

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 13th September 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.

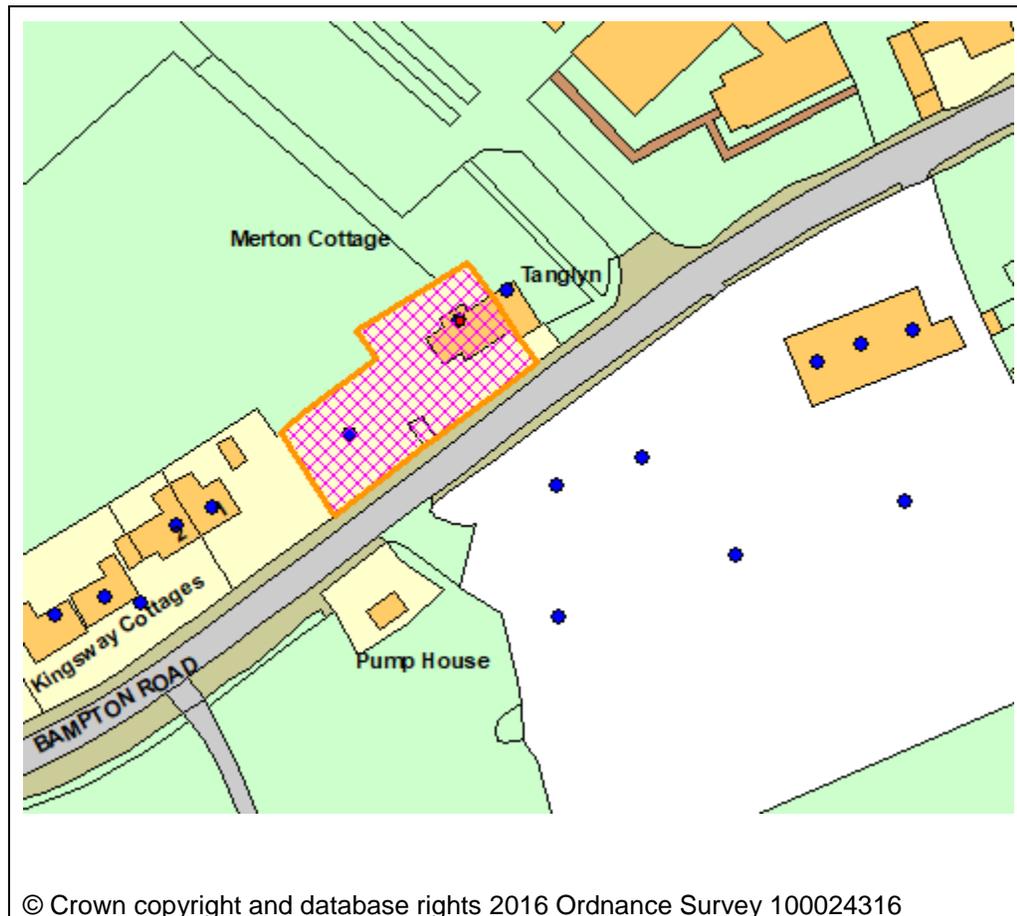
Please note that:

1. 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>Page Number</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
11	21/01861/FUL	Merton Cottage, Bampton Road, Aston, Bampton	Miranda Clark
18	21/01992/FUL	6 The Paddocks, Weald Street, Weald, Bampton	Kim Smith
23	21/02099/FUL	Land South Of Ferndale, Back Lane, Aston, Bampton	Esther Hill

Application Number	21/01861/FUL
Site Address	Merton Cottage Bampton Road Aston Bampton Oxfordshire OX18 2BT
Date	1st September 2021
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433741 E 202925 N
Committee Date	13th September 2021

### Location Map



### Application Details:

Erection of a detached dwelling with associated parking.

**Applicant Details:**  
Mr And Mrs R Owen  
Merton Cottage  
Bampton Road  
Aston  
Bampton  
Oxfordshire  
OX18 2BT

## I CONSULTATIONS

Parish Council

Though there is no objection to the application would like to raise following concerns for your consideration:

1. This application is for a green field site within the conservation area.
2. The materials in the design are not sympathetic to the surrounding developments.
3. Connection to the sewage and foul water system which is already overloaded with a proven record of surge charge of foul and clean water is an issue that the Parish Council is raising on all planning applications where connection to the system is part of the application.
4. Access to and parking for the site, which is on the B4449, is at a pinch point on this busy road.

Therefore, if the planning authority is minded to grant permission for this application the Parish Council would request the following conditions be applied:

1. That the materials used for the building be in keeping with the surrounding housing.
2. That the building is not connected to the existing sewage and foul water system but has a septic tank or equivalent option.
3. That there be a traffic management plan and on street parking for contractors and other site users/visitors is prohibited.
4. That there be no further permitted development allowed on the site.

OCC Highways

No Comment Received.

WODC Drainage Engineers

No objection subject to condition

ERS Env. Consultation Sites

Condition requested

WODC Landscape And

Objections

Forestry Officer

Newt Officer

No Comment Received.

## **2 REPRESENTATIONS**

2.1 Three comments have been received. These have been summarised as;

The materials used and look of the property are not in keeping with surrounding properties. The second is the increased flood risk associated with an additional property connected to the sewer and foul drainage system. There are drainage issues across the village and particular issues with the properties on Bampton Road. In our property, we are unable to use our downstairs toilet in wet weather due to water backing up and we're told by Thames Water that this is a result of an overloaded system.

The use of render is unsympathetic and not in keeping with the Cotswold stone surrounding properties. The window of Bedroom 2 overlooks our property and garden, encroaching upon our privacy. We are aware that we are in an area with high risk of flooding, and both Merton and Tanglyn have taken significant steps to protect their homes against such damage.

Nevertheless, throughout the winter months, when water levels are high the plumbing in our home is adversely affected and as such we cannot use our downstairs toilet for example. We, in addition to our neighbours, have made complaints to Thames Water (additionally, the new St Joseph development has added to the strain on the infrastructure and they have had issues with plumbing too). Thames Water have concluded that we are especially impacted as we are at 'the end of the line' and say that they have made West Oxfordshire District Council aware of the implications of approving additional dwellings. Therefore, we are deeply concerned at the proposed addition to another dwelling adding strain on the infrastructure and potentially adding to the risk of flooding.

## **3 APPLICANT'S CASE**

3.1 A Planning and Design Statement has been submitted with the application. It has been summarised as;

The site forms part of the existing garden area of Merton Cottage and has a mature Sycamore tree on the northern boundary which is the subject of a TPO. The front hedging onto Bampton Road will be maintained either side of the new access.

The site is within the developed limits of Aston

It is within the Conservation Area but not near any Listed Buildings

There is no record of flooding in the area

A pre application was made in March 2020 indicating a proposal for a new dwelling on the site. The response was to highlight the importance of the TPO Sycamore tree. The applicants wish to maintain the tree by using Helifix Micro Piles for all new foundations and use Airspade root investigation so as to not cause any damage to the tree root system, where and if discovered. The tree report refers to this. The report also flags up essential reduction of the tree's crown to prevent imminent splitting and should this submission be favourably received, the applicants will be arranging this as soon as possible

The proposed design takes account of the comments in the pre-app and reflects local vernacular with reduced eaves, gable dimensions and roof pitches in keeping with the local scale. The massing with dropped eaves has been significantly reduced from that shown at pre-app and in line with officer's suggestions

The proposed ridge heights are lower than those at Merton Cottage and all the main house elements in Kingsway Cottages. There will be ample private amenity space to the western side and rear. Bin and cycle storage can be adjacent to the northern boundary which will have a new 1.8m high close boarded fence installed

There is a present a small shed on the site which is in the ownership of a neighbour - it was originally a tiny garage but has not been used for vehicles for many years. The applicants have agreed to provide a parking space within this development for this neighbour.

Bat and swift boxes will be integrated into the design. Any new external lighting will design and positioned so as to not illuminate new roosting locations. An extended Phase I Habitat Survey and Report forms part of this application

The design indicated will not cause any overlooking of neighbouring properties

This proposal is, in our opinion, infilling and is a windfall site, it sits within the streetscene comfortably, it is deliverable and sustainable and assist the LPA in meeting housing needs in West Oxfordshire.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T4NEW Parking provision

EH10 Conservation Areas

EH3 Biodiversity and Geodiversity

EH2 Landscape character

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The application site is located within Aston village and the Conservation Area. It is sited within a garden area of an existing dwelling which forms a linear pattern of this part of the settlement.

5.2 An existing mature Sycamore tree which is protected by a TPO is within the application site. In 2008 an application to fell the tree was refused and later dismissed at appeal stage.

5.3 The application is to be heard at the Lowlands Area Planning Sub-Committee as the Parish Council have raised no objections to the proposal.

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**

5.5 Aston is categorised as a Village within the adopted West Oxfordshire Local Plan. Policy OS2 states that villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. The general principles include that all development should:

*Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*

*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;*

*As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;*

*Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;*

*Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*

*Not be at risk of flooding or likely to increase the risk of flooding elsewhere;*

*Conserve and enhance the natural, historic and built environment*

5.6 Given the location of the proposed dwelling, your officers consider that it will form a logical complement to the existing scale and pattern of development, and be of proportionate and appropriate scale to its context.

5.7 However, your officers have concerns regarding that the proposed development could result in the loss of a feature which makes an important contribution to the character and appearance of the Conservation Area. The existing Sycamore tree which is subject to a TPO is considered by your officers to contribute to the character and appearance of the Conservation Area. This was evidenced in the Inspector's report dated 15 September 2008 of the appeal decision to fell the tree, where it was found to 'provide significant public amenity value and makes a useful contribution to the character of the Conservation Area'.

5.8 Policy EH10 of the adopted West Oxfordshire Local Plan discusses Conservation Areas and seeks to safeguard the character of conservation areas and features that make a positive contribution to such areas. The NPPF also recognises the importance of retaining protected trees when sustainable development, safeguarding trees, particularly protected ones, should be given significant weight.

5.9 It is noted that the current proposal is not to fell the tree, but to retain it, together with a new build property. However, your officers consider that the long term future is likely to be compromised by this approach.

## **Siting, Design and Form**

5.10 In terms of the proposed design and form of the dwelling, your officers have no significant concerns. The proposed dwelling is of vernacular and traditional form, with a two storey wing, which has been designed to visually appear as a secondary element. The overall height is approximately 6.8m and will form two bedrooms with a study at first floor. The proposed materials are also considered acceptable by your officers. Whilst comments have been made regarding the use of the materials, render is considered to be a traditional material.

5.11 However, the siting impacts on a TPO tree which will be discussed in detail below.

## **Trees and landscaping**

5.12 The siting of the proposed dwelling is set further forward than the existing dwellings to enable the scale of the proposed dwelling and to avoid it being located within the root protection zone of the TPO. However your landscape officer has made the following comments;

*The Inspector's decision notice, following an appeal against the council's refusal to fell the tree, and the arboricultural report submitted with this application, indicate that it is desirable to retain it. As this is the case, any development taking place around it must ensure its future is properly considered and future threats to it are eliminated or significantly reduced. Retaining the tree's integrity, scale and setting is the objective of the Tree Preservation Order.*

*Note that whilst the Tree Survey Schedule recommendation on the tree is to 'Monitor condition, possible crown reduction work to reduce weight and sail effect' the D&A Statement interprets this as 'essential reduction of the tree's crown to prevent imminent 'splitting'.*

*The RPA in the Tree Report is listed as 13.2m radius. This is not as shown on the proposed layout plan. From observation, it also appears that the crown spread of the tree occupies a greater proportion of the site than shown on the plan.*

*As mentioned in the arboricultural report avoiding excavation within a root protection area should always be considered to be the most favourable approach. This is also recommended in the British Standard - 5.3.1 - 'The default position should be that structures are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to trees'. There does not appear to be an overriding justification in this case. In addition to the encroachment into the RPA, further encroachment will be required due to working space, scaffolding and underground service requirements. Bear in mind also that the theoretical RPA's are minimum requirements. Of equal, or greater, concern to the potential impact on the tree's rooting system are the significant conflicts created by the close juxtaposition of the proposed building and uses to the tree. These are referred to in the British Standard but not highlighted in the report. The Council has in the past received applications to carry out work to the tree, including felling, due to reasons including the restriction of light, nuisance from leaves and other detritus and fears about safety and these would be substantially increased if the tree were to be confined into a much smaller space as proposed. The impact of honeydew on parked cars and activities in the garden would also present conflicts, as would the lack of useable garden space away from effects of the tree.*

5.13 Your officers consider that due to the above comments that the proposal is contrary to Policy OS2 of the adopted West Oxfordshire Local Plan as there would be a loss of an important feature which makes an important contribution to the character or appearance of the area. Your officers consider that the existing tree is such a feature which forms part of the locality's character and appearance. In addition your officers consider that the proposed development will not respect the village character of Aston.

## **Conservation Area**

5.14 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.

5.15 Your officers consider that given the siting of the proposed dwelling, together with the location of the parking and garden, that there would be an increase of pressure to fell the protected tree. The pressure would be from shading from the tree to the proposed dwelling and its associated garden area, together with detritus from the tree, such as flower parts, seeds, leaves, and honeydew excreted by aphids feeding on the leaves. The loss of this tree would adversely affect the special character and appearance of this part of the Conservation Area.

## **Highways**

5.16 At the time of writing, your officers are still awaiting formal comments from OCC Highways. This is anticipated to be received prior to the meeting, where officers will verbally update Members.

## **Residential Amenities**

5.17 Given the distances between the existing properties, your officers do not consider that the proposal will adversely affect residential amenities in terms of loss of light or loss of privacy issues. The proposed dwelling is set at approximately 20 metres from the adjacent neighbouring property. As such your officers do not consider that there will be an undue loss of privacy.

## **Conclusion**

5.18 It is considered by your officers that the principle of the proposed development does not accord to all of the general development principles of Policy OS2 of the adopted West Oxfordshire Local Plan. If the proposed dwelling were to be approved, the increased pressure to fell the existing Sycamore Tree, would increase. The removal of the tree would result in a loss of an important feature which would erode the visual appearance and character of the Conservation Area contrary to policy EH10.

## **6 REASONS FOR REFUSAL**

1. By reason of the proposed siting of the dwelling with its associated garden and parking areas sited in close proximity to the existing TPO Sycamore Tree, it will exacerbate issues of living close to the large tree which will result in additional pressure to undertake works or to fell the existing tree. The removal of the tree would result in the loss of a feature which contributes significantly to the visual appearance of the Conservation Area. This loss and harm would not conserve or enhance the special interest, character, appearance and setting of this part of the Aston Conservation Area. The proposed development is not considered to make an equal or greater contribution than the existing Sycamore Tree. As such the proposal is considered to be contrary to Policies OS2 and EH10 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF.

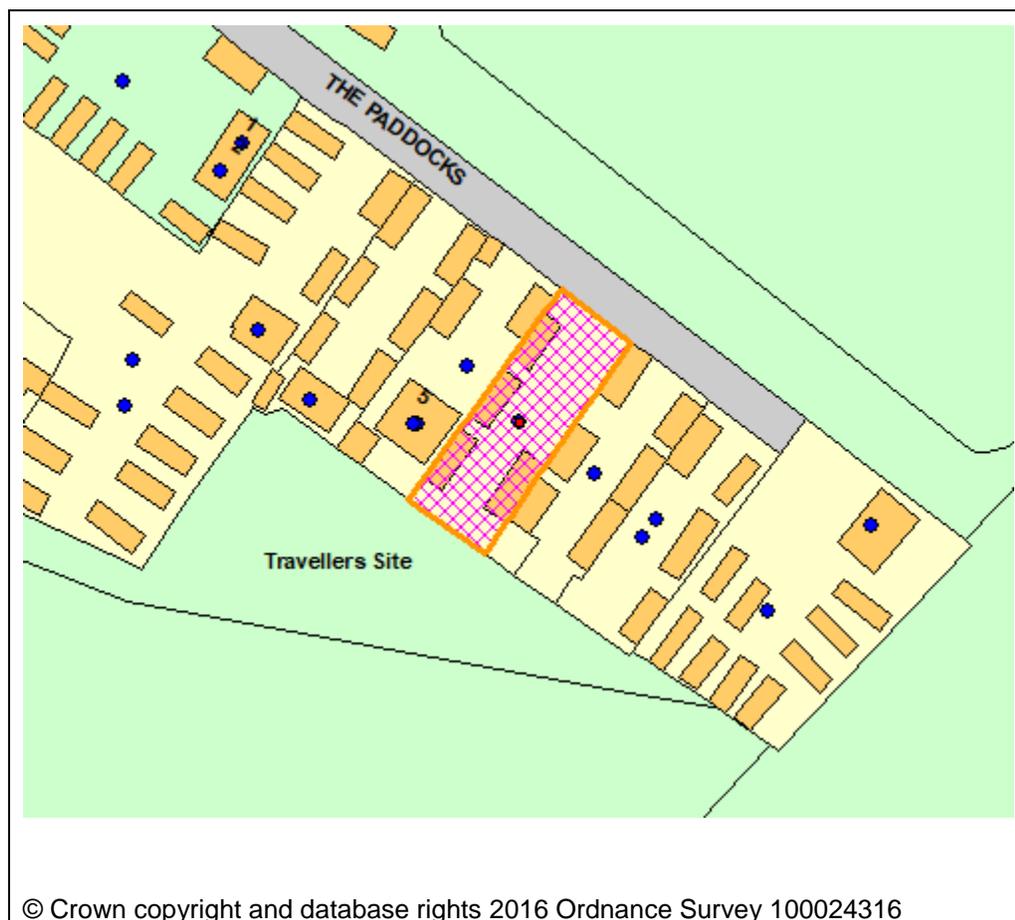
**Contact Officer:** Miranda Clark

**Telephone Number:** 01993 861660

**Date:** 1st September 2021

Application Number	21/01992/FUL
Site Address	6 The Paddocks Weald Street Weald Bampton Oxfordshire OX18 2HL
Date	1st September 2021
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431055 E 202331 N
Committee Date	13th September 2021

### Location Map



### Application Details:

Erection of ancillary dayroom.

**Applicant Details:**

Mr F Doran  
6 The Paddocks  
Weald Street  
Weald  
Bampton  
Oxfordshire  
OX18 2HL

**1 CONSULTATIONS**

Parish Council

OBJECTION for reasons that this is an over-development of the site. We do not consider this to be a dayroom ancillary to a static and travelling caravan, and we consider that this is a unit of self-contained accommodation.

**2 REPRESENTATIONS**

2.1 No representations received

**3 APPLICANT'S CASE****Appearance and Landscaping**

The in-principle acceptability of gypsy sites in rural or semi rural locations has a number of inevitable consequences. Traveller sites have a number of characteristic features which, depending on the particular setting ,can be atypical in the countryside, such as caravans; hardstandings; dayrooms; residential paraphernalia and lighting. As a result, some degree of visual impact must be accepted and, if an adequate supply of gypsy site is to be provided, some degree of visual harm must be acceptable.

The Paddocks is bounded to the north -west by Weald Street and contained within well established hedgerow boundaries along its north eastern and south eastern boundaries. Plot 6 is located centrally within The Paddocks where the proposed dayroom would not be prominent or obtrusive in the wider landscape. Even if it could be seen it would only be seen within the context of an existing caravan site containing numerous caravans and ancillary domestic style buildings. The proposed development would not, as a result, cause any unacceptable harm to the character or appearance of the surrounding countryside.

**Policy Considerations**

Government guidance entitled 'Designing Gypsy and Traveller Sites- A Good Practice Guide' identifies design features which are considered essential when refurbishing an existing site and makes clear that it is essential for amenity buildings to be provided on each pitch, which must include as a minimum: hot and cold water supply; electricity supply; a separate toilet and handbasin; a bath/shower room; and a kitchen and dining room. These facilities are deemed to be essential whether or not Gypsies and Travellers are occupying static caravans even in the Green Belt. In addition, it is recommended that such amenity buildings should have a sitting area, where the family can gather together and socialise, and should have a domestic appearance.

Most static caravans only contain limited kitchen, dining and bathroom facilities. Generally, they make no allowance for the need to accommodate freezers, washing machines and dryers. Gypsies and Travellers also tend to have a cultural aversion to using toilets located within their caravans. The proposed amenity building is adequate in size to accommodate all of the facilities recommended by the Government's design guidance. Although, now withdrawn, The Good Practice Guide remains the most up to date guidance available.

Local Plan Policy H7 contains the Council's locally specific criteria for consideration of proposals for new gypsy and traveller sites and, amongst other things, requires that the sites should be designed in accordance with Government Good Practice Guidance. Substantial weight should therefore be given to the design guidance and to the benefits of providing cooking, dining, laundry and bathroom facilities in a suitable permanent structure.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

EH9 Historic environment

EH10 Conservation Areas

H7NEW Travelling communities

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

## **5 PLANNING ASSESSMENT**

### **5 Background Information**

This application seeks planning permission for the erection of an ancillary dayroom/amenity building on Plot 6 The Paddocks. The proposed building is single storey and is of a domestic scale, design and appearance. The roof space which has restricted headroom will provide for domestic storage. The dayroom is to be located at the back of the plot in a similar location to dayrooms that have been approved on adjoining plots.

The Paddocks is located outside of the Conservation Area the boundary of which runs along Weald Street with the Conservation Area to the west.

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**

The principle of allowing a dayroom facility on the plot in order to serve the occupiers of the caravans is in accordance with policy H7 of the adopted West Oxfordshire Local Plan and former Government guidance contained in 'Designing Gypsy and Traveller Sites'.

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

The siting and design of the amenity building is similar in terms of location and scale to that approved on adjoining plots. In terms of materials the use of artificial stone for the walls is considered acceptable however, a condition has been attached to ensure that the use of red roofing materials is precluded in the interests of the visual character and appearance of the area.

## **Residential Amenities**

The siting of an amenity block within the plot will improve the residential amenity of the occupiers of the caravans on the land in terms of potential health and hygiene benefits.

## **Impact on the setting of the Conservation Area**

The Council must have regard to S72 of the Planning( Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of the Conservation Area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to the consideration of the application. By virtue of the fact that the proposed development will be located within an existing well screened enclosed site ,Officers consider that the proposal will have no material harm on the character and appearance of the area and that the setting of the Conservation Area will be preserved.

## **Other Matters**

The Parish Council has raised objections to the development on the grounds that it represents an overdevelopment of the site and that the facilities provided within the building are greater than those associated with a dayroom ancillary to a static caravan.

In respect of the case for overdevelopment an informative is recommended that makes it clear that the approval of the dayroom does not authorise /regularise more caravans on the site in breach of the extant planning permissions for the plot and site licence requirements. The application has been determined as required on its planning merits.

Regarding the observation that the that the development is a unit of self contained unit of accommodation as opposed to a dayroom, Members will note that the facilities contained within the building are in accordance with the Governments guidance in 'Designing Gypsy and Traveller Sites- A Good Practice Guide'. Further, a planning condition is recommended limiting the use of the building to an ancillary dayroom only for use by occupiers of the static caravans on the plot.

## **Conclusion**

In light of the above assessment, the application is considered compliant with policies, H7, OS2 and EH10 of the adopted Local Plan.

## **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 external walls of 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. Notwithstanding the application details the roof of the building shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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

5. That the dayroom facility hereby approved shall be used for ancillary occupation by the occupants of the static caravans on the plot only and for no other purpose.

REASON: To provide for the health and hygiene needs of the occupants of the static caravans on the plot.

#### INFORMATIVES :-

You are advised that the granting of this planning permission does not authorise/regularise more caravans /mobile homes on the plot in breach of the extant planning permissions or site licence requirements.

#### **Notes to applicant**

You are advised that the granting of this planning permission does not authorise/regularise more caravans /mobile homes on the plot in breach of the extant planning permissions or site licence requirements.

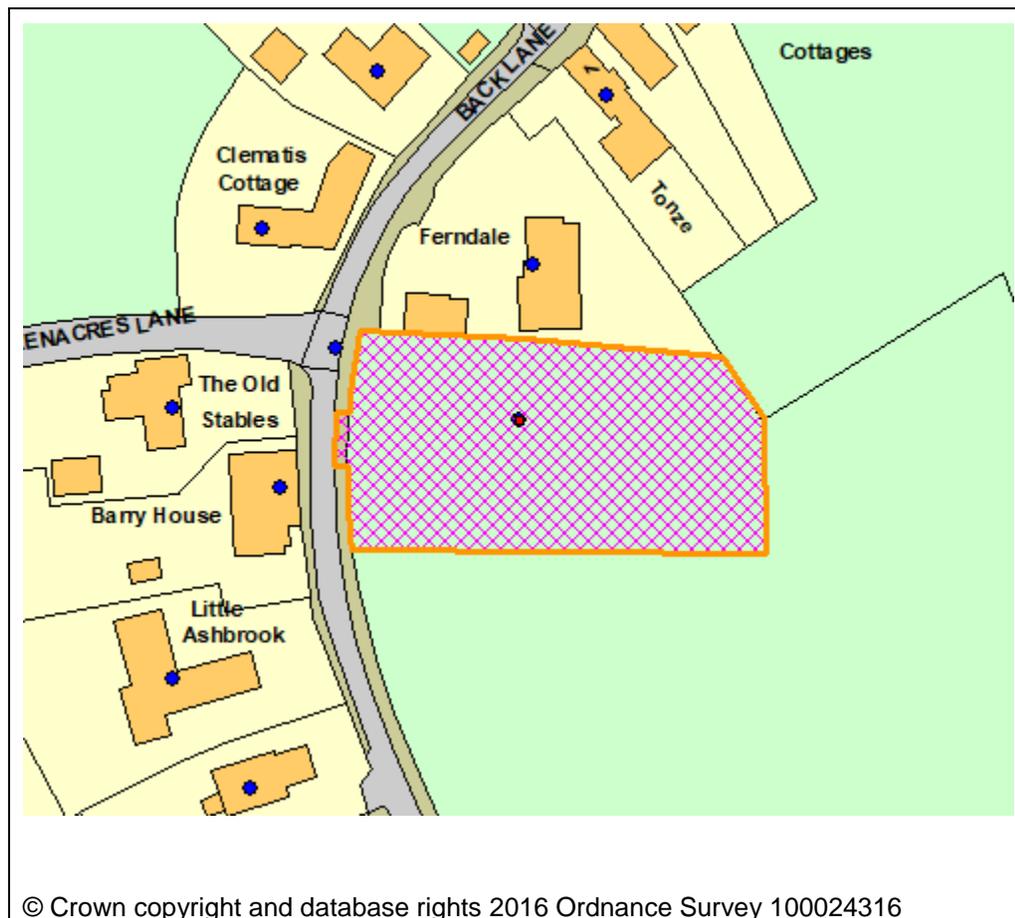
**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 1st September 2021

Application Number	21/02099/FUL
Site Address	Land South Of Ferndale Back Lane Aston Bampton Oxfordshire
Date	1st September 2021
Officer	Esther Hill
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433877 E 203193 N
Committee Date	13th September 2021

### Location Map



### Application Details:

Erection of a detached dwelling and carport/garage and workshop with home office above and associated works.

**Applicant Details:**

Mr And Mrs Wain  
89 Mirfield Road  
Witney  
OX28 5BH

**I CONSULTATIONS**

Thames Water	No Comment Received.
WODC Env Health - Lowlands	I have No Objection in principle.
WODC Drainage Engineers	No objection subject to conditions and informative
Conservation Officer	No Comment Received.
OCC Highways	<p>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:</p> <ul style="list-style-type: none"><li>-G28 parking as plan</li><li>-G11 access specification</li><li>-G25 drive etc specification</li></ul>
OCC Archaeological Services	No objection subject to conditions.
Parish Council	<p>The Parish Council considered the application, reference 21/02099/FUL, at its meeting on 1st July 2021 and though there is no objection to the application would like to raise following concerns for your consideration:</p> <ul style="list-style-type: none"><li>a) This application is for a green field agricultural site within the conservation area.</li><li>b) The archaeological nature of the site should be investigated before any building is permitted. There is record of archaeological discoveries in the area and as this is an undeveloped piece of land the Parish Council believes it should be properly surveyed.</li><li>c) The access of Back Lane, a single-track road, and parking during any development would need to be carefully managed.</li><li>d) Connection to the sewage and foul water system which is already overloaded with a proven record of surge charge of foul and clean water is an issue that the Parish Council is raising on all planning applications where connection to the system is part of the application.</li></ul>

Therefore, if the planning authority is minded to grant permission for this application the Parish Council would request the following conditions be applied:

1. That there be an archaeological study carried out before any development is permitted.
2. That the building is not connected to the existing sewage and foul water system but has a septic tank or equivalent option.
3. That there be a traffic management plan and on street parking for contractors and other site users/visitors is prohibited. Access to site traffic to be specified and not through the village of Aston past the school.

Biodiversity Officer

Additional details and surveys are required before a positive determination of the application.

Newt Officer

No Comment Received.

WODC Env Health - Lowlands

No objection subject to conditions.

## **2 2 REPRESENTATIONS**

2.1 Two objection comments have been received, in summary the objections relate to:

- Adverse impacts on the character of the area and Conservation Area
- Sustainable development
- No justified need for the development
- Neighbouring amenity
- Vehicular Access
- Lack of biodiversity enhancements
- Scale and design
- Loss of a view
- Drainage and sewerage
- Principle

## **3 APPLICANT'S CASE**

3.1 The applicant is applying to erect a large, eco-friendly, carbon neutral, family home that will accommodate four generations of the Wain/Hardwick/Rowles family. The group have very close family ties with the Baughan family of Aston - the Baughans have owned and lived at Kingsway Farm since the early 1920s. Two of the Wain's daughters already live in the village and their third daughter, the Hardwick's currently have young members of the family attending school and clubs within the village. The group obviously wish to live in the village, both to retain these historic family ties and to enable the provision of support to members within the larger family unit.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH10 Conservation Areas

EH15 Scheduled ancient monuments

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

OS4NEW High quality design

H2NEW Delivery of new homes

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

EH2 Landscape character

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 The application seeks planning permission for the erection of a detached dwelling and a carport/garage and workshop with home office above and associated works.

5.2 The application site relates to agricultural land south of Ferndale, Back Lane, Aston. The site is within a semi-rural location located beyond the main built up limits of Aston. The site falls within the Aston Conservation Area.

5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Parish Council.

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 Scale

Impact on Conservation Area

Highways

Residential Amenity

### **Principle**

5.5 In regards to the principle of development, locational policy OS2 of the adopted West Oxfordshire Local Plan identifies Aston as a 'village' within the settlement hierarchy. Policy H2 allows in principle for new dwellings in villages, where this constitutes infilling or a rounding off of the existing settlement area. Your officers consider that this proposal is neither infilling nor rounding off.

Policy H2 is also permissive in principle of new dwellings on undeveloped sites within villages. On greenfield sites such as this adjoining the settlement area it is permissive only 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. In all instances it is expected that the development should form a logical complement to the existing pattern of development in terms of its siting.

5.6 Whilst there is built form adjacent to the proposed dwelling, your officers consider that the siting of the development would neither round off the settlement edge nor would it form a logical complement to the existing pattern of development owing to the positioning of the existing built form and the somewhat dispersed pattern of development within this part of the village. In this sense the proposals would constitute a backland form of development beyond the natural built form of the village.

5.7 The applicant identifies a need for a specific family to remain within the village. Notwithstanding the period of time that the family has resided in the locality, Government advice is that a decision " to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building....". Given that the proposed dwelling does not deliver affordable housing or other public benefits, it would result in the delivery of an additional market house which is not needed to meet the council's 5 year housing land supply. Consequently your officers consider that the proposed development would fail to comply with the provisions of Policies OS2 and H2 of the Adopted Local Plan and the personal circumstances would be insufficient to warrant setting these policies aside.

5.8 In addition, as stated within policy H2 the development also has to comply with the general principles of policy OS2 which states that all development should;

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality,
- Form a logical complement to the existing scale and pattern of development and/or the character of the area
- Avoid the coalescence and loss of identity of separate settlements,
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.
- Conserve and enhance the natural, historic and built environment.

5.9 The proposed development will involve the loss of an area of open space which your officers consider contributes significantly to the character and appearance of the immediate streetscene and the Aston Conservation Area. Your officers do not consider that the proposed dwelling will complement the existing scale and pattern of development and/or the character of the area or enhance or conserve the Conservation Area. Your officers are therefore of the opinion that the principle of the proposal does not comply with the general principles set out in Policies OS2 and any other relevant policies in this plan. The details of the proposal are assessed against the general principles of Policy OS2, as outlined above and considered in more detail in the relevant sections below:

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

5.10 Proposed is a two storey 6-bedroom detached property, with a detached carport / garage and workshop. The proposed dwelling and garage are to be set back from the road within a spacious plot.

5.11 In terms of scale, the proposed dwelling has a sizable footprint, with a large garage in addition. The dwelling has a total length of 23m and is 8.8m tall. Given the openness of the site and the scale of the

proposed, your officers have concerns that the proposed will appear prominent within the streetscene and does not conserve the significant openness of the Conservation Area or the semi rural context which contributes to the character of the village. In terms of design, there seems to be many elements to the proposed dwelling, which are not cohesive and do not logically complement each other.

5.12 As such, your officers consider that the proposal does not comply with the principles of Policy OS4, in that the new development does not respect the historic, architectural and landscape character of the locality.

### **Impact on the Conservation Area**

5.13 In terms of the impact on the Conservation Area, local authorities have a legal duty to preserve or enhance and must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

5.14 The character of the immediate area is semi-rural and the site forms part of a wider open field. The Conservation Area boundary for Aston extends beyond the settlement limits and includes open fields and areas of countryside beyond the built up area specifically because of the importance of these open spaces and their contribution to the rural character of this particular part of the settlement.

5.15 The sites contribution to the Conservation Area is taken from its open, undeveloped and rural character, which would be eroded by the addition of the dwelling and associated works, particularly as the siting would be largely uncomplimentary to the existing pattern of development. Given the siting and scale of the proposed dwelling it would be highly visible within the streetscene and as such your officers consider it would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character.

5.16 Members of the Lowlands Planning Sub Committee previously refused application an application at a site adjacent to the application site, it was for a new dwelling and associated works at Land South of Elmside (19/03403/FUL). The decision was later appealed and dismissed. Within the Inspectors report they state:

The local open rural form of the appeal site makes a positive contribution to the overall character and appearance of the heritage asset. The loss of the open character of the land on the fringe of the village through the development of the new house would be harmful to this heritage asset. As the proposal would neither preserve or enhance the character or the appearance of the conservation area the statutory test is not met and the proposal would conflict with Policy EH10. In terms of the guidance set out in paragraph 196 of the NPPF it would constitute 'less than substantial harm'. Nevertheless, the guidance in paragraph 193 also stresses that great weight should be given to the conservation of the heritage asset irrespective of the level of harm.

### **Highways**

5.17 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

## **Residential Amenities**

5.18 In regards to the impact on neighbouring amenity, this has been carefully assessed. Given the siting of the proposed dwelling and proposed garage, the separation distance between the proposed and neighbouring properties and the siting of the proposed openings, your officers are of the opinion that the proposed would not give rise to levels of harm in terms of neighbouring amenity issues, such as, overlooking, loss of light, loss of privacy or overbearing, that would warrant the refusal of this application.

## **Other Matters**

5.19 Whilst Officers note the measures proposed in terms of sustainability. The benefits gained from the renewable energy are not considered to outweigh the harm that this development would have on the character and appearance of the streetscene and Aston Conservation Area.

5.20 Two objection comments have been received, in summary the objections relate to: Adverse impacts on the character of the area and Conservation Area, Sustainable development, No justified need for the development, Neighbouring amenity, Vehicular Access, Lack of biodiversity enhancements, Scale and design, Loss of a view, Drainage and sewerage, Principle.

5.21 Whilst the Parish Council have not objected to this application this was subject to conditions being applied to the consent. The proposed conditions were for an archaeological study of the site, that the building is not connected to the existing sewage and that there be a traffic management plan. The Parish Council have also raised concerns with the site being a green field agricultural site within the conservation area, the archaeological nature of the site, highways management and the proposed sewage and foul water system.

5.22 The OCC Archaeological Officer has provided comments requesting that conditions are applied to the consent given the site may be of archaeological interest.

5.23 The WODC Contamination Officer and the WODC Drainage Officer have not object to this application subject to conditions. The WODC Pollutions Officer did not object to this application.

5.24 Before the WODC Biodiversity Officer can submit their final comments on the proposal they requested that a Preliminary Ecological Appraisal and a habitat suitability index (HSI) of all ponds within 500m of the site boundary is submitted, in accordance with policy EH3 of the West Oxfordshire Local Plan 2031. The WODC Biodiversity Officer has requested that this additional information be provided prior to a positive determination of this application.

## **Conclusion**

5.25 For the reasons outlined the siting of the proposed dwelling would fail to respect the settlement character and would harm the character of the Conservation Area. Consequently, the proposal would result in 'less than substantial' harm to the character of the Conservation Area and when assessed in relation to the balancing exercise required under Paragraph 134 of the NPPF, your officers consider that the level of harm would fail to be outweighed by the limited public benefits of the proposed development.

5.26 Your officers additionally consider that the proposed development would fail to comply with the provisions of Policies OS2, OS4, H2, EH2, EH3, EH10, EH15 and T4 of the West Oxfordshire Local Plan

2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016. In light of the above the application is recommended for refusal.

## **6 REASONS FOR REFUSAL**

- I. By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently, the proposal would fail to comply with the provisions of the adopted West Oxfordshire Local Plan Policies OS2, OS4, H2, EH2, EH3, EH10, EH15, EH13 and T4.

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**Date:** 1st September 2021