

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 4th February 2019

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



Purpose:

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

Recommendations:

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

List of Background Papers

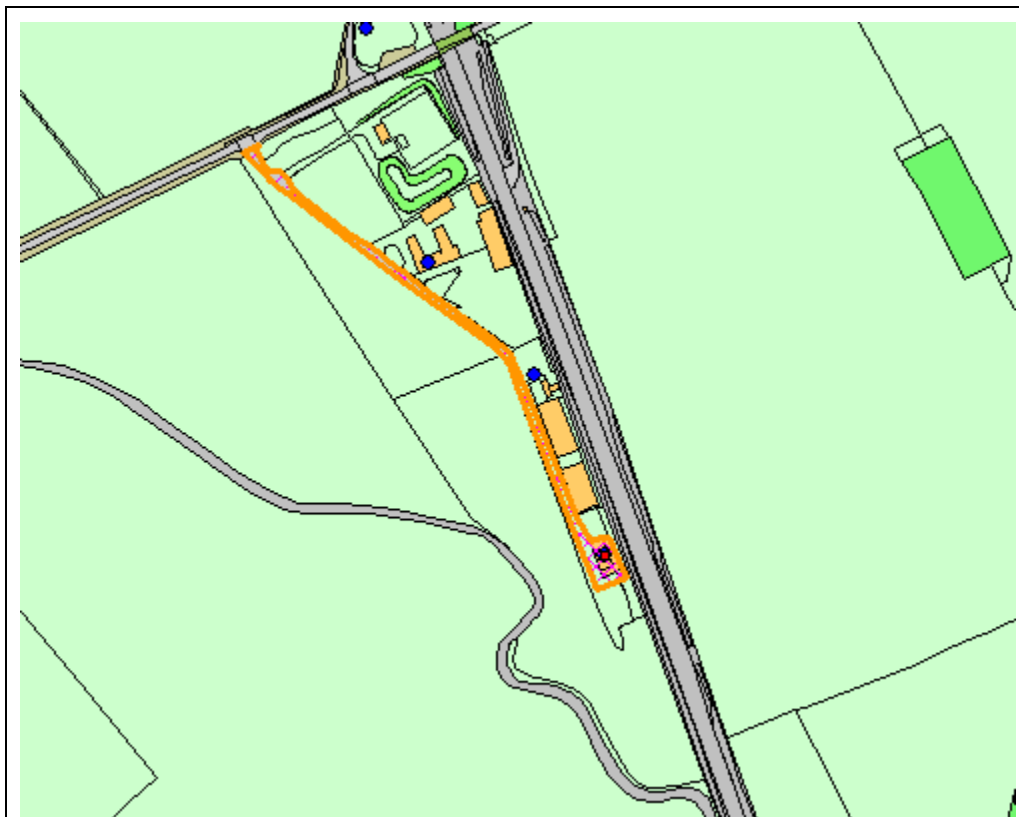
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	18/02928/FUL
Site Address	The Sidings Station Road Kingham Chipping Norton Oxfordshire OX7 6SX
Date	23rd January 2019
Officer	Declan Jermy
Officer Recommendations	Refuse
Parish	Churchill Parish Council
Grid Reference	425792 E 222294 N
Committee Date	4th February 2019

Location Map



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Application Details:

Erection of a building for the use as a repair workshop (retrospective)

Applicant Details:

Mr Darren Griffin, c/o agent

I CONSULTATIONS

- 1.1 Parish Council No reply at the time of writing report.
- 1.2 OCC Highways No objection.

2 REPRESENTATIONS

No representations have been received at the time of writing the report (publicity period expired 15.11.18).

3 APPLICANT'S CASE

The Historical use of the Site:

- 3.1 It can be surmised from this planning history that, in 1991 the council were satisfied that the building, that had been erected, was being used in connection with an agricultural unit. If this was not the case they would have taken further enforcement action.
- 3.2 In 2006 the agricultural use of the site had largely ceased. The Council recognised this in 2007 when they issued the Enforcement notice, as they identified the change of use from agricultural to vehicle parking.
- 3.3 The 2007 Enforcement Notice only identifies the breach as vehicle parking. There is no mention of the storage of scrap or the creation of hard standing within the description of the breach. It therefore follows that the council must have considered these elements to be lawful.
- 3.4 In 2016 the applicant made a planning application for a replacement agricultural barn. The description of the development in the application form states: 'Replacement agricultural barn - The existing agricultural barn is becoming unsafe in stormy conditions. The replacement barn must cater for the accessibility needs of the owner'.
- 3.5 In this latest application the supporting statement comments that it is evident that there was no substantive agricultural use of the original building at that time of the 2016 decision and therefore the description of development was misleading, albeit unintentionally. Mr C Griffin based the description of development on the structure of the building was constructed as an agricultural barn - to Mr C Griffin, it was an agricultural barn. He did not understand that it is the use of the barn which generates the description in planning terms - and not the design. The design and access statement at paragraph 4 details their intentions to replace the existing barn:
- 3.6 The owners have formally written to West Oxon Council to ascertain what type of application would be required to replace the barn. West Oxon has since advised via email on the 4th March that a FULL planning application including existing and proposed drawings would be required.
- 3.7 Mr C Griffin wanted to replace the existing barn with a similar sized barn and it was therefore referred to in the application documentation as an agricultural barn. Whilst it was described as an agricultural barn there was no agricultural justification submitted with the application. Indeed, the need to replace the barn related to the condition of the existing building and the need to cater for the specific accessibility needs of Mr C Griffin's son, D Griffin.

- 3.8 The size of the building and the ability to adapt the building to the accessibility needs of Darren Griffin were of paramount importance at the time of the 2016 application and this remains the case today.
- 3.9 The Accident: In 2011 Mr D Griffin suffered physical injuries and experienced psychological trauma as a result of an accident that occurred whilst at work.
- 3.10 The use of the Barn: From 2005, the original dilapidated barn had been used by the applicant, Darren Griffin, and his father, as a workshop in connection with their hobby of exhibiting Show Trucks. Initially, Darren drove his father's show lorry. However, as detailed from above, from 2011 the applicant had to deal with the results of his accident that left him with severe disabilities.
- 3.11 As part of Darren's rehabilitation, he started working on and driving the show lorry again. The hobby has an enormous positive impact upon his physical and mental well-being. In 2012, Darren bought his first lorry which he stored in the barn, with a second lorry purchased in 2014. Throughout this period, the barn was also used as a workshop ancillary to the maintenance of the show Lorries, without help. Mr C Griffin sought to replace the dilapidated barn to allow his son to continue the hobby with as much independence as possible.
- 3.12 The adaptations to the barn and the yard include:
- a. Changes to the yard such as an electric gate and resurfacing of the hardstanding to allow for ease of wheelchair access;
 - b. Roller shutter doors;
 - c. Insulated barn to enable a constant heat to be maintained;
 - d. All internal fixtures to be accessible from wheelchair level;
 - e. Electric hoist to provide access to vehicles;
 - f. Specifically adapted hand operated fork lift; and
 - g. Smooth access from the yard to the barn.
- 3.13 The barn also accommodates a large motorhome which is used by the applicant to travel to shows. Although, it is confirmed that the motorhome is not used for residential purposes on the site.
- 3.14 The ability to pursue this activity after such a life altering accident has had enormously positive impact upon Darren's life and is essential for his mental well-being.

4 PLANNING POLICIES

EHI Cotswolds AONB
OS2NEW Locating development in the right places
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application as submitted is seeking retrospective planning permission for the change of use of a building approved in 2016 for agricultural purposes to a hobby workshop and storage

facility. As part of the application submission the applicants have advised that the building subject of the application is larger than that approved in 2016. The approved building is 23m by 15m but what has been built on site is 27.3m by 15m, a materially larger building than that approved for agricultural purposes. Given these facts your officers consider that what has been constructed on the land is a building that does not benefit from planning permission and which has never been used for agricultural purposes. The unauthorised building is located on the site of a former agricultural building that has been demolished.

- 5.2 The Sidings is accessed via a single track South of Station Road, the land comprises of a large building with agricultural land to the South and West. The unit is of similar design to other commercial units located to the North of the site. The site is located within the open countryside within the AONB.
- 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:
- The principle of allowing a newly constructed building as a hobby workshop in the open countryside;
 - The impact of the development on the Cotswolds Area of Outstanding Natural Beauty

Principle

- 5.4 Policy OS2 of the Local Plan 2031 states that development in the open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Further the policy advises that non- residential development in the open countryside must meet certain criteria for it to be appropriate. In this case the newly erected non -agricultural building does not in your Officers opinion meet those criteria for the following reasons:
- It is not the re-use of an existing building;
 - It does not support the effectiveness of existing businesses or sustainable tourism;
 - It does not make a positive contribution to farm and country estate diversification;
 - It is not telecommunications development sited and designed to minimise the impact on the environment.
- 5.5 Rather the building has been erected without the benefit of planning permission under the guise of an agricultural building approved in 2016 and for a hobby use personal to the applicant and his son.
- 5.6 Based on the above the proposal is considered contrary to policy OS2 of the adopted Local Plan 2031.

Impact on the AONB

- 5.7 In determining development proposals within the AONB both Local Plan policy and the NPPF give great weight to conserving and enhancing the landscape and natural scenic beauty of the area. Whilst it is accepted that there was a former building on the site of the existing building and that planning permission for a replacement of that building was granted in 2016, the building the subject of this application is materially larger in length than that originally on the land and the replacement approved in 2016. This coupled with the fact that a building for agricultural purposes would be appropriate for a rural location within the AONB whereas a hobby workshop personal to the applicants is not considered appropriate, results in a development which is considered to materially harm the landscape and scenic beauty of this part of the Cotswolds AONB.
- 5.8 As such the retrospective development is considered contrary to policy EHI of the adopted Local Plan and relevant paragraphs of the NPPF.

Personal Case of the applicant

- 5.9 The personal case put forward by the applicant in the 'Background Information' section of this report which seeks to support the retention of the building and its use as a hobby workshop does not in your Officers opinion outweigh the harms identified above.

Conclusion

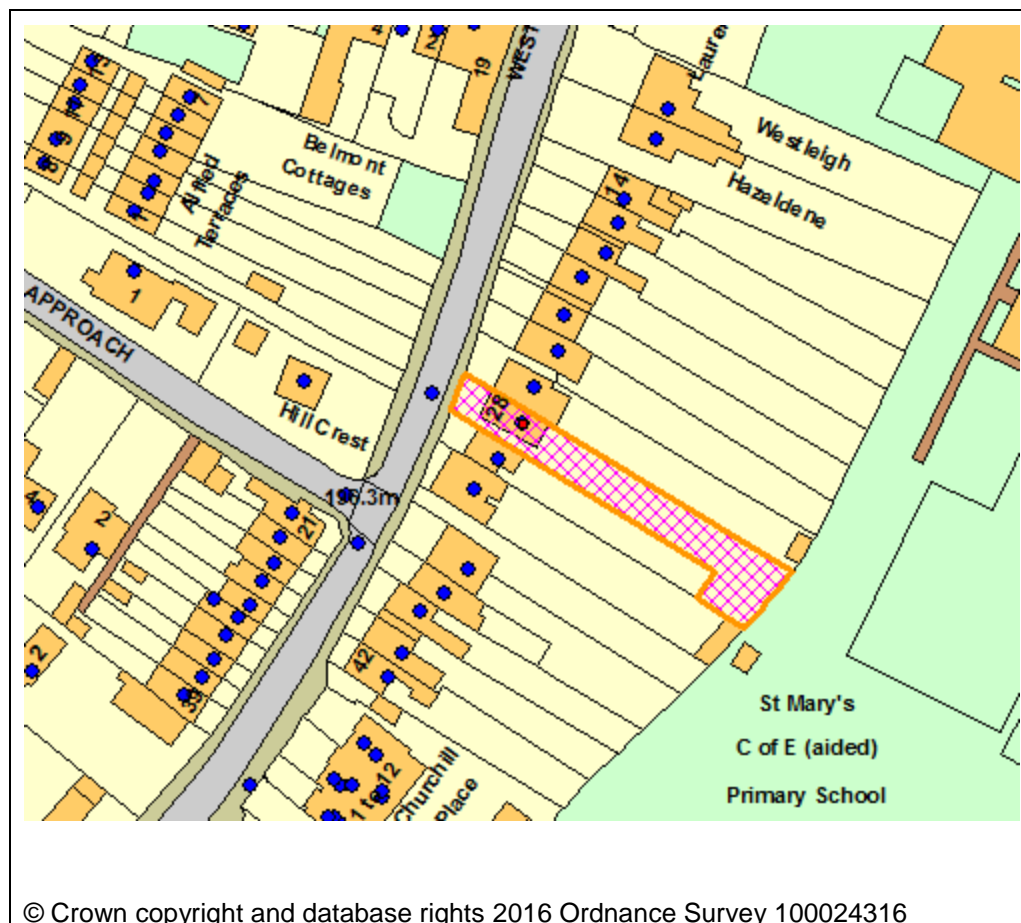
- 5.10 Having considered the background to this application including the personal case put forward by the applicant your Officers are recommending the application for refusal as it is considered contrary to policies OS2 and EHI of the adopted Local Plan and relevant paragraphs of the NPPF.

6 REASON FOR REFUSAL

- I The hobby workshop building by reason of its size and prominent elevated position within the Cotswolds Area of Outstanding Natural Beauty is considered inappropriate for the rural location and it fails to conserve or enhance the landscape and scenic beauty of the area which must be afforded great weight in both local and national planning policies. The personal case that has been put forward by the applicant does not outweigh the harms identified. As such, the application is considered contrary to policies OS2 and EHI of the adopted West Oxfordshire Local Plan and relevant provisions of the NPPF.

Application Number	18/03262/HHD
Site Address	28 West End Chipping Norton Oxfordshire OX7 5EX
Date	23rd January 2019
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431170 E 226595 N
Committee Date	4th February 2019

Location Map



Application Details:

Proposed access and parking area to the front of the dwelling.

Applicant Details:

Mrs Laetisia Carter, 28 West End, Chipping Norton, Oxfordshire, OX7 5EX

I CONSULTATIONS

- 1.1 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 condition.
- 1.2 Conservation Officer No Comment Received.
- 1.3 WODC Landscape And Forestry Officer No Comment Received.
- 1.4 Town Council There is an issue with the planning application which could be a Code of Conduct issue so the Town Council cannot discuss this planning application.

2 REPRESENTATIONS

None received.

3 APPLICANT'S CASE

No supporting statement was required with this planning application.

4 PLANNING POLICIES

EHI Cotswolds AONB
EH10 Conservation Areas
H6NEW Existing housing
OS4NEW High quality design
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Planning History

W2002/1453: Formation of accesses and hard standings at 14, 16, 18, 20, 22 and 24 West End, Chipping Norton. Planning permission allowed at appeal 2nd November 2003.

06/0122/P/FP Creation of access and parking area. 26 West End Chipping Norton

Background Information

- 5.1 The application seeks planning permission for the provision of an off street parking space serving 28 West End, Chipping Norton. The site is situated within the Chipping Norton Conservation Area and the Cotswold Area of Outstanding Natural Beauty.

- 5.2 The proposed parking space to serve 28 West Street has been amended to show a 2.5m x 5.0m parking space.
- 5.3 The application is before the sub committee as the applicant is a District Councillor.
- 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:

Principle

Siting, design, form and impact on the character of the area

Highways

Residential amenities

Impact on Heritage Assets and AONB

Principle

- 5.5 A number of residential properties within the immediate area along West End benefit from an off street parking space to the fore of the properties.
- 5.6 As identified above, planning permission was granted in 2002 for the provision of off street parking spaces serving 14, 16, 18, 20, 22 and 24 West End. This permission has been implemented. Further planning permission was granted for number 26 West End Chipping Norton for the creation of a parking area.
- 5.7 Given that, in principle the use and creation of an access to serve the residential property is acceptable subject to compliance with the policies set out within the West Oxfordshire District Council's local plan 2031.

Siting, Design and Form

- 5.8 The proposed off street parking was originally shown as 4.8m by 2.5m. Concerns were raised in regards to the potential overhang of any car parked in this space on the public footpath and so the parking space was moved further into the site to allow for a standard 5m by 2.5m space which would not result in any overhang.
- 5.9 The off street parking space would be located to the fore of no. 28 West End which follows through the built up area of Chipping Norton. Along this road, no 28 is situated in a prominent location however, given that there are a number of houses along the street that are served with off street parking, the proposal would not detract from the street scene as the proposed off street parking space would be well positioned amongst a row of house that have similar features which is common within built up residential areas.
- 5.10 The design, form and layout of the proposed off street parking spaces will reflect the character of the other off street parking within West End and so it is not considered that the proposal would have any adverse impacts in regards to visual amenity.
- 5.11 Therefore, given its siting, design and form the proposed creation of a new off street parking space is not considered to have any significant or detrimental visual impact on the wider street scene and is in accordance with policies OS4 and T4.

Highways

- 5.12 Oxfordshire County Council Highways have been consulted on the amended development and have raised no objection. They have highlighted that the use of the space is safer than parking on the adjacent highway.
- 5.13 The proposal is therefore considered to be in accordance with policy T4 of the Local Plan.

Residential Amenities

- 5.14 Given the siting of the development and the built up residential context of the site, Officers do not consider that the parking of a vehicle and use of this access will result in any undue noise or disturbance to the detriment of neighbouring properties. Given the nature of the proposal, officers' do not consider that there are any amenity issues associated with the creation of an off street parking space to the fore of 28 West End, Chipping Norton. As such, the application is considered to be acceptable in these terms, in accordance with OS4 and H6 of the Local Plan.

Impact on Heritage Assets and AONB

- 5.15 Within the Chipping Norton Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.16 In this regard, in light of the above assessment regarding the limited visual impact on the wider street scene, and the residential context of the site, the proposed alterations would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposals are therefore considered to respect the local area and the development would comply with the relevant policies.
- 5.17 Paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this instance, by virtue of the modest nature of the proposals in the built up residential area of Chipping Norton, Officers do not consider that the development will have any real visual presence beyond its immediate setting. Therefore it is not considered it would be harmful to the AONB.

Conclusion

- 5.18 In light of the above, the application is considered to be acceptable and compliant with policies EH1, EH10, OS4, T4 and H6 of the adopted West Oxfordshire Local Plan 2031 and any relevant paragraphs of the NPPF.

6 CONDITIONS

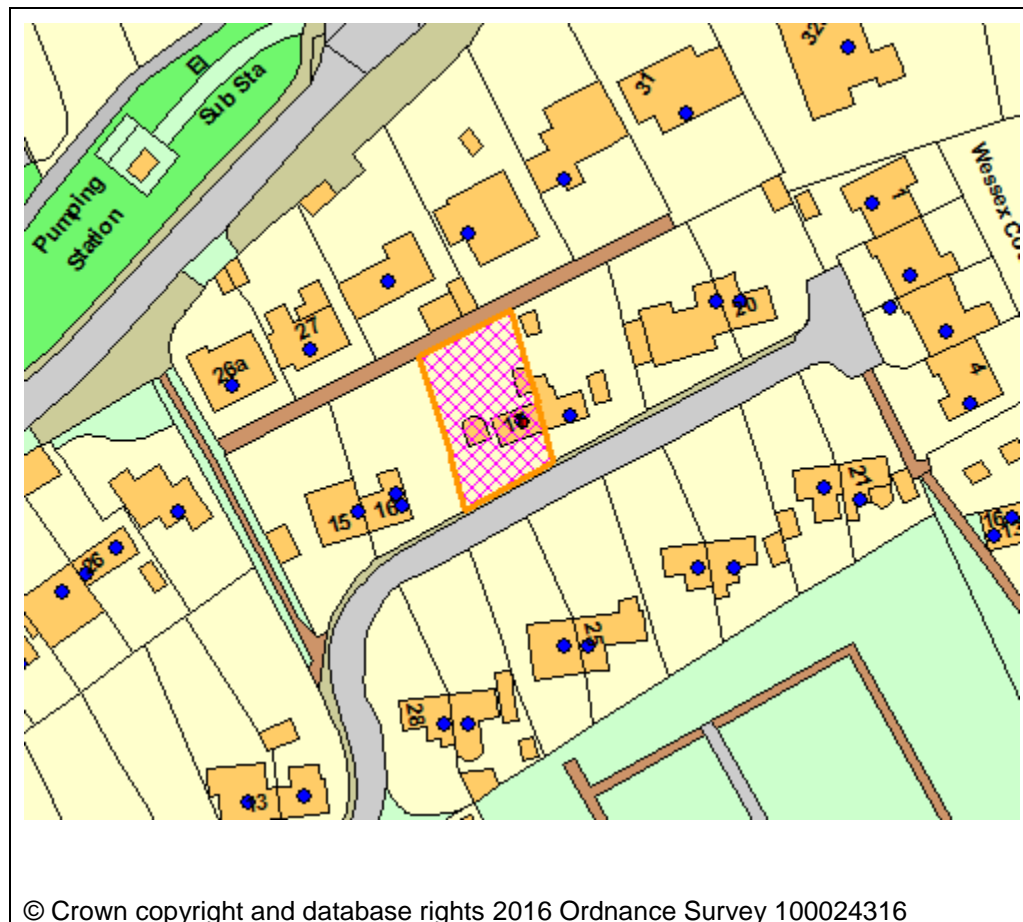
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That 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 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.
- 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.

NOTE TO APPLICANT

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.

Application Number	I8/03457/FUL
Site Address	17 Bear Close Woodstock Oxfordshire OX20 1JT
Date	23rd January 2019
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444814 E 217006 N
Committee Date	4th February 2019

Location Map



Application Details:

Erection of new semi-detached dwelling with associated parking and shared turning areas.

Applicant Details:

Mr ChangLei Sun, 17 Bear Close, Woodstock, Oxfordshire, OX20 1JT

I CONSULTATIONS

- 1.1 Town Council WTC objects to this application on the grounds that the size of the development will have an impact on the highway situation in Bear Close as it is a substandard road which already experiences continual congestion.
- 1.2 OCC Highways Awaiting comments.

2 REPRESENTATIONS

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

- Overdevelopment of the site and surrounding area of Woodstock
- Inappropriate commercial speculation with potential expansion of existing property for holiday lettings
- Potential parking congestion on the public highway
- Highway safety issues concerning access for emergency vehicles and refuse trucks
- Safety issues for children on their way to school, the elderly and infirm as a result of increased traffic and parked cars on pavements
- Change of the existing house into a terraced property would set a worrying precedent for Bear Close, altering the character of the area
- The address has been used for short term lets and concerns are raised that the new property would be an extension of that business.
- This type of design and development adds nothing to the value and amenity of the area, and should be discouraged
- The proposal is overbearing and sets a precedent for dense infilling of the existing green spaces - Bear Close is currently characterised by 17 pairs of semi-detached properties, with green space between each pair
- The existing housing stock in the area is ideally suited to provide further accommodation for growing families, however it is not suitable for development to provide new and separate multiple occupancy housing for commercial benefit of absentee owners
- While the application deems to show that four vehicles could be adequately parked, concerns are expressed that normal sized vehicles of 5m length plus the allowance of a 6m manoeuvring gap shown on the plan would be insufficient, resulting in overflowing onto the pavement and highways.
- Adverse impact on neighbouring amenities as a result of disturbance from the proposed parking being within 4 feet of adjoining neighbouring property, No. 18 Bear Close

- Concerns regarding potential use of the property as a Holiday Let/commercial/AirBnB operation and whether such a use is appropriate in this setting, creating a nuisance in the local area due to noise and parking issues
- Inaccurate information regarding rear footpath being incorrect. This land is not a foot path as it is privately own by the residents of 27,28,29,30 and 31 Brook Hill and is part of their gardens, not being a public right of way
- Infill development is inappropriate in this well-proportioned semi-detached area
- Devaluation of nearby properties

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted as part of the application in support of the proposals and is summarised as follows:
- 3.2 The proposal is a high quality and sympathetically designed scheme, which will fit in with the character of the area.
- 3.3 The design is in keeping with the overall scale of the adjacent houses and allows for an additional spacious family home whilst still retaining the existing dwelling, both served with generous garden space.
- 3.4 The proposal recognises the importance of the character and feel of the area and draws upon previously agreed designs and the local vernacular.
- 3.5 The proposed materials are in keeping with the existing buildings and will enhance and balance the existing streetscape.
- 3.6 Works will be completed to a high standard. This is in accordance with Policy OS2 as set out in the pre-advice response.
- 3.7 There is no overbearing impact of this proposal on its surroundings, it will not significantly affect the existing views or levels of daylight of the adjacent dwellings and fits well into the existing setting.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

T1NEW Sustainable transport

T4NEW Parking provision

EW10 Eynsham- Woodstock sub area

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 an attached dwelling with associated parking and shared turning areas to the side of an existing semi-detached property at 17 Bear Close, Woodstock. The existing dwelling is positioned on a generous plot with open space to one side and the proposal seeks to subdivide the plot. The site falls outside of the Woodstock Conservation Area and Woodstock is not in a protected area such as AONB.
- 5.2 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as the Town Council have objected to this application and two local Ward Members have asked for the application to be brought before Committee.

Background Information

- 5.3 The application site, 17 Bear Close comprises 428 square metres of land, currently occupied by a semi-detached, rendered two storey dwelling.
- 5.4 Pre application advice was sought in 2018 Ref: 18/02235/PREAPP, where it was concluded that the proposed development was deemed acceptable in principle. Officers stated that the proposed development was of a scale and siting that was considered to be appropriate in relation to the context and general pattern of development in the surrounding area. Further to this, officers raised concerns in relation to:
- design, suggesting that the roof should be hipped to match the existing roof profile and mirror that of No.18 Bear Close, to reflect the character and appearance of the street scene.
 - that the front gable extension would be uncharacteristic of the area and comprise an alien feature in the street scene, being overly-prominent.
 - ensuring that any rear projecting extensions should take account of potential loss of light or overbearing impact to adjoining neighbouring amenities.
- 5.5 This application for the proposed new dwelling with associated works has addressed officers concerns by:
- amending the roof design to incorporate hipped roofs to match the existing.
 - amending the front projecting element into a hipped rather than a gable roof design to match the appearance of 19 Bear Close.
 - setting the first floor element of the rear extension in from the neighbouring boundary, incorporating a hipped roof and limiting the total projection to 3.5 metres to the rear.
- 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 street scene

Residential Amenity

Highways Safety

Principle

- 5.7 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).
- 5.8 Policy H2 of the adopted Local Plan 2031 states that new dwellings should be permitted on undeveloped land within the built up area of Woodstock provided that the proposal is in accordance with other policies within the plan, in particular OS2. Policy OS2 states that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and/or character of the area, and should not have a harmful impact on the amenity of existing occupants.
- 5.9 Woodstock is classified as a rural service centre in the Local Plan 2031 and is considered as being suitable for a reasonable scale of development, whilst protecting its important historic character and the setting of Blenheim Palace, in order to deliver affordable housing and reinforce its role as a service centre.
- 5.10 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 a proposed 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.
- 5.11 The application proposes the retention of the existing dwelling, along with the erection of a new dwelling as an adjunct to the current property. 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 sustainable location for residential development in terms of its proximity to existing services and facilities in Woodstock.
- 5.12 In light of the above, the principle of the development is considered to be acceptable.

Siting, Design and Form

- 5.13 The application site is located on the north side of Bear Close. There is an existing conservatory and high close-boarded fencing to the side of the property in the same position that the dwelling is to be located. The proposed dwelling, which would be visible in the street scene. However, given the siting of the proposed development is situated in a gap between two existing properties, the development would be considered to be an infill which would broadly form a logical complement to the existing pattern of development. It is noted by officers that this would mimic the similar extension to No.19 Bear Close, which is the left hand property of the adjoining semi-detached pair of dwellings to the east of the application site.

- 5.14 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 a two storey dwelling which has been designed to have a hipped roof which would reflect the local vernacular of development in terms of being of a similar form and scale.
- 5.15 The dwelling is to be constructed using rendered finish, a tiled roof and UPVC and aluminium fenestration, which would be in-keeping with adjoining development in Bear Close.

Residential Amenities

- 5.16 Officers have carefully assessed potential impact on amenity and are satisfied that the sub-division of the existing plot would result in adequate private rear amenity space for each plot, with individual plot widths of approximately 8 metres and garden lengths of approximately 10 metres for the new dwelling and 16 metres for the existing property.
- 5.17 The proposed new dwelling would be positioned between two residential properties, being attached to the existing dwelling of 17 Bear Close, but separated from No. 16 by approximately 9 metres at its nearest point.
- 5.18 In relation to potential overlooking, the dwelling proposes a number of new windows. Although there will be some level of overlooking as a result of introducing new openings, the primary windows are located in logical positions to front and rear elevations and are not considered to introduce 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 to the neighbouring properties.
- 5.19 In respect of potential overbearing or overshadowing impact, the new dwelling will be in close proximity to the boundaries which the site shares with neighbouring properties. The proposed development seeks to retain the existing boundary treatments on site to the east, west and north, which comprise of 1.8 metre high close boarded fence, various shrubs and trees, with a proposed new 1.8 metre close-boarded fence between the existing dwelling and the new dwelling. Due to the combination of the relatively modest depth of built form beyond existing rear elevations (3.5 metres maximum projection at first floor level and 4 metres at ground floor level), coupled with the first floor separation distance between the proposed development and neighbouring boundaries and the retained boundary treatments, the dwelling is not considered to be overbearing on the neighbouring properties or adversely impact the outlook of either No. 16 or 17 Bear Close. Furthermore, the proposed rear projection would accord with 45 degree guidance.
- 5.20 Given the scale and height of the proposed dwelling, position in relation to the boundaries and orientation of the building facing to the north at the rear, it is considered by officers that there would be no material loss of light.
- 5.21 In light of the above observations, the proposed development is not considered to have a materially adverse impact on neighbouring amenity.

Highways

- 5.22 The proposed development would be served by an existing access and an additional 2 parking spaces, resulting in a total of 4 No. proposed parking spaces for the two resultant dwellings with a shared manoeuvring area to the front of the properties. Whilst the new development would result in additional traffic movements on Bear Close and onto surrounding roads, given the scale of the development officers do not consider that this would be likely to significantly impact highway safety. Officers consider that the proposed means of access would be appropriate and would not compromise highway safety or amenity. However Oxfordshire County Council Highways have been consulted on the application and have not yet responded. If Highways Officers are satisfied with the parking arrangement on site, the scheme is acceptable on highway safety grounds.

Conclusion

- 5.23 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 street scene, residential amenity of existing occupants or highway safety, subject to OCC raising no new issues.
- 5.24 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.

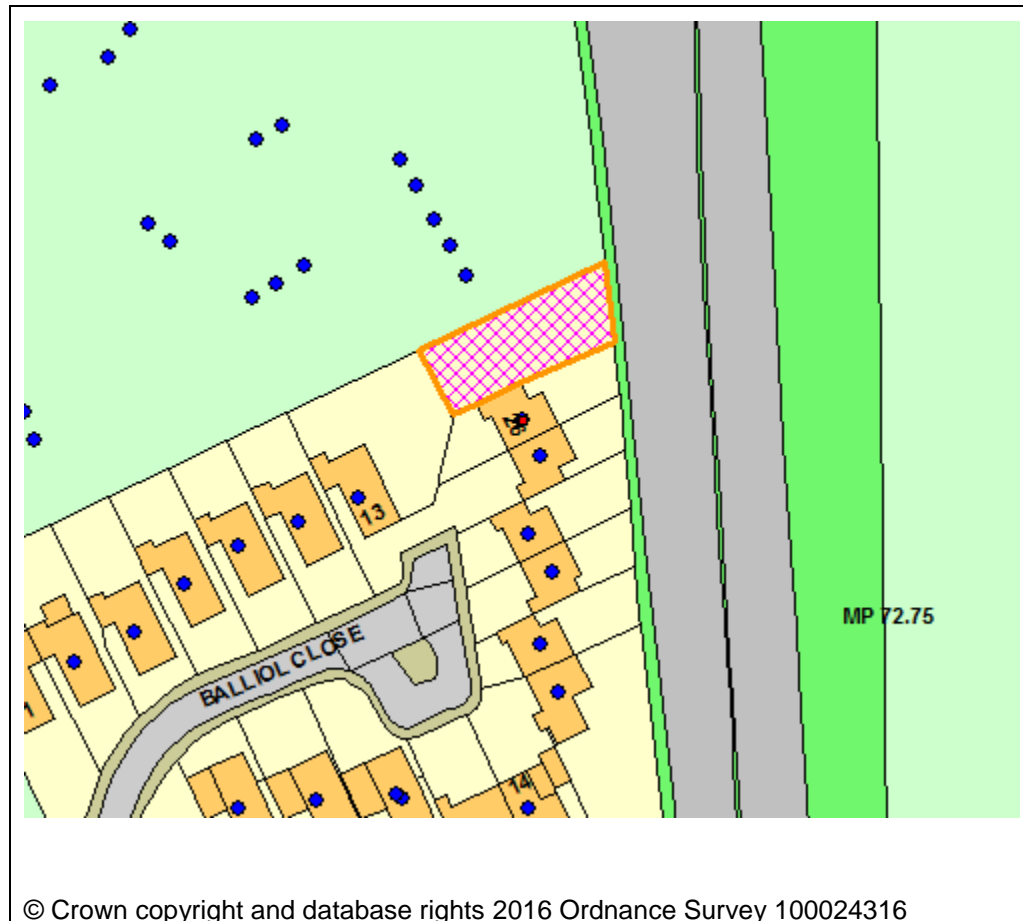
6 CONDITIONS

- 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.
- 8 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 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).

Application Number	I8/03539/FUL
Site Address	26 Balliol Close Tackley Kidlington Oxfordshire OX5 3AS
Date	23rd January 2019
Officer	Peter Morgan
Officer Recommendations	Approve
Parish	Tackley Parish Council
Grid Reference	448400 E 220768 N
Committee Date	4th February 2019

Location Map



Application Details:

Erection of a single detached dwelling and associated works.

Applicant Details:

Mr Liversedge, The Stop House, Enslow Wharf, Bletchingdon, Oxon, OX5 3AY

I CONSULTATIONS

- 1.1 Parish Council All councillors expressed concern that the level for the new plot is not shown. "The proposed dwelling has been designed to continue the 375mm step which follows the general topography of the close. It also seeks to improve the relationship with the proposed dwellings on the adjacent development site, currently under construction." Tackley Parish Council has raised serious questions about the FFL on the Barwood site adjacent and this is currently being reviewed by Mr P. Shaw. Councillors are concerned that accurate levels have not been measured on Balliol Close in order to set acceptable levels for the Barwood development. How can the FFL for this application have a "relationship" with the adjoining site if the Barwood levels are currently under review?

Concern was also expressed about the proposed parking provision and the general principle of "density" within a rural site, close to a current building development.

- 1.2 OCC Highways Drainage 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:

- G28 parking as plan

2 REPRESENTATIONS

- 2.1 Representation have been received from 4no neighbouring residents who each express the following concern:

- parking provision for the proposed and neighbouring dwellings,
- Limited opportunity for on-street parking within the Balliol Close.

- 2.2 In addition to lack of parking provision, the occupier of no.13 Baliol Close raises concern regarding:

- Heightened sense of overbearing as a result of the increased scale (doubling) of the proposed dwelling
- Overlooking.

3 APPLICANT'S CASE

- 3.1 A planning statement was submitted in support of the application proposal, the following outlines the case for the applicant.

- Planning permission was granted under LPA Reference 18/00691/FUL for the erection of a detached dwelling. The approved design was intended to "simply to mirror 26 Balliol Close, without any thought or real consideration", to secure a Planning approval as a first step, whereas the current application proposal better reflects the envisioned aspiration of the

applicant. The current proposal is similar in appearance and scale to existing 2-storey dwellings within the Balliol Close in order to retain a positive relationship with the Close as a whole.

- The proposed dwelling is located in approximately the same position as the approved dwelling (18/00691/FUL), with only the integral garage omitted which has result in the additional off street parking space to account for this omission and to accord with parking policy requirements.
- You will note from submitted drawings that responding to the topography of the area has been a key consideration as Balliol Close was built on a slope of a hill with the application site occupying the northern most and highest point on the street.
- Neighbouring dwellings to the south of the application site comprising two storey semi-detached dwellings, step up the hill at approx. 375mm step intervals to the finished floor levels (FFL); nos. 16 and 18 being the lowest through to 24 and 26 currently the highest point.
- The proposed dwelling has been designed with this 375mm stepped interval in mind and follows the topography of the Balliol Close. Consideration is also paid the relationship with the dwellings proposed on the adjacent site (app ref: 15/00044/APPEAL) which is currently under construction.
- The levels as indicated on the proposed drawings have been related as closely as possible to the levels provided for the adjacent site.
- The proposal will have minimal adverse impact on the neighbouring properties.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Planning permission was recently granted under LPA Reference 18/00691/FUL for the erection of a detached two-storey dwelling on land to the north of 26 Balliol Close, within the residential curtilage of no.26 Balliol Close. The application site is elevated compared to surrounding land and covers approximately 307sq.m.
- 5.2 With respect to its design, the approved scheme sought to replicate the existing dwellings on the street comprising a modest size detached dwelling with integral garage, the total footprint for the building measuring approximately 78sq.m.

5.3 The approved dwelling would be set back behind the host dwelling and access would be taken via a shared drive way extended to the new property. As well as the garage, a single parking space was retained for the host property and a similar arrangement would exist for the proposed dwelling.

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:

Principle of development
Siting, Design and Form
Highways

Principle

5.5 Given the site benefits from an extant consent, LPA Reference 18/00649/ FUL, the principle of development is established and is not under consideration.

Siting, Design and Form

5.6 The proposed dwelling, the subject under consideration would alter the approved scheme, the main difference being the removal of the integral garage and the increased scale of the building. Whereas neighbouring properties comprise integral garages that are set forward of the front elevation, the proposed dwelling omits the garage but extends the side of the house over two-storeys. With respect to floorspace the increase is similar proportionally to floorspace the proposed dwelling with integral garage would occupy.

5.7 The foot print of neighbouring dwellings measure approximately 78sq.m, whereas the footprint of the proposed dwelling would measure 90sq.m, a difference of 12sq.m or an increase of 12%. The proposed change in the design of proposed dwelling when compared to the approved dwelling could therefore be read as those it were a two storey side extension or as a first floor extension over what was previously intended as space for a garage. In this regard, the proposed increase is considered to be proportionate and would form an acceptable addition to the approved design.

5.8 The proposed dwelling in all other respects retains much the same character and appearance of dwellings within the street scene. With respect to fenestration, windows are similar in design scale and proportions and create uniformity and symmetrical frontage elevation that is aesthetically acceptable. The materials of construction include rendered finished to the lower portion of the dwelling, with cladded upper. Brick edging enclose gently recessed front and rear elevations, and the dual-pitch roof cover comprise concrete tiles to match the surrounding area. Without the forward set garage there is no integral porch however, the proposed dwelling would comprise a simple canopy supported by two simple posts.

5.9 The application proposal is therefore, considered to be of an acceptable size, scale and design that would appear in-keeping with the character and appearance of the street and as such is considered to be in line with Policies OS4 and HS2 of the Local Plan (2018).

Highways

- 5.10 County Highways Authority raise no objection to the level of parking provided and turning head size and design, neither the use of the shared drive way to access the application property; although the addition of a single parking space to the front of no26, Balliol Close will result in the loss of front garden.
- 5.11 There will be an increase in car movements, comings and goings along a fairly narrow driveway. However, this matter was considered as part of a previous application and the development was considered to be acceptable.

Residential Amenities

- 5.12 With respect to impact upon neighbouring amenity, the occupier of no.13 Balliol Close has objected to the development on the grounds that there will be shadows cast resulting in a loss of light and a loss of privacy as a result of overlooking. However, the proposed dwelling would be located some 14 metres to the east of the rear garden to no.13 Balliol Close and there is more than 25 metres between the dwellings. There is also an existing 1.8 metre high wooden panel fence with mature planting along this fence line. Therefore whilst the proposed dwelling will be directly facing the rear garden area of the objector's property and as such there may be a nominal loss of privacy, it would not be so detrimental to cause significant harm to warrant a refusal of this planning application.
- 5.13 Therefore, having regard to the size and siting of the proposed development, it is considered that there will be a very limited impact upon the neighbouring amenity and the proposal would not result in significant harm by way of loss of light, privacy impact upon outlook and would not result in an overbearing impact. It is considered that the proposed development would conform to policies of the Local Plan (2018).

Conclusion

- 5.14 In summary, the proposed dwelling is considered to be of an appropriate size, scale and siting and design that would not be detrimental to the character and appearance of the street scene and residential neighbourhood neither that of the surrounding area or result in egregious harm to neighbouring amenity. The proposal accords with the design considerations of policies OS1, OS4 AND H2 as such the recommendation is that planning permission be Approved.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
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- 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 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.
- 5 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.
- 6 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.
- 7 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 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 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: To ensure the Local Planning Authority retains control over any future development on the site in the interests of amenity of residents living nearby and in accordance with policies OS4 and H2 of the West Oxfordshire District Council Local Plan (2018).
- 10 If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any

vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

REASON: To protect the safety of future occupiers of the dwelling.

- 11 Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds/septic tanks should not be constructed within 20 metres of Network Rail's boundary. Surface / foul water is to be discharged into the public sewer. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The Land Drainage Act is to be complied with.
- REASON: To safeguard the use of the railway.