

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 17<sup>th</sup> October 2022**

**Report of Additional Representations**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

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## Report of Additional Representations

Application Number	21/03837/FUL
Site Address	Green Bank, Dyers Hill, Charlbury
Date	14 <sup>th</sup> October 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Charlbury Town Council
Committee Date	17 <sup>th</sup> October 2022

### Application Details:

21/03837/FUL- Green Bank, Dyers Hill, Charlbury

### Additional Representations

Two late representations have been received from Mr Rod Evans of Miller's Barn, Mill Lane, Dyers Hill, Charlbury and Mr Anthony Landale of Mill House, Dyers Hill, Charlbury.

Mr Rod Evans commented:

*"I am both the Applicant's nearest neighbour on Mill Lane and a former Planning Inspector (1991-2015), having been both a solicitor and MRTPI.*

*The Applicant and I have always been on good terms since he acquired the property in 2019. On a personal level, I thus regret having to write both to object to this proposal and to report a continuing breach of planning control.*

*1. Breach of control. I mention this first as it does not augur well for the Applicant's willingness to comply with any conditions that might be imposed. The LPA is entitled to take this into account in reaching its decision.*

*Permission was granted (12/1330/P/FP) in August 2012 for construction of the studio annex shown on the application plans. It was subject to a condition (4) that the building should only be used for purposes ancillary to the main dwelling, not separately. It has been occupied as an entirely separate dwelling since the autumn of 2019. I politely advised Mr Shah of the breach of control by email in June 2020. I have waited patiently since then for the breach to be rectified but to no avail. I believe a complaint has already been lodged about it, and given the 4 year time limit, I will be making my own shortly.*

*2. The present proposal on the face of it is for a one-for-one replacement. However, although the house is shown as a 4 bedroom dwelling, there would in fact be no less than 8 rooms, including the annex, which could be used as bedrooms in addition to the kitchen, dining and living rooms. The annex clearly has full living facilities so must be taken into account even if occupied as part of the household. Taken as a whole, the proposal is thus for a dwelling on a considerably larger scale, with commensurate levels of potential occupation, than the existing dwelling.*

*3. Access. A previous application for an additional dwelling was refused some years ago because of the inadequacy of the access. Mill Lane is a narrow, unmetalled track of single vehicle width. It is used for full access by the residents and as a popular public footpath providing access to the public open space of the Mill Field and beyond. Pedestrians have to step aside to allow even a car to pass by. I am not sure what standards are now applicable but the sightlines at the junction with*

*Dyers Hill would certainly fail to comply with the X and Y distances in use under DB32. A number of points arise from this. First, no regard should be had to the suggestion that the site might otherwise accommodate 5 houses. In my time as an Inspector I saw a number of such 'preapplication proposals' which were really no such thing but were clearly intended to reduce local opposition to more moderate schemes.*

*Second, the extent of the accommodation now proposed represents a potentially very large household, perhaps even with resident staff. Even now, vehicle movements can easily hit double figures per day. The increase in traffic along Mill Lane would result in a significant increase in dangers to road safety and to pedestrians in particular, contrary to WOLP Policy OS2 (bullet point 7) and CNP Policy ECT9.*

*Third, the disruption and disturbance to neighbouring residents from construction works I would normally expect to be covered by condition. The applicant however has shown scant regard for planning controls so far. More importantly, given the scale and extent of the works involved, a great deal of HGV traffic can be expected over a period probably in excess of 18 months. Even a much smaller extension & refurbishment at my own property took 12 months (with only occasional HGV visits). The resulting risks to the safety of pedestrians and road users would be unacceptable - see also the Town Council's comments in this respect. If however permission is granted, as the TC requests, it must be subject to very tight traffic management controls.*

*4. Flooding. I agree there is little if any risk from river flooding. Being almost at the bottom of the valley however I know from my own experience that water finds its way down the valley side by whatever means it can. There is at least one outlet from the Applicant's boundary wall for example and I know others were found in a neighbouring property to the Applicant's when works were being carried out. There is at least one in my garden. If permission is granted it should be subject to a full survey and continuous monitoring for the effects the works have in this respect. I obviously have a private interest here (which I will not hesitate to protect if need be) but there is a public interest which can only be protected by condition if at all (WOLP Policies OS2 & EH7, CNP Policy NE8).*

*5. Visual impact. The site presently forms part of a relatively low intensity, 'green' edge to the builtup area. The overall visual impact, including the number of vehicles likely to be associated with the dwelling would be of an over-urbanisation out of keeping with the existing character of the area in an important edge-of-settlement setting (CNP Policies NE2, NE3 & HE2). That would be exacerbated by the uncharacteristic extensive flat roof, though I understand the reasons for this. Partial screening by trees in the summer months does not make an adverse visual impact acceptable. Vegetation is temporary where a building is effectively permanent. EG, of the 2 ash trees in my garden which partly provide this screening, one has already been affected by Ash die back and may yet need to be removed.*

*One way of reducing the visual impact, as well as partly addressing other concerns, would be to remove the existing annexe which is of utilitarian appearance at best. That could be achieved by condition.*

*Summary:*

*The proposal represents an overdevelopment of the site, both in the combined visual impact of the built elements and in traffic movements in view of the inadequate access via Mill Lane and sightlines at the junction with Dyers Hill, contrary to the above development plan policies."*

Mr Anthony Landale commented:

*“I am one of the Applicant’s nearest neighbours on Mill Lane and would like to support the issues raised by Rod Evans in relation to this proposal.*

*In particular I am concerned about both the scale and extent of HGV traffic which would be involved in the proposed works on a small lane that is in everyday use by children, parents, dog walkers and visitors. I believe that there may also be a risk caused by ongoing HGV traffic to the structural integrity of all the houses along Mill Lane.*

*Secondly I agree with Mr Evans that major works as proposed by the Applicant may also impact on the flow of water that comes down from the valley side. Previous works undertaken in the Applicant’s property by the former owner caused flooding along the lane and I fully support the need for a full survey and continuous monitoring in this respect.”*