

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 5th November 2018**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

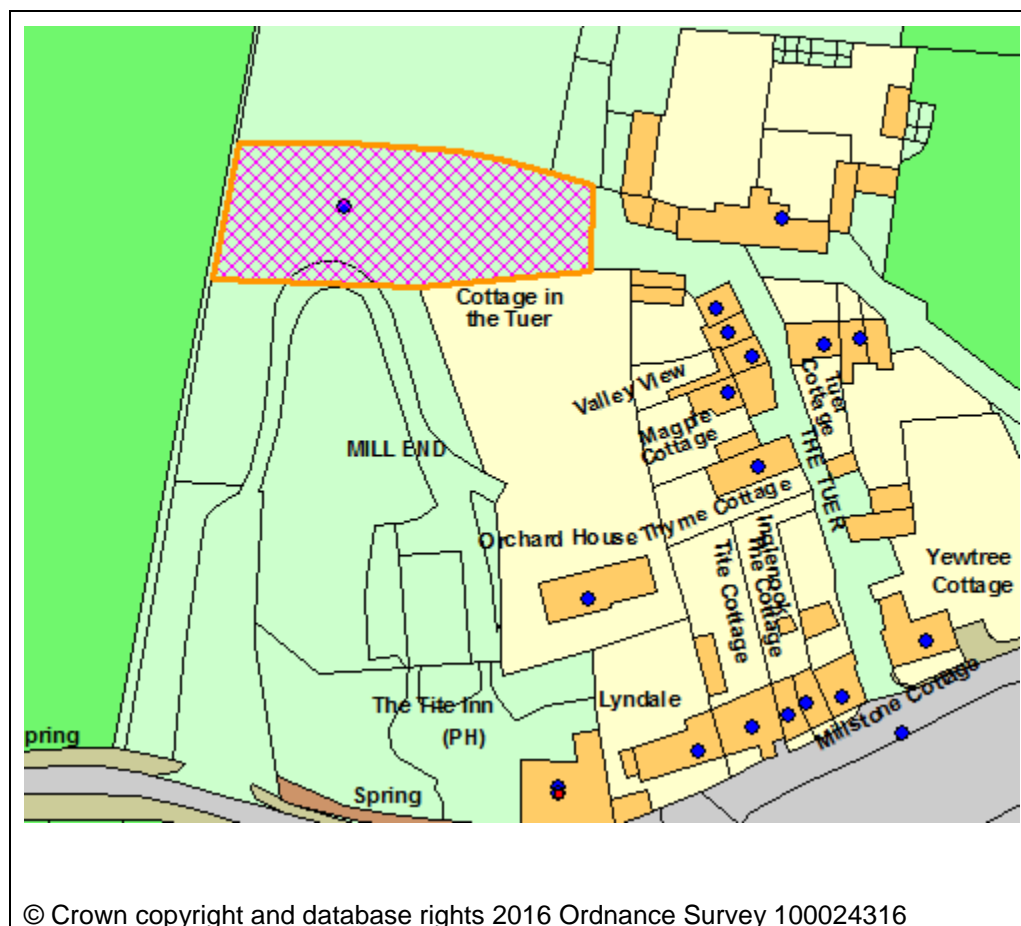
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	I8/01288/FUL
Site Address	Tite Inn Mill End Chadlington Chipping Norton Oxfordshire OX7 3NY
Date	24th October 2018
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Chadlington Parish Council
Grid Reference	432435 E 222487 N
Committee Date	5th November 2018

### Location Map



### Application Details:

Erection of dwelling with associated garaging and amenity space (amended plans).

## **Applicant Details:**

Mr D Pye, Tite Inn, Mill End, Chadlington, OX7 3NY

### **I CONSULTATIONS**

- I.1 Parish Council Chadlington Parish Council recognises there are concerns with some residents, however the Council has no objection to this application.
- I.2 WODC Drainage Engineers No objection subject to condition.
- I.3 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.

### **2 REPRESENTATIONS**

- 2.1 5 letters of objection have been received. These were received both before and after amended plans were submitted. These can be read in full on the Council's website. The representation received raised the following issues which have been summarised below:

- Would give rise to overlooking
- Would not form a logical addition to the pattern of development
- Would fail to comply with planning policy
- There is not the requirement for a new dwelling on the site
- Would not sit comfortably in the landscape
- Plans are difficult to understand
- Application form is inaccurate
- Would build on an important gap
- Would set a precedent for this type of development
- Site sits outside of the curtilage of the village
- Would not provide affordable housing
- Appears to be a lack of perking for the scheme

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

- 3.1 Subsequent to submission consideration was given to removing the garage and sitting the house lower in the valley side as the current design.

#### Design Component

- 3.2 This application seeks to form a separate dwelling in the existing extensive grounds of 'The Tite Inn' on land to the north west of Chadlington Village but within the built envelope of the village.
- 3.3 The new house will allow the present Landlord of the Tite Inn to free up accommodation in the Inn which is his present dwelling for use as staff accommodation for the Inn.

- 3.4 Hiring and retaining staff is one of the limiting factors in running a Hotel / Inn business and having dedicated on-site accommodation is immensely helpful in this case.

Amount

- 3.5 The design provides a family house to replace the existing accommodation in the Inn.

Layout

- 3.6 Living areas are designed to afford pleasant sun terraces to the front south and west elevations. Orientation is toward the south with views and light afforded to most areas of the dwelling.

Scale

- 3.7 The modest scale of the house causes little visual impact on the surrounding area partly due the discreet location in the valley and that the building is set into the hillside.

- 3.8 Several new dwellings of larger scale and on more prominent adjacent sites have been constructed in this vicinity often where smaller buildings have been demolished.

Landscape

- 3.9 Existing site will be retained as an open grassed garden apart from the porous surfaced parking areas.

Appearance

- 3.10 The dwelling has been designed as a quality Cotswold house using natural stonework with re-constituted quoins, irregular Concrete Cotswold slates, timber windows and doors.

Access component

- 3.11 Level access from the terrace is available into the lower floor with wide access front door and easily accessible toilet adjacent to the hall.

Environmental issues

- 3.12 Existing grassed open garden will be maintained apart from the footprint of the new building. No special plants or animals have been observed in the area of the new building footprint or drive.

Community aspect

- 3.13 The Tite Inn is a successful pub restaurant and provides a significant contribution to the social life of Chadlington and the local area as well as providing employment for staff and supports local suppliers of food and other services to the business.

- 3.14 The present Landlord and his wife are nearing retirement in the next few years and wish to leave a viable business when they do.

- 3.15 Accommodation that they currently occupy is behind the pub and if they can move into the proposed new house this accommodation becomes part of the business and can house staff or new owners thereby increasing the likelihood that the business will remain viable after their retirement.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EHI Cotswolds AONB

H2NEW Delivery of new homes

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application seeks planning permission for a new dwelling located in the village of Chadlington. The site forms comprises an undeveloped paddock associated with the 'Tite Inn'. The site is located in the Cotswold AONB.
- 5.2 The application site is located to the rear of the Pub located in an area of undeveloped land which is adjoining the built up area of Chadlington. The site lies on the North West edge of the village. There is existing development to the east and south east of the site and is contained by woodland to the west.
- 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 Policy H2 of the adopted local plan states that in villages, development on undeveloped land adjoining the built up area are is acceptable where convincing evidence is presented to demonstrate that it is necessary to meet identified housing need and is accordance with Policy OS2. When the proposal was first submitted the local plan had not been adopted therefore all the correspondence, negotiations and considerations were made taking in to account the tilted balance as set out in the NPPF. The local plan has now been adopted and the tilted balance therefore no longer applies.
- 5.5 Within the Cotswold AONB Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The site is located on a rear area of land which is not highly visible from the street scene. Due to its relationship to the pub the dwelling will be visible from the pub grounds and from the end of the driveway to The Tuer and the neighbouring properties.
- 5.6 The site is well screened from the West and will be viewed against the built up form of Chadlington due to its relationship with the pub, the neighbouring property Orchard House and the properties located along The Tuer. The dwelling is not considered to have an adverse impact on this area of the AONB and would conserve the wider AONB.

- 5.7 Given this, whilst the application arguably fails to comply with policy H2 officers are of the opinion that it would be in line with the thrust of the spatial element of policy H2 and OS2, which states that development in villages is acceptable where it respects the village character and local distinctiveness and would help maintain the vitality of the community.

#### Siting, Design and Form

- 5.8 The application site is located on sloping ground with the highest part closest to East of the site. Officers initially had concerns with the design of the dwelling and its relationship with the levels of the site and neighbouring properties. Amended plans have been received to address officer concerns.
- 5.9 The pattern of development in this part of Chadlington is varied as it comprises the more historic area of The Tuer as well as the more recent development of Orchard House which was approved in the 90s.
- 5.10 The proposed dwelling has been designed to be set in to the site in order to reduce its massing and prominence. The site will be accessed via the pubs car park which also serves another dwelling. The dwelling is considered to be of a scale and massing that forms an appropriate visual relationship with the site and neighbouring properties. The materials are considered appropriate for the area.
- 5.11 Given that the development will be viewed against Orchard House which is also located in a back land position, the properties in The Tuer as well as the pub itself, the dwelling is considered to form a logical relationship to the pattern of development in this part of Chadlington.

#### Residential Amenities

- 5.12 The closest neighbouring properties will be Orchard House and a number of properties located down The Tuer. The dwelling will be located near the end of the garden of Orchard House but will be distanced more than 50m away from the house itself. The dwellings located along The Tuer will be located on higher ground and due to the orientation and positioning will not be directly impacted by the dwelling. The dwelling is therefore not considered to be overbearing, impact the outlook or light available to neighbouring properties due to the separation distances.
- 5.13 The occupiers of Orchard House have raised an objection with regard to overlooking and loss of privacy. There are a number of windows located on the southern elevation of the dwelling which will face on to the garden of Orchard House, at ground floor level there will be a sitting room window and at first floor a bedroom window. The windows themselves will be set away from the boundary. The rear windows will overlook the end of the lane. In residential areas it is not considered to be uncommon to have this back to back relationships with windows overlooking rear gardens. Whilst there will be an increase in the perceived level of overlooking, in planning terms given the separation distances to the boundary, the relationship is considered acceptable and would not give rise to unacceptable levels of overlooking or loss of privacy.

## Highways

- 5.14 The dwelling will be accessed via the pub car park and will benefit from a driveway where cars can be parked. Oxfordshire County Council Highways have been consulted on the application and raise no objection.

## Conclusion

- 5.15 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 Cotswold AONB and would be in compliance with the NPPF 2018.

## **6 CONDITIONS**

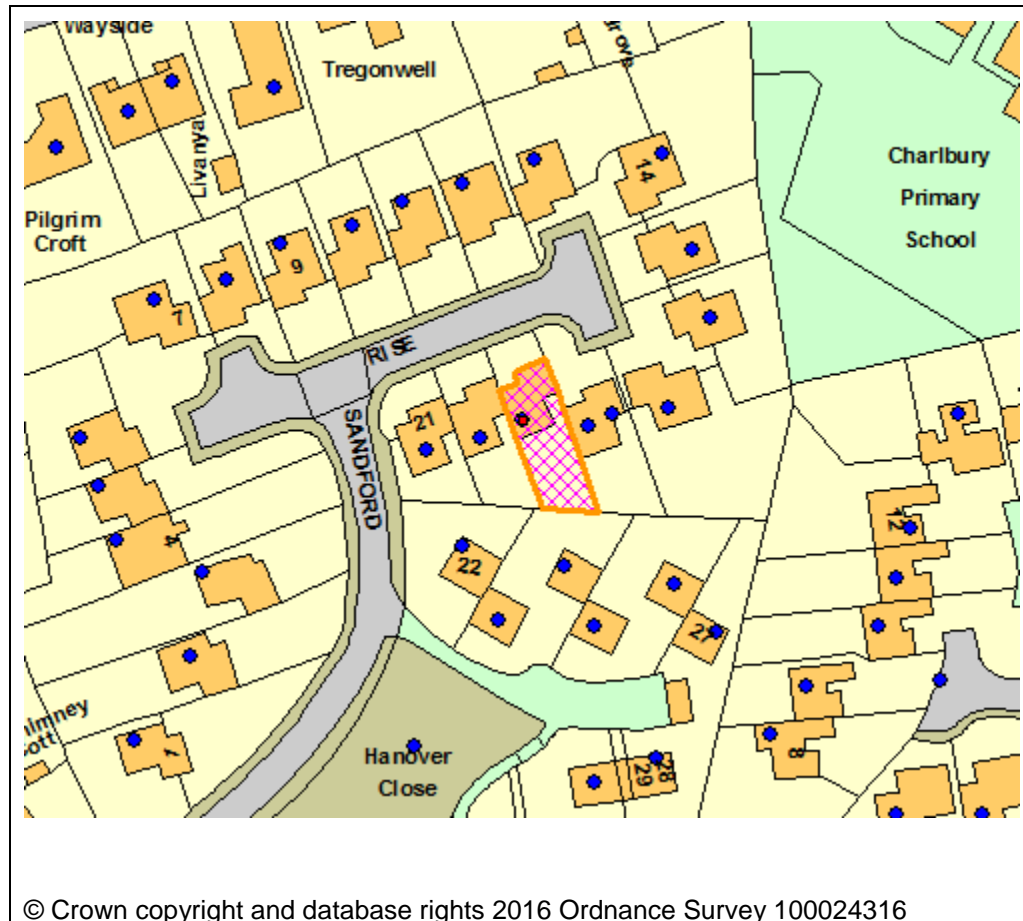
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 19.09.18.  
REASON: The application details have been amended by the submission of revised details.
- 3 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.
- 4 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 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.



- 7 Prior to any below ground works, 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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).
- 8 No development shall take place over ground 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 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 visual amenity of the Cotswold AONB.

Application Number	18/01461/HHD
Site Address	19 Sandford Rise Charlbury Chipping Norton Oxfordshire OX7 3SZ
Date	24th October 2018
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436051 E 219451 N
Committee Date	5th November 2018

### Location Map



### Application Details:

Single storey front and rear extensions.

### Applicant Details:

Mr Peter Smith, 1 Mount Pleasant, Dancers Hill, Charlbury, OX7 3RZ

## **I CONSULTATIONS**

- 1.1 Town Council We have no objection.

## **2 REPRESENTATIONS**

- 2.1 2 letters of objection have been received from no. 18 and 20 Sandford Rise. These can be read in full on the Council's website. The representation received raised the following issues which have been summarised below:

- Impact on light to neighbouring window
- Will cause overlooking/loss of privacy
- Will cause overshadowing
- Will unacceptably increase the size of the dwelling
- Will cause a terracing effect
- Will impact on parking
- No party wall agreement
- Will impact foundations/roof
- Will not allow adequate space for maintenance

- 2.2 Charlbury Conservation Area Advisory Committee commented on the application and stated:

The committee had commented at their December 2017 meeting on the previous application (17/03945/HHD) which had been withdrawn. They did not wish to object to the slightly revised application but continued to regret the infilling of recessed front elevation - a distinctive feature of the estate which helped to articulate its unified design.

## **3 APPLICANT'S CASE**

No supporting statement was submitted with the planning application.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
NE4 Cotswolds Area of Outstanding Natural Beauty  
BE5 Conservation Areas  
OS4NEW High quality design  
H6NEW Existing housing  
T4NEW Parking provision  
EH1A AONB

EH8 Conservation Areas

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 single storey front extension and single storey rear extension. The site is located within the Charlbury Conservation Area and Cotswold AONB.

- 5.2 This application has been called in for consideration by Members of the Uplands Planning Subcommittee by Cllr Liz Leffman. The application was deferred from the October committee to allow members to carry out a site visit.

#### Background Information

- 5.3 In 2012 planning permission was granted for a similar rear extension ref: 12/0594/P/FP. The scheme was never implemented and has now lapsed.
- 5.4 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

- 5.5 The property is a bungalow and is located in a visible position on the street scene. The area of the road in which the application site is located comprises of bungalows. The street includes properties of a similar scale, pattern and appearance of the application site.
- 5.6 The property is within the Cotswold AONB. Paragraph 172 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 comprises modest extensions to an existing residential property in a residential area. The proposal is therefore not considered it would be harmful to the AONB.
- 5.7 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.
- 5.8 The front extension would be a modest infill addition which would continue the profile of the roof and would sit in line with no. 20. Whilst this element would change the pattern of development in this part of the roof, the extension is considered to form a visually appropriate relationship with the main house and street scene. Concerns have been raised regarding creating a terracing effect. The dwellings are already in close proximity to each other and therefore there are no meaningful gaps between the properties, and whilst there would be some disruption to the pattern, it is not considered harmful to the character and appearance of this part of the Conservation Area or street scene.
- 5.9 The rear extension would feature a flat roof element immediately behind the garage and would go in to a pitched roof extension. The extension has been designed this way in order to minimise the impact on no. 18. Whilst the design is somewhat contrived, it would form a subservient addition to the main dwelling. Furthermore this arrangement was approved and found to be acceptable in the 2012 permission.
- 5.10 Overall whilst the extensions will increase the scale of the dwelling, the extensions are not considered to overwhelm the host dwelling or be harmful to the street scene.
- 5.11 Given this, the extensions are considered to form a visually appropriate relationship with the main house and are considered to preserve this area of the Conservation Area.

## Residential Amenities

- 5.12 The front extension would be located in line with the neighbouring property which does not benefit from any windows on the side elevation. The neighbour at no.20 has raised concerns regarding access for maintenance as well the impact to the adjoining roof. These elements are not planning considerations and are considered civil matters between the home owners. Given this, this element is not considered to have an adverse impact on the amenity of the neighbouring property.
- 5.13 The rear extension will include the flat roof element that will be in close proximity to the boundary and no.18. Due to the pattern of development in the street, the flat roof element will enclose a small area between the application site and the neighbouring property. No. 18 benefits from a front bedroom window that will be in close proximity to this part of the extension. A number of objections have been received from no.18 regarding the proposal and specifically the impact of the development on their amenity - these can be read in full online.
- 5.14 The flat roof extension will be in close proximity to the neighbouring window. This element and arrangement was approved in 2012 and found to be acceptable with regard to neighbouring amenity at the time. The extension in this position is likely to have an impact on the amenity of the neighbouring window due to the proximity. In justifying the assessing the impact of the previous approval the officer stated that the "flat-roofed extension (similar in form to that proposed here) could be built in this location without requiring the consent of the Council. Alternatively, a two metre high fence could be erected in this location along the boundary between numbers 18 and 19 without requiring planning permission, and this would have materially the same impact as the proposed extension on the neighbouring dwelling". Since the permission was granted there have been no material changes to the site with regard to this relationship and therefore officers are of the opinion that the fall back position is still a material consideration. In order to try and reduce the impact of the extension the applicant has set the extension in from the boundary and has reduced the height of the extension to 2.8m from the ground level of next door property. Officers are therefore of the opinion that it would not be unreasonable to expect a boundary wall or fence to be erected in this position and when comparing the impact of a wall or fence against the proposed extension, the impact is likely to be similar. Given this, and given that planning permission was granted in 2012 for this arrangement, this part of the scheme is considered to be acceptable.
- 5.15 The remaining rear element will sit alongside the neighbouring property. As it will not extend further in this position than no. 18, it is not considered to have an adverse impact on neighbouring amenity with regard to being overbearing or impacting the outlook. With regard to overlooking and loss of privacy, given the way the land levels change along the street, there is likely to be some levels of overlooking between the properties. There are examples of terraces and decking in the street and due to the levels is considered a logical way to transition between the properties and the gardens. In a residential area there is always the potential for overlooking and therefore given the position and scale of the proposal, the scheme is not considered to give rise to unacceptable level of overlooking or loss of privacy.
- 5.16 Other concerns were raised with the proposal which are not planning considerations and therefore have not been addressed as part of this report.

### Highways

- 5.17 The application seeks to retain the garage and the parking space to the front. The scheme would comply with Oxfordshire County Council parking standards and is therefore considered acceptable

### Conclusion

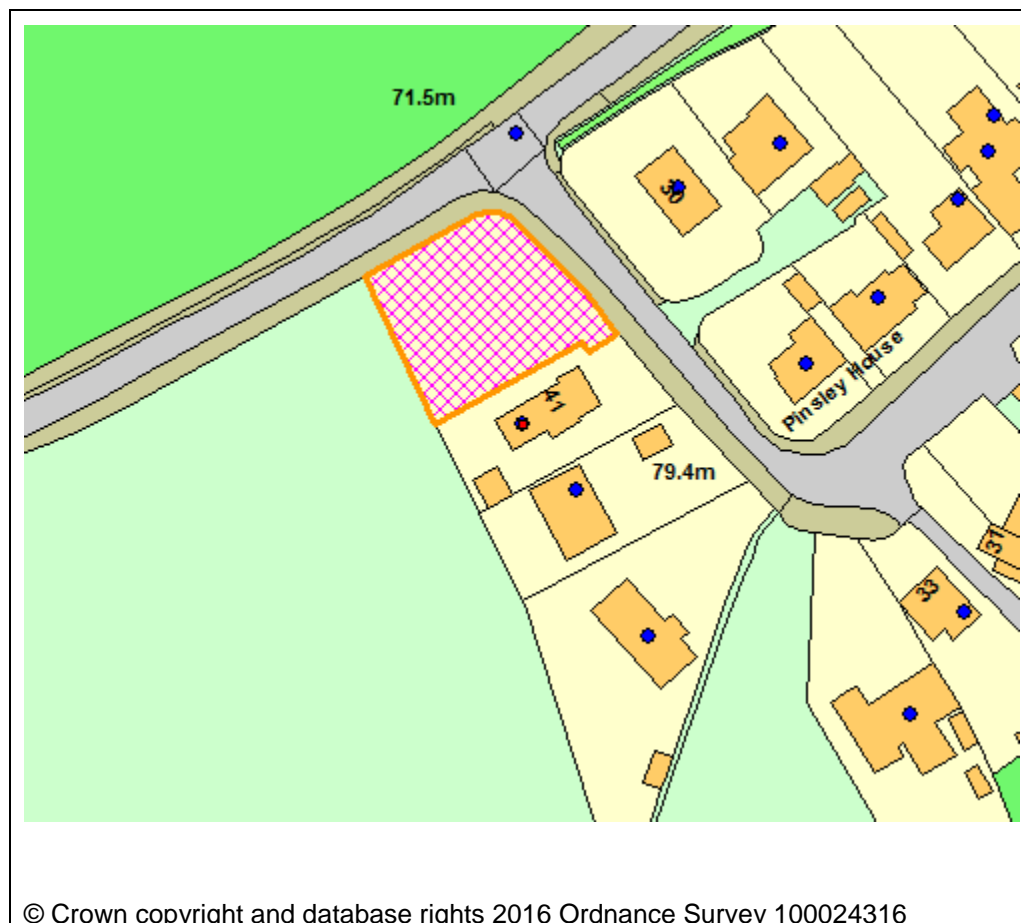
- 5.18 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, would preserve this area of the Conservation Area and Cotswold AONB and would be in compliance with the NPPF 2018. The dwelling would not have an adverse impact on neighbouring amenity and officers are therefore 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 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.  
REASON: To safeguard the character and appearance of the area.
- 4 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 additional windows/rooflights shall be constructed in the East elevation of the extension.  
REASON: To safeguard privacy in the adjacent property.

Application Number	I8/02054/FUL
Site Address	41 Manor Road Bladon Woodstock Oxfordshire OX20 1RY
Date	24th October 2018
Officer	Phil Shaw
Officer Recommendations	Provisional Approval
Parish	Bladon Parish Council
Grid Reference	444646 E 214516 N
Committee Date	5th November 2018

### Location Map



### Application Details:

Two semi detached dwellings with associated new access

### Applicant Details:

Mr David Dunphy, 122 Woodstock Road, Witney, OX28 1DY

## I CONSULTATIONS

### I.1 Parish Council

Full objections have been filed separately with the planning dept at WODC. (NB- They may be viewed in full on line).

In summary however the current application is a continuation of a string of applications all of which have been refused due to the proposals failing to complement the existing pattern of development and the character and appearance of the area, and to the density and form of development amounting to an over development of a site which lies within a Conservation Area. It raises environmental issues, a large number of the existing trees and hedges and large sections of the front banking would again be removed, there are no details of the levels on a steeply sloping site, and there are adverse impacts on the traffic. The present application does not address any of these issues. In addition the application does not say what the developer's intentions are for the existing house at 41 Manor Road without which information it cannot be meaningfully considered.

In a further response they advise:

An amended Site Layout Plan dated 02.09.2018 was uploaded to the WODC website on 24.09.2018 having been filed in accordance with an indication made in the Head of Planning & Strategic Housing Report prepared for the Uplands Committee Meeting on 1st October 2018. The Parish Council has now had an opportunity to consider the new plan and makes the following observations:

1. In contrast with all three preceding applications which were stated to be for "Demolition of existing building..." etc, this application is for "Two semi-detached dwellings with associated new access". However it is clear from the amended layout plan that contrary to the clear impression given in the application itself, the existing property at 41 Manor Road is to be taken into account in some way. It indicates that this building is now included in the site layout plan, with the existing access now to be used for the whole site, the introduction of what appears to be fencing between it and the proposed semi-detached houses, and 3 parking spaces being allocated to it. The original layout plan lodged with this application appeared to completely isolate the existing property; even the location map in the Report showed a hatched area excluding it. Effectively therefore, as with the two previous applications this is an application for 3 dwellings on the existing site, it is merely that one of them is not to be demolished. The extent of the total site area cited in the application actually available to accommodate the two semi-detached dwellings is thus significantly reduced, and the D & A Statement is misleading in describing it as "a large plot".

2. There are no measurements on the new plan, and only one on the old one, but comparing the two the proposed new semi-detached building appears to be of the same dimensions as before. It also appears to be positioned in the same place and orientation relative to the existing property at 41. The only differences appear to be a) that the parking spaces for what is now labelled Unit 3 (rather than 2)



have been reduced by one and more significantly, moved from in front of the house to the right of it, thereby reducing the area of "existing coppice retained"; b) parking spaces 2 and 3 for the now labelled Unit 2 have been moved to an angle; and c) a number of existing trees appear to have been removed both from the coppice and in front of Unit 2, and areas of new tree planting to the rear of Units 2 and 3 shown on the original plan have disappeared. Further, it unclear whether there have been design changes to the elevation/roof/windows as the drawing has been altered. In our view it is too large for the plot.

3. There is no explanation whatsoever of the applicant's intentions regarding the existing property. It is in clear need of renovation as it stands. We are aware that discussions were held between the developer and the planning department as to the possibility of converting it into two flats. The provision of 3 parking spaces to one side of it leave the situation unclear. It is possible therefore that were permission granted to erect the two semi-detached buildings now, the old house could either be demolished or a fresh application lodged to either convert it into 2 flats or to demolish it and build another semi-detached property. Either way additional parking spaces and bins would have to be accommodated, reducing the open area and garden space further, and the site as a whole would then contain not the 2 residences applied for in this application but 4. The very first application, for the demolition of the old house and its replacement with 4 new ones, was, of course, refused. Even assuming the house is renovated and retained as one unit, there would be 3 residences, two of which (the semidetached unit) would be disproportionately large for the plot. It exceeds for example the dimensions suggested by the planning department during their discussions when the possibility of converting the existing house into two flats and building a one unit house was raised as per Appendix D of the Design & Access Statement. A copy of the sketch of the recommended site layout provided us by the planning dept on request for sight of this Appendix (which was not supplied with the D & A Statement itself) is attached:

4. In view of the above, we remain of the continued view that this current proposal, which in reality retains the existing house, amounts to over development of the site by virtue of the scale and siting, density and form of the units. We strongly disagree with the comment in paragraph 5.16 of the Report that there is "a reduction in the scale and number of buildings."

5. Other than welcoming the planned alteration in the access and hence the retention of the wild flower bank, our views as expressed in our previous objections remain. This includes our concerns as to the failure to preserve or enhance the conservation area within which the site falls. We take issue with the comment in paragraph 5.15 of the Report stating " In contrast with the last refused proposals the current scheme now provides the area of open space fronting the A4095 ... which with the landscaping proposed would ... now preserve the character of the Conservation Area." The same open

space referred to also featured in APP No 17/04127/FUL; the decision concluded the proposed development would result in less than substantial harm to the setting of Bladon CA and the setting of Blenheim Palace WHS which would not be outweighed by the public benefits of the development. The planting area is in fact now reduced in the new site layout plan but even comparing like with like, the Report's assessment at para 5.17 is now that the public benefits of the proposed development, including the provision of two additional dwellings (cf 3 new ones) and the landscaping (which as above appears to show fewer trees to be planted) would outweigh any less than substantial or nil harm to the CA; and in 5.19 that "with the planting belt the level of harm to Blenheim WHS would be nil". We have not seen any detailed tree planting or landscaping plans to support this change of assessment and remain extremely seriously concerned as to the impact of the proposals on the Conservation Area.

6. If permission is granted we would respectfully seek specific safeguards to ensure the banking is not cut into during construction.

7. Notwithstanding the alteration in access, we do not believe there would be sufficient turning room for emergency vehicles, delivery vans or large cars to enable them to leave the site forwards.

We reiterate our previous comments and objections in relation to this application which we regret we cannot support.

- |     |                         |  |
|-----|-------------------------|--|
| I.2 | OCC Highways            | Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:<br>G28 parking as plan<br>G11 access specification<br>G25 drive etc specification<br>G35 SUDS sustainable surface water drainage details<br>No surface water to discharge to the highway |
| I.3 | Conservation Officer    | No Comment Received.   |
| I.4 | Biodiversity Officer    | No objections  |
| I.5 | WODC Drainage Engineers | Soakaways should be designed to withstand a 1 in 30 year + 40% climate change event.   |

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event.

An exceedance flow plan should be provided for storm events in excess of 1 in 100 yr + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties.

No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

If full planning permission is granted, could you please attach the

following condition:-

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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

**REASON:** To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

## **2 REPRESENTATIONS**

22 letters of objection have been received raising the following summarised points:

- Refusal reasons have not been fully addressed
- Site is unsuitable for development
- Site conditions make the site unsuitable
- Existing house may be demolished in future
- This is just a rehash
- Closing existing driveway gives cause for concern at future motives
- Existing house should be restored before further dilapidation occurs
- Traffic concerns remain
- Need more detail about the levels
- Verge does not belong to the applicant
- Churchill would be horrified
- Why has he resubmitted again?
- Retained house has no useable garden
- Loss of wildlife value
- New designs look odd
- Proposed access is too close to the A4095
- Impact on CA and WHS
- Site survey is inadequate
- Road is not suitable to take further development
- Existing house should be re sold with its existing lovely garden
- Houses in Long Hanborough are no longer selling
- Interruption of ground water flows
- Concerns regarding bin collection arrangements
- Loss of trees and screening
- Amended plans do not address the concerns raised
- Trees will be put at risk/compromised

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

Writing in support of the proposals the applicant advises that the scheme proposal makes the most of the landscape and the new houses will be of modest size and largely hidden by the slope of the site. They are of appropriate density, design and form and will sit comfortably in the immediate context of the site. They will not be prominent in wider views and would preserve the character and appearance of the area. Access is adequate and each property has sufficient parking. There will be minimal tree loss and there will be biodiversity enhancement possibilities. The existing property will be unaffected retaining roosting opportunities and the landscaping scheme can ensure biodiversity is enhanced. Best use has been made of the site and views and the scheme will relate satisfactorily to neighbours providing visual improvements and making best use of the plot.

### **4 PLANNING POLICIES**

EHI0 Conservation Areas  
EH14 Registered historic parks and gardens  
EH9 Listed Buildings  
EW9 Blenheim World Heritage Site  
H2NEW Delivery of new homes

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

### **5 PLANNING ASSESSMENT**

#### Background Information

- 5.1 This application relates to a site that Members will be very familiar with having dealt with a number of proposals in recent months and having undertaken a site visit. It was deferred at the last meeting such that a full list of conditions could be prepared. Members will recall that the first proposal they considered was for 3 new dwellings and a new access. This was recommended for approval by Officers but was refused (17/04127/FUL) As part of that application a substantial planting belt was proposed adjoining the A4095 which in Officers opinion was a public benefit that would additionally have helped the scheme assimilate into the approach to the village and the setting of the adjoining WHS and Conservation Area. The refusal reason was as follows:

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 limited 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.

5.2 Subsequently a revised application was tabled which showed three units on site but spread out over a wider area reducing the size of the planting belt. This was recommended for refusal and subsequently refused under ref 18/01532/FUL for the following reason:

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.

5.3 As part of the debate on the applications Members expressed a number of opinions which ranged from the site not being capable of redevelopment to suggestions as to how future schemes could be improved such as to potentially secure an approval. In that latter regard Officers noted the following suggestions:

- Retain existing access to safeguard the bank
- Retain the existing house and refurbish it with two smaller new units
- Keep the tree screen as a public benefit
- Ensure the frontage is less cluttered and easier to use in a car to enable cars to exit site safely
- Minimise/avoid the need for additional footpaths

5.4 The scheme as proposed has taken on board some of these suggestions. As tabled it detailed a small pair of semi detached units with a hipped roof form and retention of the extant house on site. The landscape belt is restored to the depth that Officers considered essential to reduce/eliminate undue harm to the heritage assets and to provide a public benefit to the scheme and the footpath arrangements were revised. As will be noted later in this report officers have secured further revisions that it is hoped will enable more of the above bullet points to be incorporated into the final version of the scheme.

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 whether the refusal reasons have now been addressed such that approval could be recommended:

#### Principle

5.6 Members will be aware that the emerging plan has now been adopted and policy H2 is of most relevance. 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 buffer.

5.7 The application site is located on the edge of Bladon, which is listed as a village under the provisions of Policy H2 of the Adopted 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 on 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. It is considered that the dwelling falls within the settlement so 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 retention of the 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 two dwellings 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.

#### Siting, Design and Form

- 5.8 The proposed siting of the dwellings would replicate the linear form of the existing dwellings opposite the site in 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

- 5.9 Members will note that there was no residential amenity refusal reason with the previous applications. As previously the siting of the new units is such that the scheme does not give rise to neighbour impacts such as would warrant a refusal. The retention of the existing plot means the impact on that neighbour is essentially the same as currently and the face to face relationships with the houses opposite are acceptable given the distance and screening. The retention of the existing house has given rise to a new issue in terms of the falling land levels down the site as it features a number of windows designed to take advantage of the garden and where the new houses would now be built. However there is no direct overlooking from the existing property and the majority of rooms affected in the extant house have other windows that would retain amenity. Where that is not possible they are secondary rooms such as lobbys/hallways/study etc. The proposed gable end windows could be conditioned as being obscure glazed and there is sufficient retained garden to serve that property.

#### Impact on Conservation Area

- 5.10 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 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. If it is to be retained as now proposed it does however set a context for the form that the new units should take as they will be viewed as one context- especially in the views when approaching the village. This

advice has been followed as there will now only be one new building(albeit it will comprise a semi detached pair) and its hipped form and scale will read as subordinate to the retained house with more of the site retained as open land or as part of the landscaped buffers

- 5.11 In contrast with the last refused proposals the current scheme now provide the area of open space fronting the A4095. 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 but which with the landscaping proposed would in your officers assessment now preserve the character of the Conservation Area.
- 5.12 There are also important wider views of the site from the North West on approach to the village, though officers note that the two new 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. Again with the reduction in the scale and number of buildings this is now considered acceptable.
- 5.13 In accordance with the provisions 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 provision of a landscaped area to the front of the site Whilst the Council are confident that they can demonstrate a five year supply of housing, this is not conclusive at the time of agenda preparation 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. Officers consider that in this instance the public benefits of the proposed development, including the provision of two additional dwellings and the landscaping would outweigh any less than substantial or nil harm to the Conservation Area. Members may of course reach a different assessment.
- 5.14 Notwithstanding this assessment Officers have secured further improvements to the scheme. Improvements have included revisions to the design of the houses, siting the bin enclosures in a less prominent position, rationalising the car parking arrangements, removing parking spaces from under tree canopies to give a greater opportunity for their long term survival, repositioning the pedestrian egress to minimise tree loss and connect to the existing footpath network and perhaps most beneficially retaining the use of the existing access to avoid the need to punch a new hole through the bank thereby further reducing the visibility of the site and retaining the screening impact to the neighbours opposite. The applicant has agreed to these changes and as such the impact on the Conservation Area will be reduced even further such that the public benefits will clearly outweigh any harms.

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

- 5.15 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. When assessing the development in accordance with the provisions of the NPPF, officers consider that with the planting belt the level of harm in relation to the World Heritage Site would be nil.

### Green Belt

- 5.16 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 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 adversely impact on the openness of the green belt and consequently the development is considered to be in accordance with the provisions of Policy and the NPPF.

### Highways

- 5.17 The proposed development would be served by a single means of access from Manor Road. Officers consider that the proposed 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

- 5.18 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, and would no longer involve removal of part of the characteristic bank that currently forms the front boundary of the site. The retention of the boundary hedges/bank would be controlled by way of planning condition.

### Ecology

- 5.19 The proposals have been subject of consultation with the Councils Ecologist, who has raised no objections to the development, subject to conditions.

### Conclusion

- 5.20 The proposed development no longer includes the removal of the existing property, which is of no especial architectural merit and the provision of two new 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 now appropriately mitigated the scale of harm when compared with the earlier refused schemes and that the public benefits of the proposed development would outweigh any residual harms which in any event are negligible/nil. That position has been improved further with the amendments secured by way of the amended plans Officers consider that the development would not have a significant adverse impact on the residential amenity of existing occupants or highway safety or amenity.
- 5.21 Officers consider that the proposed development with the revisions made is now acceptable and overcomes the concerns expressed by way of the already refused schemes and in that regard it



is considered that the development is now compliant with the provisions of the Local Plan as regards the impact on heritage assets and the NPPF. Approval is therefore recommended.

## **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 completed in accordance with the recommendations in Section 5 of the Ecological Assessment and Bat Mitigation Strategy report dated September 2017 prepared by Windrush Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.  
REASON: To ensure that brown long-eared bats, pyramidal orchids, reptiles and amphibians are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), and policy EH2 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 4 No development shall take place until a landscaping scheme has been submitted and approved in writing by the Local Planning Authority, including the infill planting of new, species-rich (at least 5 woody species) boundary hedgerows using native species of local provenance, translocation of existing species-rich grassland to create new lawns (including areas containing pyramidal orchids) and the creation of a new wildlife pond, and a 5-year maintenance plan. The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations. The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved.  
REASON: In the interests of visual amenity and ecology
- 5 If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.  
REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.
- 6 Before development takes place, full details of the provision of two no. integrated bat tubes (one per dwelling) in accordance with the Ecological Assessment and Bat Mitigation Strategy report (Windrush Ecology, September 2017) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing

elevations) within the walls of the new building shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide details of the replacement bat roosts for brown long-eared bats and additional nesting sites for birds as a biodiversity enhancement, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 7 Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect roosting brown long-eared bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

- 8 No engineering works (including site works and demolition) shall commence until all existing trees which are shown to be retained, the hedgerows surrounding the site, the copse area and the bank have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree/hedge/bank protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 9 No engineering 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 the adjoining trees and hedges

- 10 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.

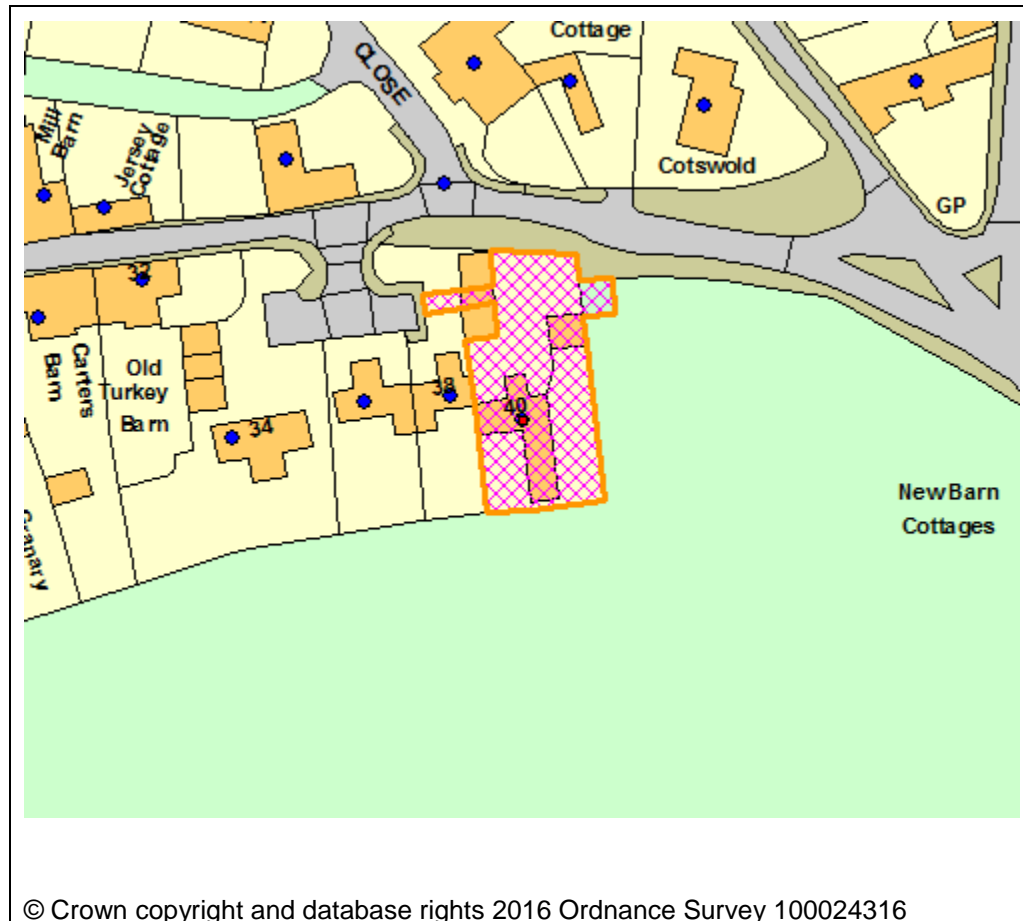
REASON: To safeguard the character and appearance of the area.

- 11 Before first occupation of the building/extension hereby permitted the window(s) in the side elevations of unit 2 shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 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 trees/Conservation Area/ Setting of the WHS
- 13 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the copse area and frontage hedge shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.  
REASON: To safeguard the character and landscape of the area.
- 14 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.
- 15 Other than the pedestrian access hereby approved no additional means of access whatsoever shall be formed or used between the land and the highway.  
REASON: In the interests of road safety and protection of the trees.
- 16 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 17 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. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.
- The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
- REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 18 No development involving deliveries or plant shall 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	I8/02158/FUL
Site Address	40 Plum Lane Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DZ
Date	24th October 2018
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	428019 E 217353 N
Committee Date	5th November 2018

### Location Map



### Application Details:

Creation of new access (amended plans and description).

### Applicant Details:

Mr John Little, 40 Plum Lane, Shipton Under Wychwood, Chipping Norton, Oxfordshire, OX7 6DZ

## I CONSULTATIONS

### I.1 Parish Council

#### Conclusion

The Parish Council wishes to object strongly to this application. By way of background the Parish Council notes that the volume, depth and clarity of the objections received exceeds that of any other recent application. This indicates the strength of opposition among local residents to this application. Any proposal to convert agricultural land to other uses in the local area is a sensitive matter and the Parish Council's reasons are as follows:

#### Reasons

(1) The application is unnecessary as the applicant can gain the access he seeks by the partial removal of an adjoining wall on his property

(2) The argument that access is required for emergency services is specious. As other objectors have indicated adequate fire hydrants are located nearby and in addition the arched access has existed without incident for over 30 years. The emergency services are statutory consultees and had they perceived a problem would presumably have supported this application. They have not done so.

(3) The application offends against WODC Emerging Policy OS2 in that it fails to be compatible with adjoining uses and has a harmful impact on the amenity of local residents, it does not enhance or protect the local landscape and detracts from the character and appearance of the area.

(4) The application offends against WODC Emerging Policy H6 in that it unacceptably affects the environment of people living in or visiting the area.

(5) The land affected lies in the AONB and other objectors have drawn attention to the detrimental effect this development would have. It is also contrary to WODC policy of enhancing and conserving the natural beauty of an AONB.

#### Recommendation

The Parish Council believes very strongly that this application should be rejected. If there is any inclination on the part of Officers to approve it under delegated powers, we request that it goes to the Planning Sub Committee for determination to which body the Parish Council would wish to make representations both written and oral.

### I.2 OCC Highways

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following

condition  
- G11 access specification.

The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980

1.3 WODC Landscape And Forestry Officer No Comment Received.

## 2 REPRESENTATIONS

2.1 28 letters of objection and 2 letter of support have been received. The letters of representation can be read in full on the Council's website. The representation received raised the following issues which have been summarised below:

- The access is used by agricultural vehicles
- There will be a conflict of users of the access
- Will open up field for further development
- Would impact on character and appearance of conservation area
- Would impact ecology
- Site has a covenant
- Other uses have right of access
- No requirement for a new access
- A more direct access could be considered
- Would be urbanising to this part of the conservation area
- Would set a precedent
- The application in no way impinges upon, changes, or modifies the covenant and is not relevant to the application.
- There is a very narrow and low archway through which it is not easy to drive.
- There is no fundamental change to access the field

## 3 APPLICANT'S CASE

3.1 Access to the property is presently from Plum Lane through an archway 6M long, 2.5M wide, 2.2M high. This restricts access to tradesmen's vehicles and importantly, emergency vehicle, which we have recently experienced. It is proposed to change the access to the other side of the property utilising the existing field gate and giving unrestricted access.

3.2 Existing access from Plum Lane will be gated at the existing entrance to restrict access to pedestrians only.

3.3 Field entrance is used by agricultural vehicles for moving cattle, grass cutting, baling etc. An additional safety benefit of this change is that agricultural vehicles accessing the field could pull off the road whilst the field gate is unlocked/locked thereby preventing any blockage of Plum Lane to other traffic.

3.4 One existing 1.5m high dry stone walls ( as shown in the enclosed photos ) would be resisted as shown on the enclosed sketches.

3.5 The area between the existing wall and gate location and the proposed resisted location would be excavated to a depth of approximately 150mm and backfilled with consolidated scalplings and topped with gravel to match existing. Necessary test would be undertaken to the same principle as designated by the building regulations for foundations to confirm suitability. The area has been traversed by tractors, trailers etc exceeding 12 tonnes in weight since 2003 and should be well consolidated.

3.6 In that the applicant is unable to attend the meeting he has asked that his proposed address to committee be incorporated as part of the report. It is set out in full below:

- The application before you is for an unrestrictive access using an existing field gate on our land to access our property to replace the existing restrictive access as at present.
- We have problems with contractors, tradesmen and delivery vehicles wider than the existing access and unable to gain access directly on to our property. Delivery of large items have to be made outside our property on the footpath or roadway. This is a problem especially with the delivery of logs for our log burner and entails my wife and I having to wheelbarrow 1 or 2 tonnes of logs, depending on the delivery load, from outside the property to the log store within. This we have managed so far, but with our age now very nearly 80 and both having needed knee replacement surgery recently, this operation has become most onerous.
- It is possible to use the existing field gate of our field as a new entrance and to gain access to our property completely unrestricted. Logs could be delivered easily to the log store without undue involvement.
- We are also concerned about emergency access to the property. I recently had a call an ambulance for my wife, which was unable to access the property and had to park some distance outside, necessitating a tortuous journey from the house, across the forecourt, through the archway and across the road. Not ideal.
- I approached Planning Department regarding an alternative access utilising the field gate and was given the advice that Full Planning Permission would be required and that the area in question, ( 55 sq mtrs ) would need to be an addition to the curtilage of our property, and the access would be a change from agricultural to domestic. I made out the application on this advice.
- Unfortunately this gave entirely the wrong impression and a number of objectors read in to this the incorrect assumptions that the application was a precursor to future development. They are obviously unaware that the field belonging to us and a further two areas of land adjacent are all protected by covenant which prevents any residential development. The landowners are the only people who can lift the covenants and unless all agree it would not happen, thereby protecting the land. This will not change, certainly not in our lifetime.
- Subsequent discussions with the planning officer, who has been extremely helpful, confirmed that the entrance and land in question need not be taken in to the curtilage of our property and would therefore not be designated "Domestic" but would be agricultural. If this had been mentioned initially I suspect that most of the furore that developed could have been avoided.



- The proposal shows the existing field gate relocated 5.8 metres back in to the field taking a line from the side of our garages. Also gates would be installed on the existing boundary which is the extent of our curtilage on the East of the property.
- A safety advantage of the field gate relocation is that any agricultural vehicle entering the field is not stationary on the highway whilst the gate is opened and closed on leaving. Security of the field needs to be maintained to prevent ingress by travellers or itinerants looking for a place to reside.
- Highways have also confirmed that they have no objections to the use of the field access.
  - Agricultural traffic through the gate is minimal, comprising:
  - Tractor and trailer delivering cattle to graze the land - one morning
  - Tractor and trailer taking cattle off the land at season end - one morning
  - Grass cutting, baling and removal of bales - 3 days
  - Chain harrowing or rolling - one day
  - Possible fencing repairs or replacement - 2 days
  - Total 7 days in the year and obviously over the winter period nil. This use of the access for agricultural purpose is minimal and if the access was also used as access to our property would not cause any inconvenience to any user.
- The application is for the new access to our property using 55 sq mtrs of a 4 acre field and if completed is doubtful if anybody walking or driving past the location would be aware of any alteration. It could not be seen from the road, being located behind the existing, and remaining in situ, boundary stone walls.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH1 Cotswolds AONB

EH10 Conservation Areas

EH3 Biodiversity and Geodiversity

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application seeks planning permission for a new access to serve an existing dwelling. The site is located in the Shipton-Under-Wychwood Conservation Area and Cotswold AONB.
- 5.2 The application site forms part of an agricultural field which is bounded by a stone wall. The field form an important area of open space which adds to the character of this part of the village.
- 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 The proposed location of the access benefits from an existing gate opening which serves the field. The residential property the access is proposed to serve is located in close proximity to the existing access. Given that the access is already in existence (albeit it serves the field) in principle the use and creation of an access to serve the residential property is acceptable subject to compliance with the other policies of the plan.

### Siting, Design and Form

- 5.5 The proposed access will include the erection of a boundary wall and the insertion of gates. The access will utilise the existing access opening. Gravel is proposed to be used to create the access.
- 5.6 Within the Cotswold AONB Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The creation of the access and associated boundary features will be viewed against an existing access and similar built form. The scheme is therefore not considered to have an adverse impact on the Cotswold AONB.
- 5.7 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.
- 5.8 The site benefits from a boundary wall which forms part of the character of the area. The proposal seeks to replicate this feature by defining the access with the wall. The layout of the wall is considered to be in keeping with the existing wall arrangement on site and is considered to preserve this are of the Conservation Area.
- 5.9 The proposal will also incorporate two sets of gates, one to continue to allow access in to the field and the second to allow access in to the curtilage of the dwelling. The gates are considered acceptable for the proposal and as the site benefits from a gated access the proposal is considered to be in keeping and would create a visually appropriate relationship.
- 5.10 A number of the objections refer to the further development of the field. The application is for an access only and therefore any future applications for other potential future schemes are not a consideration for the determination of this application.

### Highways

- 5.11 Oxfordshire County Council Highways have been consulted on the application and raises no objection.

### Residential Amenities

- 5.12 Due to the proximity of the access from neighbouring properties, the creation of the access is not considered to have an adverse impact on neighbouring amenity.

### Ecology and other matters

- 5.13 A number of the objection refers to the impact on the biodiversity. There is an existing access which is used by a range of agricultural vehicles, therefore the use of the area by domestic vehicles is not considered to have an unacceptable impact on the biodiversity of the site.
- 5.14 A number of the objections refer to covenants, ownership and rights of way. These issues are civil matters between affected parties and are not considered to be a material planning consideration

### Conclusion

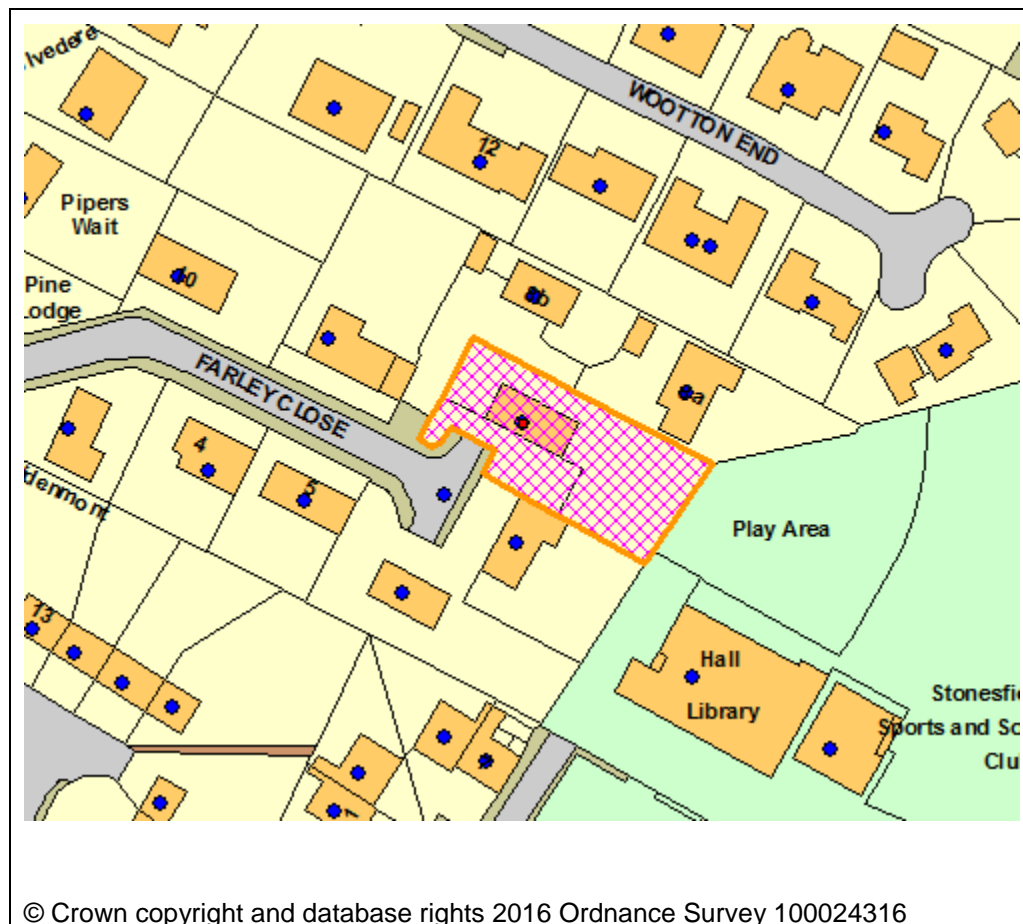
- 5.15 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, would preserve this area of the Cotswold AONB and Conservation Area, would be acceptable on highways grounds and would be in compliance with the NPPF 2018.

## **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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 09.10.18.  
REASON: The application details have been amended by the submission of revised details.
- 3 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.

Application Number	I8/02899/FUL
Site Address	Highcroft 8 Farley Close Stonesfield Witney Oxfordshire OX29 8EE
Date	24th October 2018
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439491 E 217636 N
Committee Date	5th November 2018

### Location Map



#### Application Details:

Erection of detached dwelling with attached garage and associated works.

#### Applicant Details:

Mr Neil Godfrey, 168 Brize Norton Road, Minster Lovell, Witney, Oxfordshire, OX29 0SH

## **I CONSULTATIONS**

- 1.1 Parish Council Object to this application based on the following:
- The materials are not in keeping with the area.
  - Overcrowding on a small area
  - Inadequate parking spaces
  - Out of keeping with vehicular buildings
- 1.2 WODC Drainage Engineers No Comment Received.
- 1.3 OCC Highways Do not object to the granting of planning permission subject to conditions.

## **2 REPRESENTATIONS**

- 2.1 No letters of representation have been received at time of writing.
- 2.2 Please note the consultation period ends on the 1st November and any comments made between now and then will be provided in the additional representations report.

## **3 APPLICANT'S CASE**

- 3.1 Writing in support of the proposals the agent has provided a design and access statement as part of the application which states:
- The application seeks planning permission for the erection of a detached bungalow within the garden of No. 8 Farley Close including the subdivision of the plot and associated works.
  - The principle of residential development is supported by Policy OS2 and H2 of the Local Plan which allow for limited development in village locations which respects the character and enhances vitality of their communities.
  - Key constraints to the site include its location in the Cotswold AONB and the impact on neighbouring amenity space. These constraints have informed the design process which is considered to reflect the local vernacular and be of a sympathetic nature which respects the character and setting of the Cotswold AONB.
  - The scheme is also deemed to have suitably addressed concerns regarding amenity raised by officers during pre-application discussions.
  - The scale of development has been sufficiently reduced so as not to be unduly prominent on the immediate landscape. In addition, withdrawing the built form from the neighbouring residential development, orientation and boundary treatments are deemed to have satisfactorily mitigated any impact to neighbouring properties and provided sufficient amenity space.
  - Proposals provide 'optimum' parking provision in accordance with OCC's parking standards whilst it is also concluded development would result in no impact upon the highway.

## 4 PLANNING POLICIES

EH1 Cotswolds AONB  
H2NEW Delivery of new homes  
H6NEW Existing housing  
T4NEW Parking provision  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the erection of a detached bungalow within the garden of No. 8 Farley close. This proposed development would also include the subdivision of the plot and the associated works. No. 8 Farley Close (Highcroft) is situated within the Cotswold Area of Outstanding Natural Beauty but falls outside of the Stonesfield Conservation Area.
- 5.2 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as Stonesfield Parish Council have objected to this application.

### Background Information

- 5.3 The application site is located at No. 8 Farley Close which comprises of 0.08 hectares of land. Development within Farley Close is predominantly 1960s/1970s type bungalows constructed out of brick and timber cladding.
- 5.4 Pre application advice was sought in 2017 REF: 17/00802/PREAPP where it was concluded that the proposed development was deemed acceptable in principle. Officers stated that the proposed development was of a form and design that was considered to be appropriate in relation to the context, local form, materials and vernacular of the surrounding area. Further to this, officers raised concerns in relation to:
- The proposed footprint being double that of the existing dwelling
  - Lack of outdoor amenity space
  - The proposed development was within close proximity to No. 7 Farley Close which would result in an impact on the neighbouring amenity.
- 5.5 This application for the proposed new dwelling with associated works has addressed officers concerns by:
- Reducing the footprint of the dwelling by 35m<sup>2</sup>
  - Reducing the ridge height of the dwelling by 2.5m
  - Reducing the width of the gables by 1.5m
  - Using a hipped roof
  - Increasing the amount of outdoor amenity space.

- 5.6 Taking into account planning policy, material considerations and the representations of the 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

Principle

- 5.7 Members will be aware that in the 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 Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.8 Stonesfield is classified as a 'medium' sized village in the Local Plan 2031. Policy H2 of the Local Plan is permissive in principle of the residential development of undeveloped sites within an existing settlement or on 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 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 retention of the existing dwelling, along with the erection of a new dwelling to the Far East corner of the cul-de-sac. The immediate neighbouring properties lie adjacent to the site and therefore the development is considered to be infilling/rounding off the site. 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 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 Stonesfield.
- 5.9 In light of the above, the principle of the development is considered to be acceptable.

Siting, Design and Form

- 5.10 The application site is located in the Far East corner of Farley Close. The proposed dwelling would be located in a visible position on the street scene. However, given the siting of the proposed development is situated within a corner plot which lies between two existing properties, the development would be considered to be an infill and would round off the site which would broadly form a logical complement to the existing pattern of development.
- 5.11 The massing and scale of the dwelling is considered to be in keeping with the surrounding properties and the size of the plot. The proposed development comprises of a single storey dwelling which has been designed to have a shallow cross hipped roof which would reflect the local vernacular of development in terms of being of a similar form and scale.

- 5.12 The dwelling is to be constructed using artificial Cotswold Stone, concrete roof tiles and UPVC windows. Whilst development within Farley Close is typically constructed out of brick and timber cladding, officers consider that this difference in materials, despite not being in keeping with the surrounding buildings, will form an appropriate contrast.
- 5.13 By virtue of its siting, design and scale comprising infill the proposed development is considered to conserve to the character and the setting of the Cotswold AONB and the local character. With reference to paragraph 172 of the NPPF and EHI of the Local Plan the proposal is acceptable. The development would be visible in the street scene but is not considered to significantly alter the relationship between the existing dwelling or visual amenity and therefore considered to be acceptable.

#### Residential Amenities

- 5.14 The dwelling would be located between two residential properties. Pre-application advice raised concerns over the impact the proposed development would have on both the amenity space of the new dwelling itself and on the outlook from No.7.
- 5.15 The revised scheme has sought to address officers concerns in relation to the impact on neighbouring amenity by reducing the footprint of the proposed development by 35m<sup>2</sup> and by bringing the built form away from the boundary closest to no. 7 Farley Close. This will therefore create sufficient amenity space for the proposed development as well as reducing the residential impact on the neighbouring property.
- 5.16 By doing this, the applicant has increased the amenity space for the proposed development to provide sufficient space for 3 bedroom property. The rear of the new dwelling allows for amenity space ranging from 5.2 metres deep at the shallowest point to 7.8 metres at the deepest point in which officers consider to be sufficient.
- 5.17 The dwelling proposes a number of new windows. Although there will be some level of overlooking by the nature of introducing new openings, the primary windows are located in logical positions and are not considered to introducing unacceptable levels of overlooking. Further to this, none of the neighbouring properties have windows which face directly towards the development site. Therefore, although the development would be visible, the development is not considered to have an adverse impact in terms of overlooking or loss of privacy on the neighbouring properties.
- 5.18 Whilst the new dwelling will be within close proximity to the boundary the site shares with the neighbouring properties. The proposed development seeks to retain the existing boundary treatments on site which comprise of a 1.8 metre high close board fence to the eastern and northern elevations of the site and a brick wall to the south elevation. Due to the combination of the modest depth, the separation distance between the proposed development and neighbouring properties and the retained boundary treatments, the dwelling is not considered to be overbearing on the neighbouring properties or adversely impact the outlook of No. 7 Farley Close. Given the height of the proposed dwelling and it being set away from the boundaries there would be no material loss of light.
- 5.19 In light of the above observations, the proposed development is not considered to have a materially adverse impact on neighbouring amenity.



### Impact on Cotswold Area of Outstanding Natural Beauty

- 5.20 In terms of the impact on the Cotswold AONB, the provisions of paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. The proposed dwelling will be situated within the built up limits of a residential area and constitute infill. It would only be viewed within its immediate context. There would be no harm to the landscape and scenic beauty of the Cotswold AONB.

### Highways

- 5.21 The proposed development would be served by a dropped kerb and 2 parking spaces including an integral garage towards the westward projection and a parking space to the south of the dwelling. Whilst the new development would result in additional traffic movements from Farley Close onto the main road, The Ridings, given the scale of the development officers do not consider that this would significantly impact highway safety. Officers consider that the proposed means of access would be appropriate and would not compromise highway safety or amenity. Oxfordshire County Council Highways have been consulted on the application and raise no objection subject to conditions. Given that the County are satisfied with the parking arrangement on site, the scheme is acceptable on highway safety grounds.

### Conclusion

- 5.22 The proposed development is for the provision of a new dwelling which is considered to be of an appropriate design and scale. Officers consider that the revised proposals have now appropriately mitigated the scale of harm when compared with the pre application advice. Officers consider that the development would not have a significant adverse impact on the residential amenity of existing occupants or highway safety or amenity. The AONB would be conserved.
- 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, and would be in compliance with the Local Plan 2031 and the NPPF 2018.

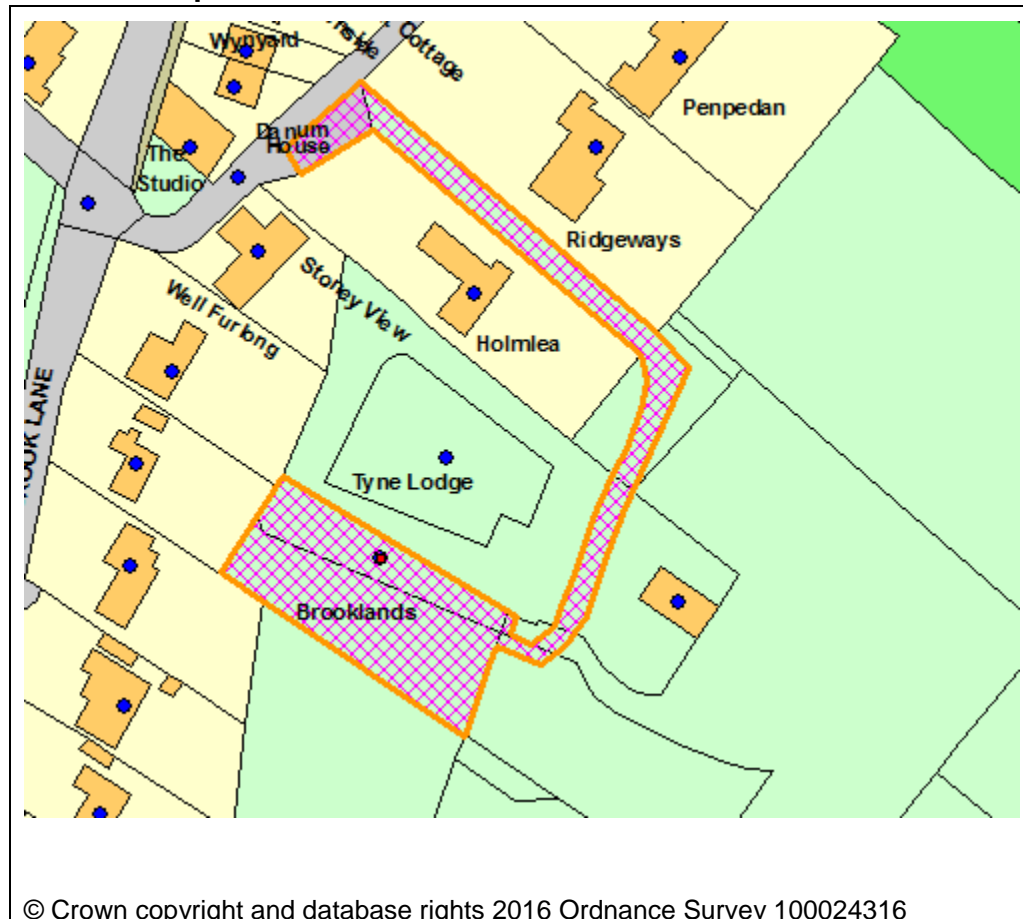
## **6 CONDITIONS**

- 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 screen walls and fences shown on the approved layout plan shall be completed before occupation of the dwellings on the adjoining plots and shall be retained thereafter.  
REASON: In the interests of the appearance of the development and to secure a reasonable standard of privacy for occupants of the plots concerned.
- 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 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.
- 7 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, and G shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to ensure an appropriate level of amenity for existing and future residents in this location as regards, privacy, outlook, light and amenity space.

Application Number	18/02816/S73
Site Address	Valhalla Church Street Stonesfield Witney Oxfordshire OX29 8PS
Date	24th October 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439421 E 216881 N
Committee Date	5th November 2018

### Location Map



### Application Details:

No compliance with condition 2 of 15/01198/FUL, so that the amended version of the development can be constructed.

### Applicant Details:

Mr Derek Hobbs, C/O Agent

## **I CONSULTATIONS**

- 1.1 Parish Council No comment at the time of writing.

## **2 REPRESENTATIONS**

- 2.1 Rod and Carol Jackson of Plater Lodge have commented and have raised no objections to the application particularly given that the skylight windows on the north east elevation will be obscured glass.

## **3 APPLICANT'S CASE**

- 3.1 While the construction of the new dwelling is ongoing and some of the above amendments have already been carried out, the assessment of whether or not these amendments are acceptable should be made on planning merit, rather than on the timing of the works being carried out. In other words, the fact that retrospective consent is sought for some of the amendments does not have a bearing on their acceptability.
- 3.2 It is considered that the overall character and appearance of the new chalet bungalow would not be significantly altered by the proposed amendments and that the resulting development would still appear appropriate in the local context and would not cause harm to the special value of the Cotswolds Area of Outstanding Natural Beauty (AONB). Furthermore, it is considered that the amendments would not have an adverse impact on the amenities of surrounding properties.
- 3.3 The additional first floor roof light in the north-west elevation of the dwelling would serve an en-suite bathroom and would be obscure glazed, as required by condition 8 of the original consent. All other first floor window changes would be on the south-east elevation, which does not look towards any neighbouring properties. Privacy of surrounding residents would therefore be protected.
- 3.4 In summary, it is submitted that the minor material amendments to planning permission 15/01198/FUL are all acceptable according to local and national planning policies and that the overall character and form of the originally approved scheme would not be fundamentally altered by this application.

## **4 PLANNING POLICIES**

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**

### Background Information

- 5.1 This planning application is part-retrospective and has been submitted in an attempt to seek to remedy breaches of planning control on the land which have come to light following a complaint alleging unauthorised works. It has been referred to the Uplands Area Planning Sub Committee

for determination because it is anticipated that the application will be 'called in' in due course on planning grounds.

- 5.2 In 2015 planning permission was granted for the erection of a detached chalet bungalow under ref 15/01198/FUL. In 2016 following an appeal planning permission was granted on the land for a detached garage under ref 16/00328/FUL.
- 5.3 The site is located within the Cotswold Area of Outstanding Natural Beauty. Paragraph 172 of the NPPF advises that a great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB.
- 5.4 The amended application the subject of this report is for the following works which are at variance with 15/01198/FUL.
- Additional dormer window in the south-east elevation.
  - Two additional roof lights in the north-west elevation serving a ground floor utility and first floor en-suite bathroom respectively.
  - Full length doors and side lights in the south-east elevation in place of a large lounge window.
  - Full height inward opening doors with a Juliet balcony in the south-east gable to serve a first floor bedroom.
  - Removal of a small ground floor window in the north-west elevation.
  - Slight increase in the slope of the utility room roof to allow for use of the same slates that have been approved for the main roof.
  - Minor rearrangement of internal layout.
  - Minor repositioning of ground floor window in the north-east elevation.
  - Footprint of dwelling increased by 200mm on all sides - this is required to accommodate insulation requirements set by Building Regulations. This increase is less than the thickness of a wall.

- 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

- 5.6 The principle of a chalet bungalow on the land has already been approved under 15/01198/FUL.

#### Siting, Design and Form

- 5.7 Whilst the footprint and ridge height of the dwelling are greater than approved under 15/01198/FUL, (400mm longer, 400mm wider and 400mm higher,) the dwelling is similar in scale to that already approved.
- 5.8 The general design details and materials are in keeping with the original planning permission.
- 5.9 The siting of the dwelling accords with the original approved siting.

- 5.10 In light of the above the amendments to the approved scheme in terms of siting, scale and design are considered not to result in material harm to the AONB or the setting of the Stonesfield Conservation Area.

#### Residential Amenity

- 5.11 Given that the siting of the dwelling is as approved, that the main aspect is to the east where it would not overlook any dwellings and that the additional rooflights which are to be obscure glazed provide light to bathrooms and a landing at first floor level , Officers do not consider that the amendments result in material harm to the residential amenity of the adjoining occupiers.

#### Access

- 5.12 The means of access already exists, this application would have no material harm on the local highway network.

#### Conclusion

- 5.13 In light of the above planning assessment the application is recommended for conditional approval. Given the fact that the consultation period does not expire until 8 November which is just post the date of consideration at Committee ,Officers are requesting delegated authority to approve the application upon cessation of the consultation period expiring unless further 'material' planning considerations come to light in the interim period.

## **6 CONDITIONS**

- 1 Other than the changes hereby approved , the development shall be carried out solely in accordance with the details, conditions and details discharged under those conditions 16/03237/CND as applied to the enabling development reference 15/01198/FUL.  
REASON: The proposals are an amendment to the approved development and for the avoidance of doubt as to what is approved.
- 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 first occupation of the building hereby permitted, the rooflights in the north west facing roof slope shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.