Date: 9 December 2005

TO: All Members of the Development

Control Committee FOR ATTENDANCE

TO: All Other Members of the Council

FOR INFORMATION

Dear Sir/Madam

Your attendance is requested at a meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held in the **GUILDHALL**, **ABINGDON** on **MONDAY**, **19TH DECEMBER**, **2005** at **6.30 PM**.

Yours faithfully

Terry Stock Chief Executive

Members are reminded of the provisions contained in Part 2 of the Local Code of Conduct, and Standing Order 34 regarding the declaration of Personal and Prejudicial Interests.

AGENDA

Open to the Public including the Press

A large print version of this agenda is available. In addition any background papers referred to may be inspected by prior arrangement. Contact Carole Nicholl, Democratic Services Officer, on telephone number (01235) 547631.

Map and Vision

(Page 5)

A map showing the location of the venue for this meeting, together with a copy the Council Vision are attached.

1. Notification of Substitutes and Apologies for Absence

To record the attendance of Substitute Members, if any, who have been authorised to attend in accordance with the provisions of Standing Order 17(1), with notification having been given to the proper Officer before the start of the meeting and to receive apologies for absence.

2. Minutes

To adopt and sign as a correct record the Minutes of the Meeting of the Development Control Committee held on 21 November 2005 (circulated with the Council Summons and Agenda dated 14 December 2005)

3. Declarations of Interest

To receive any declarations of Personal or Personal and Prejudicial Interests in respect of items on the agenda for this meeting.

In accordance with Part 2 of the Local Code of Conduct and the provisions of Standing Order 34, any Member with a personal interest must disclose the existence and nature of that interest to the meeting prior to the matter being debated. Where that personal interest is also a prejudicial interest, then the Member must withdraw from the room in which the meeting is being held and not seek improperly to influence any decision about the matter unless he/she has obtained a dispensation from the Standards Committee.

4. <u>Urgent Business and Chair's Announcements</u>

To receive notification of any matters, which the Chair determines, should be considered as urgent business and the special circumstances, which have made the matters urgent, and to receive any announcements from the Chair.

5. Statements and Petitions from the Public Under Standing Order 32

Any statements and/or petitions from the public under Standing Order 32 will be made or presented at the meeting.

6. Questions from the Public Under Standing Order 32

Any questions from members of the public under Standing Order 32 will be asked at the meeting.

7. Statements and Petitions from the Public under Standing Order 33

Any statements and/or petitions from members of the public under Standing Order 33, relating to planning applications, will be made or presented at the meeting.

8. Materials

To consider any materials submitted prior to the meeting of the Committee.

ANY MATERIALS SUBMITTED WILL BE ON DISPLAY PRIOR TO THE MEETING.

9. Appeals

(Pages 6 - 13)

Lodged

The following appeals have been lodged with the Planning Inspectorate:-

- (i) Appeal by Mr Peter White against the Council's decision to refuse to permit the demolition of existing outhouse and the erection of a bungalow in the garden of 39 White Cross, Wootton. (WTT/5825/3);
- (ii) Appeal by Mr & Mrs J Flawn against the Council's decision to refuse to permit the conversion of a garage into part dining room and part study at 26 Coleshill Drive, Faringdon (GFA/19052);
- (iii) Appeal by Builders Ede Limited against the Council's decision to refuse to permit the erection of 18 x 1 bed apartments, 18 x 2 bed apartments and 23 houses on land adjacent to the Police Station, Colwell Drive, Abingdon (ABG/17140/2).

<u>Allowed</u>

The following appeal has been allowed by the Planning Inspectorate: -

Appeal by S and H Homes against the Council's non determination within the prescribed period an application for the demolition of existing dwelling and erection of 5 flats with associated car parking at 62 Yarnells Hill Botley (NHI/7093/1). A copy of the decision letter is attached as an appendix. No reference to cost was made.

Dismissed

The following appeal has been dismissed by the Planning Inspectorate: -

Appeal by Hartwell PLC against the Council's decision to refuse to permit an advertisement being a non illuminated free standing directional sign on land at the junction of Faringdon Road (A420) and Besselsleigh Road, Besselsleigh (BES/19120/A). The decision to refuse permission was made by the Strategic Director under powers delegated to him under the Scheme of Delegation. A copy of the decision letter is attached as an appendix. No reference to cost was made.

Withdrawn

The following appeal has been withdrawn: -

Appeal by Mr T Reed against the Council's decision to refuse to permit 2 x 2 bed flats and 1 x 1 bed flat and the conversion of the existing single storey building into a 2 bedroom dwelling at 25 – 26 Market, Wantage (WAN/13787/3).

Recommendation

that the agenda report be received.

10. Forthcoming Public Inquiries and Hearings

(Pages 14 - 18)

A list of forthcoming public inquiries and hearings is presented.

Recommendation

that the report be received.

11. <u>Tree Preservation Order (Cumnor)</u>

(Wards Affected: Appleton and Cumnor)

(Pages 19 - 21)

To receive and consider report 201/05 of the Landscape Officer (Arboriculture).

PLANNING APPLICATIONS

<u>Local Government (Access to Information) Act 1995</u> - The background papers for the applications on this agenda are available for inspection at the Council Offices at the Abbey House in Abingdon during normal office hours. They include the Oxfordshire Structure Plan, the Adopted Vale of White Horse Local Plan (November 1999) and the emerging Local Plan and all representations received as a result of consultation.

Any additional information received following the publication of this agenda will be reported at the meeting.

Please note that the order in which applications are considered may alter to take account of the Council's public speaking arrangements. Applications where members of the public have given notice that they wish to speak will be considered first.

Report 199/05 of the Assistant Director (Planning) refers.

12. NHI/9352/7 - Change of use from residential to offices. 12A & 12B, The Square, West Way, Botley (North Hinksey Parish).

(Wards Affected: North Hinksey and Wytham)

(Pages 22 - 25)

13. <u>ABG/11371/4-LB – Proposed new entrance doors to the Guildhall from Roysse Court.</u> <u>The Guildhall, Abbey Close, Abingdon</u>

(Wards Affected: Abingdon Abbey and Barton)

(Pages 26 - 30)

14. <u>LWO/13682/4-X – Erection of a dwelling. Wayside House, Beggars Lane, Longworth.</u>

(Wards Affected: Longworth)

(Pages 31 - 39)

15. MAR/19315 - Change of use from retail to residential. 12, Haines Court, Marcham.

(Wards Affected: Marcham and Shippon)

(Pages 40 - 42)

16. Enforcement Programme

(Wards Affected: Kennington and South Hinksey)

(Pages 43 - 53)

To receive and consider report 200/05 of the Assistant Director (Planning).

Exempt Information under Section 100A(4) of the Local Government Act 1972

None.

Agenda Annex

Vale of White Horse

OUR VISION AND AIMS

Our Vision is to build and safeguard a fair, open and compassionate community

The Vale of White Horse District Council aims to:

Strengthen local democracy and public involvement through access to information, consultation, and devolution of power so that everyone can take part in our community and contribute to the decisions which affect our lives

Create a safer community and improve the quality of life among Vale residents

Encourage a strong and sustainable economy which benefits all

who live in, work in or visit the Vale

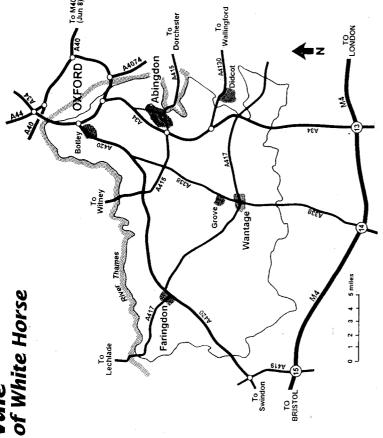
Help disadvantaged groups and individuals within the Vale to

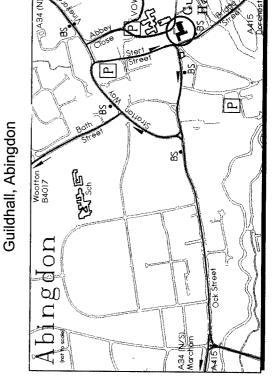
realise their full potential

Provide and support high quality public services which are effective, efficient and responsive to the needs of people within

Protect and improve our built and natural environment







CATION MAP



Appeal Decision

Site visit made on 11 October 2005

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

0.2 NOV 200:

Appeal Ref: APP/V3120/A/05/1184856 62 Yarnells Hill, Botley, Oxfordshire, OX2 9BE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by S and H Homes against the Vale of White Horse District Council
- The application Ref NHI/7093/1, is dated 27 April 2005.
- The development proposed is demolition of existing dwelling and erection of 5 flats with associated car parking.

Summary of Decision: The appeal is allowed and planning permission granted for the demolition of existing dwelling and erection of 5 flats with associated car parking.

Procedural Matters

- 1. The Council has failed to reach a decision on the proposed development within the statutory time period. However, it has indicated that its main objections concern the effect of the proposed development on the character of the locality and the living conditions of the occupiers of neighbouring properties.
- 2. The application drawings were amended during negotiations with the local planning authority. The drawings before the Council for consideration and those that I have considered are 0493-P01, P02 A, P03 A and P04 A. I understand that the street elevation of number 64 Yarnells Hill shown on drawing number 0493-P03 A is based upon record drawings of the property. I have proceeded on this basis.

Main Issues

3. I consider that there are two main issues in this case. The first is the effect of the proposed development on the character and appearance of the area by virtue of its design, height and massing. The second issue is the effect of the proposed development on the living conditions of the occupiers of the adjoining property, particularly in relation to outlook and the potential for the loss of light.

Development Plan and other Planning Policies

4. The development plan for the area includes the Oxfordshire Structure Plan 2011, adopted August 1998 (SP) and the Vale of White Horse Local Plan 1999 adopted in November 1999, (LP). My attention has been drawn to a number of policies, however, I consider the following to be most pertinent to my consideration of this appeal: LP Policies D1 and D2 as well as emerging LP Policies DC1 and DC9.

- 5. LP Policy D1 seeks to ensure that all new development is of a high standard of design, having, along with other things, due regard to the defining characteristics of the local area. LP Policy D2 looks to ensure that new development does not cause demonstrable harm to the occupiers and users of neighbouring development, in terms of amongst other matters visual intrusion, dominance and loss of daylight and sunlight.
- 6. The LP is currently being revised. The emerging Local Plan 2011 has reached second deposit draft stage. As the plan has not been the subject of public examination I can afford it only limited weight. However, emerging LP Policies DC1 and DC9 carry forward broadly similar objectives to adopted LP Policies D1 and D2.
- 7. I have also had regard to the guidance in PPS1 Delivering Sustainable Development and PPG3 Housing as material considerations.

Reasons

Issue One: Character and Appearance.

- 8. The appeal site is located on the west site of Yarnells Hill and is situated in an existing residential area within the main built-up part of Botley. The existing residential development in the road is characterised by large detached and linked attached dwellings of disparate designs and forms built at varying dates. Several of these are however representative of a modernist approach to design and design detailing and date from the 1930's onwards. All of the properties are set well back from the road in mature gardens.
- 9. There is currently a large single detached house on the site dating originally from the 1930's but with later additions. The property to the south is again a detached, flat roofed, three storey house built in the Art Deco style. Although it is currently undergoing some alterations and refurbishment it is a well preserved example of a modernist Art Deco family villa. It is situated 1.0 metre or so from the boundary of the appeal site. The property to the north, number 58, is built hard up to the common boundary and is in part two and part single storey.
- 10. The road falls quite steeply to the north. The properties to either side of the appeal site, as well as the others in the road, are set to reflect the topography of the land. In other words the ridge/roof lines are stepped.
- 11. It is proposed to demolish the existing house on the site and replace it with a building providing five self contained two-bed units. The development represents a density of approximately 50 dwellings per hectare. The proposed density is in line with the advice in PPG3 which encourages housing development to make more efficient use of land.
- 12. PPS1 recognises at paragraph 33 that: "Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning." At paragraph 34, it advises that: "Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted."
- 13. The appellant advises that the design of the proposed building, while inspired by the adjoining Art Deco house to the south, would not in their view be a pastiche of number 64. This they seek to acheive by incorporating contemporary materials into a modernist design.

Further, although the proposed building would provide five flats in total it would read as one dwelling.

- 14. From my consideration of the design proposals and my observations on site I agree that number 64 currently makes a positive contribution to the character and appearance of the area, and that it would be appropriate for any redevelopment of the appeal site to both reflect and respect its architectural style thereby contributing to the visual quality and interest in the street scene and the wider residential area.
- 15. Due to the three dimensional modelling of the proposed building I consider that the proposed building would, while in part being the same height as number 64, reflect the topography of the site and respect the roof height of the adjoining properties. In terms of the mass, form and position on the site of the proposed building, I am of the view that it would relate well to the adjoining properties. I consider that the proposed development in terms of its three dimensional form (height, massing and bulk) would not represent an overdevelopment of the site.
- 16. I further believe the proposed building would achieve the appellant's objectives in that it would respect the design of number 64 and, due to the imaginative layout, massing and detailed design, would appear in the street scene as a large family villa rather than a block of five flats. In addition it would, because of the subtle introduction of contemporary materials, not appear as a pastiche of number 64. I consider that the proposed building would therefore make a welcome and positive contribution to the street scene as well as enhancing the character and appearance of the wider area.
- 17. It is proposed that the front garden would be laid out to provide eight parking spaces. If the parking area is not to detract from the character and appearance of the adjoining front gardens and the hard surfaced areas and parked cars are not to dominate the street scene, then both the hard and soft landscaping would have to be very carefully considered and detailed. In the event that I am minded to allow this appeal then this is a matter that would need to be addressed by a suitably worded condition.
- 18. In respect of issue one I conclude that the proposed development would, by virtue of the quality of the design, enhance both the character and appearance of the area and therefore is in accord with both the development plan policies to which I have referred as well as central Government advice contained in PPS1 and PPG3.

Issue Two: The effect of the proposed development on the living conditions of the occupiers of the adjoining property, particularly in relation to outlook and the potential for the loss of light.

- 19. The proposed building would, in my view, be very well modelled thereby reducing its perceived mass. Even though it would project some 10.0 metres beyond the rear wall of number 64 it would generally be set some 6.5 metres from the common boundary. For these reasons I do not consider the proposed development would have either an overbearing impact on number 64 Yarnells Hill or, because of the orientation of the properties, cause significant overshadowing or reduction in light.
- 20. I noted on the occasion of my visit that a number of houses in the road are built hard up against their boundary with the neighbouring property, indeed a number appear attached. Although the proposed building would only be some 1.2 metres from the boundary of

number 58 this situation is in no way unusual. Due to the articulation and modelling of the north elevation of the proposed building and having regard to the extended rear projection of number 58 I do not believe that, even, allowing for any slight difference in levels between neighbouring properties, the proposed development would be either dominant or overbearing or cause any significant overshadowing or reduction in light. I noted three small, obscure glazed, secondary windows in the flank wall of number 58 at ground floor level when on site. I do not feel that the proposed replacement property, located some 1.2 metres from the boundary, would have any significant adverse impact upon the amenity provided by these windows.

21. In respect of issue two I conclude that the proposed development would not be dominant, overbearing or have any adverse impact on the occupiers of neighbouring properties in terms of loss of outlook, overshadowing or loss of light. The proposal therefore accords with LP Policy D2 and emerging LP Policy D9.

Other Considerations

- 22. I can understand why neighbours have concerns about the possible impact of the proposal on their living conditions in terms of loss of privacy and the potential for overlooking. However, taking account of the detailed design of the proposed building and the relationship of windows relative to adjoining properties and site boundaries, I am satisfied that there would be no undue overlooking or loss of privacy.
- 23. Local residents have expressed concern about the provision of on site parking, possible congestion and highway safety. The County Highway Authority has raised no objections in relation to these matters. In the circumstances therefore I am not satisfied that there is a justification to support the contention that the proposed development would be detrimental to highway safety. The eight car parking spaces which are proposed (1.5 per dwelling) accord with the requirements of PPG3.
- 24. With respect to Article 8 of the European Convention on Human Rights, I recognise that this proposal would result in an interference with home or family life. However this must be balanced against the rights and freedoms of others in the community. For the reasons given above, I am satisfied that the appeal proposal would not be seriously harmful and in my view if planning permission were granted it would not place a disproportionate burden on the occupiers of the adjoining properties. I therefore find no violation of human rights.
- 25. Although I appreciate the personal circumstances and concerns of the occupier of the neighbouring property these are, however, matters which are not material to my consideration of the planning merits of this appeal.
- 26. My attention has been drawn to various covenants that may relate to the proposed development of the site. Such matters are outside of the remit of this appeal and are therefore not before me for comment.
- 27. In relation to the possibility of setting a precedent, I have concluded that on the basis on which I have considered the case the scheme would comply with the objectives of planning policy. Although all sites are different, and all cases fall in the first instance to be considered by the local planning authority, proposals which fall within the terms of planning policy would not lead to the creation of an unacceptable precedent.

Conclusion

28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

- 29. The conditions set out in my formal decision below arise from those suggested by the Council. I shall adapt, as appropriate, the wording of the conditions subject to the advice in Circular 11/95. I consider that condition 2 is necessary to enable the Council to ensure that a good quality of finish and detail is achieved in this location.
- 30. As details have not been submitted in respect of the cycle and bin store I shall require such details to be submitted to and approved by the Council. A hard and soft landscaping scheme, as well as a proposal for the treatment of boundaries is necessary, the landscaping scheme to include amongst other things details of trees to be retained, proposals for their protection during the works together with additional planting.
- 31. The Council have proposed a condition in respect of surface water drainage works. I am not aware of any special considerations in this respect and, therefore, as such works would ordinarily be dealt with under the Building Regulations I do not feel it appropriate to condition this element of the works.
- 32. I do not consider that the information provided on the drawings adequately specifies or illustrates how the access to the site will be provided nor the provision of visibility splays. I shall require details to be submitted for approval prior to commencement of works on site to ensure highway safety.
- 33. I consider that it would not be appropriate for the apartments to be occupied before on site parking has been provided. Further, the parking area should be retained for this purpose.

Formal Decision

- 34. I allow the appeal and grant planning permission for the demolition of existing dwelling and erection of 5 flats with associated car parking at 62 Yarnells Hill, Botley, Oxfordshire, OX2 9BE in accordance with the terms of the application Ref: NHI/7093/1, dated 27 April 2005, and plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 3) Details of all external and internal boundary treatments shall be submitted to, and approved by, the local planning authority prior to commencement of development. The development shall be carried out in accordance with the approved details.
 - 4) The occupation of the flats shall not commence until the vehicle access has been constructed in accordance with the details submitted to, and approved by, the local planning authority prior to commencement of development. The visibility splays thereafter shall be permanently maintained free from obstruction to vision.

- 5) The occupation of the flats shall not commence until vehicle parking space has been constructed, drained, surfaced and marked out in accordance with details submitted to and approved by the local planning authority and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
- No development shall take place, nor shall any equipment, machinery or materials be brought on to the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include an indication of all existing trees and hedgerows on or immediately adjoining the land, details of any to be retained, together with measures for their protection in the course of development, proposed finished levels and/or contours, means of enclosure of un-built open areas, car park, other vehicle and pedestrian access and circulation areas, hard surfacing materials and artefacts and structures (including but not exhaustively furniture, bin and cycle storage units, signage, lighting, external services and manholes), planting plans, specifications (including cultivation and other operations associated with plan establishment), schedules of plants, noting species, plant sizes and proposed densities where appropriate, and a timetable for planting and laying of hard surfaces. The landscaping works shall be carried out in accordance with the approved details prior to first occupation of the flats.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the flats. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written consent to any variation.
- 8) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 9) If any retained tree or hedgerow is removed, uprooted, destroyed or dies, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such times as may be specified in writing by the local planning authority.
- 10) A schedule of maintenance for landscape areas shall be submitted to and approved in writing by the Council before development commences and shall be accompanied by a written undertaking including arrangements for its implementation.



Appeal Decision

Site visit made on 13 October 2005

by David Leeming

an Advertisement Appeals Inspector appointed by the First Secretary of State The Planning Inspectorate 4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
\$\infty\$ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

€2 NOV 2005

Appeal Ref: APP/V3120/H/05/1187893

Land at the junction of Farington Road (A420) and Besselsleigh Road, Besselsleigh, Abingdon, Oxon OX2 9RE

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Hartwell Plc against the decision of Vale of White Horse District Council.
- The application Ref BES/19120/A is dated 10 May 2005. The advertisement proposed is a non-illuminated freestanding advance directional sign.

Summary of Decision: The appeal is dismissed.

Main Issue

1. The main issue in this appeal is the visual impact of the proposed sign on the surrounding rural area.

Planning Policy

2. The Council refer to Policy D20 of their adopted Local Plan and to Policy DC15 of the Second Deposit Draft Local Plan 2011. The Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore the Council's policies alone cannot be decisive. But I have taken them into account as a material consideration.

Reasons

- 3. The appeal sign would measure 3m by 1.5m. It would be mounted on two posts at an overall height of 3.6m. The sign would relate to a Business Park located within the village of Wootton about a mile away.
- 4. The sign would be located on a deep area of open grass verge at the junction. The verge is raised up above the level of the adjacent roads which would increase its profile in views along the main road. Despite the presence of a Land Rover dealership and some cottages further along the road to the north and a public house to the south-west, the surroundings are overwhelmingly rural in character.
- 5. The sign would be a significant feature on the verge, particularly in terms of its height. It would occupy an exposed position at the junction where it would appear in the backdrop to woodland and, more generally, in the wider setting of the well-treed aspects alongside the main road.

6. I consider that the impact of the sign, by reason of its size, height and rural location would be out of keeping and intrusive. Seen in the backdrop to various road signs in the immediate vicinity of the junction, I consider too that its presence would create a general impression of clutter there.

Other Matters

- 7. I note the Council's concern that a grant of consent for the sign would create a precedent. However, had I been minded to grant consent for it I consider that this would not have stopped them from dealing with any further proposals on their individual merits.
- 8. The appellants refer to the need for the sign to advertise the existence of the Business Park. However, the Regulations require decisions to be made only in the interests of amenity and, where applicable, public safety. Public safety is not raised in this appeal. Therefore it is the issue of visual amenity that must be decisive in my decision. In any event, there is an official direction sign for the Business Park just before the junction. Another is sited further to the south indicating the other approach road from the A420 to the Business Park.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that, even for the temporary period of 2 years as proposed, the display of the appeal sign would be detrimental to the interests of amenity.

Formal decision

10. I dismiss the appeal.

Advertisement Appeals Inspector

Agenda Item 10

Decision & Withdrawn 21.11.05 Dismissed Dismissed South South South Area South South Representations Inquiry/Written Hearing/ Hearing Hearing Hearing **Public** Hearing Hearing garages and work thereto. Alterations and extensions to 1 x 1 bed flat and conversion comprising of 2 x 2 bed flats, Erection of two new houses, Conversion of agricultural building into holiday letting accommodation units. Erection of three detached houses with garages and parking spaces. dwelling (re-submission). (Access off Church Street). Demolition of single storey dwelling. Erection of new dwelling. extension. Extension and building into a 2 bedroom of existing single storey Proposed development **Development** alterations to existing existing house. Grove Park Drive Andersey Farm **∃ast Paddocks** Location **∃ast Hendred** 25-26 Market **Milton Road** Oxon OX12 8AE Oxon OX12 9AS -ordybrook Abingdon Oxon OX14 4EZ Ford Lane OX128JU 5 Belmont Wantage Oxon Lockinge Wantage Wantage Nantage **Drayton** Place **Appellant** Mr H Gibson Beaumont Mrs J Ray Mr Reed Thomas APP/V3120/A/05/1172 WAN/18492/1 984 DRA/445/25-X APP/V3120/A/04/1168 WAN/13787/3 964 LOC/12028/4 reference EHE/521/3 Planning APP/V3120/A/04/1151 545 APP/V3120/A/05/1171 680 APP/V3120/A/04/1157 635 Appeal reference Start Date Not confirmed confirmed 19.4.05 9.12.04 8.3.05 Page 14

List of Planning Appeals

Public Inquiries and Hearings Printed 07/12/2005

		T		
Decision & Date	withdrawn	withdrawn		
Area	South	South	South	South
Hearing/ Public Inquiry/Written Representations	Public Inquiry	Public Inquiry	Public Inquiry 16.5.06	Public Inquiry 9.5.06
Development	Erection of a two storey block and 2/3 storey block of 44 apartments for the retired together with residents lounge, guest suite, estate managers office, access and parking provisions (Existing workshops to be demolished)	Demolition of buildings.	Enforcement against without planning permission operational development has taken place involving the laying of hardcore and construction of a concrete bridge across Mill Brook	Enforcement against without planning permission change of use from use for agriculture to storage of nonagricultural items, materials and equipment including parking and storage of vehicles.
Location	61 Mill Street Wantage Oxon OX12 9AN	61 Mill Street Wantage Oxon OX12 9AN	East Paddocks Drayton Mill Mill Road Drayton OX14 4EZ	Greensands East Hendred OX12 8JG
Appellant	Pegasus Retirement Homes Plc	Pegasus Retirement Homes Plc	Mr.L.Wells	Mr L Wells
Planning reference	WAN/7226/1	WAN/7226/2- CA	DRA/445/27- E	EHE/1965/7-E
Appeal reference	APP/V3120/A/05/1177 869	APP/V3120/E/05/1179 797	APP/V3120/C/05/2003 518	APP/3120/C/05/20035 19
Start Date	16.8.05	908.09 Page	5 10.05	17.10.05

Decision & Date	Dismissed 12/10/05	Dismissed 12/10/05	Withdrawn	Dismissed 2 .11.05	Allowed 2.11.05
Area	North	North	North	North	North
Hearing/ Public Inquiry/Written Representations	Hearing 4.10.05	Hearing 4.10.05	Public Inquiry 18.10.05	Written Representations	Written Representations
Development	Construction of new all weather bowling green with associated fencing, hedging and external work. Remove existing leylandii and fir hedging. (Re-submission).	Extend bowling green to provide All Weather green.	Outline application for residential development for 9 dwellings (Demolition of existing house & outbuildings). Revised access and service road. Erection of acoustic fence and alterations to No.20 Coxwell Road. (Site area approximately 0.48 hectares).	Erection of a freestanding sign.	Non determination of application for the demolition of existing dwelling and erection of 5 flats with assoc. parking.
Location	Park Road Abingdon	Park Road Abingdon Oxon	The Willow House 18 Coxwell Road Faringdon Oxon SN7 7EZ	Land at junction of Farinfdon Rd and Besselsleigh Rd Besselsleigh Abingdon OX2 9RE	62 Yarnells Hill Botley OX2 9BE
Appellant	Abingdon Bowls Club	Abingdon Bowling Club	Construction	Hartwell PLC	S & H Homes
Planning reference	ABG/7375/7	ABG/7375/6	GFA/4905/4-X	BES/19120-A	NHI/7093/1
Appeal reference	APP/V3120/A/04/1166 048	APP/V3120/A/04/1162 005	APP/V3120/A/04/1166 096	APP/V3120/H/05/1187 893	APP/V3120/A/05/1184 856
Start Date			Page 16	26.8.05	19.7.05

Decision &				
Area	North	North	North	North
Hearing/ Public Inquiry/Written Representations	Hearing	Hearing	Hearing	Hearing
Development	Demolition of detached dwelling. Erection of 2 storey building of 4 x 2 bed flats and 3 x 1 bedroom flats. Parking for 11 cars, landscaping and ancillary works.	Erection of 18 x 1 bed apartments, 21 x 2 bed apartments and 23 houses.	Erection of two storey side extension and sub-division of proposed extended property to form 2 x 2 bedroom flats and 2 x 1 bedroom flats. Provision of 4 car parking spaces, cycle and bin stores.	Erection of 12 dwellings & creation of a new access following demolition of 185 Poplar Grove.
Location	116 Oxford Road Abingdon Oxon OX14 2AG	Land Adjacent To The Police Station Colwell Drive Abingdon Oxon OX14 1AU	186 Wootton Road Abingdon Oxon OX14 1JZ	Land To Rear Of 179 - 189 Poplar Grove Kennington Oxford Oxon OX1 5QS
Appellant	Mr Miah	Builders Ede Ltd	Mr J R & Mrs N C Dagnell	Infill Land Consultants
Planning reference	ABG/1781/3	ABG/17140/1	ABG/9504/2	KEN/17076/1- X
Appeal reference	APP/V3120/A/05/1174 751	APP/V3120/A/05/1178 169	APP/V3120/A/05/1178 302	APP/V3120/A/05/1178 957
Start Date		Page		

Start Date	Appeal reference	Planning reference	Appellant	Location	Development	Hearing/ Public Inquiry/Written Representations	Area	Decision & Date
25.4.05	APP/V3120/C/05/2001 296	GCO/2087/13 -E	Tapecrown Ltd	Units 5,6,8,9,10,11,18 and 20 and parts of units 15 and 17 Chowle Estate Great Coxwell Faringdon	Enforcement against without planning permission change of use of the land from use for agriculture to the use of the land for the design and manufacture of shop fittings	Written Representations	North	
15.8.05	APP/V3120/C/05/2002 799	ABG/17715/2- E	Mr Terzi	20 South Quay Abingdon	Enforcement against without planning permission building operations involving the erection of decking and arbours	Written Representations	North	
Soge 1	APP/V3120/A/05/1187 922	NHI/6289/2	Barry Royston Caisbrook	St Hilarion Harcourt Hill Oxford OX2 9AS	Erection of a garage block	Hearing	North	
99 .11.05	APP/V3120/A/05/1186 041	WTT/5825/3	Peter White	39 Whitecross Abingdon OX13 6BS	Demolition of existing outhouse. Erection of a bungalow in the garden of	Written Representations	North	

G:\Admin\Committee Schedules\List of Forthcoming Public Inquiries and Hearings

VALE OF WHITE HORSE DISTRICT COUNCIL

Report No. 201/05
Wards Affected: Appleton and Cumnor

REPORT OF THE LANDSCAPE OFFICER (ARBORICULTURE) TO THE DEVELOPMENT CONTROL COMMITTEE MONDAY 19th DECEMBER 2005

Tree Preservation Order (Cumnor) No 8 2005

1.0 Introduction and Report Summary

- 1.1 Following a site meeting with one of the owners of 66 The Glebe, Cumnor on 31st May 2005 they expressed a wish to fell the horse chestnut tree that stands in the rear garden. The tree is easily visible to the surrounding neighbourhood and therefore provides a significant visual amenity.
- 1.2 A provisional Tree Preservation Order was made on 23rd June 2005.
- 1.3 Objections to the TPO were received from the residents of Oakridge Barn, 3 City Farm, Eynsham. The residents of 187 Thorney Leys, Witney. The residents of De Meeren 11,5581 TB. Waalre. The Netherlands and the residents of 67, 68 and 69 The Glebe, Cumnor.
- 1.4 It is recommended that the Members visit the site.
- 1.5 Contact Officer for this report is George Reade, Landscape Officer (Arboriculture) 01235 520202x504 from whom directions are available.
- 2.0 Recommendation
- 2.1 It is recommended that Committee confirms the order.
- 3.0 Relationship with the Councils Vision
- 3.1 This report is in accordance with the objectives A,D and G of the Councils Vision.
- 4.0 **Background Information**
- 4.1 <u>Summary of the Objections</u>
 - 1. The tree is to large.
 - 2. The tree sheds leaves, blossoms and conkers and blocks light.
 - 3. The tree presents a possible safety hazard.
 - 4. The tree presents a possible threat to the foundations of the property.

4.2 Officers Comments

This tree forms a very substantial visual amenity in this area. There would be a significant impact on the neighbourhood if the tree was removed.

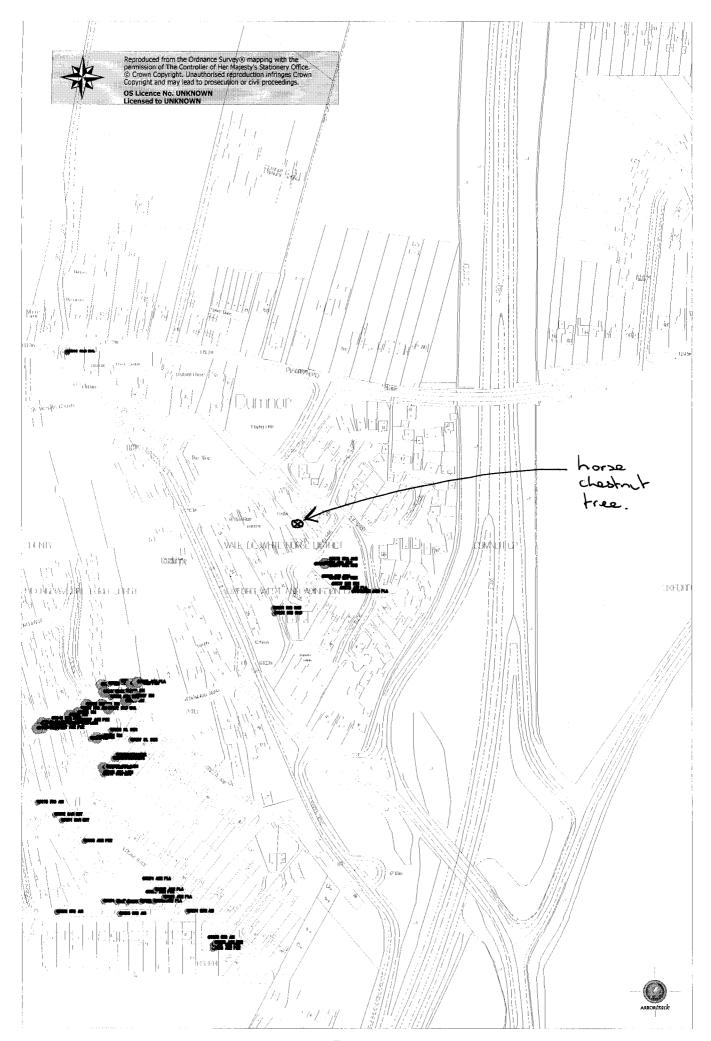
The tree is large and due to the way the houses are laid out has a direct effect on quite a few properties. The decision I had to make in preparing the provisional TPO is does the amenity value of the tree out weigh the problems that it causes and, in my view, it does.

Four out of six of the objectors would be happy if the tree was pruned so that it was not so dominant, the leaf fall was not so great and the safety aspect could be addressed, if needed. I would support a reduction in size of the crown by 20% and removal of the lower growth to a height of 5 metres as I feel that this would help alleviate the afore mentioned problems.

One of the remaining two objectors admired the beauty of the tree and appreciated its wildlife value but was concerned about the trees safety but this would be addressed if works were carried out.

The owners of the tree had the same concerns as already outlined but were also aware the tree could cause structural problems with the house. I do not share this concern as the underlying geology is Corallian Ragstone and sand with a very low to non existent shrinkabillity factor.

GEORGE READE Landscape Officer (Arboriculture)



Page 21

NHI/9352/7 – Angermann Goddard & Loyd Change of use from residential to offices. 12A & 12B, The Square, West Way, Botley (North Hinksey Parish).

1.0 **The Proposal**

- 1.1 This application seeks planning permission to change the use of two vacant flats to office use. No physical changes to the units are proposed other than internal redecoration and the repainting of the windows.
- 1.2 The flats are at first floor level above the shopping forecourt of the Square. They are accessed via a staircase to the rear from the Church Way car park. The units are located at the bottom of the tower element of the centre. They are bounded by other residential units to the east and there are offices on the floors above
- 1.3 A copy of the plan showing the location of the premises and a floor plan of the flats are attached at **Appendix 1**.
- 1.4 The application is before Committee because the building is owned by the Council.

2.0 **Planning History**

2.1 There is no recent planning history regarding these two units.

3.0 Planning Policies

- 3.1 Policy D2 of the adopted Local Plan seeks to ensure that all new development does not cause demonstrable harm to the amenity of neighbouring development (in terms of noise, vibration and other forms of pollution).
- 3.2 Policy D3 of the adopted Local Plan seeks to ensure that new development is acceptable in terms of highway safety.
- 3.3 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011, Policies DC5 and DC9.

4.0 Consultations

- 4.1 North Hinksey Parish Council had not responded at the time of writing this report. Any response received will be orally reported at the Meeting.
- 4.2 County Engineer No objections.
- 4.3 Environmental Health No objections.
- 4.4 No letters of objection or support have been received.

5.0 Officer Comments

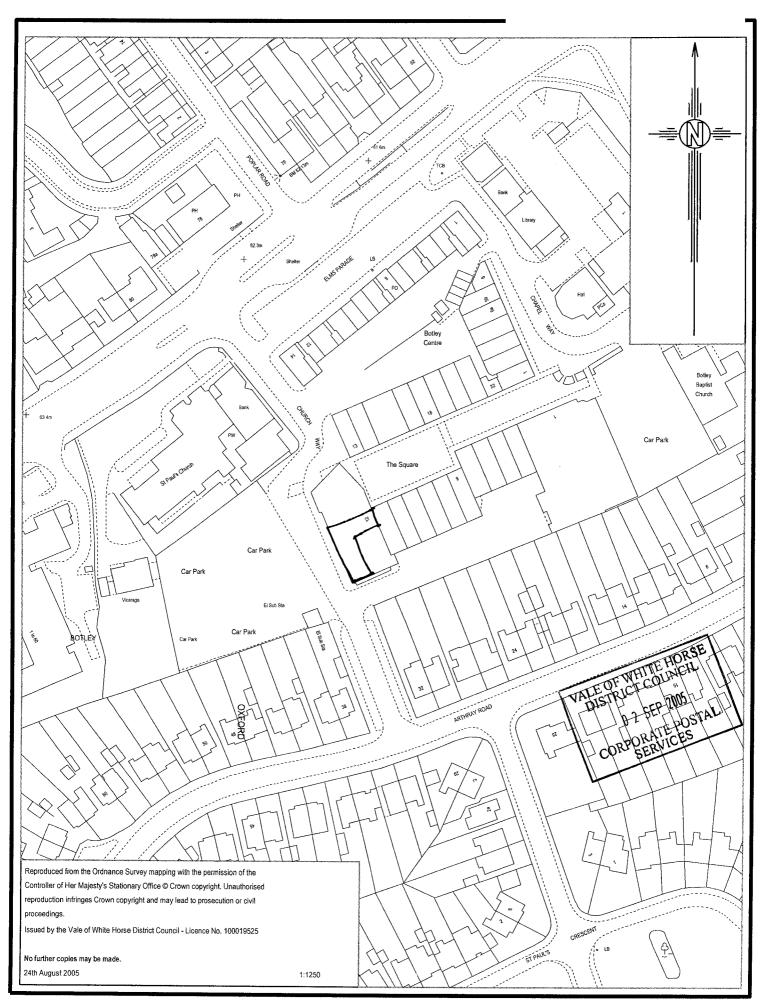
- 5.1 The main issues in this case are considered to be 1) whether the use is appropriate in this location and 2) the impact of the proposal on the amenities of neighbouring properties in terms of noise and disturbance.
- 5.2 The use proposed is essentially an A2 / B1 office use which, given the central location of the property, is entirely appropriate in this locality. In terms of meeting parking standards, the floor area amounts to 129 square metres requiring four parking spaces. The premises are eligible to join the permit scheme in the adjoining public car park, which will provide the required spaces.

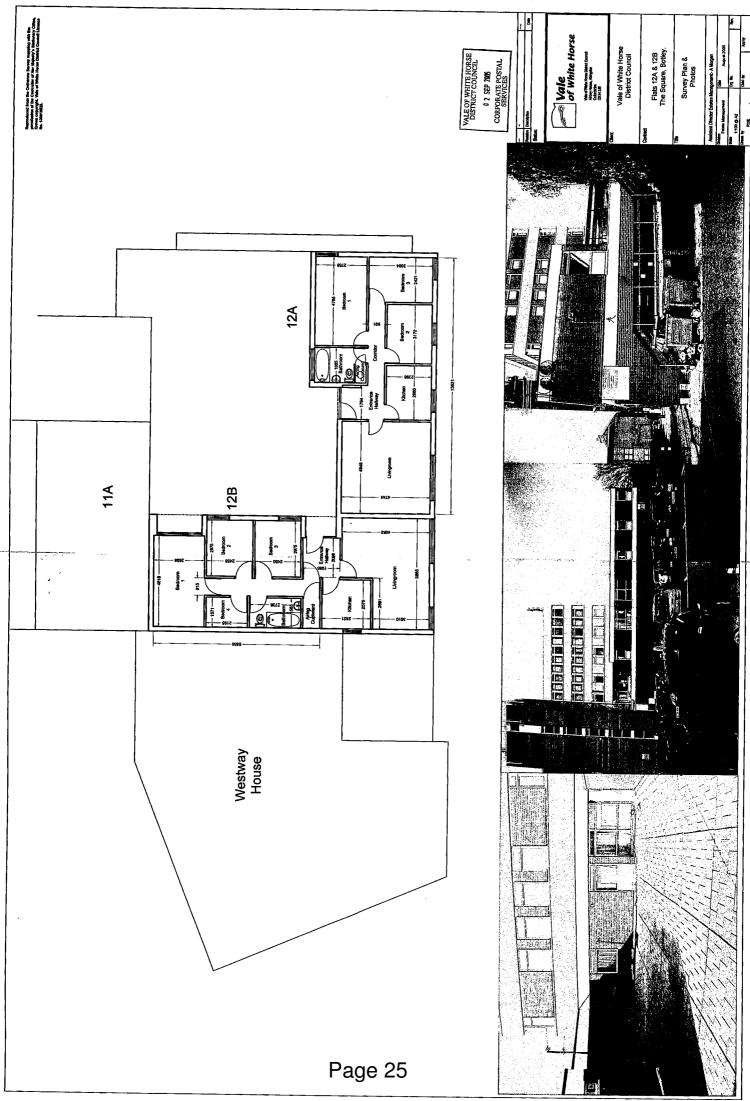
- As a result of this, together with the availability of public transport in the immediate area, the County Engineer has raised no objections.
- 5.3 In terms of noise and disturbance to residents, whilst the office occupier has not been specified, the use is one that can be carried on in a nominal residential area without detriment in terms of noise, smell, soot, ash, etc. As all activity will be carried on inside the building, Officers consider that no undue harm to residential amenities will arise from this change of use.

6.0 **Recommendation**

- 6.1 That planning permission is granted subject to the following conditions:
 - 1. TL1 Time Limit Full Application

APPENDIX 1





ABG/11371/4-LB – Vale of White Horse District Council Proposed new entrance doors to the Guildhall from Roysse Court The Guildhall, Abbey Close, Abingdon

1.0 **The Proposal**

- 1.1 This is a listed building consent application for the replacement of the existing external entrance doors into the Guildhall from Roysse Court. **Appendix 1** details the elevation plans and **Appendix 2** the location plan.
- 1.2 This application comes to Committee as the applicant is this Council.

2.0 Planning History

2.1 Listed Building Consent was granted to replace the internal entrance doors to the Roysse Room in April 2004.

3.0 Planning Policies

3.1 Policy HE11 of the adopted Local Plan deals with alterations and their impact on listed buildings. the equivalent policy in the Second Deposit Draft Local Plan is HE6.

4.0 Consultations

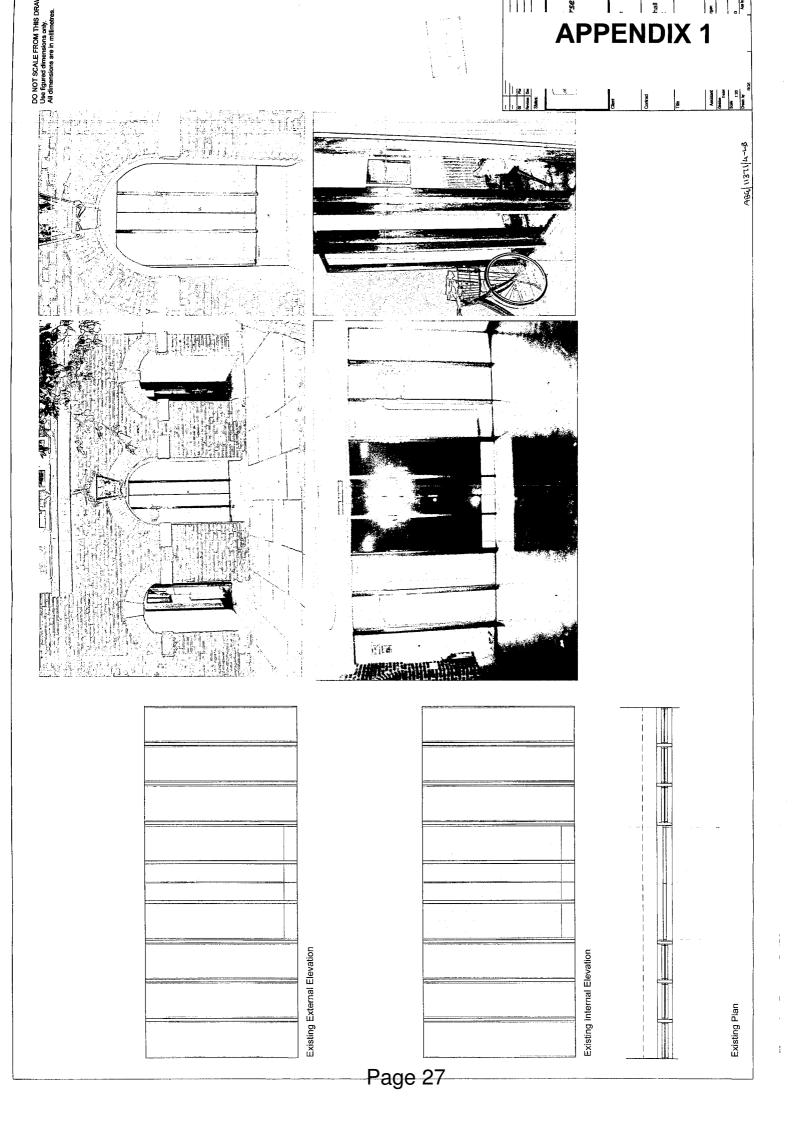
- 4.1 Abingdon Town Council: No objections.
- 4.2 Environmental Planning and Conservation Officer: No objection.

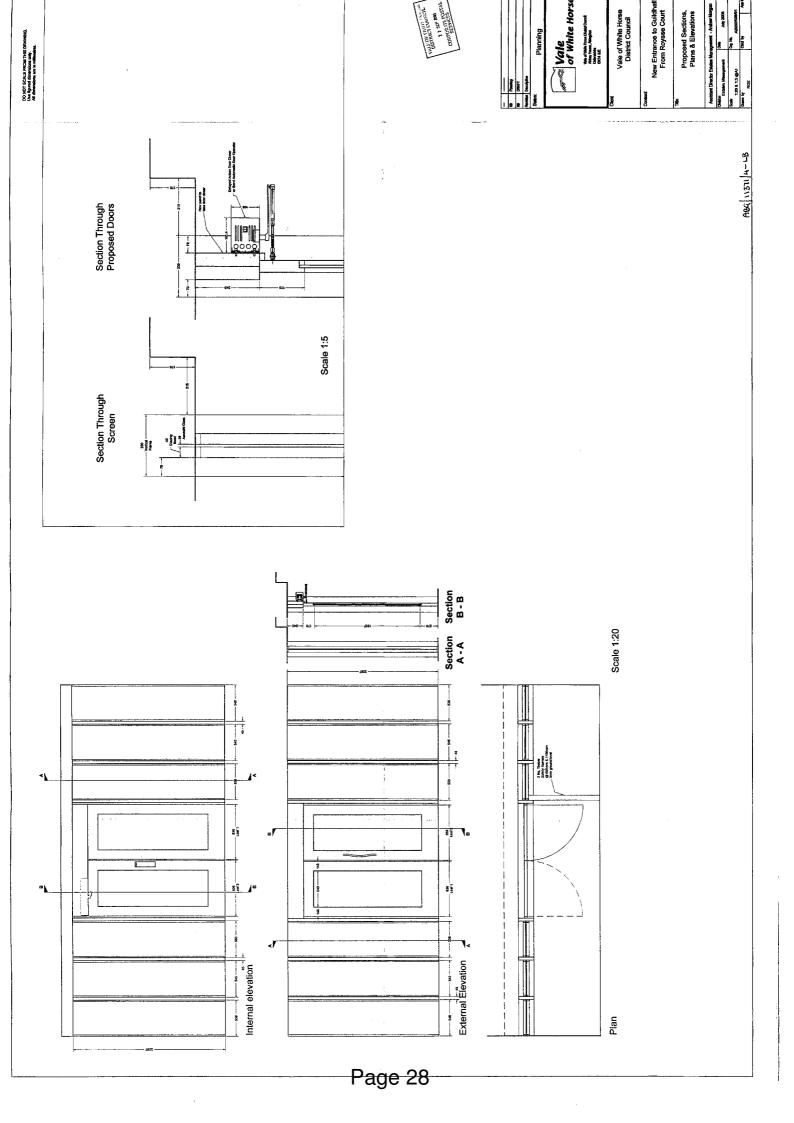
5.0 Officer Comments

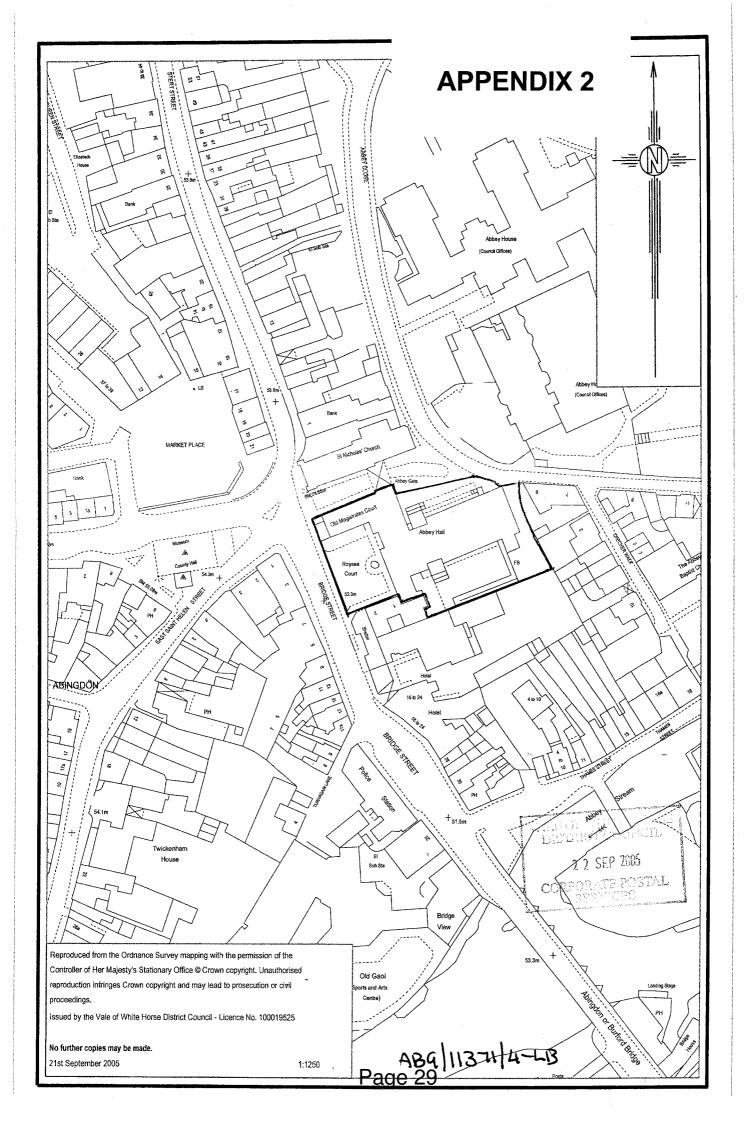
5.1 The main issue is the impact of the proposal on the listed building. Officers regard the proposed new doors as aesthetically and sympathetically designed, enhancing the appearance of this historic Grade II listed building and therefore, consider the proposal to be acceptable. However, as the building is in the ownership of the Council, the application will need to be referred to the Secretary of State.

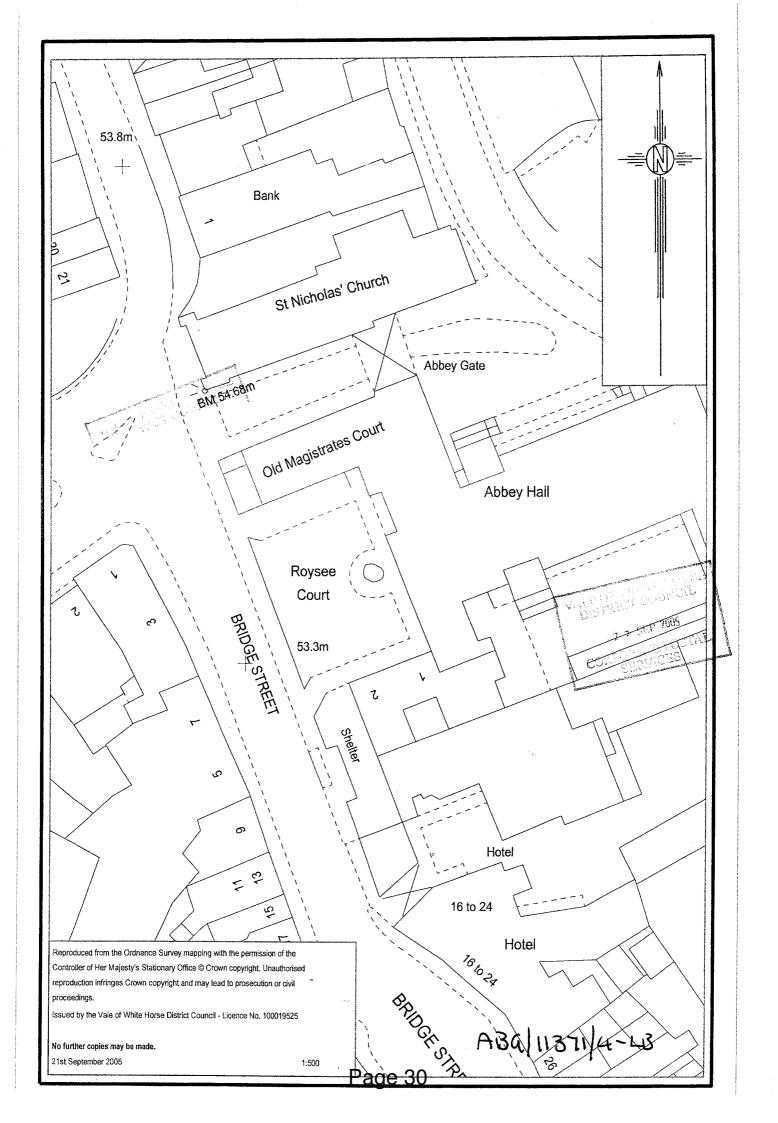
6.0 **Recommendation**

- 6.1 It is recommended that the decision to grant Listed Building Consent be delegated to the Chief Executive in consultation with the Chair, subject to the application being referred to the Secretary of State and the Secretary of State raising no objections, subject to the following conditions:
 - 1. TL4 Time Limit Listed Building/Conservation Area Consent
 - 2. RE1 Matching Materials









LWO/13682/4-X - D Rees Erection of a dwelling. Wayside House, Beggars Lane, Longworth.

1.0 The Proposal

- 1.1 This application seeks outline planning permission (with all matters reserved) for the erection of a dwelling in the garden of Wayside House.
- 1.2 Wayside House is the first house on the western side of Beggars Lane when approached from Faringdon Road. The site is bounded by fields to the south and west, with Wayside House itself forming the northern boundary. The site lies in the North Vale Area of High Landscape Value
- 1.3 The site is currently a regularly mown grassed area that forms part of the garden to Wayside House. Although all matters are reserved, it is proposed to access the site off the existing vehicular access to the property, and the proposed dwelling is likely to be a 1½ storey unit sited centrally on the plot, so as not to impact on the mature trees that exist along the boundaries of the site.
- 1.4 A copy of the plan showing the location of the property, along with a copy of the agent's supporting letter are at **Appendix 1**.
- 1.5 The application has been referred to Committee at the request of Councillor Melinda Tilley.

2.0 **Planning History**

- 2.1 In June 2000 an outline application to erect four dwellings to the south of Wayside House was refused. In May 2001, an appeal against the refusal was dismissed. A copy of the Inspector's decision is attached at **Appendix 2**.
- 2.2 In August 2001, planning permission was granted for the erection of one dwelling to the north of Wayside House.

3.0 **Planning Policies**

- 3.1 Policy H5 of the adopted Vale of White Horse Local Plan provides for small scale development within Kingston Bagpuize with Southmoor, provided it is within the main built up area of the village; is not on a site which contributes positively to the physical form, structure and character of the settlement, or its rural setting, including the gardens of properties standing in large grounds.
- 3.2 Policy C3 seeks to protect the North Vale Area of High Landscape Value from development likely to have a harmful impact on its prevailing character and appearance.
- Policies D1, D2, and D3 seek to ensure that all new development is of a high standard of design, does not cause harm to the amenity of neighbours and is acceptable in terms of highway safety.
- 3.4 Similar policies to those above have been included in the Second Deposit Draft Local Plan 2011. The corresponding policies are H10, NE7, DC1, DC5, and DC9.

4.0 **Consultations**

- 4.1 Longworth Parish Council has no objection to the proposal.
- 4.2 County Engineer No objections subject to conditions.
- 4.3 Arboricultural Officer No objection provided the footprint of the building is not within the canopy spread of the trees surrounding the garden and no trees are to be removed to gain access. The

conifer trees, whilst relatively poor in quality, do form a valuable screen and on this basis they should be retained.

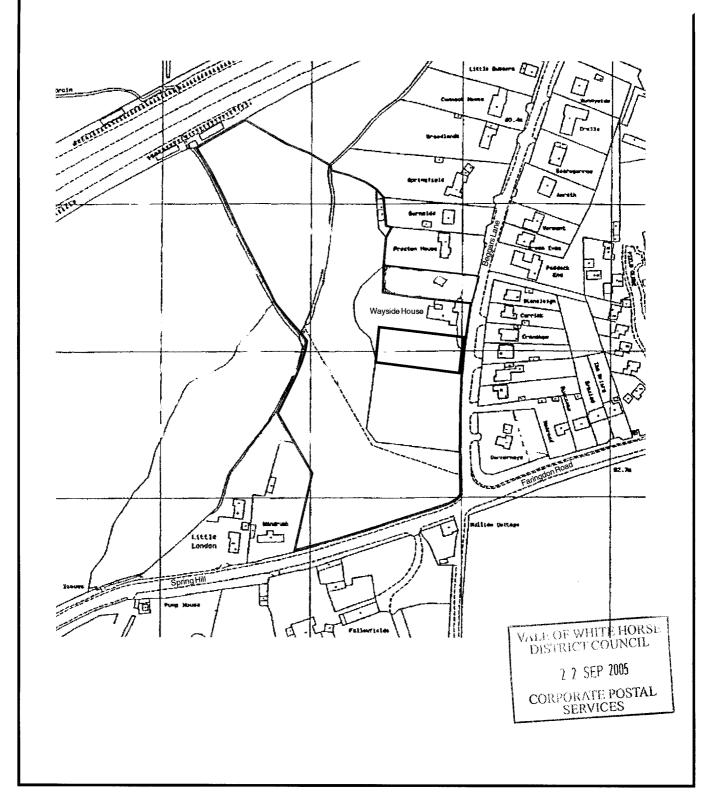
5.0 Officer Comments

- 5.1 The main issues in this case are considered to be whether the principle of the development in this location is acceptable, and the impact of the proposal on the character and appearance of the locality, including its impact on the Area of High Landscape Value.
- 5.2 In consideration of the refused scheme for four dwellings on land to the south of Wayside House, the Inspector concluded (Paragraph 10) that the whole site was outside the built up area of Southmoor for the purposes of H5. The appeal site included the site the subject of this application.
- 5.3 Your Officers consider that nothing has changed since that decision to merit a view that the land now lies within the built up area. It is considered that the existing dwelling is the physical limit of the built up area on the west side of Beggars Lane. Whilst it acknowledged that the land has been informally used as garden in association with Wayside House, and so it could be argued to be 'previously developed land', it remains an undeveloped plot to the south of what is the last house on the western side of Beggars Lane. In this respect, to allow the erection of a dwelling in this location would essentially extend the built up area of the village, contrary to Policy H5 and the harm caused to the form and rural setting of the village would outweigh any argument to allow the development on the grounds that the land is classed as 'previously developed'.
- 5.4 The applicants, in support of the proposal, have stated that the site is well screened and any visual harm would be limited. Whilst the siting of a new dwelling may not directly lead to the removal of existing trees, the Inspector confirmed (Paragraph 12) that the existing trees would more than likely lead to overshadowing of a new dwelling, and 'future occupants would have good cause to either reduce their size or to remove them completely'. Your Officers consider that this threat remains, and the removal of the trees would expose the site to the detriment of the North Vale Area of High Landscape Value and would in turn, also harm the form and rural setting of the village.

6.0 **Recommendation**

- 6.1 That planning permission be refused for the following reasons:
 - 1 The proposed residential development would extend the built-up area into an area of informal garden that forms part of the rural setting of the village. As such, the proposal is contrary to Policy H5 of the adopted Vale of White Horse Local Plan and Policy H10 of the Vale of White Horse Local Plan 2011 Second Deposit Draft.
 - In the opinion of the District Planning Authority, the proposed residential development is likely to lead to the significant reduction or removal of the existing trees which would harm the character and appearance of the North Value Area of High Landscape Value and would exacerbate the prominence of the proposed development, contrary to Policy C3 of the adopted Vale of White Horse Local Plan and Policy HE7 of the Vale of White Horse Local Plan 2011 Second Deposit Draft.

APPENDIX 1



Client:

Mrs Debbie Rees

Project:

Land adjacent to Wayside House, Longworth

Drawing Title: Site Plan

Drawing No.: C2872/05/01

Scale: 1:2500

Date: 26.08.05

Issuing Office: Swindon

Drawn by: NAH Checked by: CD

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CRAWLEY

7, The Courtyard, East Park, Crawley, West Sussex. RH10 6AG. Tel: 01293 - 616112

DERBY

100, Mansfield Road, DE1 3TT Tel: 01332 ~ 206222



CONSULTING

Development Environment

Urban Design

Landscape Design Project Management

Please Reply to:

Swindon

Our Ref:

TAG/vw/C2872

Your Ref:

21 September 2005

Date:

Vale of White Horse District Council PO Box 127 Abbey House Abbey Close Abingdon Oxon OX14 3JE



Dear Sir/Madam

Outline Planning Application: Erection for one dwelling in the garden of Wayside House, Beggars Lane, Longworth

Please find enclosed planning application forms, site location plan and cheque for an outline planning application for the erection of one dwelling.

The application is for the erection of a single dwelling within the garden of Wayside House, Longworth, Abingdon. The property is not within a Conservation Area, although the entire village is within an Area of High Landscape Vale, the proposed dwelling will not impact upon the character of the area, nor its rural setting. At present the site is laid out as garden with mown grass, the site is part of the large garden associated with the house.

A previous application was refused and later dismissed on appeal (APP/V3120/A/OO/1055398) for the erection of 4 dwellings at the same address, but on a larger plot. The appeal decision established that the site is part of the garden of Wayside House, although the extended garden area is only tenuously linked to the built up part of the settlement, it was also stated in the appeal decision that there would be little negative impact over highway safety due to an increase in dwellings.

The site is well screened from the main road (Spring Hill), and Beggars Lane, (as shown by pictures 5-8). It can be seen that the southern boundary of the proposed site would be well screened form the road by a thick band of trees that are nearer to the road than the red line of the site boundary (picture 9). There is a substantial belt of trees to the east boundary of the site, as seen from Beggars Lane, this is shown by pictures 5 + 6, where it can be seen that the trees are a mix of deciduous and coniferous trees, with a strong predominance of coniferous trees. Pictures 1 + 2-3, show the view from within the proposed site out towards Beggars Lane; and towards Spring Hill – from both locations it is clear that the site is well screened and any development occurring on site would not be clearly visible from either Spring Hill road or Beggars Lane. .

Picture 7 shows the existing access and the point of the proposed access onto Beggars Lane.



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Design Services Group Ltd

Group Managing Director: L. M. Durrant, FRICS, Dip TP, MRTPI, MinstD Directors: T. A. Gashe, BA (Hons), MA, MRTP!. Geoffrey Metliss, F.I.C.M

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Development Planning & **Design Services Ltd**

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Landscape Consultant P. M. Griffiths, BSc Hons, MLI. Company Registration N° 2937191

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DERBY

Gleneagles House, Vernon Gate, Derby, DE1 1UP Tel: 01332 - 206222 Fax: 01332 - 206012 email: dpds.central@dpds.co.uk



Vale of White Horse District Council PO Box 127

Also enclosed is a list of neighbours, who live opposite the site, who have signed an agreement that they are in support of the building of one new dwelling at Wayside House, Beggars Lane.

This application is being put forward due to the applicants need to accommodate foster children that are placed in her care for long-term placements. The current house is unsuitable for these needs due to its design, and lack of suitable bedrooms at a first floor level. My client is willing to accept a condition that would restrict development to a single dwelling on this land.

Please consider this letter as part of the application, and if you have any questions please do not hesitate to contact me.

Yours sincerely,

Coral Ducroq Graduate Planner

Development Planning & Design Services

Enc.



Appeal decision

Hearing conducted on 28 March 2001

by Robert A Luck BSc CEng MICE DipTE MIHT MEWI

an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions The Hianning Inspectorate
Tolligate House,
Houlton Street
Bristol BS2 90J

■ 0117 987 8927

Date

03 MAY 2001

Appeal Ref: APP/V3120/A/00/1055398 Wayside House, Beggars Lane, Southmoor, Oxon

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Professor K Smith against the decision of Vale of White Horse District Council.
- The application (ref: LWO/13682/2-X), dated 26 April 2000, was refused by notice dated 15 June 2000.
- The development proposed is the erection of 4 detached dwellings and garages.

Summary of decision: The appeal is dismissed.

Procedural Matters

- 1. The application is for outline permission, with all matters reserved for future consideration.
- 2. The address on the application form indicates that the appeal site is in Southmoor. It was agreed by all parties present at the hearing that the site is within the parish of Longworth, but that the site is physically associated with a settlement which also includes the built-up part of the parish of Kingston Bagpuize with Southmoor.

The Main Issue

3. I consider the main issue in this appeal to be the effect of the proposed development on the form and rural setting of the settlement, comprising Kingston Bagpuize with Southmoor and the associated part of Longworth, within the North Vale Area of High Landscape Value.

The Development Plan and National Policy

4. The Development Plan for the area includes the Oxfordshire Structure Plan 2011 (adopted August 1998). It is common ground that at the time of the hearing it also included the Vale of White Horse Local Plan (adopted November 1999). At the hearing, the appellant's agent drew my attention to the Preface to the Local Plan and to text in Policy H2 of the Oxfordshire Structure Plan 2001 which led him to infer that the expiry date of the Local Plan is 31 March 2001. The Council's representative stated that the Local Plan is in the early stages of being amended but that in the mean time it has been certified as conforming with the Oxfordshire Structure Plan 2011. Therefore, even if the expiry date of the Local Plan is indeed 31 March 2001, it carries considerable weight in my considerations and, for brevity and without prejudice to its status, I shall refer to it as the Local Plan.

- 5. Structure Plan Policy G1 sets out the general planning strategy which includes protecting the character of the county and making the best use of land in built-up areas, while not permitting development on important open spaces. Local Plan Policy H5 states that within villages, including Longworth and Kingston Bagpuize with Southmoor, new housing will be limited to infilling and minor development which is compatible with the size, form and character of the village. Such development should be in the main built-up area of the village or where it forms a natural completion of the existing pattern of development on a small site, visually contained by strong physical features that are an integral part of the settlement. Development will be resisted on sites which contribute positively to the form and rural setting of the settlement, including the gardens of houses standing in large grounds. It is common ground that the site lies within the North Vale Area of High Landscape Value (AHLV), which Local Plan Policy C3 seeks to protect from harmful development. The rationale behind the AHLV is set out in the Council's publication, "Landscape Strategy: An Analysis of the Vale's landscape, and a proposed strategy" (October 2000). This has the status of Supplementary Planning Guidance (SPG) and I therefore give it substantial weight.
- 6. Planning Policy Guidance Note 3: Housing (PPG3), particularly at paragraphs 22 and 32, encourages the re-use of previously developed land, for which it provides a definition at Annex C, provided it is suitable in other respects for housing development. Paragraph 56 states that new housing development should not be viewed in isolation and that, amongst other things, it should respect and enhance local character.

Reasons and Conclusions

- 7. Beggars Lane is a cul-de-sac which runs northwards from Faringdon Road at the western end of the large combined settlement of Kingston Bagpuize with Southmoor and Longworth. The dwellings in the lane are a mixture of houses and bungalows of varying ages. A field at the southern end of the lane is part of the pattern of open fields and sporadic development to the west and south. This wider area plays an important role in providing a rural setting for the village.
- 8. The appeal site, which covers an area of about 0.42ha, has no physical boundary with the more immediate surrounds of Wayside House, the southernmost building on the western side of Beggars Lane. The site boundary with Beggars Lane is a hedge, and the southern and western boundaries with the adjacent field are post and wire fences within which there are rows of mature deciduous trees. There are also within the site rows of high conifers parallel to the eastern and southern boundaries respectively, though in the eastern row particularly there are large gaps. Most of the site is laid to mown grass which is planted with shrubs and further trees. While I was within the site and the immediate surroundings of the house I formed the opinion, from its character and its relationship with the property, that the site is used as part of the large garden of the house.
- 9. It is common ground between the main parties that the proposed development would be compatible in scale, density and layout with the form of the existing development in Beggars Lane, as required by Local Plan Policy H5, and I have no reason to reach a different conclusion. It is therefore necessary to consider the suitability of the site for development in the light of the other specific requirements of that policy.
- 10. There is no dispute that all the dwellings in Beggars Lane, including Wayside House, are within the built-up part of the settlement. The site, though clearly associated with Wayside

House from within, is of such a size that from Beggars Lane the association is visually more tenuous. Furthermore, the plot is empty of built form and it is bounded to the south and west by an open field. I therefore conclude that, notwithstanding its present use, the site lies outside the main built-up area of the settlement. In reaching this conclusion, I have taken note of the decision to allow new development in the form of a conversion of an existing building at the northern end of the lane, but I find that the circumstances in that case are different.

- 11. Though well-established trees border the site, they are not associated with any marked change in land form, especially along the southern side of the site and in my view this reduces their potential strength as a physical feature. Seen from Faringdon Road to both the west and the east of Beggars Lane they clearly appeared to me, like other groups of trees in the wider area, to be a part of the rural landscape rather than a boundary to or an integral part of the village. The proposal would not therefore be a natural completion of the settlement.
- 12. As the village is approached along Faringdon Road from the west, the site and the trees which it contains are seen towards the side of the field of view, with the eye naturally drawn towards a house on the north-western corner of the junction between Beggars Lane and Faringdon Road, Cornerways, which visually marks the beginning of the settlement. Approaching Beggars Lane from the east, Cornerways is again prominent in the view as, in this case, the last visible built form in the settlement, and from here the appeal site is seen as part of the open backdrop, with its wooded character reflected in other groups of trees in the area. The proposal would introduce dwellings and their gardens into this open space, which makes an important contribution to the rural setting of the village. While the high conifers within the southern side of the site could provide screening, in practice they would so overshadow both the adjacent dwelling and its garden that, in my view, future occupants would have good cause to either reduce their size or to remove them completely. I therefore conclude that the proposal would be harmful to the form and rural setting of the settlement, and so would conflict with Local Plan Policy H5, Structure Plan Policy G1 and PPG3 paragraph 56.
- 13. The characteristic form of the AHLV in the area of the site is defined by the SPG as a gentle dip slope which complements the steeper scarp slope well to the north and the Thames flood plain beyond. I have considered the concern of the Council that the construction of the proposal would have a harmful effect on this land form, in conflict with Local Plan Policy C3. Taking account of the slack gradient and the relatively small scale of the proposal, I conclude there would be sufficient control retained by the Council over reserved matters to ensure that the proposal would not conflict with Local Plan Policy C3. However, this consideration does not outweigh the harm that would arise from the proposal in other respects.

Other Considerations

- 14. There was a full discussion at the hearing as to whether the site is part of the curtilage of Wayside House on the basis that, if it is, the proposal would be the re-use of previously developed land in the terms of PPG3. Whether or not the site should be so regarded, this consideration would be heavily outweighed by my conclusions on the main issue.
- 15. Representations have been made about the safety implications of the increase in traffic which would be caused by the development, though the highway authority has not expressed any concerns in this respect. Beggars Lane is fairly narrow but there is sufficient width for two cars to pass. Visibility into the lane for vehicles turning left from Faringdon Road is

reasonable so that, in my view, the likelihood of conflict near the junction would not be increased significantly. This consideration therefore adds only very limited weight to my conclusions on the main issue.

Overall Conclusion

16. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Formal Decision

17. In exercise of the powers transferred to me, I dismiss the appeal.

Information

18. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Inspector

MAR/19315 – Vale of White Horse District Council Change of use from retail to residential 12, Haines Court, Marcham.

1.0 The Proposal

- 1.1 This planning application has been submitted by this Council, which is the reason why it comes to Committee.
- 1.2 The proposal is to change the use of a vacant shop in Marcham to residential accommodation. A location plan and block plan are at **Appendix 1**.
- 1.3 A self contained flat exists at first floor level above the application premises.

2.0 **Planning History**

2.1 The site has no relevant planning history.

3.0 **Planning Policies**

3.1 Policy SF1 of the adopted Vale of White Horse Local Plan and S14 of the Second Deposit Draft Local Plan to 2011 seek to resist the loss of land or buildings used for community purposes, unless alternative provision is made to meet local needs.

4.0 Consultations

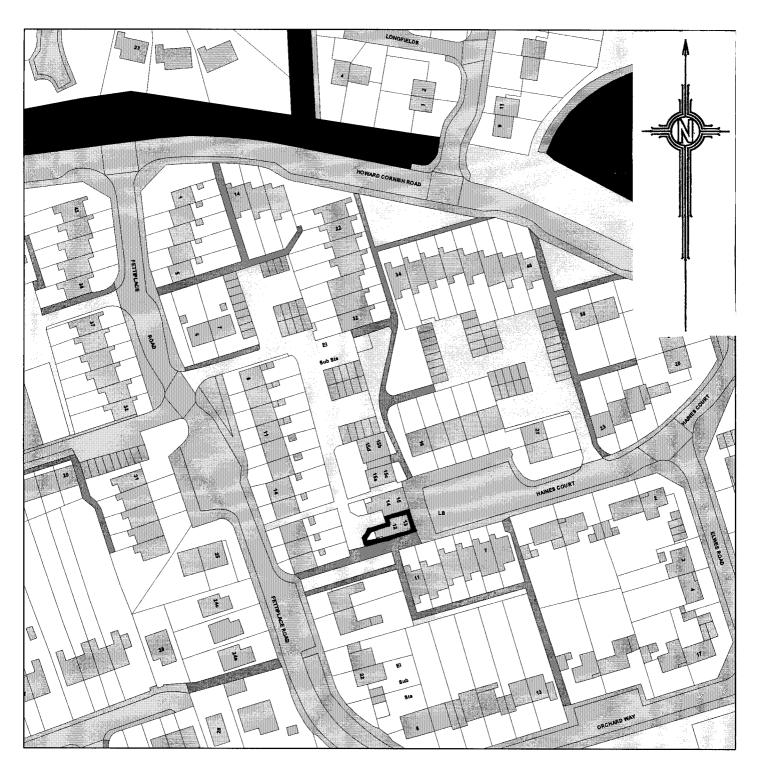
- 4.1 Marcham Parish Council has no objections.
- 4.2 The County Engineer has no objections.
- 4.3 One letter has been received from a neighbour who is concerned with the shortage of off street parking in Haines Court.

5.0 Officer Comments

- 5.1 The principle of the proposed loss of the shop is considered to be acceptable. It is not the last shop in the village as there is a convenience shop and post office in the village in North Street. In addition the shop has been vacant and not in use since June 2004.
- 5.2 Regarding car parking, the size of the premises is small and is likely to accommodate only a one-bedroom flat. The normal requirement for a one-bedroom flat is one parking space. This additional requirement should be able to be accommodated within Haines Court without causing undue problems for existing residents. The County Engineer raises no highway objections.

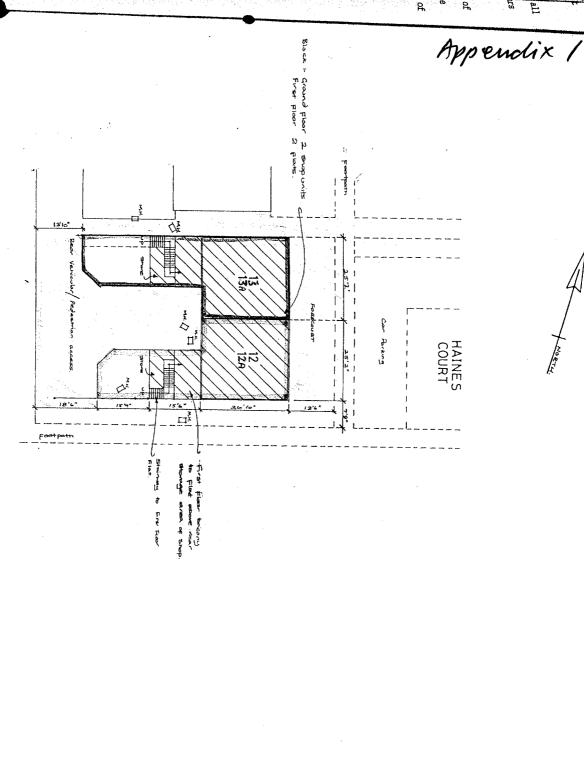
6.0 **Recommendation**

- 6.1 It is recommended that planning permission is granted, subject to the following condition:
 - 1. TL1 Time Limit Full Application



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MAR/19315



JOB TITLE CONVEYANCE PLANS

12-13, HAINES COURT,
ADDRESS MARCHAM, OXON.

CLIENT V.O.W.H.D.C.

ADKIN

CHARTERED SURVEYORS
2 NEWBURY STREET, WANTAGE, OXON.

101: Wentego 88888 sho et Abingdon Oxford Dideot Weilingford Numbur

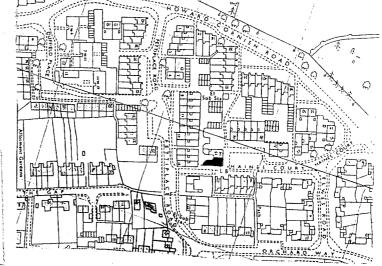
Scale M.A.S.A. Street PLAN No.

Dawn M.A.S.A. (1988)

PLAN No.

SCALE 1:250





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MAR/19315

Report No. 200/05
Wards Affected Kennington & South
Hinksey.

REPORT OF THE ASSISTANT DIRECTOR (PLANNING) TO THE DEVELOPMENT CONTROL COMMITTEE 19th December 2005

Enforcement Programme

1.0 Introduction and Report Summary

- 1.1 This report seeks to inform and rectify an error made in a previous report to Committee. It asks Members to consider the expediency of taking enforcement action for what Officers consider to still be a minor deviation from the approved plans.
- 1.2 The Contact Officer for this report is Paul Yaxley, Enforcement Officer (01235 540352 Direct line or 01235 520202 extension 352).

2.0 **Recommendation**

It is recommended that error in report No.152/05 be acknowledged but that:-No further action be taken in the case of Mr D. Matthews and the increase in height and pitch of the garage roof at Hazelwood, Spring Copse, Hinksey Hill, Oxford, SHI/17672/5.

3.0 Relationship with the Council's Vision

- 3.1 The content of this report is in line with the objectives A, C and D of the Council's Vision Statement.
- 3.2 This report relates to Enforcement Strategy 10 and complies with Enforcement Policies E1, E2 and E3.

4.0 Mr. D. Matthews, Hazelwood, Spring Copse, Hinksey Hill, Oxford, SHI/17672/5.

- 4.1 Committee may recall that at its meeting on the 24th October 2005, following consideration of report 152/05(copy attached as **APPENDIX 1**). It was resolved:- 'To take no further action in the enforcement case against Mr D. Matthews and the increase in height and pitch of the garage roof, subject to the officers investigating the window as installed to ensure it complies with the existing permission at Hazelwood, Spring Copse, Hinksey Hill, Oxford, SHI/17672/5'.
- 4.3 Since the meeting of the 24th October the accuracy of the plans and measurements have again been brought into question. It is regretted that the plans received on the 16th September did indeed have a further error in that they incorrectly show the approved height of the garage as 5.1 m rather than 4.9 m. The actual as built height of 5.55 metres from ground level/floor slab, gives an actual difference of 650 mm. Unfortunately due to the confusion caused by this error on the plans and the use of both 1:50 and 1:100 scales on the same plan, the difference was reported to Committee as 325mm instead of 650mm, the actual difference.
- 4.4 However, Officers still consider that it is not expedient to take enforcement action. The increase in height is still considered marginal and not sufficiently harmful to Hillside House to justify enforcement action.
- 4.5 The first floor window on the north elevation is required, by condition 6 of SHI/17672/5, to 'be

- glazed with obscured glass only and shall be fixed except for a top-hung vent to the window which shall also be fitted with obscure glazing at all times', the window has been specifically checked and is considered to comply with this condition.
- 4.6 It is recommended that Committee formally confirm that it is not expedient to take enforcement action and to therefore close this file. A letter of explanation would be sent to the neighbour to explain the reasons why enforcement action is not authorised.

RODGER HOOD ASSISTANT DIRECTOR (PLANNING)

> TIM SADLER STRATEGIC DIRECTOR

Extract from report 152/05 of the Assistant Director (Planning) - 24 October 2005

- 8.0 Mr. D. Matthews, Hazelwood, Spring Copse, Hinksey Hill, Oxford, SHI/17672/5.
- 8.1 Committee may recall that at its meeting on the 4th July 2005, following consideration of report 34/05(copy attached as **APPENDIX 6**), authority was delegated to the Chief Executive in consultation with the Chair to approve the retrospective application for the erection of a replacement dwelling and garage on this site.
- 8.2 Since the approval of the application on the 7th July 2005, further deviations to the approved plans have come to light in respect of the garage.
- 8.3 Unfortunately, the errors that Officers sought to omit from the original submission in relation to the garage plans have again be made on the approved plan in that parts of the elevations are shown incorrectly. The external stair appears on the side to the neighbour, for example, and the roof lights on the floor plan do not match their position on the elevation, being on the opposite side. As a result of these errors the Enforcement Officer has sought fresh plans to show accurately exactly what is being built. These plans were received on the 16th of September, and show the garage building to be higher than approved by approximately 0.325m. This is due the pitch of the roof being increased from 40° to 45°. These deviations were confirmed during a site visit by the Enforcement Officer on the 21st September.
- 8.4 The plans have been sent to the neighbour at Hillside House, who is the most affected and his response will be verbally reported. In summary, he has objected to the prospect of the plans being accepted as a minor amendment and wishes enforcement action to be taken. Officers agree that the plans cannot be accepted as a minor amendment as the ridge height has increased. However, Officers do not agree that it is expedient to take enforcement action. The increase in height is considered marginal and not sufficiently harmful to Hillside House to justify enforcement action.
- 8.5 It is recommended that Committee formally confirm that it is not expedient to take enforcement action and to therefore close this file. A letter of explanation would be sent to the neighbour to explain the reasons why enforcement action is not authorised.

Agenda Item 19

Report No. 34/05 4 July 2005

> SHI/17672/5 – Mr D Matthews Erection of replacement dwelling and garage (Retrospective) Hazelwood, Spring Copse, Hinksey Hill.

1.0 The Proposal

- 1.1 This application seeks retrospective planning permission for the erection of a replacement dwelling and detached garage building.
- 1.2 The site is situated on the western side of Spring Copse, a single track road serving a couple of dwellings. The site itself is on a steep slope running approximately on a north south axis with the southern aspect of the site at the higher level. The dwelling has been constructed and is largely complete, but to date, only the garage building foundations have been constructed. The dwelling as built is sited approximately mid-way on this slope with its front elevation facing north. It is surrounded by similar sized detached dwellings in medium sized plots, with those to the north set down at a lower level.
- 1.3 A copy of the plans showing the location of the proposal, the siting of the dwelling and garage and their design are attached at a state of the proposal.
- The application has been amended twice to take account of the views made by local residents concerning the accuracy of plans submitted. Your Officers are content that the plans now appended accurately reflect the house as built, albeit there remains a boundary dispute on the northern boundary with the adjacent property, Hillside House and a concern over the accuracy of the garage in relation to this property.
- 1.5 The application comes to Committee because several letters of objection have been received.

2.0 Planning History

- 2.1 In October 2002, planning permission was refused for a replacement dwelling with garage. The reasons for refusal were that the proposal exceeded the Green Belt Policy limit of 30% increase in volume.
- 2.2 Planning permission was granted in July 2003 for an alternative replacement dwelling and garage scheme which was a completely revised design.
- 2.3 In January 2004, planning permission was granted for the erection of a dwelling with further revisions to the design approved in July 2003.
- 2.4 Planning permission was granted in May 2004 for a further revised design, similar to the design of the current proposal. In July 2004 another application was submitted after it was discovered that the scheme approved in May 2004 had been drawn incorrectly in relation to the site slope. This was approved in September 2004.
- 2.5 In implementing this permission, it was brought to the Council's attention that the dwelling was not being built in accordance with the approved plans, and that the dwelling had been twisted on it axis to an angle greater than approved.

3.0 Planning Policies

- 3.1 Policy G5 of the adopted Vale of White Horse Local Plan provides for replacement dwellings in the Oxford Green Belt, subject to a limitation on any increase in volume.
- 3.2 Policies D1, D2, D3 and D4 seek to ensure that all new development is of a high standard of design / landscaping, does not cause harm to the amenity of neighbours and is acceptable in terms of highway safety.

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Report No. 34/05 4 July 2005

Similar policies to those above have been included in the Second Deposit Draft Local Plan 3.3 2011. The corresponding policies are GS3, GS7, DC1, DC5, and DC9.

Consultations 4.0

Original plans

- No response was received from South Hinksey Parish Council in response to consultations to 4.1 the plans as originally submitted.
- County Engineer No objections. 4.2
- Drainage Engineer No objections. 4.3
- Four letters of objection were received which can be summarised as follows: 4.4
 - Plans are incorrect, in particular the position and orientation of the house.
 - The house has been erected in a position which now directly overlooks neighbouring properties.
 - The house is more visually prominent in the locality due to its reorientation.
 - As the house is 90% complete, it would not be practical for changes to be made. Therefore some high level evergreen screening should be planted on the site to remove the overbearing impact of this dwelling on neighbour's amenity areas. Permitted development should also be taken away for any additional windows over those which exist.
 - The garage will add further to the impact and massing of the dwelling.
 - As the garage has accommodation above, together with the dwelling it has an increase of 37% over the previous dwelling and is contrary to Policy G5. The garage therefore should be reduced in size to keep the volume within the Policy G5 limit of 30%.
 - The garage building is much closer to neighbouring property than previously approved and thus will be overbearing. It should be amended to be no more than high to address this and should not be used for living accommodation. 4m

Amended plans (1)

- South Hinksey Parish Council No objections. 4.5
- County Engineer No objections. 4.6
- Four letters of objection were received stating: 4.7
 - Plans are still incorrect. House movement is twice as great to that shown.
 - Nothing in these drawings changes views and concerns previously expressed.
 - The garage building should be single storey.

Amended plans (2)

South Hinksey Parish Council does not object to the proposal but request that the following 4.8 issues be given consideration:

"The Parish Council is concerned that the buildings are not being built in accordance with plans - and the developer is being allowed to dictate - with the planning authority appearing not to overrule."

Two letters of objection have been received stating: 4.9

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APPENDIX 6

Report No. 34/05 4 July 2005

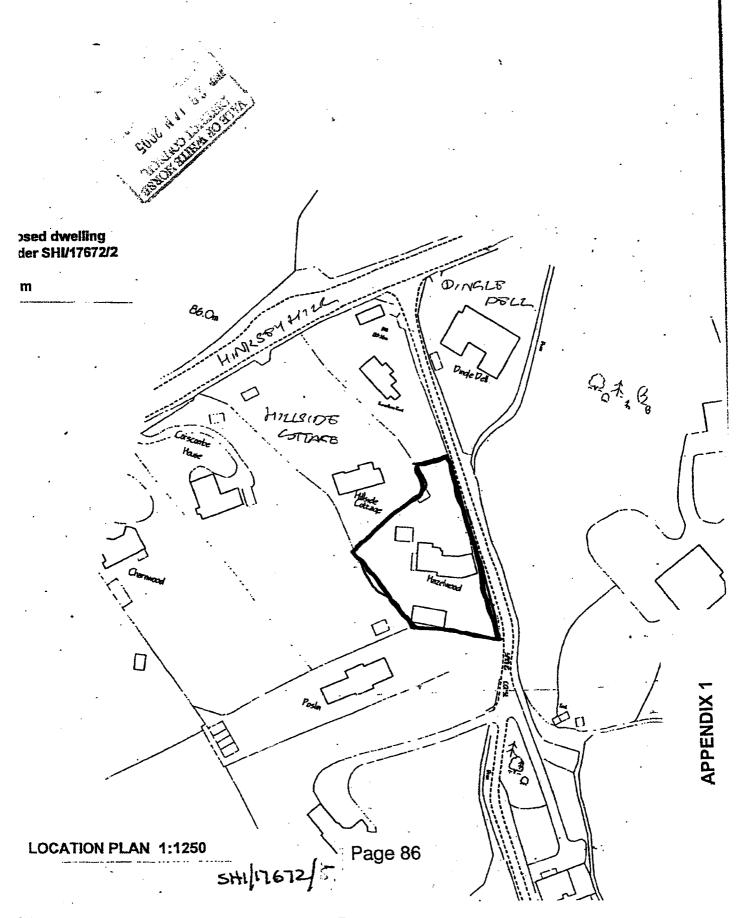
- There still appear to be inaccuracies in the drawings, with particular reference to the fence / north boundary line.
- Nothing in these drawings changes views and concerns previously expressed.
- The house is 35% 36% larger than the previous bungalow in clear violation of Policy G5.
- The house is taller than previously approved and is in a more prominent position.
- The location of the large garage building is more prominent and closer to neighbouring
- properties. It should be reduced in height to no more than 4m.

5.0 Officer Comments

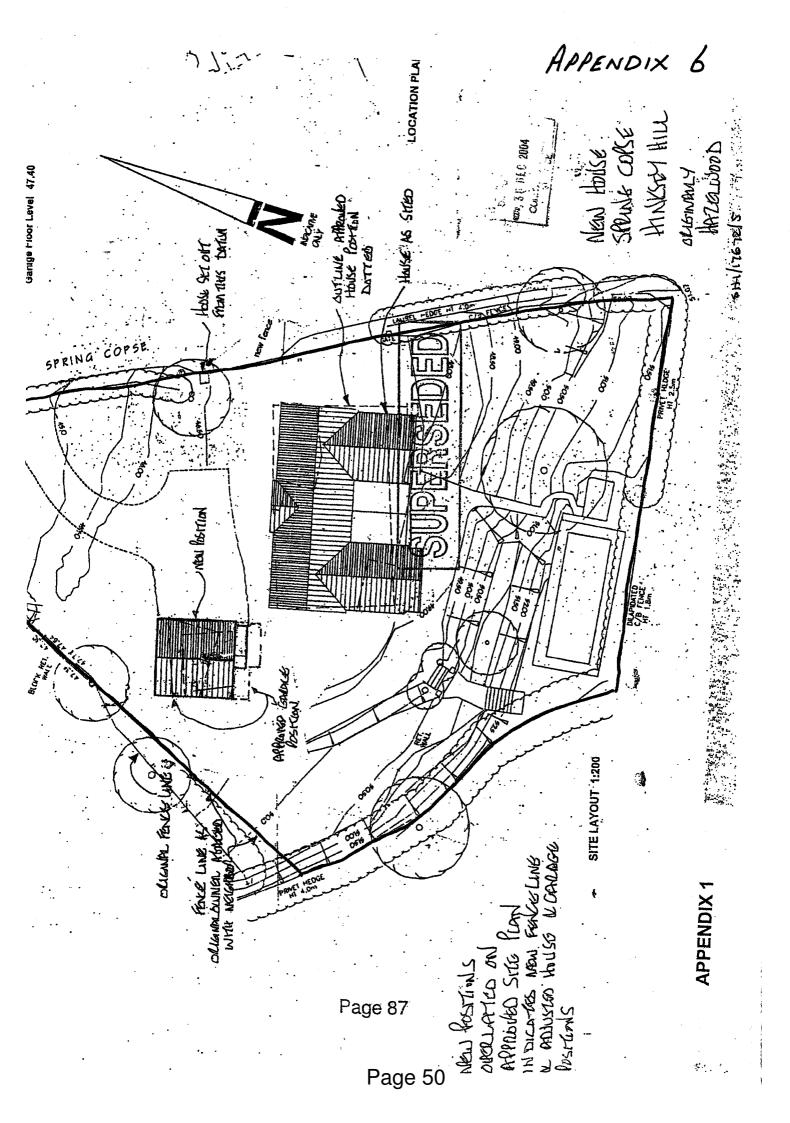
- 5.1 The main issues in this case are considered to be: 1) Whether the proposal still accords with Policy G5 in terms of volume increase and 2) The impact of the proposal on neighbouring properties.
- 5.2 On the first issue, the house design and more crucially its size is as previously approved. Whilst the slab level is 100mm higher than previously, no additional living space is gained by this. Therefore your Officers consider that the dwelling still complies with Policy G5.
- 5.3 Objectors have made reference to the garage being larger than the one it replaces and when taken together with the dwelling the combined volume exceeds the 30% tolerance. However the garage size is as previously approved and, in assessing volume calculations for replacement dwellings, the volumes of detached outbuildings are not included in the allowance. There is no conflict, therefore, with Policy G5 in this respect.
- 5.4 Whilst the house has been twisted on its axis, and has a 100mm higher slab than originally proposed, Officers consider the visual impact of the proposal on the character of the area to be acceptable. The changes do not harm the openness of the Green Belt when compared to the approved scheme.
- 5.5 Regarding the second issue, the impact on neighbouring properties, a judgement has to be made as to whether the change in axis of the dwelling is harmful to the amenity of neighbouring properties.
- Your Officers consider that no additional harm would be caused to those properties that lie to the north of the proposal by the twisting of the dwelling on its approved axis. If anything it actually improves the privacy situation for Hillside House due to the greater angle involved. Whilst the dwelling now faces more directly towards Dingle Dell, there is approximately a face to face distance of 65m well in excess of the Council's minimum standard distance of 21 metres.
- 5.7 Concern has been expressed over the garage. Its size is as previously approved and as it lies between the dwelling and the boundary with Hillside House, it should help to obscure views of the rear garden to this property.
- The owner of Hillside House has also raised concern that the garage will be more dominant by virtue of it being closer to the boundary. The accuracy of the drawing on this is being investigated and will be reported orally to the meeting. It is anticipated that a positive recommendation will be made.

6.0 Recommendation

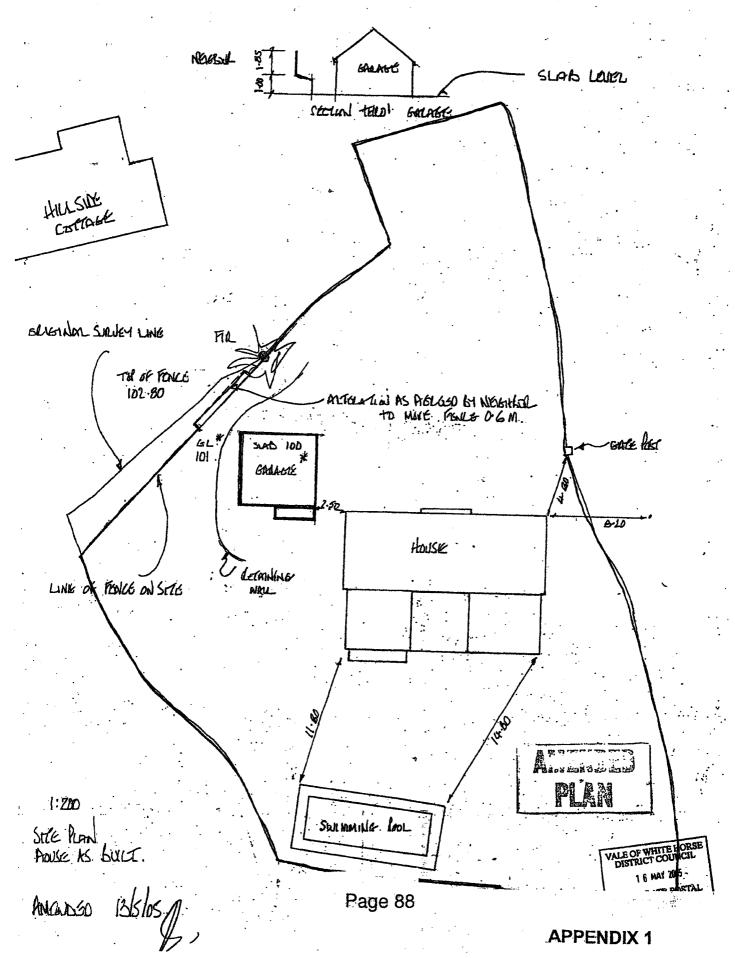
6.1 That subject to the accuracy of the revised drawings, it is recommended that authority to grant planning permission is delegated to the Chief Executive in consultation with the Chair.



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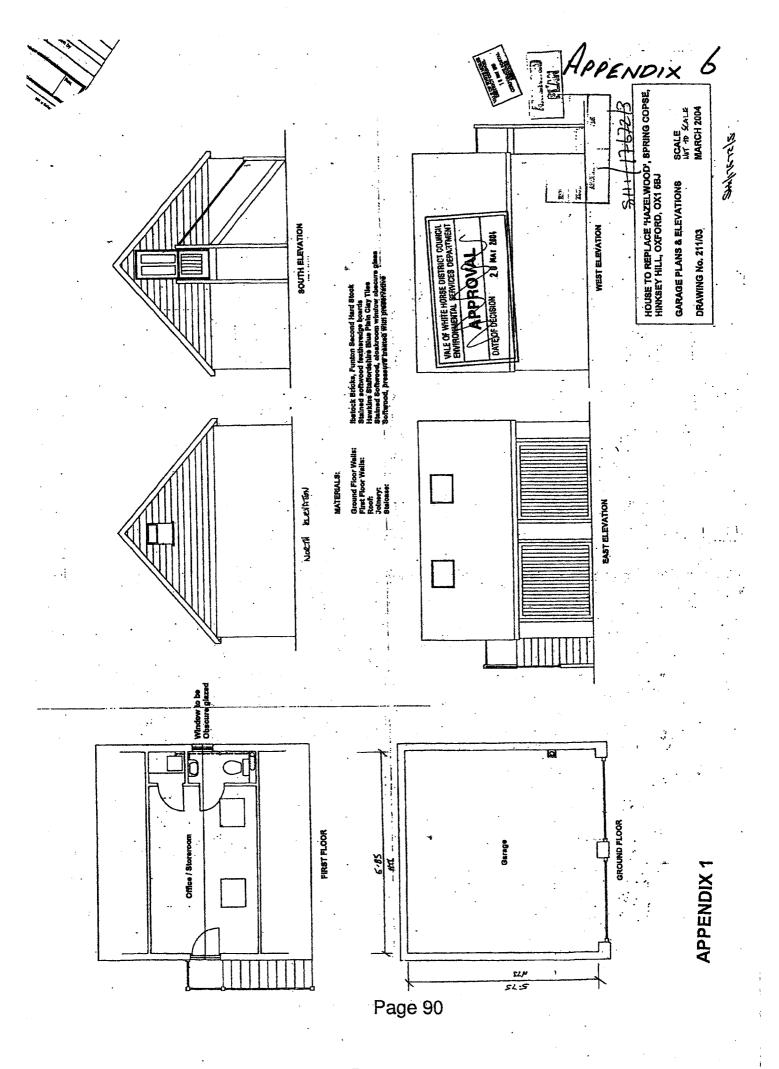


APPENDIX 6



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APPENDIX 6 mremrs mathews hazelwood spring copse-hinksey hill new house Lot Sland B drawing 日日 APPENDIX 1 elevations Page 89 Page 52



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