

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 19th April 2021**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



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.

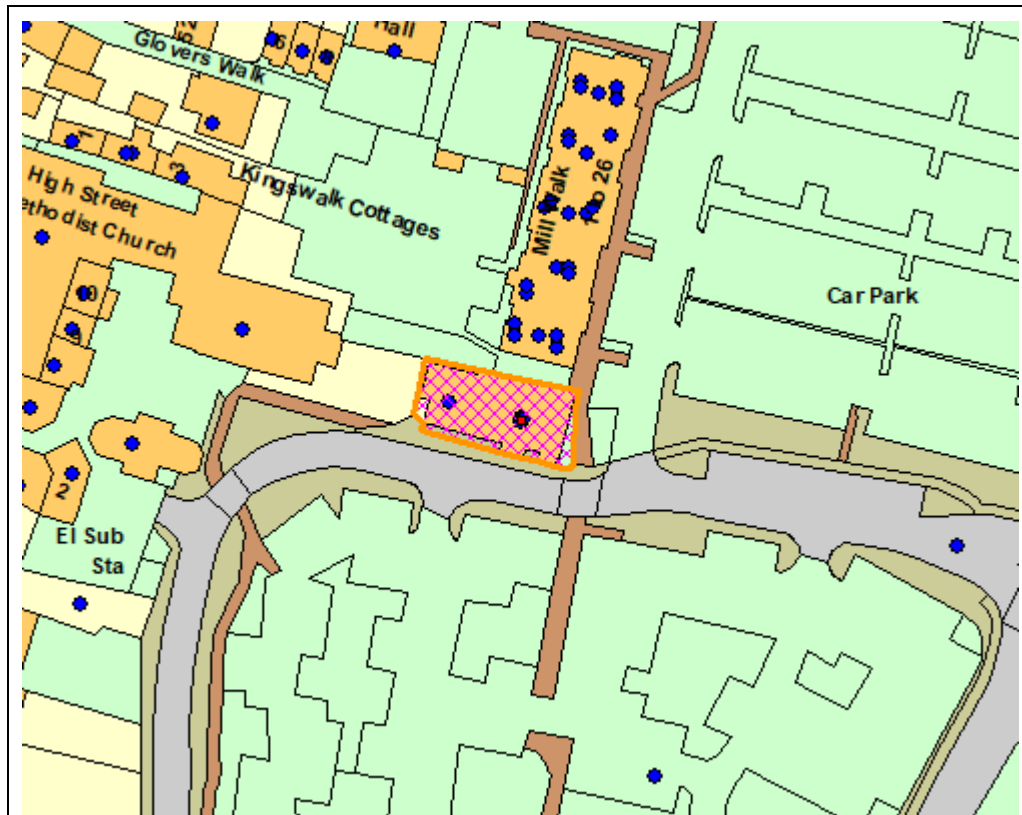
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>
	20/03185/FUL	Hacketts Wesley Walk
	21/00028/FUL	2 Springfield Park Witney
	21/00322/HHD	38 Park Road Ducklington

Application Number	20/03185/FUL
Site Address	Hacketts Wesley Walk Witney Oxfordshire OX28 6ZJ
Date	7th April 2021
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435755 E 209860 N
Committee Date	19th April 2021

### Location Map



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### Application Details:

Demolition of existing single storey side & rear extensions. Erection of new two storey side extension. Change of use for ground floor from A3 to A1 & to C3 on first & second floors with alteration to existing roof to allow creation of 8 flats (amended plans).

**Applicant Details:**

Mr Somaiya  
97 Cogges Hill Rd  
Witney  
OX283XU

**I CONSULTATIONS**

Parish Council	Witney Town Council has no objection to the application in principle but would like clarification that the storage area and cycle store is accessible for the flats and not just the retail unit on the ground floor. Additionally the Town Council does not object subject to a favourable biodiversity report.
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
WODC Drainage Engineers	No Comment Received.
Conservation Officer	No objection
Biodiversity Officer	No objection subject to conditions and informatives
WODC Env Health - Lowlands	I have No Objection in principle.
WODC Planning Policy Manager	No Comment Received.

**2 REPRESENTATIONS**

2.1 No third party comments have been received.

**3 APPLICANT'S CASE**

A Design and Access Statement has been submitted with the application. It has been summarised as; Permission was granted earlier in 2020 to permit the creation of six flats under 20/01083/FUL. The owners now wish to apply for permission to increase the height of the roof by altering the pitch of the roof and to then create two additional 1-bed flats in the roof space. Retain the ground floor as a retail/commercial unit and increasing the overall height of the building by 700mm.

The proposed layout will provide:

On the ground floor

162 sqm of commercial space.

Entrance lobby & staircase to the upper levels within the new side extension.

Bin & Cycle stores

On the first floor

Flat 1 - 65sqm

Flat 2 - 40sqm

Flat 3 - 64sqm.

Internal staircase to the second floor

On the second floor

Flat 4 - 55sqm

Flat 5 - 38sqm

Flat 6 - 53sqm

On the third floor

Flat 7 - 45sqm

Flat 8 - 36sqm

The original building is constructed of brick under a slate roof. The 2004 extension introduced cladding to the exterior. The new building will be constructed in blockwork that is rendered using a through colour render that will provide a contrast to the existing building and add a sympathetic contemporary element.

The new oriel windows will match the existing. New windows inserted at second floor will match the existing style.

The existing roof will be removed and rebuilt at a different pitch and then recovered with the reclaimed slates or new to match if required.

The existing building is not listed but lies within the Witney TC Conservation area.

Witney has a vibrant commercial scene with a successful mixture of the main High St brands and independent retail units integrated with residential uses.

Adjacent properties are a mixture of commercial and residential.

The proposal is to retain the commercial use on the ground floor and introduce new residential flats into the mix.

The general appearance of the existing building will be maintained, and the materials used in the new side extension are sympathetic in their selection.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH10 Conservation Areas

EH3 Biodiversity and Geodiversity

E6NEW Town centres

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

The application site is located within Witney Town Centre, and is part of the secondary shopping frontage of the town centre. It is also within the Conservation Area. The existing building is located within a prominent corner location within the Witan Way car park and sits within a small parade of existing commercial uses. The ground floor part of the building was formerly in a cafe/restaurant use.

Permission was granted in 2020 to permit the creation of six flats under planning application 20/01083/FUL. The applicants now propose to increase the height of the roof by altering the pitch of the roof and to create two additional one bed flats in the roof space.

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**

Whilst your officers consider that the principle of residential use is acceptable in this location under Policy OS2 and E6, your officers do not consider that the proposal will comply with all the general principle stated within Policy OS2. In particular your officers are of the view that the proposal is not of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and does not conserve and enhance the natural, historic and built environment.

The application proposal does not seek to change the use of the ground floor of the existing building. As such officers consider that the retention of the commercial use will support the existing other uses in close proximity of the application site.

### **Siting, Design and Form**

The proposal seeks to increase the height of the existing roof of the building to get an extra two flats in the roof space. Given that the second floor extension, when approved in 2004 was considered to be of a standalone architectural form, your officers consider that by extending the height, albeit by 700mm, and adding windows and rooflights will adversely affect the proportions of the existing building.

Floor plans of the top floor flats were requested as they had not been submitted with the application. The layout of the additional flats in the roof space results in very small units with minimal natural light and the sloping ceilings means that head height is restricted. There is only one window that can be looked out of, the southern one which faces straight into a tree in the car park, and the north facing one which looks onto the Methodist Church so they will feel claustrophobic. On these grounds it is not considered that there is sufficient space to create acceptable living spaces within the roof space.

## **Conservation Area**

Since the application site is 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.

Your officers consider that the proposed increase in height of the building and additional openings will not enhance or preserve this part of the Conservation Area, and will be detrimental to the views within this part of the Conservation Area.

## **Highways**

OCC Highways were consulted as part of the application process and have no objection in terms of parking, due to the Town Centre location, or highway safety issues.

However, your officers are concerned that given no on site parking is provided, that the additional flats will use the adjacent West Oxfordshire District Council car parks which will put extra pressure on town centre car parking, to the detriment of the vitality and viability of town centre which is contrary to the provisions of policy WIT5.

With regards to the Town Council's comments, the storage and cycle area will be for the use of the proposed occupiers of the flats.

## **Residential Amenities**

Your officers do not consider that existing adjacent properties will be adversely affected by the proposal. However, due to the roof form, your officers are of the opinion that by creating two flats within the new roof space would still not provide sufficient amenity or usable space due to the severely restricted headroom because of the sloping ceilings, and . The applicant amended the plans along with officers' advice to create one space. However your officers are still not of the opinion that the proposed accommodation is of a standard to be acceptable.

## **Ecology**

After further photographs were submitted of the roof space, your ecology officer has no objections to the proposal.

## **Conclusion**

In view of the above, your officers consider that by increasing the height of the existing building, to accommodate further residential accommodation, will adversely affect the visual appearance of the existing modern architectural design building. In addition the proposal will not enhance or preserve this part of the Conservation Area. As such the proposal is considered to be contrary to Policies OS2, OS4,

WIT5, WIT6 and EH10 of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

## **6 CONDITIONS/REASONS FOR REFUSAL**

1 By reason of the increased roof height to accommodate further residential accommodation, the proposal will adversely affect the visual appearance of the architect designed building. Furthermore, the introduction of multiple roof lights will be overbearing and unduly harmful to the character of the conservation area, failing to preserve or enhance it. As such the proposal is considered to be contrary to Policies OS2, OS4, and EH10 and WIT6 of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

2 The proposal will result in unacceptable living accommodation in the roof space, with minimal floor to ceiling heights, lack of natural light and outlook and no amenity space. Furthermore there are no private parking spaces, which in turn will put extra pressure on town centre car parking, to the detriment of the vitality and viability of town centre. The proposal is therefore contrary to local plan policies WIT5, EH10, OS2, OS4, The National Design Guide and the relevant paragraphs of the NPPF.

### INFORMATIVES :-

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### **Notes to applicant**

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**Contact Officer:** Miranda Clark

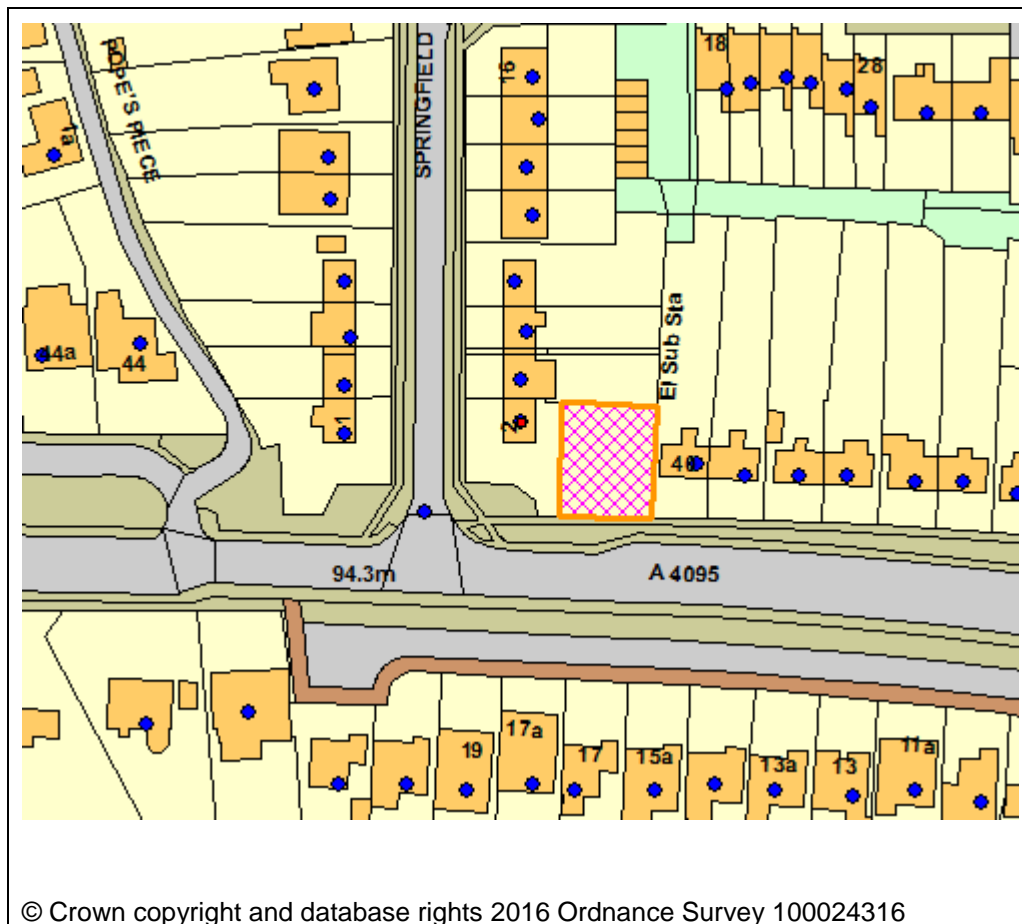
**Telephone Number:** 01993 861660

**Date:** 7th April 2021



Application Number	21/00028/FUL
Site Address	2 Springfield Park Witney Oxfordshire OX28 6EF
Date	7th April 2021
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	434981 E 210331 N
Committee Date	19th April 2021

### Location Map



### Application Details:

Construction of detached dwelling and formation of new access onto Burford Road.

**Applicant Details:**

Mr Chris Durici  
2 Springfield Park  
Witney  
Oxon  
OX28 6EF

**I CONSULTATIONS**

Parish Council	Witney Town Council does not object to this planning application in terms of material concerns, however it supports the condition of the District Council's Drainage Engineer, and would ask that mitigating measures are considered to help decrease the possibility of surface water flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031. Witney Town Council also has safety concerns with the access onto the main road - and would request that comments are sought from Oxfordshire County Council Highways.
OCC Highways	No objection subject to conditions and informative.
ERS Env. Consultation Sites	It is understood that the application site is currently a residential garden. There are a number of former quarries which have potentially been infilled in the past. These are located approximately 180m to the North West, 220m to the south and 240m to the North East of the site. Given the age of the potential infill, the distance to the areas and the nature of the areas I have no major concerns in relation to the proposed development. I no objection to the development and will not be requesting a condition.
WODC Env Health - Lowlands	I have no objection in principle to the development here.
WODC Drainage Engineers	No objection subject to condition.

**2 REPRESENTATIONS**

2.1 No comments had been received at the time of agenda preparation.

**3 APPLICANT'S CASE**

3.1 A Design and Access Statement has been submitted with the application. The conclusion has been summarised as;

The proposed development makes effective use of an existing long garden by providing a new home in a sustainable location. The scheme has been carefully designed to ensure the new dwelling will not harm the amenity of neighbouring dwellings, the character of the local area or highway safety.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

H2NEW Delivery of new homes

WIT6NE Witney sub-area strategy

DESGUI West Oxfordshire Design Guide

NPPF 2019

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

The application site is located adjacent to Burford Road in Witney. The site is a residential garden associated with 2 Springfield Park. There is a footpath immediately to the south. It is not within any areas of special designation and there is no relevant planning history.

The application is before committee as the Town Council have supported the application.

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 and Design

Highways

Residential amenities

### **Principle**

Your officers consider that, given the location being within a main Service Centre, residential development is acceptable in principle. However all development is subject to general development principles which include;

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.

Your officers consider that given the location of the proposed detached dwelling, that it would not form a logical complement to the existing pattern of development. The existing pattern of development is a strong pattern of terraced dwellings. Your officers are of the opinion that the detached dwelling would

form an incongruous and dominant feature within this part of the streetscene, which does not relate well to the existing development pattern.

### **Siting, Design and Form**

The site is at the end of a run of semi detached hipped roofed rendered properties. The proposed detached dwelling is two storey with a hipped roof. In general design terms, the property could be perceived as being in character, but given the strong linear form of the adjacent properties with their balances symmetrical frontages, their porches and chimneys, this property will look incongruous as it does not have a chimney, its front elevation is broken by a drain pipe, and it only has two windows not three.

The siting of the proposed dwelling, set away from the existing terraced dwellings is considered to result in a dominant feature which does not respect the visual character of the streetscene.

Furthermore, the new access is out of character with the streetscene as all the other properties fronting Burford Road do not have individual vehicular access drives and are served by the parking layby.

### **Highways**

The proposal includes vehicular access from Burford Road and a drive and parking area to the side of the property. OCC Highways were consulted as part of the formal consultation process. No objections have been received.

### **Residential Amenities**

Given the siting of the proposed dwelling, your officers consider that the proposed dwelling will result in overlooking and perceived overlooking to the existing adjacent properties both within Springfield Park and along Burford Road.

The division of the existing plot at No 2 Springfield Park will leave that existing property with a much smaller rear amenity area. Whilst there will be amenity space to the side, your officers do not consider that this will be adequately private due to its open nature and the proximity to Burford Road and Springfield Park and the footpaths that run immediately adjacent to it.

### **Other matters**

Drainage have been consulted and have raised no objection to the proposal subject to a surface water condition being attached to any permission.

### **Conclusion**

In view of the above your officers consider that the proposed development is sited in such a position that will not respect the existing pattern of development, resulting in an adverse impact to the visual character and appearance of the streetscene. In addition, due to the proposed first floor bedroom window, your officers consider that there will be a loss of privacy to the existing adjacent neighbouring properties. As such the proposal is considered to be contrary to Policies OS2, OS4 and H2 and and the relevant paragraphs of the NPPF.

## **6 CONDITIONS/REASONS FOR REFUSAL**

1 The proposed development by reason of its positioning and design, is considered to form an incongruous feature within the established character of terraced dwellings along this part of Burford Road. In addition due to the siting of the dwelling, the proposed development will result in perceived overlooking and a direct loss of privacy to adjacent neighbouring properties at Burford Road and Springfield Oval. As such the proposal is considered to be contrary to Policies OS2 and OS4 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

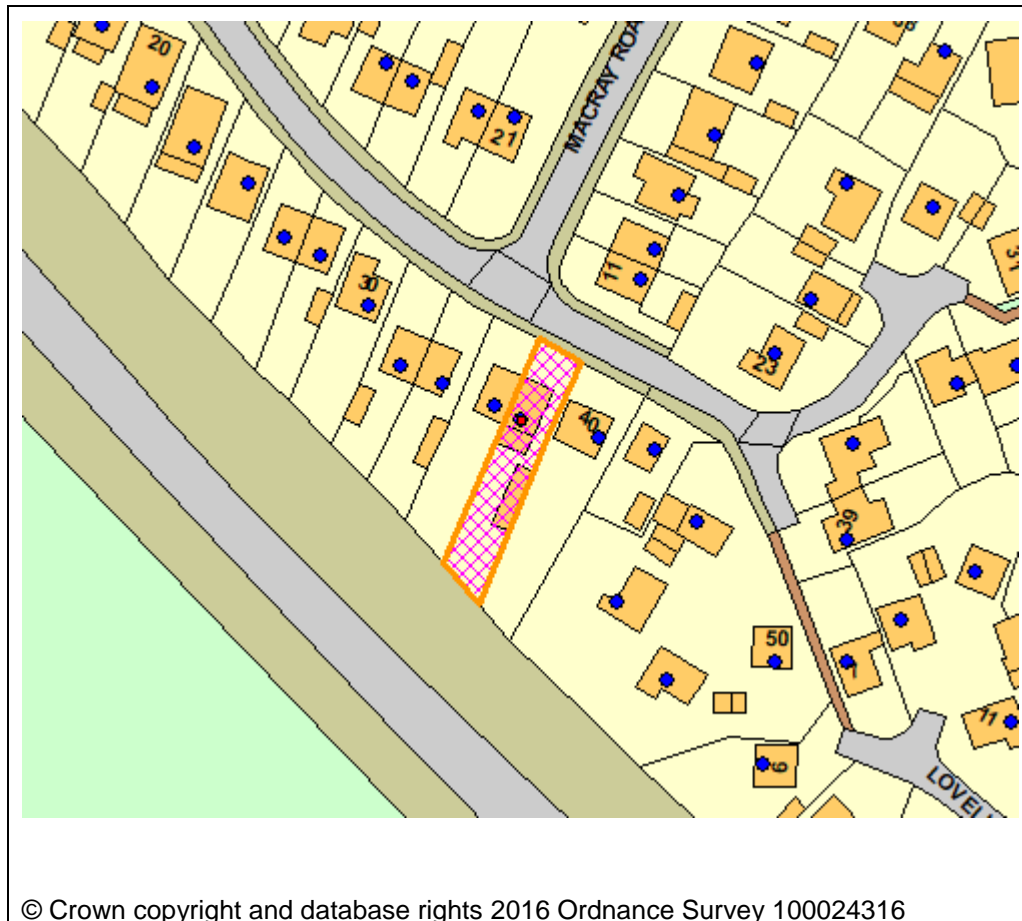
**Contact Officer:** Miranda Clark

**Telephone Number:** 01993 861660

**Date:** 7th April 2021

Application Number	21/00322/HHD
Site Address	38 Park Road Ducklington Witney Oxfordshire OX29 7YE
Date	7th April 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Ducklington Parish Council
Grid Reference	435508 E 207611 N
Committee Date	19th April 2021

### Location Map



### Application Details:

Erection of first floor front and side extension (amended plans)

**Applicant Details:**

Mr Paul Lishman  
38 Park Road  
Ducklington  
Oxon  
OX29 7YE

**I CONSULTATIONS**

Parish Council

No Comment Received.

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

Recommendation:

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

**2 REPRESENTATIONS**

2.1 No third party representations have been submitted at the time of writing.

**3 APPLICANT'S CASE**

No supporting statement was required with this application

**4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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 first floor front and side extension at 38 Park Road in Ducklington. The application site relates to a modern detached dwelling house constructed using facing brick under a concrete tile roof with white UPVC windows. The dwelling is set back from the main road with an area of hardstanding, used for parking located to the front of the dwelling.

5.2 The application site does not fall within any areas of special designated control.

5.3 This application is to be heard before Members of the Sub-committee for transparency, as the applicant is a former member of staff.

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 and Form

Residential Amenities

Highways

### **Principle**

5.5 The proposed extensions are to be located within the residential curtilage of 38 Park Road and therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

### **Siting, Design and Form**

5.6 The proposed front extension would sit above the existing lean to extension and would consist of a gable fronted addition. The front extension would be set down from the ridge and is considered to be subservient to the existing dwelling house. The materials proposed are matching to the existing dwelling and the built form is considered to be in keeping with this property and within the street scene. The proposed development would be visible within the streetscene however given the use of appropriate matching materials; your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to visual amenity.

### **Residential Amenities**

5.7 In terms of the impact on neighbouring amenity, this has been carefully assessed. The proposed development seeks to increase the height of the single storey side and front extension to accommodate a first floor. The extension would be located close to no. 40 whilst still retaining a gap between the properties.

5.8 Your officers note that the proposed extension would sit slightly forward from the neighbouring property at number 40 Park Road. The potential impact the development could have in terms of being overbearing and resulting in a loss of light has been fully assessed. Your officers are satisfied that the proposed first floor front and side extension would not result in any significant loss of light to the neighbouring property's residential amenity. In addition to this, it is not considered that the proposal would be overbearing to the neighbouring property given the staggered build line along Park Road.

5.9 The extension would not feature any side windows but would allow for the addition of one additional first floor window to the rear. Your officers consider that the proposed window will not have an unacceptable impact on neighbouring privacy or cause unacceptable levels of overlooking.

5.10 As such your officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring residential amenity.



## Highways

5.11 The proposed extensions would not be harmful to highway or pedestrian safety as sufficient off-street car parking is retained. OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

## Conclusion

5.12 Taking into account the above matters your officers consider the proposed development is acceptable in terms of the planning merits and is therefore recommended for approval. The application is considered to comply with Policies OS2, OS4, H6 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## 6 CONDITIONS/REASONS FOR REFUSAL

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.

**Contact Officer:** Chloe Jacobs

**Telephone Number:** 01993 861697

**Date:** 7th April 2021