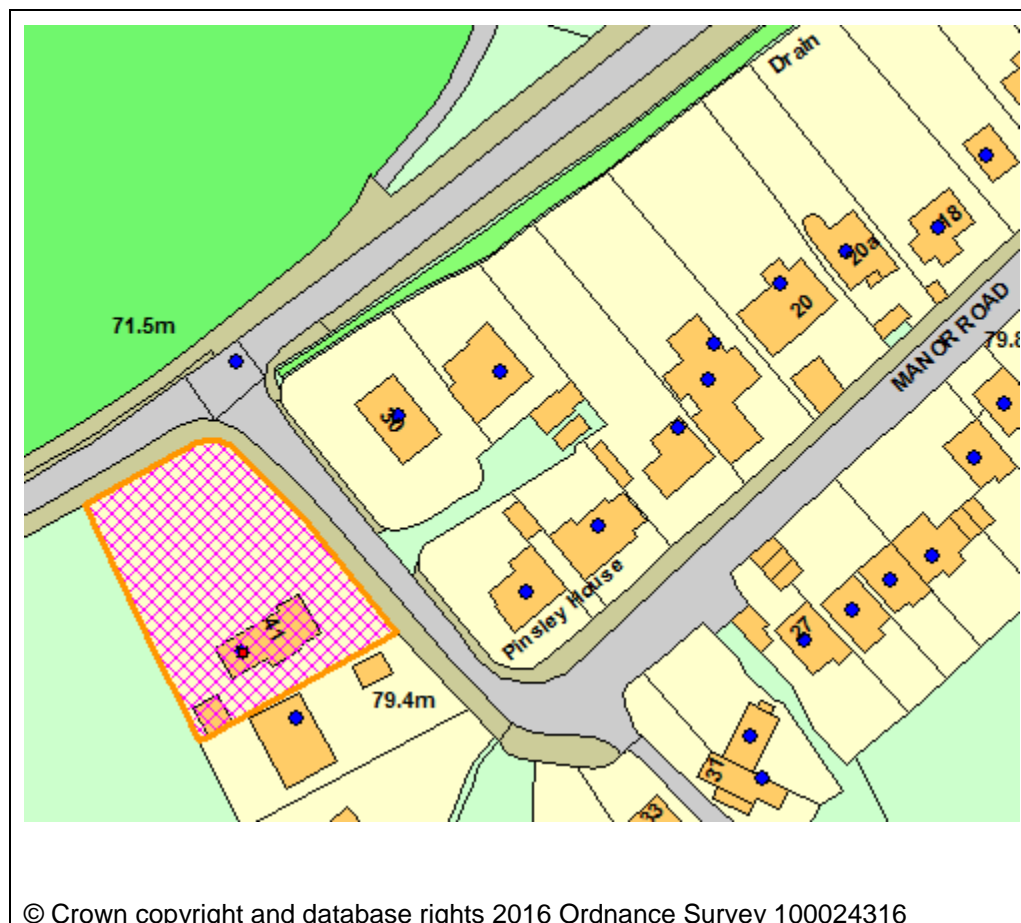
NOTE TO APPLICANT

For the avoidance of doubt work on the highway verge will require approval from Oxfordshire County Council under S 184 of the 1980 Highways Act.



Application Number	I8/01532/FUL
Site Address	41 Manor Road Bladon Woodstock Oxfordshire OX20 1RY
Date	20th June 2018
Officer	Phil Shaw
Officer Recommendations	Refuse
Parish	Bladon Parish Council
Grid Reference	444646 E 214516 N
Committee Date	2nd July 2018

### Location Map



### Application Details:

Demolish existing dwelling and erection of three dwellings with associated works.

### Applicant Details:

Mr David Dunphy, 12 Woodstock Road, Witney, OX28 1DY

## **I CONSULTATIONS**

- I.1 Parish Council Bladon Parish Council have submitted a 6 page objection which can be viewed in full online.
- In summary Bladon Parish Council is of the considered view that the density and form of the proposed development would amount to over development of the site; that the scheme would fail to complement the existing pattern of development or the character and appearance of this area; would fail to preserve or enhance the Conservation Area in which it sits but on the contrary result instead in substantial harm to it and the setting of Blenheim Palace as a World Heritage Site; and would adversely impact on the environment, as well as creating unnecessary traffic safety problems for all road users at and around the junction of Manor Road with the A4095. It also fails to make any provision for affordable housing.
- In the circumstances the Parish Council would urge the WODC planning department in the strongest terms to refuse permission for the proposed development.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.  
No objection subject to conditions.
- I.3 Conservation Officer No Comment Received.
- I.4 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.5 Biodiversity Officer No Comment Received.

## **2 REPRESENTATIONS**

- 2.1 Thirteen letters of objection have been received, on the following grounds:

Previous reasons for refusal

- The applicant really does not appear to have accepted the comments made in his previous applications.
- The present Application is very similar to 17/04127/FUL, which was rejected after publication of many objections, two Committee meetings attended by many residents, and a Committee Site Meeting. 17/04127/FUL was itself only a revised and reduced version of 17/02753/FUL, which had been withdrawn after publication of many objections
- The Applicant has not addressed most of the other objections made by us and many others, including the Parish Council, to his previous Applications for the same site.

## Scale and Density

- The proposal to cram 3 houses into such a small area is based purely on maximising financial gain on the part of the developer and adds nothing to those who live, work and enjoy these surroundings.
- I would not imagine that there was anyone in the village that was unaware of the housing problems throughout the country but the addition in this locale would neither enhance nor solve the problem especially where 400 homes are being built less than a mile away in Long Hanborough.
- Density and design at odds with existing pattern of development
- Harmful to the character of the area
- Do not respect scale, pattern and character of immediate area

## Landscape and heritage

- Will harm important landscape entrance to the village
- Despite promises to the contrary, the beautiful bank side on the roadside of the site will inevitably be damaged.
- The bank is not in the ownership of the applicant
- The Applicant states [ Design & Access Statement 3.10, 4th bullet] that the high flowery bank will be "largely untouched" but this is grossly misleading, as it is very clear from his site plan that the bank will in fact be largely destroyed
- Will block views in and out of the Bladon Conservation Area
- The developer continues to plan to destroy the historic aspect of our road in pursuit of profit which makes a mockery of the village's conservation status.

## Highways

- The addition of more motor vehicles close to a bend will bring additional danger to drivers and the many pedestrians who use this part of Manor Road, where there is no footpath.
- Manor Road is steep and not wide enough for safety and convenience as things are; the proposal would increase the traffic and make matters worse. The road serves not only ordinary domestic and service traffic, but also very heavy specialist vehicles for reservoir and forestry works. With caution two private domestic vehicles can pass each other in opposite directions, but any large vehicle has to pass up or down alone.
- Why is there the insistence for a footpath which will lead to nowhere, and only make the road even narrower. Which no one will ever use as it leads on to the busy A4095 with huge lorries thundering past? It makes no sense to put a path there

## Amenity

- It is also apparent that the elevations of the proposed three properties do not take into consideration the privacy concerns of the residents at 30 Manor Road opposite the proposed development.
- bedrooms in units 2 and 3 would overlook 30 Manor Road
- I do feel that the applicant should have canvassed local opinion regarding any development.
- The whole 41 Manor Road site is steeply sloped and uneven, so extensive earthworks would be necessary: but no information is given about this or the levels at which Units 2 & 3 would stand.

- Where on the plans are any measurements or levels? How can the plans have no important information regarding these measurements?

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

3.1 The application is accompanied by a tree report, ecology report and design and access statement. The Design and Access Statement is concluded as follows:

- The scheme proposal is for a 'scheme that makes the most of the landscape removing one house and adding two giving a total of three' on the land at 41 Manor road, Bladon.
- The report considers the proposed development against its context and highlights that the scheme provides an appropriate density, design and form and scale of development, which sits comfortably in relation to the immediate context of the site. The proposed development would not be prominent in wider views and would preserve the character and appearance of the area.
- The scheme is served by adequate access with appropriate vision. The scheme has adequate opportunities for turning in the site and each property is served by adequate off-street parking.
- There will be minimal trees lost as part of the development to minimise the impact of the environment as much as possible.
- In terms of ecology, the main areas which provide biodiversity opportunities will be retained and enhanced. The existing properties will remain unaffected by development protecting the roosting opportunities. Any additional planting and bat boxes recommended for the site will ensure that the offer of the site is enhanced when compared to the existing lawn garden areas.
- Taking into consideration the specific site and its location, best use has been made of the dwelling designs with views across open agricultural land to the south of the site.
- It is suggested that the proposed units, will clearly demonstrate how the completed scheme will relate satisfactorily to the neighbouring surroundings providing visual improvements and also making better use of the existing plot.
- In further letters the applicant advises:
- This is the third application I have made for this site, and the last application was refused on a three to two vote in committee, despite being recommended for approval by the planning officers.
- I have made several changes to the design and layout and have taken into consideration the comments from the committee members made when they decided to refuse permission.
- There is an issue around NPPF when building in a conservation area, there has to be no discernible harm to the area, and this was confirmed during the last application. There also has to be a benefit to the area. Beneficiaries can be the Parish Council, OCC Highways, or WODC towards the social housing fund.

- I would like to offer a benefit to WODC to help with their social housing fund. There seems to have been a misunderstanding with myself and the Bladon Parish Council. It appears they have mistakenly thought I was trying to bribe them, when I offered assistance with any future projects.
- It goes against my instinct to take this route, and i'm pretty sure when the NPPF was set up, the paragraphs relating to a benefit for the Parish or others was not intended to be used as a stick to beat small local developers, wishing to build an extra two houses within a Parish.
- However we are where we are and, if it moves the process along and people within our community will benefit, i am prepared to offer £20,000.00 which is made up of £10K per new dwelling.
- I hope this will help us achieve our aim to build these houses at 41 Manor road Bladon, which I sincerely believe will match the environment, in which they will sit, much better than many of the existing properties in the immediate proximity.
- Finally it is frustrating that Bladon Parish Council seem to have the power to prevent this project from preceding, when Witney are in the process of building at least 1500, Long Hanborough several hundred Woodstock several hundred and Bladon are objecting to two. Seems unfair to the other villages and towns.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE5 Conservation Areas  
 BE11 Historic Parks and Gardens  
 H2 General residential development standards  
 H5 Villages  
 NE5 Oxford Green Belt  
 NE6 Retention of Trees, Woodlands and Hedgerows  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 EH7NEW Historic Environment  
 EH8 Conservation Areas  
 EH12 Registered Historic Parks and Gardens  
 EH1NEW Landscape character  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning approval for the demolition of an existing dwelling and the erection of three detached dwellings. The application site comprises of the existing residential property and an undeveloped area of domestic garden curtilage, which lies to the side (north

west) elevation of the property. The properties would front Manor Road, with a single means of access proposed onto Manor Road in a position to the north east of the three dwellings. The application site is located within the Bladon Conservation Area and lies within the setting of the Blenheim World Heritage Site. The site, along with the wider settlement of Bladon is located within the Oxford Green Belt.

- 5.2 A planning application made in 2017 for four dwellings on the site (17/02753/FUL) was withdrawn, and a further application 17/04127/FUL/ was refused by committee against officer recommendation in April this year, on the grounds that the proposals would fail to complement the existing pattern of development and the character and appearance of the area. The proposed density and form of development would also amount to an over development of the site. The proposed development would result in less than substantial harm to the setting of the Bladon Conservation Area and the setting of the Blenheim Palace Historic Park and Garden and World Heritage Site, which would fail to be outweighed by the limited public benefits of the proposed development.
- 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 consideration of the application is whether the refusal reasons identified by Members have been overcome and as will be seen from the following report it is your officers assessment that they have not- hence why the application is recommended for refusal. However in that the original decision was made against recommendation Members may have a different conclusion as to whether the previous concerns have been addressed. The following report assesses the new proposal against the following factors:

Principle of Development  
Siting, design and form  
Impact on Residential Amenity  
Impact on Conservation Area Setting  
Impact on Blenheim World Heritage Site  
Impact on Oxford Green Belt  
Highways and Access  
Trees  
Ecology

Principle

- 5.4 Members will be aware that in the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.5 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with

the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.

- 5.6 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.7 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.8 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.9 The application site is located on the edge of Bladon, which is listed as a village under the provisions of Policy H5 of the Existing Local Plan 2011 and Policy H2 of the Emerging Local Plan 2031. Policy H2 of the Emerging Local Plan is permissive in principle of the residential development of undeveloped sites within an existing settlement or within land adjoining the settlement area, where this is necessary to meet an identified need and where the development is considered to be compliant with the general provisions of Policy OS2 of the Emerging Local Plan. If it is considered that the dwelling falls within the settlement an expected requirement would be that the development should form a logical complement to the existing pattern of development in terms of its siting. The application proposes the removal of an existing dwelling, which is located in a linear position in relation to the two adjacent properties located to the south east of the site and the erection of three dwellings in a similarly linear position, running parallel to Manor Road. In terms of locational siting officers consider that the development would broadly form a logical complement to the existing pattern of development and would be compliant in principle with the provisions of Policies H2 and OS2 of the Emerging Local Plan. Officers consider that the site would represent a reasonably sustainable location for residential development in terms of its proximity to existing services and facilities in Bladon. As such it is not unacceptable in principle.
- 5.10 The scheme is of a scale that would not generate a need for affordable housing to be provided as a requirement of the development. However in recognition of the need to provide public benefits when there is less than substantial harm to heritage assets the developer has made an offer of 10k per additional dwelling towards affordable housing provision in the area. In your officers assessment this social benefit weighs in favour of the application.

### Siting, Design and Form

- 5.11 The proposed siting of the dwellings would replicate the linear form of the existing dwellings along Manor Road. The existing property on the site and the existing dwellings in the immediate area consist predominantly of 20th Century reconstituted stone properties. The proposed dwellings would be of a neo-vernacular appearance and would be constructed from natural stone. Officers consider that the design of the dwellings would be appropriate.

### Residential Amenities

- 5.12 Members will note that there was no residential amenity refusal reason with the last application. As previously proposed dwelling 1 would be located to the north west of an existing property 39 Manor Road and Plots 1-3 would be located to the west of No.30 Manor Road. In relation to the potential impact on No.39, officers note that the positioning of the dwelling would be located alongside No.39, with the majority of the building being in-line with the side elevation of No.39. Whilst the design of Plot 1 includes projecting front and rear gables, officers consider that the siting of the gables would not result in undue overshadowing or loss of light to the front or rear windows of No.39. Whilst the proposed dwelling would be larger in terms of height than the existing property, officers consider that the impact of the development on this property would not be overbearing due to the falling land levels upon which it is sited. The proposed front and rear windows would not result in direct overlooking of this property. Officers note that there would be two first floor side facing windows on the south east elevation of proposed dwelling 1, which serve bathrooms and could be conditioned as being obscure glazed.
- 5.13 In relation to the existing property to the north east, No.30 Manor Road officers note that there would be a separation distance of between 27 and 20 metres between the front elevation windows of the proposed dwellings and the rear garden area of No.30 and approximately 27 metres between the front elevation windows of the proposed dwelling and the side facing windows of No.30 Manor Road. Officers consider that the proposed development would not therefore result in an undue loss of privacy to the occupants of this property.

### Impact on Conservation Area

- 5.14 Within a Conservation Area, decision makers 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, in accordance with the provisions of Paragraph 132 of the NPPF an assessment must be made as to the sites significance and specific contribution to the character and appearance of the Conservation Area. Officers consider that the sites specific contribution to the Conservation Area would be as an area of open space which provides an open aspect, particularly in views from the A4095. The existing property is considered to be of no architectural merit and the contribution of this building to the Conservation Area is considered to be at best neutral such that officers consider that the removal of the building would not be detrimental to the Conservation Area.
- 5.15 In contrast with the earlier proposals the current scheme would only retain a much reduced area of open space fronting the A4095. Whilst the three proposed dwellings would be set back from the main street scene in Manor Road the siting of Plot 3 would now be set closer to the



A4095 such that in your officers assessment it will have a greater impact upon the rural approach to the village than the scheme that has already been refused. This is a very prominent public view and as such is of some significance in relation to the degree of openness as experienced within the context of the immediate area which in your officers assessment would now be further harmed in terms of the impact on the character of the Conservation Area were the current scheme to be implemented.

- 5.16 There are also important wider views of the site from the North West on approach to the village, though officers note that the three dwellings would be set against a backdrop of the existing dwellings on the settlement edge. There would also be some opportunity to provide landscaping along the north western boundary of the site, which would help to lessen but not obviate the impact of the siting of the dwellings when viewed within the public realm from this wider viewpoint.
- 5.17 Notwithstanding the provision of additional landscaping, the proposed dwellings would be visible in the public realm and the development would impact on the degree of openness experienced within the immediate street scene in Manor Road and from the A4095. Officers consider that when assessing the proposals in line with the provisions of Paragraph 132 of the NPPF, the level of harm would be to the middle of the less than substantial range.
- 5.18 In accordance with the provisions of Paragraph 134 of the NPPF and having given special attention to the sites contribution to the character of the Conservation Area, giving great weight to the need to preserve the character of the Conservation Area, the level of harm must be assessed in relation to the public benefits of the proposed development, which in this instance would principally be the development of two additional dwellings, alongside the retention of a reduced landscaped area to the front of the site and the affordable housing contribution identified earlier in the report. Whilst the Council are confident that they can demonstrate a five year supply of housing, this is not conclusive at the present time and even within a context where the Council can demonstrate a five year housing land supply there would still be a requirement for the provision of windfall housing development on suitable sites. However Officers consider that in this instance, on balance, the public benefits of the proposed development, including the provision of additional landscaping, the provision of two additional dwellings and the affordable housing offer would not outweigh the less than substantial harm to the Conservation Area. Members may of course reach a different assessment in that some members were of the view that when the site was last considered that it was too cramped and as such the expansion of that part of the site given over to built form may have addressed some of their concerns in that regard.

#### Impact on Blenheim World Heritage Site and Historic Park and Garden

- 5.19 The boundary of the Blenheim World Heritage Site and Historic Park and Garden extends up to a position to the north of the site on the opposite side of the A4095. The application site would therefore be within the setting of the Blenheim World Heritage Site and closer than was previously the case. When assessing the development in accordance with the provisions of Paragraph 132 of the NPPF, officers consider that the level of harm in relation to the World Heritage Site would be towards the lower end of less than substantial but that non the less when assessed against the public benefits of the proposed development officers consider that the harms arising from the proposals would on balance not be outweighed by public benefits.

### Green Belt

- 5.20 The application site, alongside the rest of Bladon is located within the Oxford Green Belt. Policy NE5 of the Existing Local Plan is however permissive in principle of limited infill residential development within the settlement of Bladon. This provision is considered to be in line with the provisions of Paragraph 89 of the NPPF, which allows for limited infilling in villages, including the redevelopment of previously developed land where development would not impact on the openness of the Green Belt. Officers consider that the development, as proposed would be in line with these provisions and would not, on balance, adversely impact on the openness of the green belt and consequently the development is considered to be in accordance with the provisions of Policy NE5 of the Existing Local Plan and Paragraph 89 of the NPPF.

### Highways

- 5.21 The proposed development would be served by a single means of access from Manor Road. Officers consider that the proposed positioning of the means of access would be appropriate and would not compromise highway safety or amenity. Officers note that no objections have been raised to the proposed development by OCC Highways Officers.

### Impact on Trees

- 5.22 The proposals would result in the removal of a number of trees on the site, which are of poor or moderate value. Officers consider that the removal of the trees would not have a significant adverse impact on the character of the area, providing an acceptable landscaping scheme is provided, which would be required by way of condition. The proposals include the retention of the existing boundary hedges, with the exception of where removal of the hedgerow would be required to necessitate means of access to the site. This would also involve removal of part of the characteristic bank that currently forms the front boundary of the site. The retention of the boundary hedges would be controlled by way of planning condition.

### Ecology

- 5.23 The application is accompanied by an ecological assessment and bat mitigation strategy. The proposals have been subject of consultation with the Councils Ecologist, who has raised no objections to the previous development, subject to conditions.

### Conclusion

- 5.24 The proposed development would include the removal of an existing property, which is of no especial architectural merit and the provision of three dwellings which are considered to be of an appropriate design and scale. Officers acknowledge the sensitivities of the site and its overall contribution to the Conservation Area, particularly the contribution of the extended existing garden as an area of open space that has a positive role in the approach to the settlement and the setting of the CA and WHS. Officers consider that the revised proposals have increased the scale of harm when compared with the earlier refused scheme and that the public benefits of the proposed development, including the new affordable housing offer, would not outweigh this harm. Officers consider that the development would not have a significant adverse impact on the residential amenity of existing occupants or highway safety or amenity.

5.25 Officers consider that the proposed development would in fact be less acceptable than the already refused scheme and in that regard it is considered that the development is not compliant with the provisions of the Existing and Emerging Local Plan as regards the impact on heritage assets. Refusal is therefore recommended.

## **6 REASON FOR REFUSAL**

1 By reason of the scale and siting of the development, the proposals would fail to complement the existing pattern of development and the character and appearance of the area. The proposed density and form of development would also amount to an over development of the site. The proposed development would result in less than substantial harm to the setting of the Bladon Conservation Area and the setting of the Blenheim Palace Historic Park and Garden and World Heritage Site, which would fail to be outweighed by the public benefits of the proposed development. The proposals would be contrary to the provisions of Policies BE2, BE5, BE11 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, and H2 of the Emerging West Oxfordshire Local Plan 2031; and the relevant paragraphs of the NPPF, in particular 17, 64, 132 and 134.