

Date: 29 January 2008

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 **WEDNESDAY, 30TH JANUARY, 2008** at **2.00 PM.**

Yours faithfully

Terry Stock
Chief Executive

Members are reminded of the provisions contained in the Code of Conduct adopted on 30 September 2007 and Standing Order 34 regarding the declaration of Personal and Prejudicial Interests.

A G E N D A

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, Head of Democratic Services, on telephone number (01235) 547631 / carole.nicholl@whitehorsedc.gov.uk.

Please note that this meeting will be held in a wheelchair accessible venue. If you would like to attend and have any special access requirements, please let the Democratic Officer know beforehand and he will do his very best to meet your requirements.

Open to the Public including the Press

Map and Vision

(Page 5)

A map showing the location of the venue for this meeting and a copy of the Council's 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. Declarations of Interest

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

Any Member with a personal interest or a personal and prejudicial interest in accordance with the provisions of the Code of Conduct, in any matter to be considered at a meeting, must declare the existence and nature of that interest as soon as the interest becomes apparent in accordance with the provisions of the Code.

When a Member declares a personal and prejudicial interest he shall also state if he has a dispensation from the Standards Committee entitling him/her to speak, or speak and vote on the matter concerned.

Where any Member has declared a personal and prejudicial interest he shall withdraw from the room while the matter is under consideration unless

- (a) His/her disability to speak, or speak and vote on the matter has been removed by a dispensation granted by the Standards Committee, or
- (b) members of the public are allowed to make representations, give evidence or answer questions about the matter by statutory right or otherwise. If that is the case, the Member can also attend the meeting for that purpose. However, the Member must immediately leave the room once he/she has finished; or when the meeting decides he/she has finished whichever is the earlier and in any event the Member must leave the room for the duration of the debate on the item in which he/she has a personal and prejudicial interest.

PLANNING APPLICATIONS

Local Government (Access to Information) Act 1995 - 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 **136/07** of the Deputy Director refers.

3. **HAR/1123/10 – Retrospective application for construction of timber decking across stream and erection of close board fencing. Bumble Barn, Church Lane, Harwell, OX11 0EZ**

(Wards Affected: Harwell)

(Page 6)

4. **RAD/2496/5 - Pebble Hill Mobile Home Park, Radley, Certificate of Lawfulness**

(Wards Affected: Radley)

5. **NHI/2653/9 – Removal of condition 8 of outline permission NHI/2653/6-X for the provision of car parking spaces along the east side of Elms Road, Botley, OX2 9JZ**

(Wards Affected: North Hinksey and Wytham)

(Pages 7 - 12)

6. **WAT/4336/3 - Proposed erection of a rear conservatory. 43A High Street, Watchfield SN6 8SZ**

(Wards Affected: Shrivenham)

(Pages 13 - 15)

7. **ECH/4121/3 – Demolition of existing flat roof garage. Erection of a replacement pitched roof garage. (Re-submission)Gable Cottage, Letcombe Hill, East Challow, OX12 9RW.**

(Wards Affected: Greendown)

(Pages 16 - 23)

8. **WAT/13873/5 – Erection of a detached double carport, 27 High Street, Watchfield, SN6 8SZ**

(Wards Affected: Shrivenham)

(Pages 24 - 29)

9. **ABG/18589/5 & ABG/18589/6-LB - Erection of open sided shelter at rear of property. Replace rear window with doorway. The Brewery Tap, 40-42 Ock Street, Abingdon, OX14 5BZ**

(Wards Affected: Abingdon Ock Meadow)

(Pages 30 - 37)

10. **Enforcement Report - 5 The Orchids, Chilton, OX11 0QP, 8 Wordsworth Road, Abingdon OX14 5NY and Bumble Barn, Harwell OX11 0EP**

(Wards Affected: Abingdon Ock Meadow; Harwell;)

(Pages 38 - 49)

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

None.



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

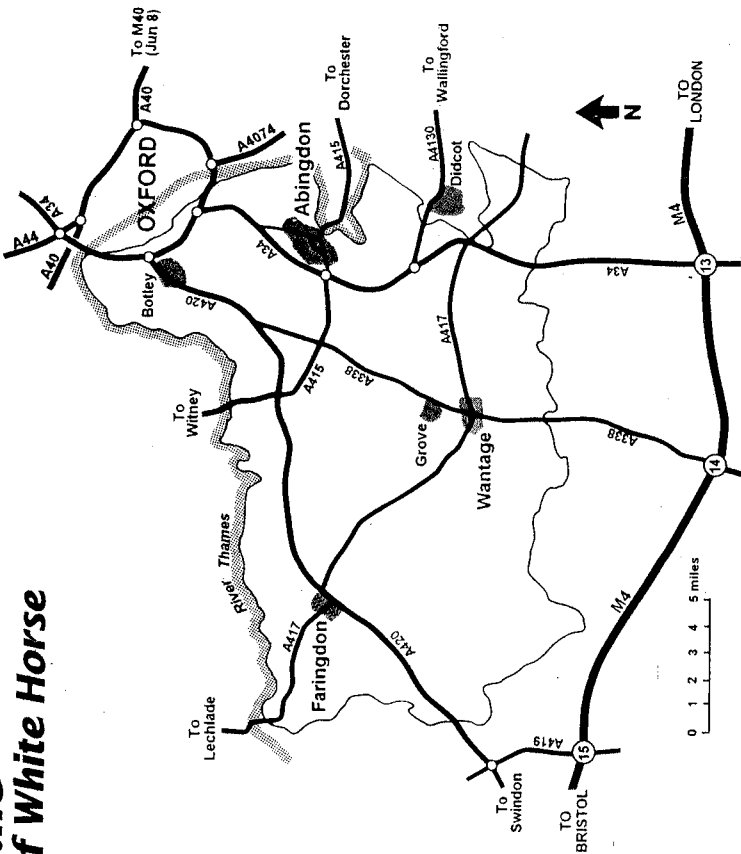
Create a safer community and improve the quality of life among Vale residents

Encourage a strong and sustainable economy which benefits all who live in, work in or visit the Vale

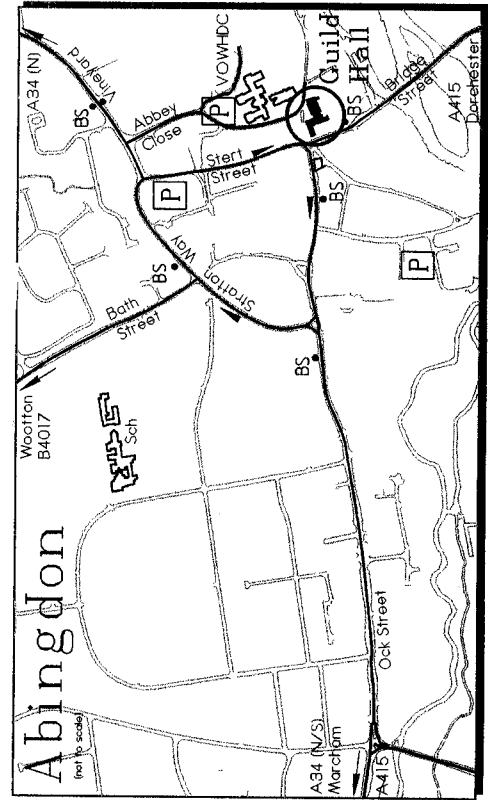
Help disadvantaged groups and individuals within the Vale to realise their full potential

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

Protect and improve our built and natural environment



Abingdon, Guildhall



KEY : BS = Bus Stop

LOCATION MAP



HAR/1123/10 – Mr M Evans

Retrospective application for the construction of timber decking across stream and erection of close board fencing.

Bumble Barn, Church Lane, Harwell, OX11 0EZ

1.0 **The Proposal**

1.1 This application was originally presented to Committee on 17 December 2007, where it was resolved to refuse planning permission, with reasons to be agreed at a future meeting.

2.0 **Consultations**

2.1 Since the application was last considered by Committee the Council's Principal Drainage Engineer has stated '...providing that the decking was a clear span across the ditch and access provision was provided for maintenance, then there is no evidence to suggest that the decking proposal would increase the risk of flooding'.

2.2 Harwell Parish Council "Reiterates its former objections to this application, on the basis that it may cause obstructions in the stream. Please confirm that permission has now been sought from St Matthews Church for the decking to stand on church land".

2.3 An Enforcement report in respect of the decking is included elsewhere on this agenda.

3.0 **Recommendation**

3.1 *That planning permission be refused for the following reason:-*

1. *In the opinion of the District Planning Authority the construction of the decking across the stream inhibits the necessary future maintenance of the watercourse, which would have consequential flooding implications within the vicinity of the site. As such, the construction of the decking is contrary to Policy DC13 of the adopted Vale of White Horse Local Plan 2011.*

NHI/2653/9 – Bellway Homes

Removal of condition 8 of outline permission NHI/2653/6-X for the provision of car parking spaces along the east side of Elms Road.

Elms Road Nursery School, Elms Road, Botley, OX2 9JZ (North Hinksey Parish).

1. This application was considered by Committee on 26th November 2007, when it was recommended for approval. Committee however, resolved to defer the application to enable a review to be carried out by an independent Traffic Consultant.
2. The Traffic Consultant has since reported his findings and has concluded that there is no requirement for parking spaces to be provided along the east side of Elms Road. A copy of the Consultant's report is attached at **Appendix 1**. A copy of the previous report is attached at **Appendix 2**. The minutes of the 26th November 2007 Meeting are reported elsewhere on the agenda.

2.0 **Recommendation**

- 2.1 *That planning permission to remove condition 8 of NHI2653/6-X be granted.*

FORMER ELMS ROAD NURSERY SCHOOL, ELMS ROAD, BOTLEY**PLANNING APPLICATION: NHI/2653/9****APPENDIX 1****Introduction**

Bellway Homes has applied for permission to remove Condition 8 of outline planning permission NHI/2653/6-X (granted on 6 October 2005) for the disposal of the Elms Road Nursery School site for the purpose of residential development. Condition 8 states:

"Prior to the occupation of any of the dwellings hereby permitted, additional car parking spaces shall be provided along the east side of Elms Road in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the District Planning Authority."

The original intention of Condition 8 of the outline permission was to provide additional parking to alleviate peak hour congestion on Elms Road.

The application to remove Condition 8 was recommended for approval by Officers. However, when it was considered by the Council's Development Control Committee on 26 November 2007 the Committee resolved to defer the matter for review by an independent transport consultant.

Glanville Consultants has been appointed by Vale of White Horse District Council to review the application. A site visit was carried out on Wednesday 19 December 2007 to assess the transport conditions that prevail in the vicinity of the site in relation to the application. This statement sets out Glanville Consultants' view on the merits of the application to remove Condition 8 of the outline permission.

Access & Parking Arrangements

The site is located immediately to the west of an elevated section of the A34 and adjacent to West Way and Elms Road. Vehicular access to the site is proposed from Elms Road, at a point approximately 80m from the junction with West Way.

Elms Road is a cul-de-sac that provides access to around 18 residential properties, Botley Primary School and Botley Medical Centre. A small turning head exists at the northern end of Elms Road, at the entrance to the medical centre.

The site is in a sustainable location and accessible by a range of transport modes. Bus services run past the site that combine to provide a frequent service into Oxford city centre. Bus stops exist on both sides of West Way, less than 100m to the west of the junction with Elms Road. There is a footway / cycleway on the north side of West Way across the frontage of the site. The Elms Parade shopping centre, located on the south side of West Way, is within easy walking distance of the site and provides a range of local facilities and services.

Parking for staff is available within the school premises and parking for staff and patients is available at the medical centre. The majority of the residential properties on Elms Road do not have off-street parking, so residents and visitors have to park on-street. It is assumed that the development site's former use as a nursery school would have generated a level of short-term parking demand that was not provided wholly on site and so led to overspill parking on Elms Road. Therefore, the situation with regard to the availability of on-street parking spaces should have improved since the closure of the nursery school.

APPENDIX 1

Parking is prohibited along the east side of Elms Road from West Way to a point beyond the entrance to the primary school. Limited kerbside parking is available along the west side of Elms Road. However, parking on some sections is prohibited from Monday to Friday between 8am and 5pm. Some vehicles were observed to be parked illegally at the time of the site visit, including within the turning head at the northern end of Elms Road.

Observations on site have confirmed that Elms Road becomes relatively busy during the morning peak, in particular when parents drop off children at the primary school. The cul-de-sac nature of Elms Road means that those dropping off have to turn around before driving away. This is catered for by the turning head at the northern end of Elms Road.

Oxfordshire County Council has confirmed that there have been no reports of personal injury road accidents in Elms Road in the 5-year period to 30 November 2007.

It is understood that Botley Primary School is working with the County Council to develop a Travel Plan which will seek to reduce the level of car borne trips made to the school. This should reduce the demand for on-street parking spaces.

An application for the approval of reserved matters was submitted by Bellway Homes in September 2007 that proposes a total of 38 residential dwellings, a mix of 36 x two bed units and 2 x one bed units. A total of 40 car parking spaces is proposed, comprising 38 spaces for residents (representing a ratio of 1 space per dwelling) and 2 spaces for visitors.

Supplementary Planning Guidance adopted by Vale of White Horse District Council suggests maximum parking levels for different types of development. In respect of residential development outside of the Town Centre Policy Areas of Abingdon and Wantage, the maximum standard is 1 space for one bed units and 2 spaces for two / three bed units. On this basis, the maximum level of parking that could be provided for the Bellway Homes development would be 74 spaces. The level of parking proposed (40 spaces) is well below the maximum permitted by the Local Plan. However, given the site's sustainable location, it is considered that the level of parking proposed will be sufficient to meet demand and should not result in overspill onto Elms Road. It is understood that the level of parking proposed is consistent with other recent developments in the local area.

It is unclear how the additional car parking spaces would be provided along the east side of Elms Road, whether on-street or in a lay-by. Parking on both sides of Elms Road would make manoeuvring more difficult, causing delay and giving rise to potential highway safety issues. Additional parking could restrict visibility on exit from the development site and have implications in terms of the safety of the proposed access.

The provision of additional parking in excess of that required to meet the demand of the development could encourage additional car borne trips to Elms Road, thus exacerbating the existing problems. Additional parking would also undermine the objectives of the Travel Plan being developed by Botley Primary School.

Summary & Conclusion

The site is in a sustainable location with good access to public transport and local facilities. It is considered that the level of parking proposed off-street for the residential development will be sufficient to meet demand and should not result in overspill onto Elms Road.

The limited availability of parking spaces on Elms Road is a pre-existing problem that should not be exacerbated by the proposed residential development. Furthermore, the redevelopment of the former nursery school will eliminate the parking demand associated with the site's former use.

APPENDIX 1

There is no evidence to suggest that the lack of availability of parking spaces on-street has led to a road safety problem in Elms Road.

The provision of parking on the east side of Elms Road would make manoeuvring more difficult, could restrict visibility on exit from the development site and may have implications in terms of the road safety.

The provision of additional on-street parking for general use could encourage additional car borne trips to the area and exacerbate the existing problems with regard to parking availability.

Therefore, in conclusion, it is considered that Condition 8 of the outline planning permission can be removed without adverse impact on road safety or the on-street parking situation.

COPY OF PREVIOUS REPORT**NHI/2653/9 – Bellway Homes****Removal of condition 8 of outline permission NHI/2653/6-X for the provision of car parking spaces along the east side of Elms Road.****Elms Road Nursery School, Elms Road, Botley, OX2 9JZ (North Hinksey Parish).****1.0 The Proposal**

- 1.1 This application seeks to remove condition 8 of outline planning permission NHI/2653/6-X for residential redevelopment on the former nursery school site in August 2005. The condition requires a scheme to be submitted to provide additional car parking spaces on the east side of Elms Road.
- 1.2 The illustrative plan submitted with the outline application showed 41 spaces with a likely number of 30 flats (21 x 2 bed and 9 x 1 bed). At the Committee Meeting, Members expressed a need for additional parking spaces on Elms Road to seek to alleviate ongoing parking problems associated with the neighbouring school during peak hours. An application for the approval of reserved matters for 38 flats, comprising of 36 x 2 bed and 2 x 1 bed units with 40 parking spaces has subsequently been submitted and is reported elsewhere on this agenda.
- 1.3 A copy of the plan showing the location of the proposal and its access together with the applicant's supporting statement are attached at **Appendix 1**.
- 1.4 The application comes to Committee because North Hinksey Parish Council objects to the application.

2.0 Planning History

- 2.1 The planning history of the site relates to alterations and new buildings for the school and children's centre, the last application being approved in September 2003 for new general teaching classrooms, community room and support accommodation.
- 2.2 The outline planning application for residential development was permitted in October 2005. The reserved matters application was submitted in September 2007 and is reported elsewhere on this agenda.

3.0 Planning Policies

- 3.1 *Vale of White Horse Local Plan 2011*
Policies DC1, DC5, DC6, DC9 and DC14 (quality of new development) are relevant and seek to ensure that all new development is of a high standard of design / landscaping; does not cause harm to the amenity of neighbours; the development is acceptable in terms of highway safety, and will not result in adverse surface water run-off.

4.0 Consultations

- 4.1 North Hinksey Parish Council has objected to the application and their comments are attached at **Appendix 2**.

4.2 The County Engineer has no objections and his full comments are attached at **Appendix 3**.

5.0 **Officer Comments**

5.1 The main issue in this case is highway safety.

5.2 The original intention of the condition was to provide additional parking (approximately 4 spaces) on Elms Road to help alleviate peak hour parking congestion. However, the County Engineer has stated that there is no requirement in highway safety terms to provide these spaces, and in fact such measures would undermine efforts to encourage more sustainable methods of transport to and from the adjacent school. As such, in the absence of support to retain the condition by the County Engineer, your Officers do not consider that planning permission could reasonably be withheld on highway safety grounds.

6.0 **Recommendation**

6.1 *That planning permission to remove condition 8 of NHI2653/6-X be granted.*

WAT/4336/3 – Mr & Mrs P Willis

Proposed erection of a rear conservatory.

Sharman Peter Group, 43A High Street, Watchfield, Swindon, Wilts.

1.0 The Proposal

- 1.1 This planning application seeks permission for the erection of a single storey conservatory to the rear of this detached two storey property.
- 1.2 Extracts from the application plans are at **Appendix 1**.
- 1.3 The application comes to Committee as the Parish Council objects to the application.

2.0 Planning History

- 2.1 The building was erected in 1985 under permission WAT/4336/2 for the erection of hairdressing salon with accommodation for staff. It replaced an existing hairdressing salon which was demolished.

3.0 Planning Policies

- 3.1 Policy DC1 of the adopted Local Plan relates to design and its impact on the character of the locality.
- 3.2 Policy D9 of the adopted Local Plan relates to the amenities of neighbouring properties and the wider environment.

4.0 Consultations

- 4.1 Watchfield Parish Council objects to the application, stating that the proposal is:

“Far too large and too close to 43 High Street.”

- 4.2 One neighbour has raised objections to the proposal. Their comments are summarised below:

- i. The proposal is too large for the plot, leaving little amenity space
- ii. The proposal will create a large commercial premises in a totally residential area
- iii. The proposal would restrict light to the north elevation kitchen windows of 43 High Street

5.0 Officer Comments

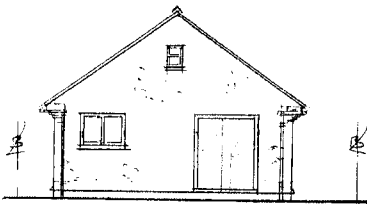
- 5.1 This is a single storey conservatory, designed to match the existing building, and will not be visible within the street scene. The design and scale are considered appropriate, and the proposal does not adversely affect the character of the locality. The conservatory will be further away from 43 High Street than the nearest part of the existing building and will leave in excess of 40 square metres of garden, which is considered sufficient to provide drying, storage and usable amenity areas.

5.2 As a single storey development, with a pitched glass roof, the conservatory is only 2.5m high at its eaves, and 2.5m off the boundary with number 43. Therefore it is not considered to overshadow or over dominate the neighbouring property. Existing boundary fencing between the proposed conservatory and the neighbouring property to the south (number 43), is at a level below the neighbour's kitchen and rear lounge window sill height. This could result in a two-way loss of privacy. The applicant has agreed to remove the window in the south elevation and replace the door with a half glazed, obscured glass door, to avoid this potential problem, and this is the subject of condition 3 below.

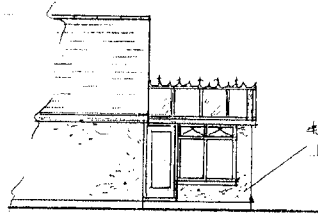
6.0 **Recommendation**

6.1 *It is recommended that planning permission be granted subject to the following conditions:*

1. *TL1 – Time Limit*
2. *RE1 – Matching materials*
3. *Removal of window to south elevation. Replacement of door with half glazed door glazed with obscured glass. Thereafter no additional windows shall be inserted in the south elevation.*



EXISTING REAR ELEVATION



PROPOSED SIDE ELEVATION

RENDER WITH WOODFLOAT FINISH & COLOUR TO MATCH EX.

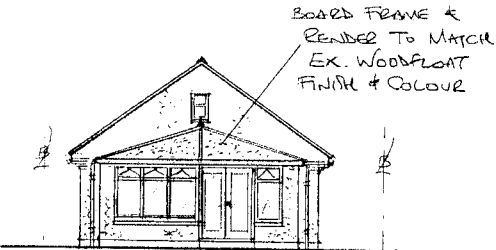
NOTES:

All dimensions must be checked on site and not scaled from this drawing.

ALL GLAZING TO BE TO BS 6206 * WITH 'K' SAFETY GLASS ANY ELECTRICS TO COMPLY WITH PART 'P' BUILDING REGS * TO BS 7671

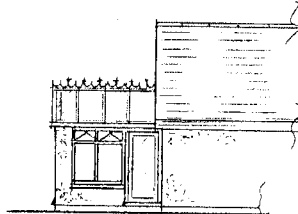
Roof

TO BE TRANSCUENT POLYCARBONATE IN UPVC FRAME (WHITE)

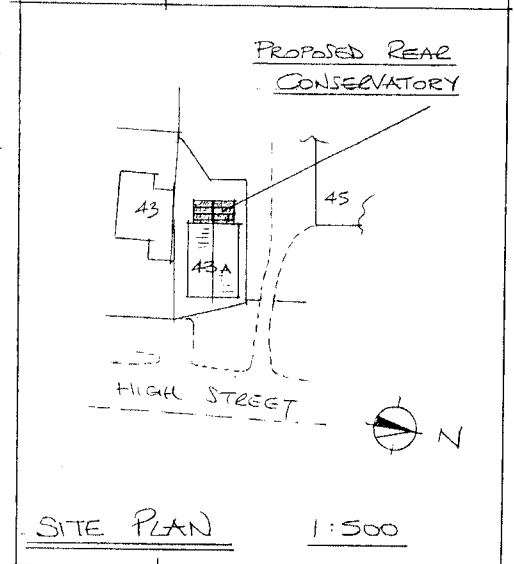


PROPOSED REAR ELEVATION

BORED FRAME & RENDER TO MATCH EX. WOODFLOAT FINISH & COLOUR



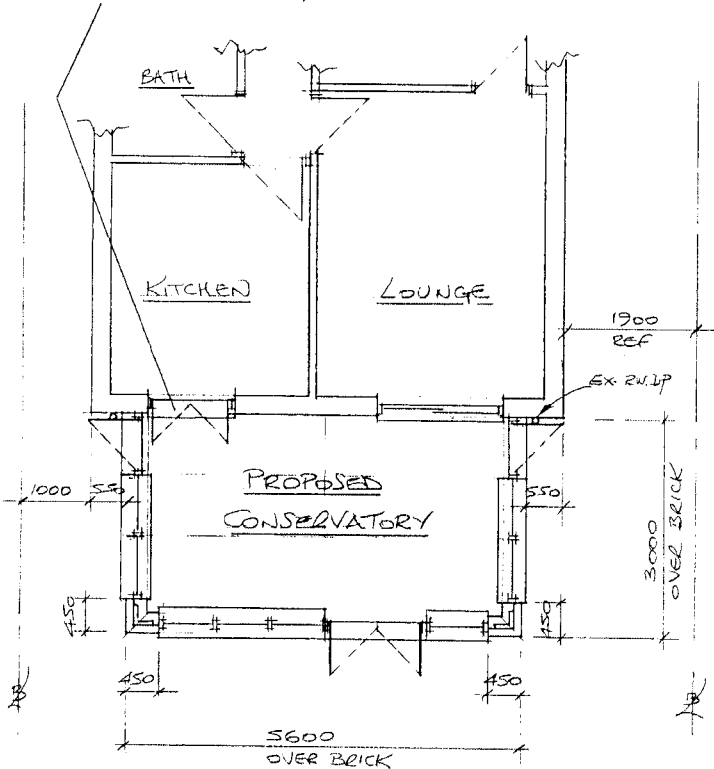
PROPOSED SIDE ELEVATION



SITE PLAN

1:500

REPLACE EX. WINDOW WITH FRENCH DOORS, (EX. LINTELS TO REMAIN)



PROPOSED G/FLOOR PLAN

This drawing is protected by the Copyright, Designs and Patents Act 1988 (Section 27). You may only download and/or print a copy for consultation purposes, to compare a current drawing with previous drawings, and to check whether a development is being carried out or has been completed in accordance with the approved drawings. If you require a copy of the drawings or other material for any other purpose you will need to obtain the prior permission of the copyright owner.

WAT/4336/3
07/01/08/FUL

A	Date	Revisions
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22 WINDING HOUSE ASH BRICK SWINDON SN6 7LW TEL/FAX 01753 702259		
Client		
MR. & MRS. P. WILLS		
Job Title		
PROPOSED REAR CONSERVATORY AT 43A HIGH STREET WATCHFIELD SWINDON SN6 8SZ		
Drawing Title		
DETAILS # SURVEY		
Scale		
1:50 / 1:100		
Date		Drawn by
11/10/07		GMB
Dwg. No.		Rev.
GMBD1794		

ECH/4121/3 – Mr P Spracklen

**Demolition of existing flat roof garage. Erection of a replacement pitched roof garage.
(Re-submission)**

Gable Cottage, Letcombe Hill, East Challow, OX12 9RW.

1.0 The Proposal

- 1.1 Planning permission is sought for the erection of a replacement pitched roofed garage on land at Gable Cottage, Letcombe Hill, East Challow.
- 1.2 The proposed garage will replace an existing flat roofed garage building, but unlike the existing garage, the car parking bays within the new garage will have no doors.
- 1.3 The building is to be constructed of an oak frame with oak cladding under a reconstituted stone tile roof, and measures 5.9m x 5.9m x 5.5m high. Two rooflights are proposed on the rear roof slope. Copies of the proposed plans are attached at **Appendix 1**.
- 1.4 The application comes to Committee as the Parish Council objects.

2.0 Planning History

- 2.1 Under reference ECH/4121/2, a previous application to erect a new replacement garage was withdrawn on 21 June 2007. This proposed a replacement garage building 6.5 metres in height with two dormer windows in the front elevation.

3.0 Planning Policies

- 3.1 Policy DC1 of the adopted Local Plan requires development to be of a high design quality in terms of layout, scale, mass, height, detailing, materials and its relationship with adjoining buildings and taking into account local distinctiveness.
- 3.2 Policy DC5 requires safe and convenient access and parking.
- 3.3 Policy DC9 seeks to discourage development that would harm the amenities of adjoining properties or the wider environment in terms of, amongst other things, loss of privacy, daylight, sunlight, dominance or visual intrusion.

4.0 Consultations

- 4.1 East Challow Parish Council – Object, see **Appendix 2**.
- 4.2 Two neighbour letters of objection – Overall height of garage remains excessive, overbearing and will block out a considerable amount of light. There should be no blocking of public right of way with contractors materials. Position of new garage would prevent maintenance of existing neighbouring wall and cracking of new render on this wall and elsewhere on neighbouring land.
- 4.3 County Engineer – Concerned that any car parking provision in front of the garage may overhang the highway boundary so as to cause obstruction to users of the highway.

5.0 Officer Comments

- 5.1 The application site is situated in a mature established residential area within East Challow. Gable Cottage is a detached property situated on elevated ground above its existing garage and the adjoining public right of way. It is the last property to the north of the public bridleway to have vehicular access before the highway narrows to footpath width.
- 5.2 The proposed garage will have a pitched roof and will have a slightly larger footprint than the existing flat roofed garage. It will allow two vehicles to park within the open fronted garage bays.

At present, it is questionable how feasible it is to park two vehicles in the existing garage because of the limited size of the existing garage door.

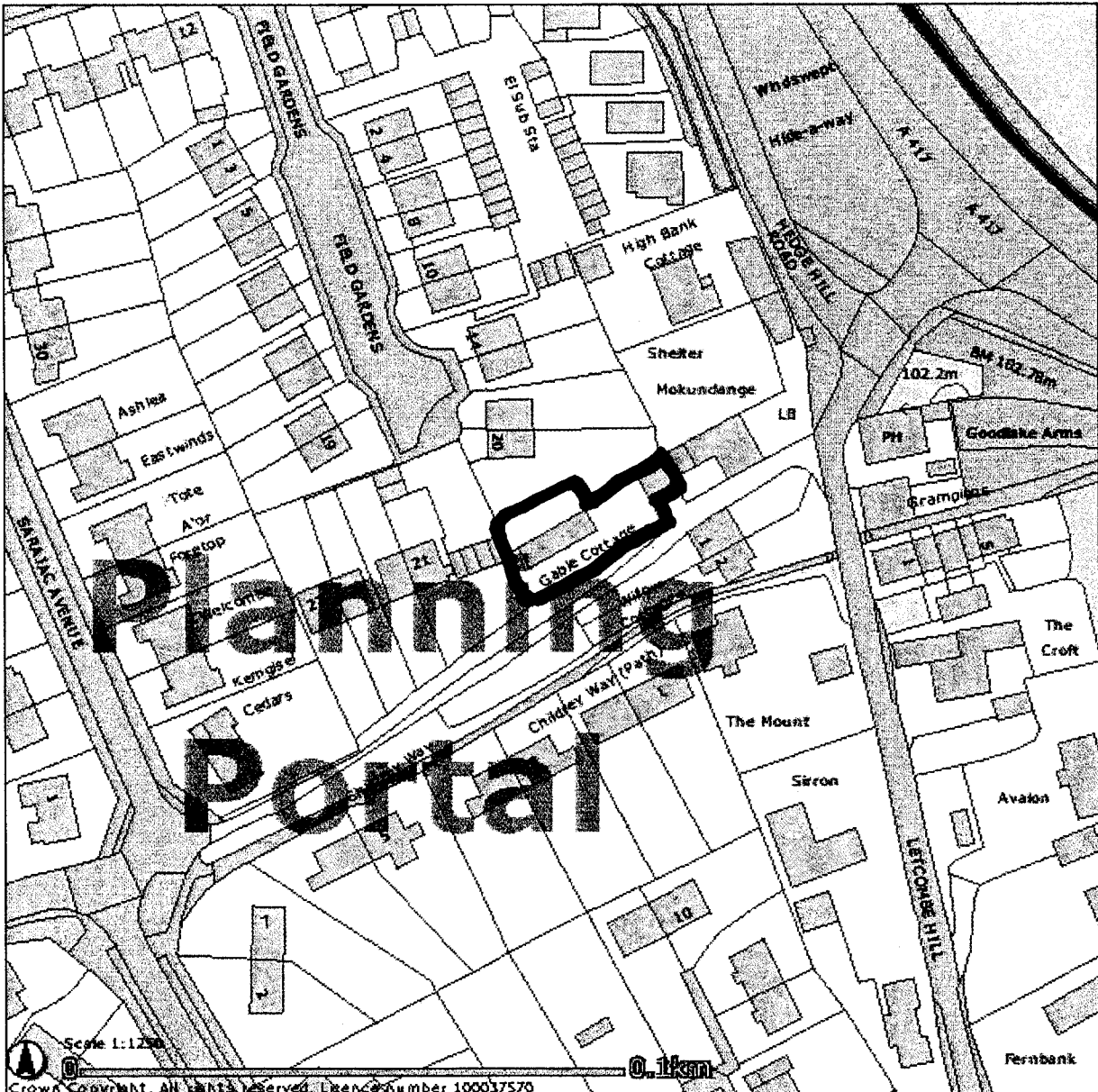
5.3 The roofspace of the proposed garage would be accessed via a door from the existing raised garden of the cottage and is indicated to be used for storage purposes. Concern has been expressed by the Parish Council and neighbours about the height of the proposed roof. However, this is determined by the applicant's wish to provide a 45° pitched roof on the garage, a minimum pitch for artificial stone tiles. The roof will be some distance away from No. 1 Willow Cottages opposite and will be adjacent to a blank elevation of Mokunsange, and rooflights are only being provided on the rear roof slope. As a result, the impact of the roof on these properties is not considered harmful. Indeed, from a visual amenity point of view, a pitched roof is considered more desirable in this location than a flat roof.

5.4 In respect of the County Engineer's comments, as previously stated the new garage will have no doors and 2 parking spaces for Gable Cottage are considered acceptable. As a result, parked cars should not need to overhang the highway and cause an obstruction.

6.0 **Recommendation**

6.1 *That planning permission be granted subject to the following conditions:*

1. *TL1 Time Limit – Full Application*
2. *MC2 Submission of Materials*
3. *No garage doors shall be provided on the building without the prior written consent of the District Planning Authority.*
4. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no new windows or rooflights shall be inserted within the southern roof slope of the garage or its eastern gable end without the prior grant of planning permission.*



Scale 1:1250

0.1km

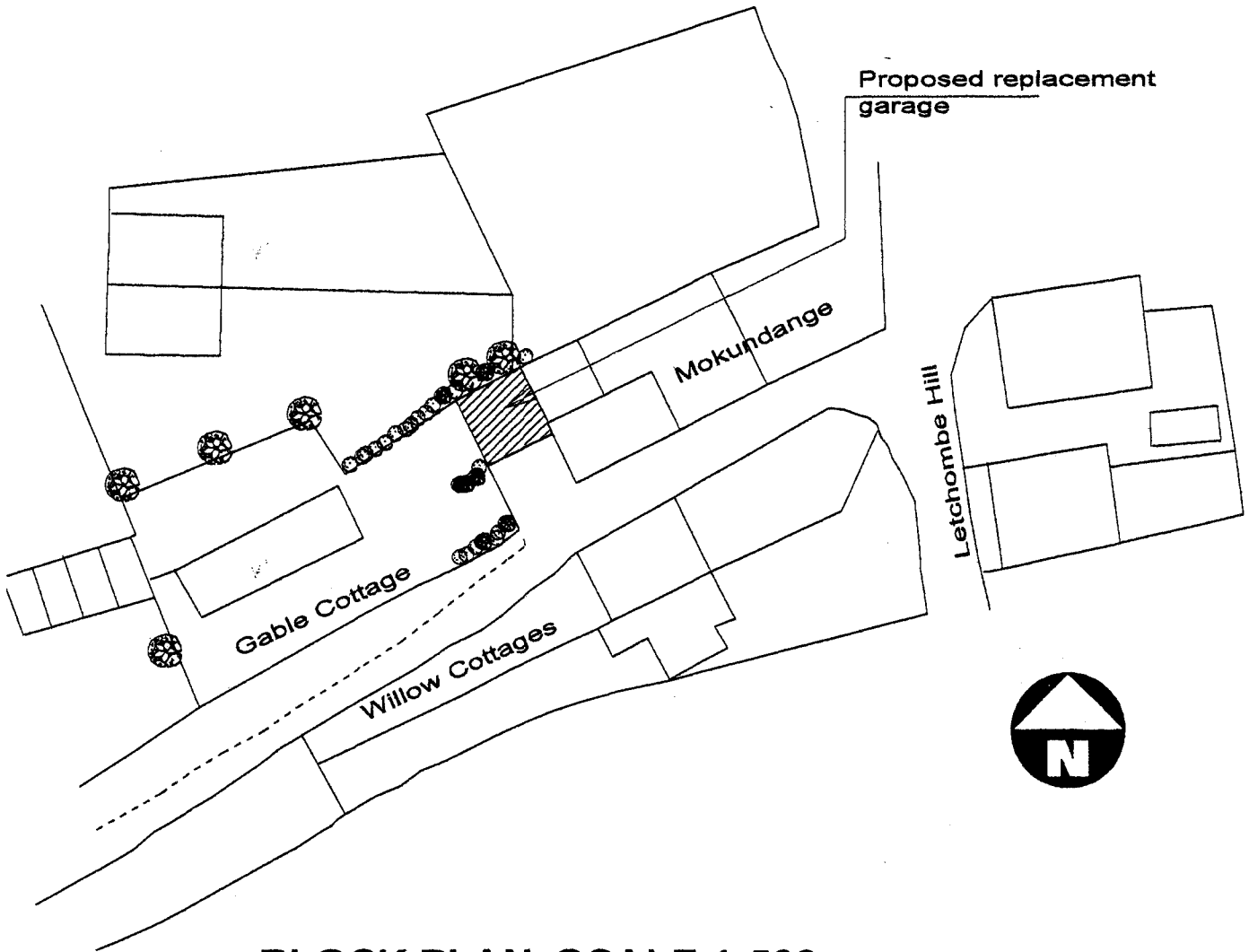
Crown Copyright. All Rights Reserved. Licence Number 100017570



WILSON & PARTNERS
DISTRICT COUNCIL
REC'D 14 AUG 2007
CORPORATE PORTAL
SERVICES A

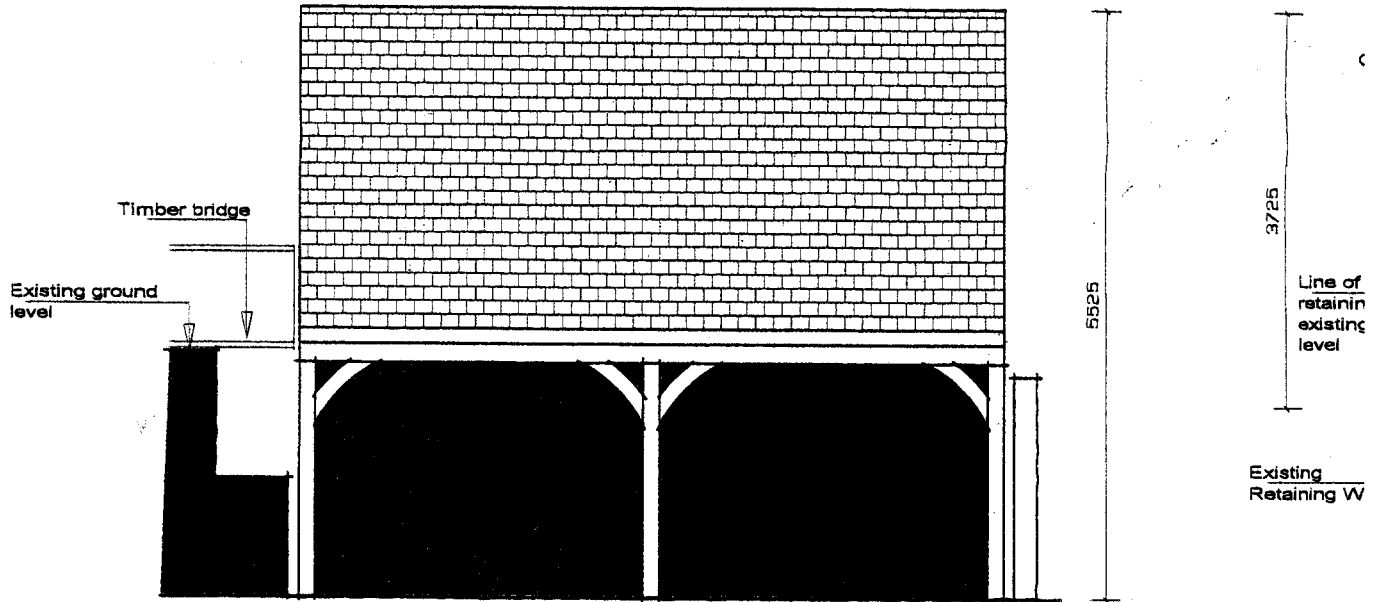
ECH/421/3

APPENDIX 1

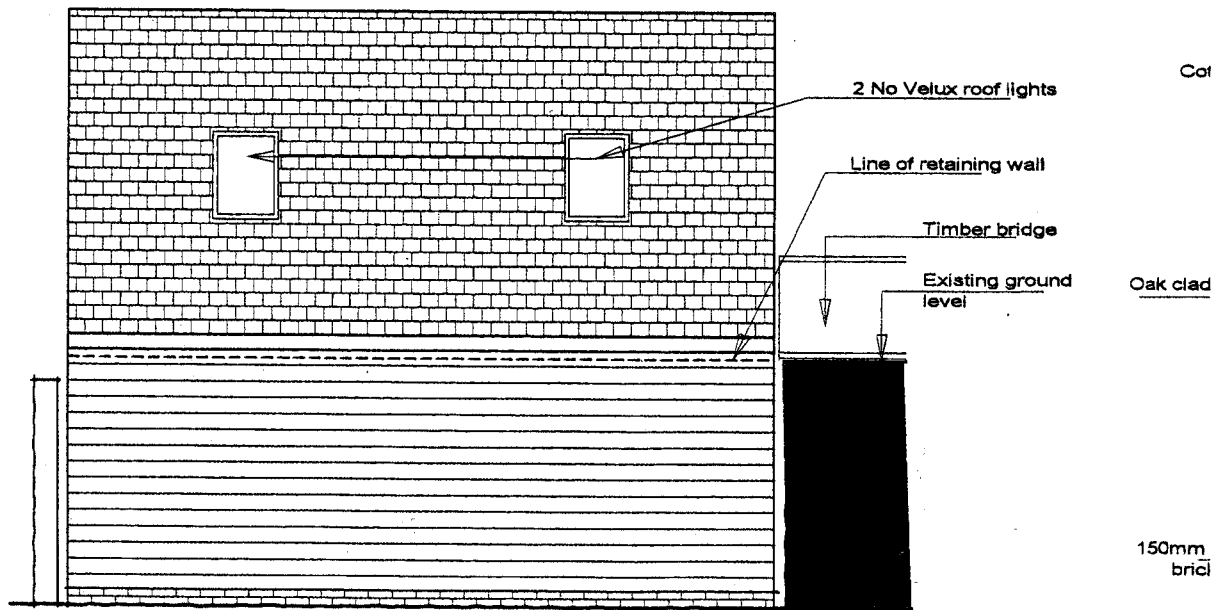


BLOCK PLAN SCALE 1:500

APPENDIX 1



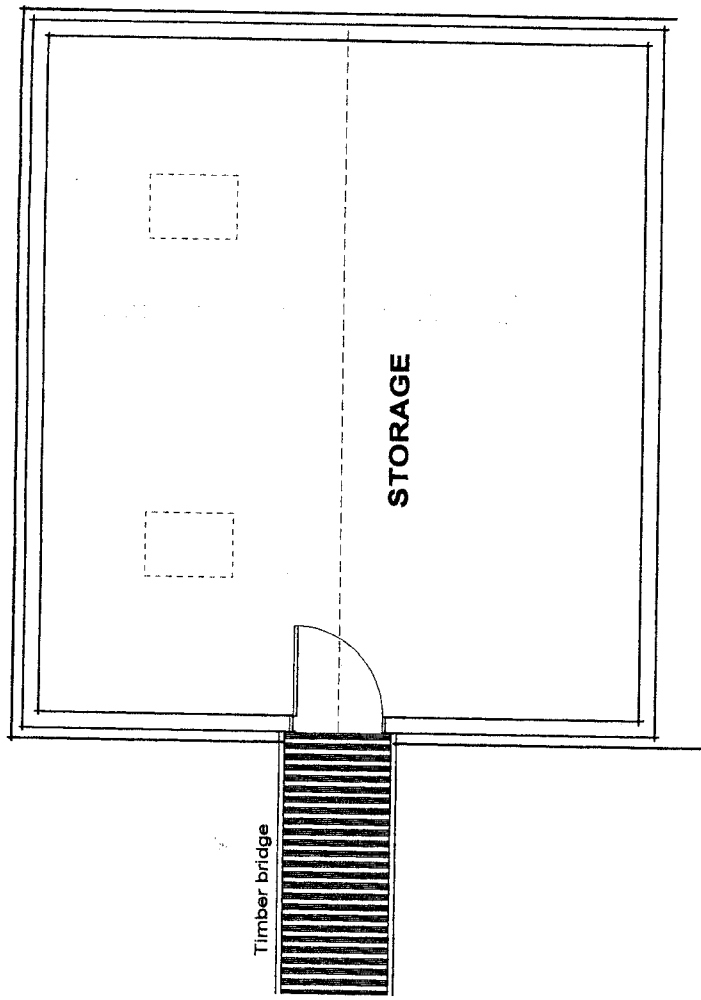
FRONT ELEVATION



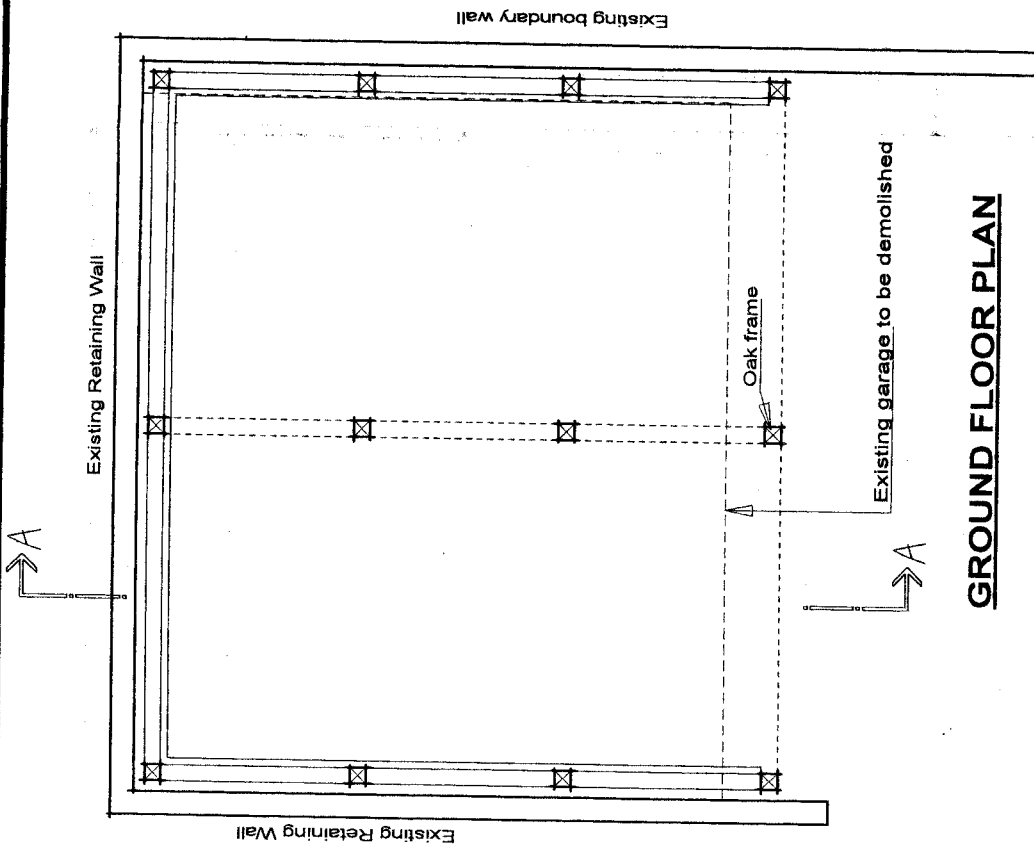
REAR ELEVATION

APPENDIX 1

FIRST FLOOR PLAN



GROUND FLOOR PLAN



ac

EAST CHALLOW PARISH COUNCIL

Parish Council Clerk
12 Shepherds Close
Grove, Wantage
OXON OX12 ONX
Tel (Home) 01235 765327
(Work) 01865 273193

Environmental Services Directorate
VWHDC
Abbey House
Abingdon
OXON OX14 3JE
14th October 2007

Dear Sir

ECH/01548/FUL Gable Cottage

East Challow Parish Council objects to Application ECH/01548/FUL. Demolition of existing garage & erection of a replacement garage at Gable Cottage.

Planning officer Mr Ferries informed the Parish Council by email in June that the planning application for the garage would be re-submitted with a maximum height of 4m, however the new drawings show a height of 5.525m for the garage.

The Parish Council continues to be concerned at the height of the proposed building and the effect it will have on the neighbouring properties. The proposed two storey pitched roof building will inevitably reduce the light to the neighbouring properties of Willow Cottage and Mokundange. The proposed garage is located to the east on the bank above Mokundange so it will be particularly badly affected. 20 Field Gardens to the north may also be affected.

The two velux windows and the bridge from the main property into the garage raise concerns that in the future the storage space will be converted for residential, office or workshop use. It is noted that there is access from the house to the upper storey via the bridge but no internal access from the garage.

The photograph appears to show that the existing garage is not wide enough for two cars, the floor space has not been increased from the existing 24.5 sq m and the central pillars will narrow it further, it is presumed the pillars are required to support the weight of the storage area above.

As the residents are often seen to be parking their vehicles on the pavement of Hedge Hill Road causing an obstruction for pedestrians it is essential that the replacement garage is fit for purpose - i.e. wide enough to accommodate two vehicles, one of which is a 4x4.

The applicant has answered no to q.5 "is the site adjacent to a public right of way", this is incorrect as the access from the property onto Vicarage Hill is over a bridleway.

This bridle path is a heavily used path, it leads directly to the local primary school and is used by children with/without adult supervision. It is also used by pedestrians with pushchairs, cyclists and horses as it is the shortest route from the west side of the village to Wantage and King Alfreds School. Vehicle movements will present a danger to pedestrians etc. The visibility for vehicles reversing from the garage onto the footpath needs to be checked as the sides of the path are very steeply banked and overgrown west of the garage access, there are overhanging trees which make the path dark at all times.

It may not be a planning consideration but there is little or no space for the storage and securing of building materials on the property. It is inevitable that the path will be blocked by skips, tradesman's vehicles and delivery lorries which will greatly inconvenience local residents and may pose health and safety risks. The public footpath will be running through a building site during demolition and construction.

A risk assessment is required to ensure passersby and other residents properties are not put in danger during demolition and construction.

EAST CHALLOW PARISH COUNCIL

The side wall of Willow Cottage forms the edge of the public footpath level with the garage and could be damaged by large vehicles maneuvering in a tight space. Public liability insurance needs to be in place for the period of construction.

After residents complaints the Parish Council has been in contact with Oxfordshire County Council regarding the poor state of the tarmac surface of the Childrey bridle path. We have been told there are insufficient funds to maintain it properly as it is regarded as low priority. Heavy delivery vehicles will inevitably cause damage to the path which is designated as an "unspecified path" and not built to roadway standards. If permission is granted there needs to be a condition that any damage to the surface must be repaired at the applicants expense.

The Parish Council would prefer the garage to be replaced with a similar flat roofed garage but should planning permission be granted for a pitched roof the Parish Council strongly requests that the planning permission specifies that the upper storey can only be used for storage in perpetuity. We would not wish to see it converted to another use in the future.

APPENDIX 2

Yours sincerely
Anne Greig (Miss)
Clerk to East Challow Parish Council

WAT/13873/5 – Mr K Bright
Erection of a detached double carport.
Ladys Close, 27 High Street, Watchfield, SN6 8SZ

1.0 **The Proposal**

- 1.1 This application seeks planning permission for the erection of a detached carport located to the south-east of the existing dwelling, which measures 5.7 metres wide by 5.7 metres deep, with an eaves height of 2.1 metres and a ridge height of 4 metres. A copy of the site plans and application drawings are at **Appendix 1**.
- 1.2 The application comes to Committee due to an objection received from Watchfield Parish Council.

2.0 **Planning History**

- 2.1 Two planning applications have been approved on the existing dwelling. Application WAT/13873 for a 'Flat roof extension' was approved in December 1994, and application WAT/13873/1 for 'Alterations to ground floor and bedrooms at first floor' was approved in July 2003.
- 2.2 Planning application WAT/13873/2 for the 'Erection of a 4-bed detached house' to be located to the south-west of the existing dwelling was withdrawn in February 2007.
- 2.3 Planning application WAT/13873/3 for the 'Erection of a detached four bedroom house' located to the south-west of the existing dwelling was approved in July 2007. A copy of the approved plans are at **Appendix 2**.
- 2.4 There is an on-going application for the 'Erection of a detached four bedroom house and detached car port (plot 3)' (WAT/13873/4), located to the north-east of the existing dwelling, which is considered elsewhere on this agenda.

3.0 **Planning Policies**

- 3.1 Policy DC1 of the adopted Vale of White Horse Local Plan refers to the design of new development, and seeks to ensure that development is of a high quality and takes into account local distinctiveness and character.
- 3.2 Policy DC9 of the Local Plan refers to the impact of new development on the amenities of neighbouring properties and the wider environment in terms of, among other things, loss of privacy, daylight or sunlight, and dominance or visual intrusion.
- 3.3 Policy DC5 of the Local plan seeks to ensure that safe and convenient access can be provided to and from the adjoining highway network. These aims are also outlined in Policy T8 of the adopted Oxfordshire Structure Plan 2016.

4.0 **Consultations**

- 4.1 Watchfield Parish Council objects to the application, stating "The Council strongly objects. Out of keeping with the surrounding area. Objections also to overcrowding on the site".
- 4.2 The County Engineer initially raised concerns regarding the position of the proposed

boundary treatment and the impact on vision splays for egressing vehicles. Following discussions with the agent the proposed position of the fencing has been amended which overcomes these initial concerns.

4.3 One letter has been received from a neighbour, but refers to health and safety issues in respect to the existing Leylandii trees on the boundary not the proposed carport.

5.0 **Officer Comments**

5.1 The main issues in determining this application are the impact on the street scene, the potential impact on neighbouring properties, and the impact on highway safety.

5.2 Given the proposed position and scale of the carport, which is located 15 metres away from the footpath to the north-east of the site, and the fact that it will be viewed within the context of the existing dwelling, your Officers consider that the impact on the visual amenity of the area is acceptable.

5.3 In respect to the potential impact on neighbouring properties, the proposed carport is located more than 10 metres away from the properties to the south-east of the site, and given the size of the proposal it is not considered that the amenities of neighbouring properties would be harmed in respect to overshadowing or over dominance.

5.4 As stated above, initial concern was raised by the County Engineer in respect to the impact of the proposed boundary fence on vision splays for egressing vehicles. The position of this fence has now been amended in light of these comments enabling visibility to be provided to the satisfaction of the County Engineer. In order to ensure that visibility remains it is recommended that this be conditioned (see Condition 3 below), and the carport to be conditioned to remain as such to ensure that adequate parking remains for the dwelling (see Condition 4 below).

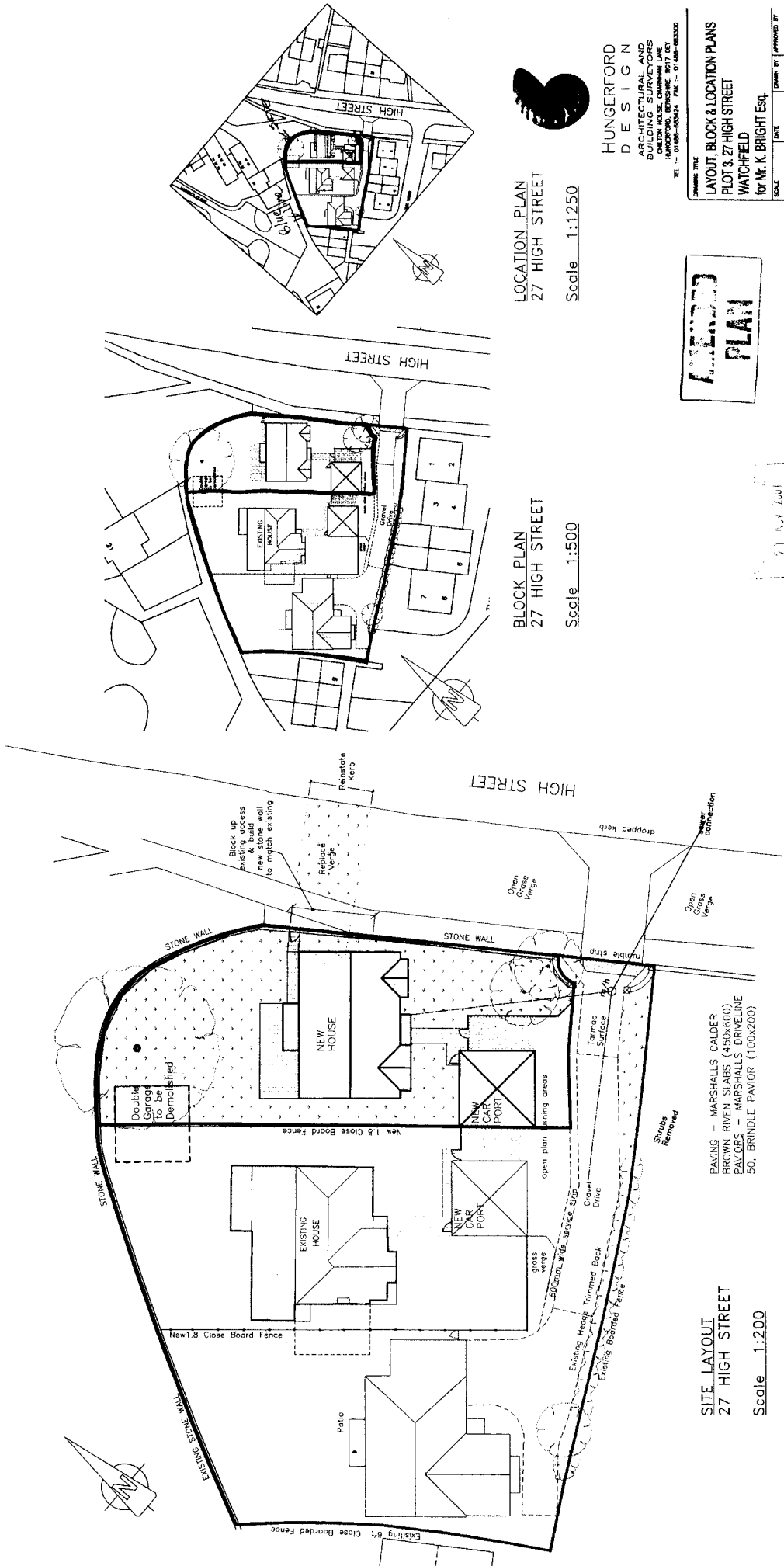
6.0 **Recommendation**

6.1 That planning permission be granted subject to the following conditions:-

1. *TL1 Time Limit – Full Application.*
2. *MC2 Submission of Materials (Samples).*
3. *HY10 Visibility (access).*
4. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) the carport hereby permitted shall be retained as such and shall not be adapted for living purposes without the prior grant of planning permission.*
5. *MC20 Amended Plans.*

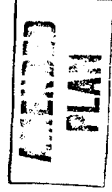
NOTES

All levels, dimensions and construction details to be checked on-site by the contractor before work commences. All construction shall be in accordance with the latest Building Regulations, Building Standards Specifications and Codes of Practice.



HUNGERFORD DESIGN
 ARCHITECTURAL AND BUILDING SURVEYORS
 14, NEW HOUSE, CHAMBERLAIN LANE, HUNGERFORD, WILT. BA11 1JG.
 TEL: 01458-263242 FAX: 01458-263200

DRAWING TITLE		DATE		DRAWN BY		APPROVED BY	
LAYOUT, BLOCK & LOCATION PLANS		18.07.07		CWA		RST	
PLOT 3, 27 HIGH STREET		1:2000 (S.S.)		1:500 (B.P.)		1:1250 (L.P.)	
WATCHFIELD		2008-21A		2008		A2	
for Mr. K. BRIGHT Esq.		2008-21A		2008		A2	



21 Plot 3
 MAT/13873/4
 07/01/08/9/FUL

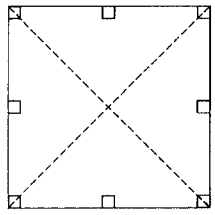
PAVING - MARSHALLS CALDER
 BROWN RIVEN SLABS (450x600)
 PAVIORS - MARSHALLS DRIVELINE
 50, BRINDLE PAVIOR (100x200)
 Strips Removed

SITE LAYOUT
 27 HIGH STREET
 Scale 1:200

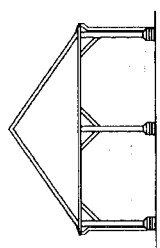
P2

NOTES

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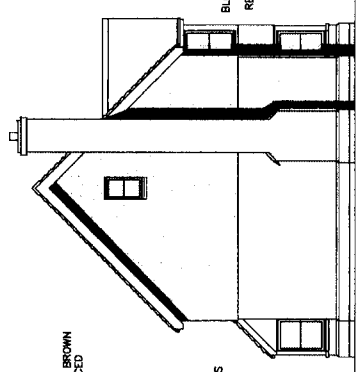
GARAGE PLAN



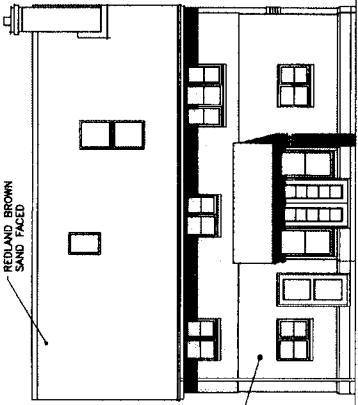
GARAGE ELEVATION
All Elevations the same.



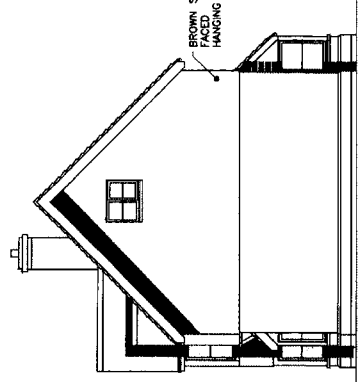
FRONT ELEVATION



END ELEVATION



FRONT ELEVATION



END ELEVATION

APPENDIX 1



**HUNGERFORD
DESIGN**
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BUILDING SURVEYORS
HUNGERFORD, BERKSHIRE, RG17 0EY
TEL: 01493-88343 FAX: 01493-88300

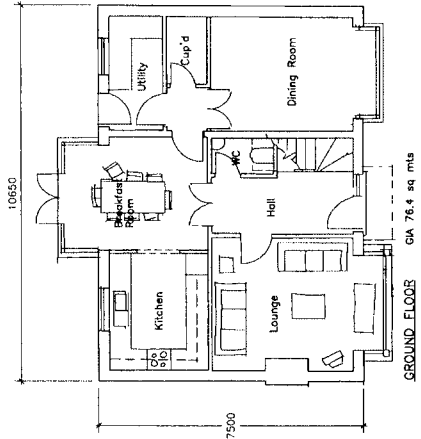
**PROPOSED NEW HOUSE & GAR POR
WATCHFELD**
PLOT 3, 27 HIGH STREET
for Mr. K. BRIGHT Esq.

SCALE	DATE	DRAWN BY	APPROVED
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FORMING NUMBER			
JOB REFERENCE			2008820
			A

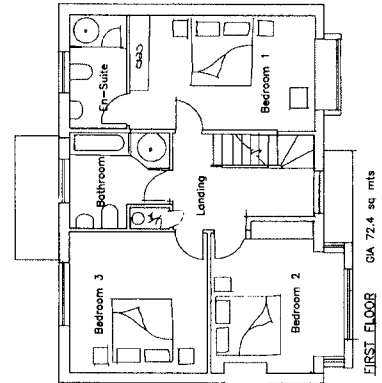
VALUE OF WHOLE HOUSE
2.5 MILL ZONE 1

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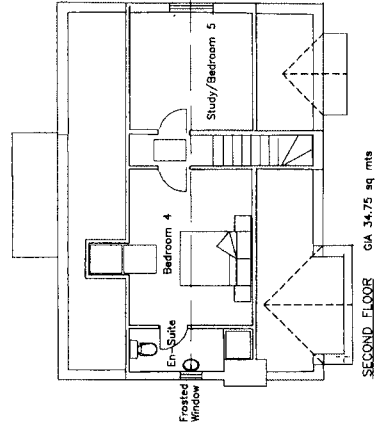
07/01/08/5UL
WAT 13873/4



GROUND FLOOR
GIA 76.4 sq mts



FIRST FLOOR
GIA 72.4 sq mts



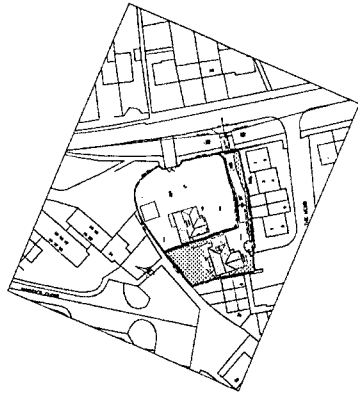
SECOND FLOOR
GIA 34.75 sq mts

NOTES

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- 1:100 = 6m
- 1:200 = 12m
- 1:500 = 30m
- 1:1000 = 60m
- 1:2500 = 150m

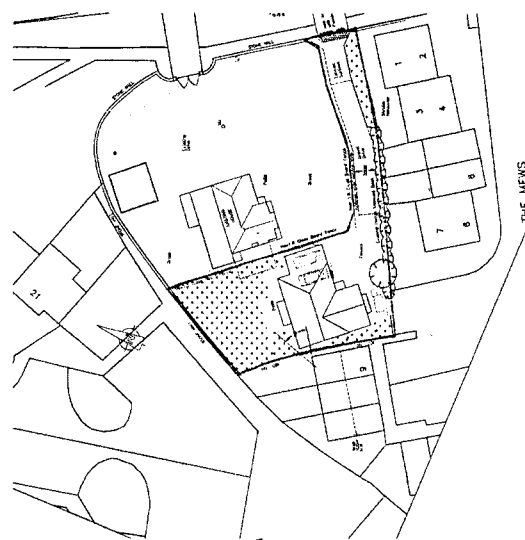


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BUILDING SURVEYORS
CHELSEA HOUSE, CHELSEA LANE
11, CHELSEA LANE, CHELSEA
LONDON SW3 2LX. TEL: 01453-53121 FAX: 01453-53100

DRAWING TITLE
LAYOUT, BLOCK & LOCATION PLANS
27 HIGH STREET
WATCHFIELD
for IBC Developments Ltd

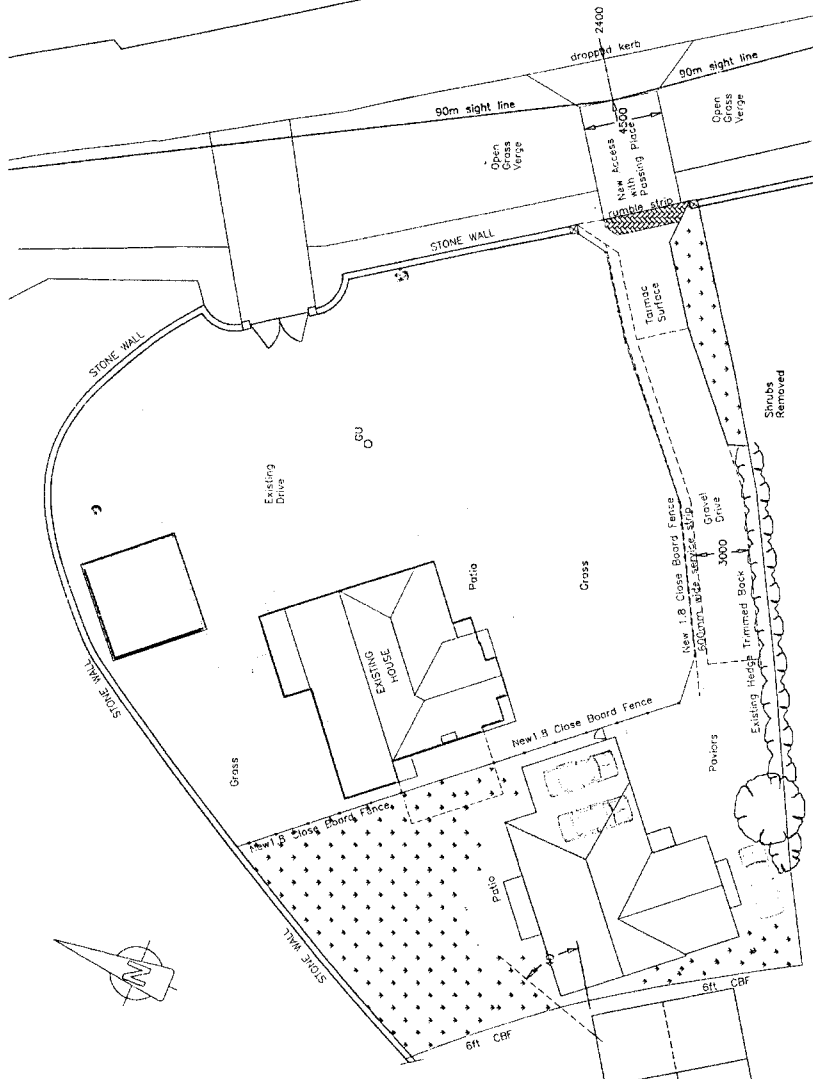
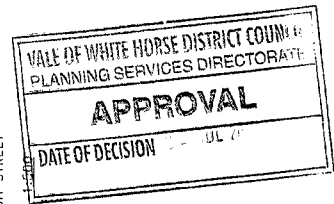
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1:1000/100/1250	14/05/24	CH/ML	

DRAWING NUMBER	20088-01C
DATE	2008
SCALE REFERENCE	A



LOCATION PLAN
27 HIGH STREET
Scale 1:1250

BLOCK PLAN
27 HIGH STREET
Scale 1:250



SITE LAYOUT
27 HIGH STREET
Scale 1:200

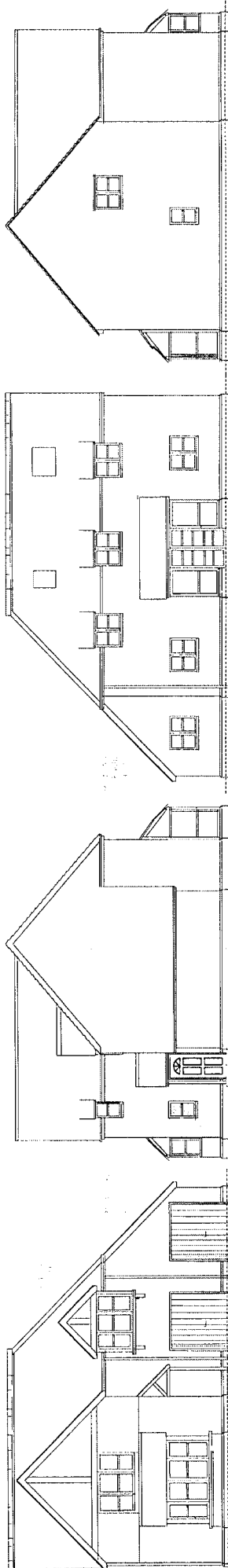
APPENDIX 2

NOTES

All levels, dimensions and construction details to be checked on-site by the architect and/or a qualified person. All construction details to comply with the latest Building Regulations, British Standard Specifications and Codes of Practice.

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- 1:200 = 12m
- 1:500 = 30m
- 1:750 = 75m
- 1:2500 = 150m



SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION

FRONT ELEVATION

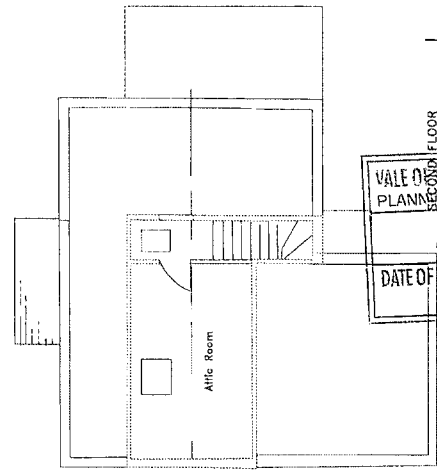
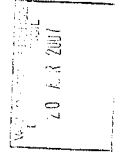


**HUNGERFORD
DESIGN**

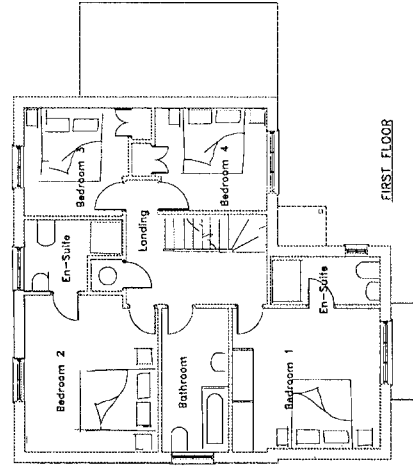
ARCHITECTURAL AND
BUILDING SERVICES
100, THE PARADE, HUNGERFORD, BEDFORDSHIRE, MK17 9ET
TEL: 01455-58124 FAX: 01455-68000

DRAWING TITLE		PROPOSED NEW HOUSE	
DATE		27 HIGH STREET	
DRAWN BY		WATCHFIELD	
CHECKED BY		for IBC Developments Ltd	
SCALE	1:100	DATE	18 DEC 08
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DRAWING NUMBER		2068	
DRAWING NUMBER		A2	

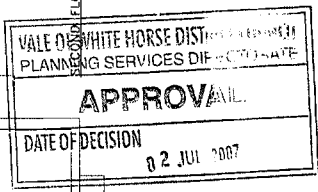
07/00603/FUL
WAT/13873/3



FIRST FLOOR



GROUND FLOOR



ABG/18589/5 & ABG/18589/6-LB

Erection of an open sided shelter at rear of the property. Replace one rear window with doorway.

The Brewery Tap, 40-42 Ock Street, Abingdon, OX14 5BZ.

1.0 The Proposal

- 1.1 These two applications seek planning permission and listed building consent for the erection of an open sided shelter at the rear of the property for the use as a smoking shelter and the replacement of a rear window with a door. The property is a Grade II listed building and is located within the Abingdon Conservation Area. A design and access statement, together with a location plan, proposed floor plan and elevations are at **Appendix 1**.
- 1.2 Amended drawings have been submitted which show the repositioning of the proposed open sided smoking shelter 2.6 metres away from the rear of the property. This is to ensure the smoking shelter will meet the new relevant regulations, with at least 50% of the walls having to be permanently open.
- 1.3 The applications come before Committee as the Town Council has objected.

2.0 Planning History

- 2.1 Previous planning and listed building applications similar to the current applications were refused in June 2007. The refused plans and decisions are at **Appendix 2**. They was refused on the grounds that the size and design of proposed shelter would have had a harmful impact on the setting of the Listed Building and it did not preserve or enhance the character of the Abingdon Conservation Area.

3.0 Planning Policies

- 3.1 Policies DC1, HE1 and HE4 of the adopted Local Plan seeks to ensure that all new development is of high standard of design, and does not have a harmful impact on the character and setting of a listed building and the character and appearance of the Conservation Area.

4.0 Consultations

- 4.1 Abingdon Town Council objects to the applications for the following reason: "Town Council felt that the proposals detracted from the listed building and therefore would be out of keeping with the present structure and area. Structure does not comply with new smoking regulations which state 50% of structure must remain open".
- 4.2 The Conservation Officer has no objection and considers that this scheme is a big improvement on the previous refused scheme. It is not unusual for buildings of this character and appearance to have a Victorian style glass extension as either canopies or covered walk ways.
- 4.3 Deputy Director (Environmental Health): The smoking shelter should not be enclosed or substantially enclosed no objections to the amended plans.

4.4 One letter of objection has been received from local residents raising the following concerns: Potential increase of noise and disturbance caused by customers using the smoking shelter in all weathers and at night.

5.0 **Officer Comments**

5.1 The main issues to consider in determining these applications are whether the proposal will harm the historic fabric or setting of the listed building or harm the character or appearance of the conservation area.

5.2 The proposed open sided smoking shelter will be located 2.6 metres away from the rear elevation of the property. It will measure 3.8 metre wide by 6 metres long with a pitched clear glazed roof with aluminium glazing bars and supported by four columns. All components will be finished in matt black.

5.3 Officers consider that the design, colour and materials of the proposed shelter would not detract from the character or setting of the listed building or the overall character of the Abingdon Conservation Area. The reasons for refusing the previous proposal on these grounds have been satisfactorily addressed by the current proposal.

5.4 The Town Council has raised the issue of the proposal not meeting the new smoking regulations which state that 50% of structure's walls must remain open. The amended drawings now meet this requirement.

5.5 Although a neighbour has raised the issue of possible noise and disturbance arising from the use of the shelter, your Officers do not consider that, due to its small size and location, this could constitute a reasonable ground for withholding planning permission.

6.0 **Recommendation**

ABG/18589/5

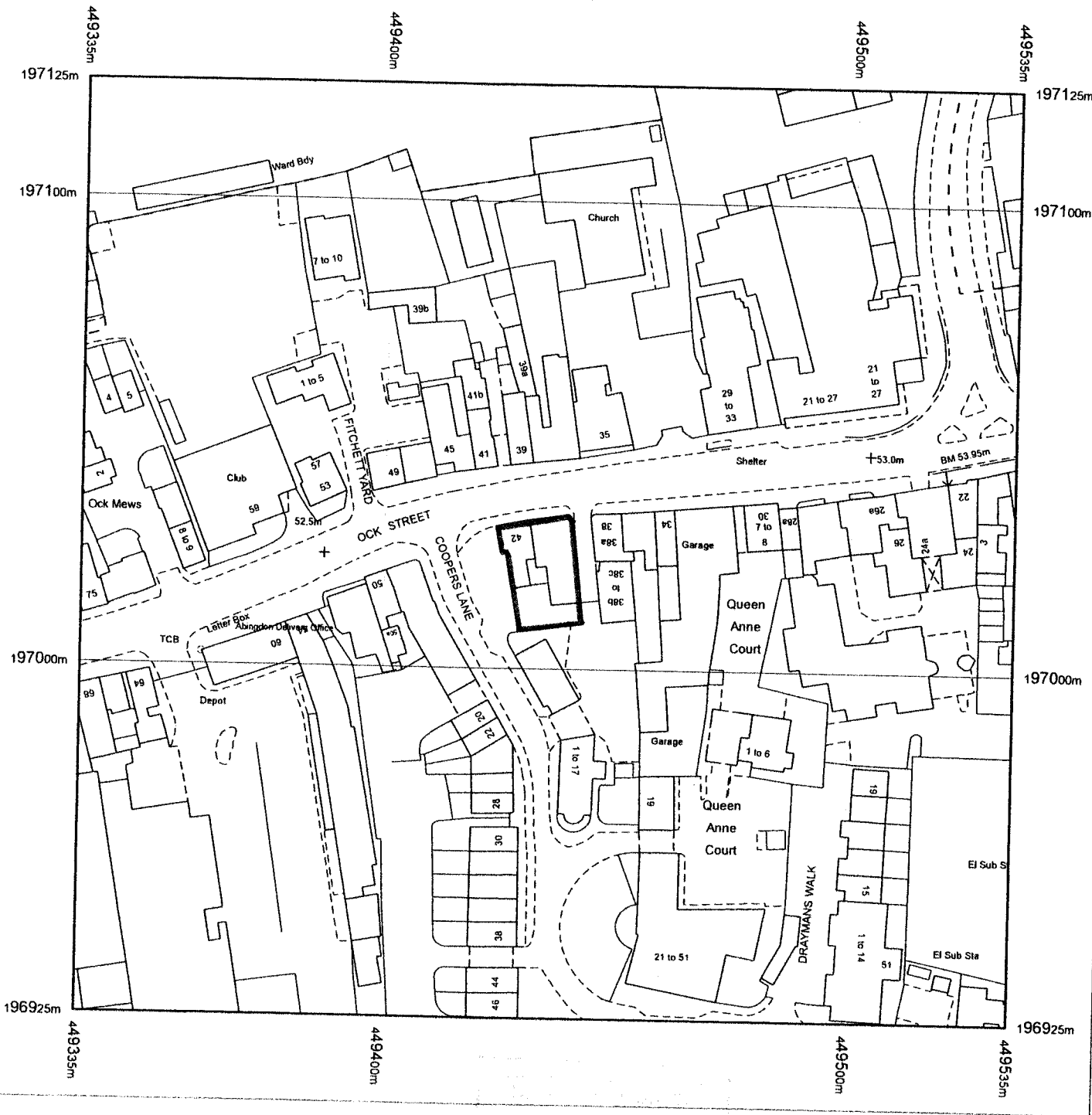
6.1 *That planning permission be granted subject to the following conditions:*

1. *TL1 Time Limit*
2. *MC20 Amended Plans*
3. *Materials*

ABG/18589/6-LB

6.2 *That Listed Building Consent be granted subject to the following conditions:*

1. *TL4 Time Limit -Listed Building/Conservation Area Consent*
2. *MC20 Amended Plans*
3. *Materials*



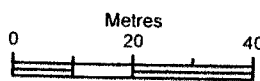
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The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.



Scale 1:1250

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AB6/18589/5

The Brewery Tap
40-42 Ock Street
Abingdon, Oxon, OX14 5BZ

APPENDIX 1

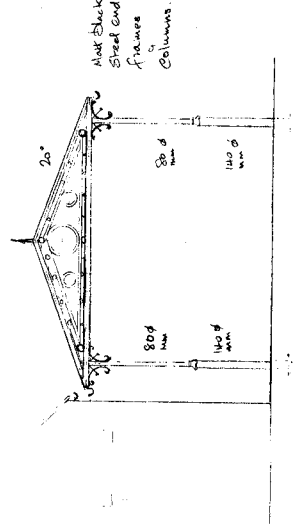
Consultation	
1	18th Sept 2007
2	5 10 07
3	13 12 07

4: Cheryl Lee Dwyer, Arngdon, 01448 781000
 Email: gjcplans@bt.com

Plan, section & elevations of proposed new Smoking Shelter, to be erected at

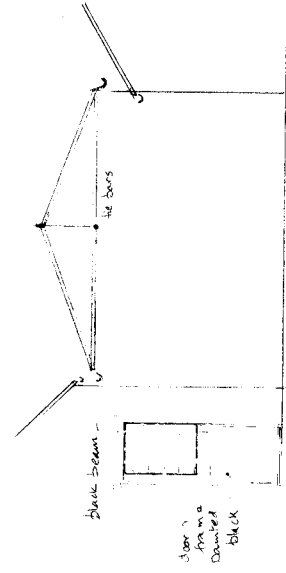
The Brewery Tap, 42 Ock Street, ARNGDON, OX 1.

GJC Plans

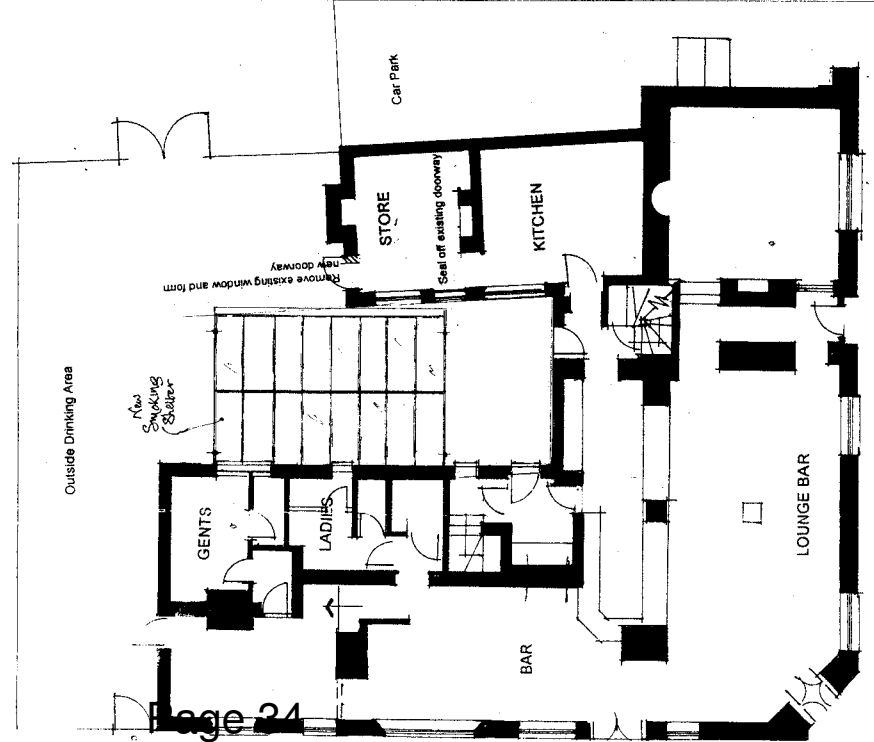
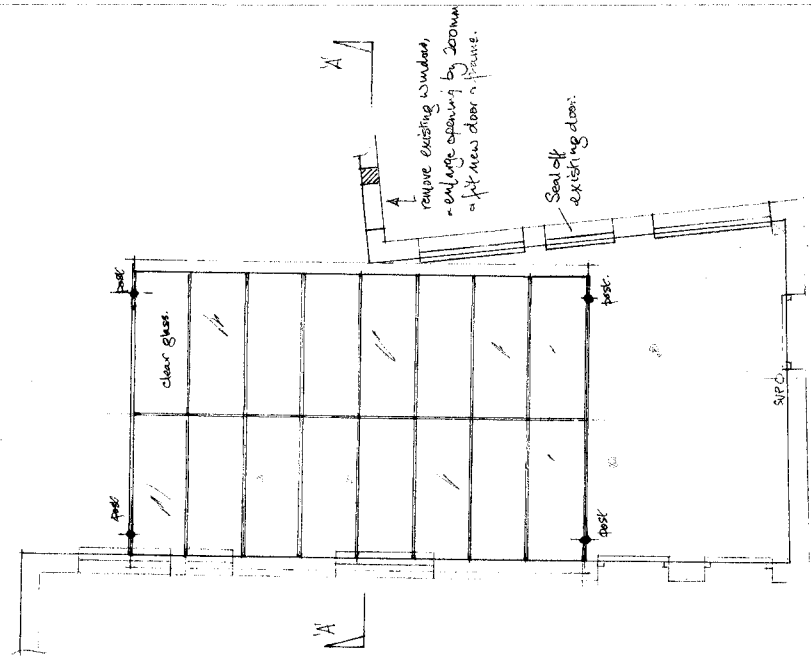
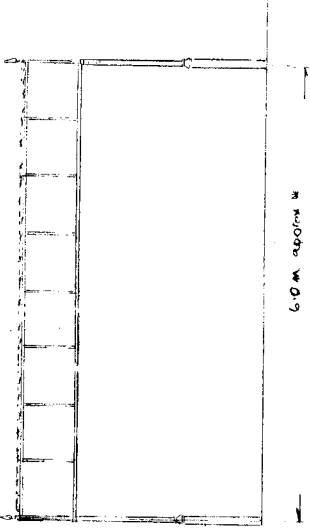


3.2m approx

1/50 ~ North end elevation - of site measurements to prevail



APPROVED PLAN



~ GENERAL GROUND FLOOR PLAN ~

1/50

Alan/Chris/S
 07/06/06/HLL

Brewery Tap, 40-42 Ock Street, Abingdon.

Smoking Shelter Design & Access Statement.

This is a revised application following previous refusal.

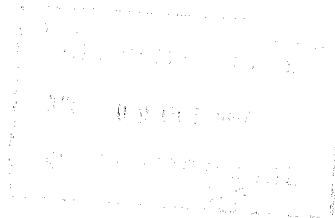
The design has been modified to lessen the impact on the existing building and now comprises a simple conservatory type clear glass roof with architectural aluminium glazing bars, hipped at the end closest to the main building, the whole supported off brackets on three sides off the existing building and the open end supported on an ornamental steel frame. All components finished matt black.

These are changes that have been agreed with the Planning and Listed Building team officers.

There is no car parking within the site area so no comment is made regarding the affect on staff or public parking arrangements (ie Part 2 Planning is not considered to apply).

The proposal also includes a revision to the access to the cellar ie to move it away from the proposed smoking area, for this it is proposed to change one rear window to a doorway closer to the delivery point.

AB6/13589/5



GJCPJ



Rear elevation as existing at :-

The Brewery Tap, 40 – 42, Ock Street, Abingdon. OX14 5BZ

ABG/13589/5



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF REFUSAL

To

Mr M Heritage
c/o GJC Plans
(Mr G Caudle)
46 Church Lane
Drayton
Abingdon
Oxon
OX14 4JS

Application No: **ABG/18589/3**

Proposal;

Erection of an open sided shelter at rear of property. Replace one rear with doorway

Address:

The Brewery Tap 40 - 42 Ock Street Abingdon Oxon OX14 5BZ

DATE OF DECISION: 26th June 2007

The Vale of White Horse District Council, in pursuance of powers under the Above Act, hereby **REFUSE** to permit the above development in accordance with the plans and application submitted by you, for the reasons specified hereunder:

1 In the opinion of the District Planning Authority, the proposed open sided shelter by reason of its size and design would have a harmful impact on the setting of the Listed Building and would not preserve or enhance the character of the Abingdon Conservation Area. As such the proposal is contrary to the adopted Vale of White Horse Local Plan to 2011 in particular policies DC1, HE1 & HE4.

Rodger Hood

Deputy Director (Planning and Community Strategy)

Vale of White Horse District Council, Abbey House, Abingdon, OX14 3JE

Telephone (01235) 520202 Fax (01235) 540396



INVESTOR IN PEOPLE

REPORT OF THE STRATEGIC DIRECTOR
TO THE DEVELOPMENT CONTROL COMMITTEE
28th January 2008

Enforcement Programme

1.0 Introduction and Report Summary

- 1.1 This report seeks the approval of Committee to take enforcement action in three new cases.
- 1.2 The contact Officer for this report is Paul Yaxley, Enforcement Officer (01235 540352).
paul.yaxley@whitehorsedc.co.uk.

2.0 Recommendations

- (a) *that authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Development Control Committee to take enforcement action against Mr Allmond of 5 The Orchids, Chilton, to remove the unauthorised elements of the development in breach of condition 4 of Notice of Permission CHI/17313/2 if he considers it expedient to do so.*
- (b) *that authority be delegated to the Deputy Director (Planning and Community Strategy) in consultation with the Chair and/or Vice Chair of the Development Control Committee to take enforcement action against Mr & Mrs Peacock of 8 Wordsworth Road, Abingdon, to remove the unauthorised 2.2m high fence and shed adjacent to a highway, if he considers it expedient to do so.*
- (c) *that authority be delegated to the Deputy Director (Planning and Community Strategy in consultation with the Chair and/or Vice Chair of the Development Control Committee to take enforcement action against Mr Evans of Bumble Barn, Harwell, to secure the removal of the unauthorised timber decking over a stream, if he considers it expedient to do so.*

3.0 Relationship with the Council's Vision, Strategies and Policies

- 3.1 The content of this report is in line with objectives A, C and D of the Council's Vision Statement.
- 3.2 This report relates to Enforcement Strategies 13, 14, 15 and 16 and complies with Enforcement Policies E2 and E3.

4.0 Background Papers

- 4.1 Application numbers; CHI/17313/2, ABG/9152/2 and HAR/1123/10.

5.0 Mr P Allmond, 5 The Orchids, Chilton, Oxon, OX11 0QP- CHI/17313/2

- 5.1 Number 5 The Orchids is a semi detached property situated in an estate to the south of the village of Chilton (site plan attached as **APPENDIX1**). Planning permission [CHI/17313/2] was granted on the 11th January 2007 for 'Conversion of existing side extension into new dwelling and subdivision of plot'.
- 5.2 An initial site visit was made to this property 10th October 2007 as a result of concerns raised by local residents that the development was not being built in accordance with the approved plans. It was observed that an additional dormer window had been constructed on the front (north west) elevation and 2 velux roof light windows inserted in the roof on the rear (south east) elevation.
- 5.3 It was also observed that other changes to window and door details on both front and rear elevations had been made. Internal changes have been made to the approved floor plans, in particular the creation of an additional room in the roof/loft space. The property currently however remains a 3 bed dwelling.
- 5.4 These changes are in direct breach of condition 4 of notice of permission CHI/17313/2, which states;
"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995) (or any order revoking and re-enacting that Order), there shall be no extension or external alteration to the dwelling hereby permitted including the insertion of any window or roof light and no ancillary structures or buildings shall be erected within the curtilage of any dwelling without the prior grant of planning permission."
This condition was imposed to safeguard the amenities of neighbouring properties, so enabling the local authority to consider whether planning permission should be granted for particular extensions and alterations in relation to policies DC1 and DC9 of the adopted Local Plan. The dormer window is considered to be somewhat 'top heavy', visually intrusive in context with the street scene and is not in keeping with similar properties in the vicinity. The addition of the dormer and the velux windows has increased the potential for overlooking to both the front and rear of the property therefore harming the amenity of neighbouring properties.
- 5.5 Mr Allmond has twice been advised by letter that planning permission is required for the changes to the development as the condition above states, and that the development as such, is unauthorised. Mr Allmond's agent contacted the Council on the 20th November 2007, seeking confirmation (which was given) that it is possible to make an application via the Planning Portal, but to date no application has been received.
- 5.6 The additional dormer structure and velux windows are unauthorised and are in direct breach of the restrictive condition and for the reasons stated above it is considered expedient in this case to secure their removal or to adapt the development to comply with the terms of the planning permission. This recommendation to take enforcement action could, if implemented, amount to an interference with Mr Allmond's right to respect for his home under Article 8 of the European Convention on Human Rights. The dormer and additional velux windows are contrary to Policies DC1 and DC9 of the adopted Vale of White Horse Local Plan. Therefore, this interference is considered to be proportionate to the harm that would be caused if the unauthorised elements of the development were allowed to remain. Enforcement action is considered to be justified and in the public interest.

6.0 Mr & Mrs Peacock, 8 Wordsworth Road, Abingdon, Oxon, OX14 5NY-ABG/9152/2

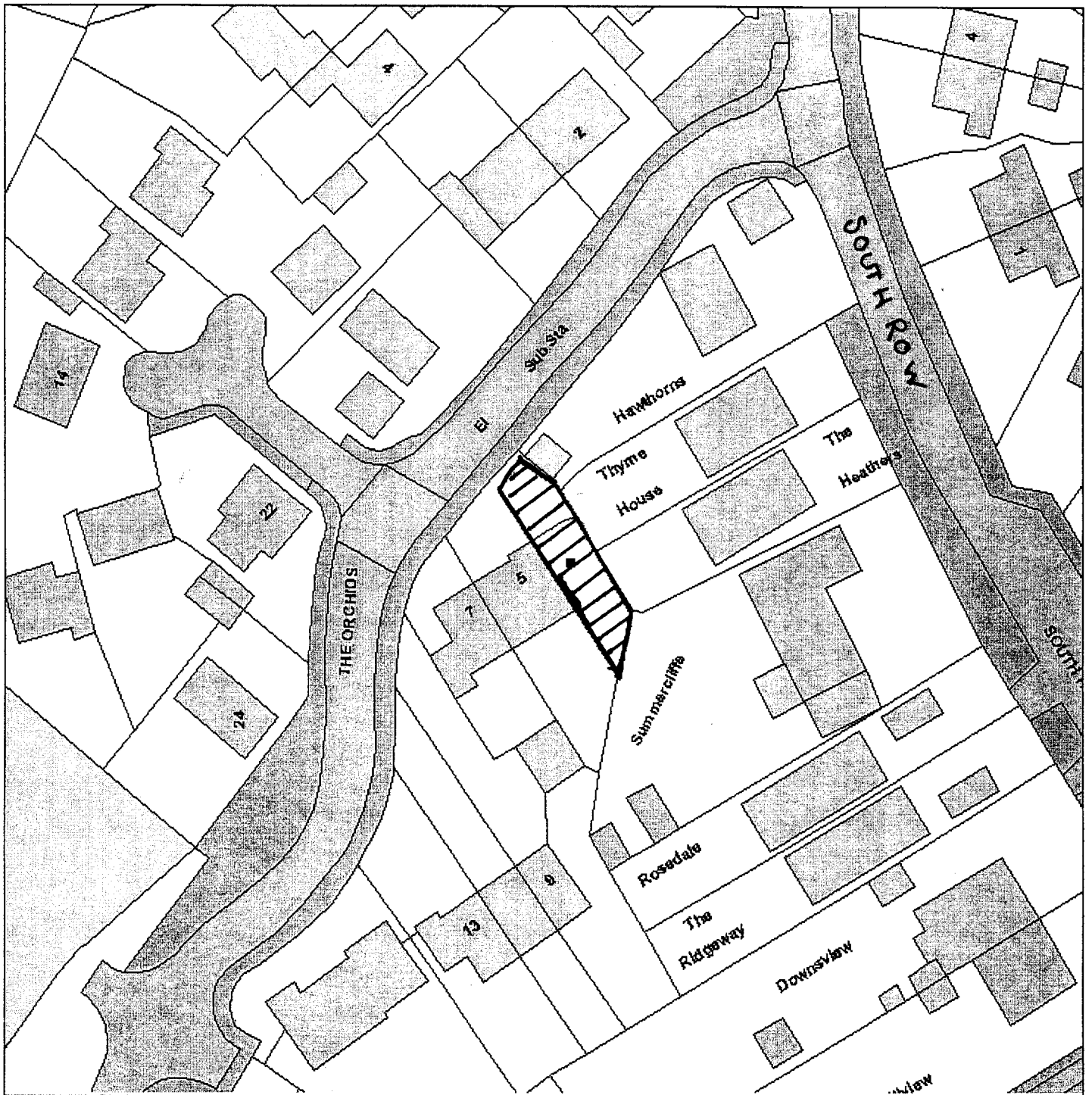
- 6.1 Number 8 Wordsworth Road is a detached property situated on a corner plot where the junction of Wordsworth Road meets Tennyson Drive (site plan attached as **APPENDIX 2**). An initial visit was made on 5th January 2007 as a result of concerns from local residents regarding the erection of a 2.2m high fence adjacent to a highway. On the visit your Officers were advised that a retrospective planning application was going to be submitted.
- 6.2 A retrospective application (ABG/9152/2) for 'a 2.2m high close boarded fence to north and east boundaries' was subsequently refused on the 27th February 2007. This decision was appealed, and in the Inspector's decision letter (copy attached as **APPENDIX 3**), dated the 24th December 2007, he gave 8 reasons for dismissing the appeal. Enforcement action is now, therefore, required to secure the removal of the fence.
- 6.3 Adjacent to the fence and in the garden of 8 Wordsworth Road there is a shed, approximately 3m x 4m. As it projects forward of the side wall of the house which faces Tennyson Drive, it is not 'permitted development'. It is believed that this shed replaced a much smaller shed in the same location which was previously hidden by the section of hedge removed prior to the erection of the unauthorised fence. The shed was not included in the retrospective planning application, despite the fact that Mr and Mrs Peacock have been advised in previous correspondence that it requires planning permission.
- 6.4 This recommendation to take enforcement action, could if implemented, amount to an interference with Mr & Mrs Peacock's right to respect their home under Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol. However for the reasons stated in the Inspector's decision (attached as **APPENDIX 3**) it is considered expedient to take enforcement action to remove the fence and the shed which are contrary to Policies DC1 and H24 of the adopted Vale of White Horse Local Plan. Enforcement action is considered to be justified and in the public interest.

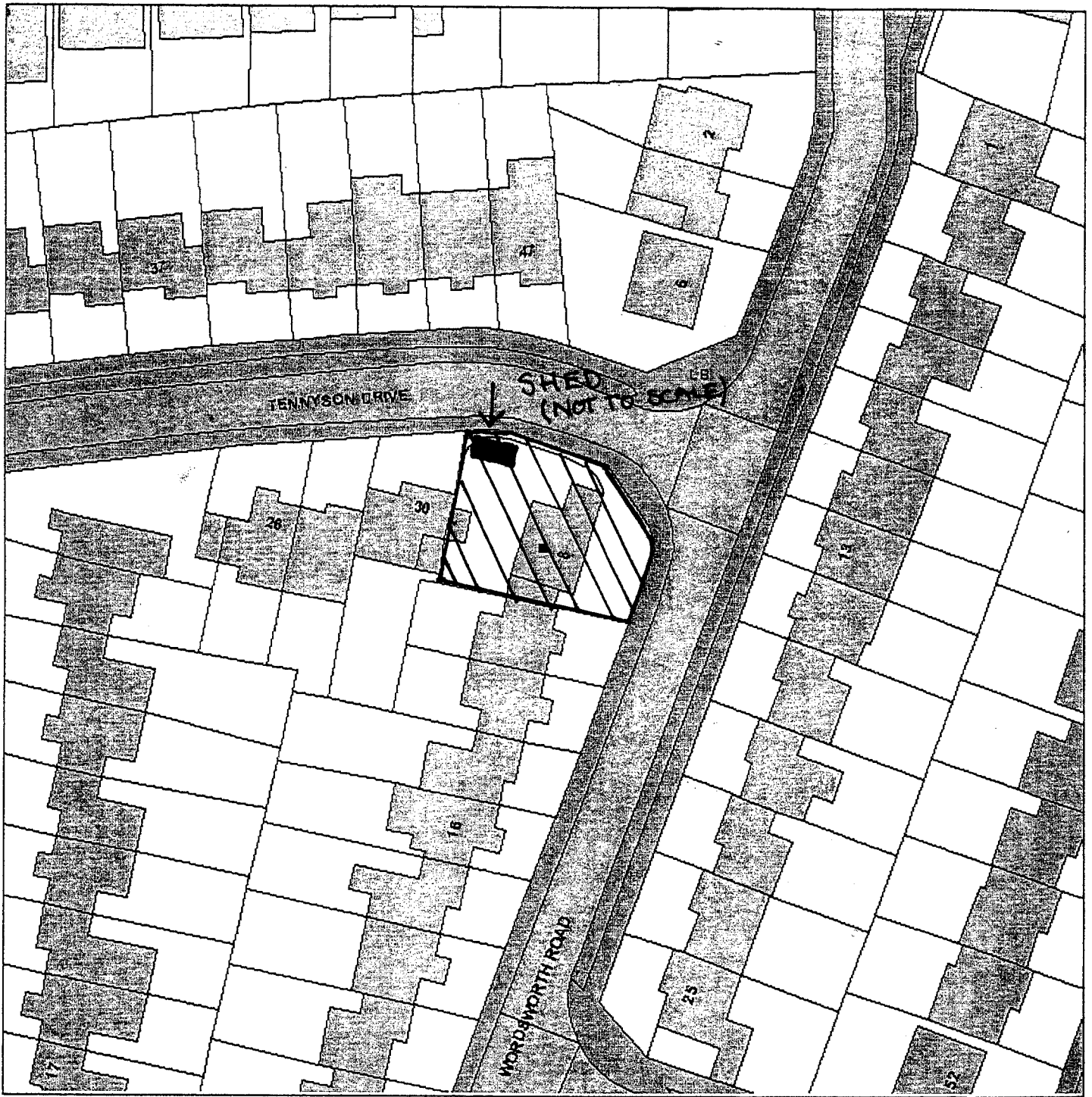
7.0 Mr M Evans, Bumble Barn, Church Lane, Harwell, Oxon, OX11 7PR- HAR/1123/10

- 7.1 Committee may recall that at its meeting on the 17th December 2007, it was resolved to refuse the 'Retrospective application for the construction of timber decking across stream and erection of close board fencing' with reasons to be agreed at a subsequent meeting (see **APPENDIX 4**). The application was made retrospectively, in order to try and regularise the situation. This report now seeks authority for the removal of the unauthorised decking and fencing.
- 7.2 It is considered expedient to initiate enforcement proceedings to secure the removal of the decking and fencing across the stream at Bumble Barn. This recommendation to take enforcement action, could if implemented, amount to an interference with Mr Evan's right to respect his home under Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol. However, as the decking crosses the stream and inhibits the future maintenance of the stream, with consequential flooding implications in the locality, contrary to Policy DC13 of the adopted Local Plan, Enforcement action in this case is considered to be justified and in the public interest.

RODGER HOOD
DEPUTY DIRECTOR (PLANNING AND COMMUNITY STRATEGY)

TIM SADLER
STRATEGIC DIRECTOR







Appeal Decision

Site visit made on 10 July 2007

by **D B Leeming**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Date: 3 August 2007

Appeal Ref: APP/V3120/A/07/2035839

8 Wordsworth Road, Abingdon, Oxfordshire OX14 5NY

- 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 made by Mr & Mrs R Peacock against the decision of Vale of White Horse District Council.
- The application Ref ABG/9152/1, dated 30 October 2006, was refused by notice dated 5 December 2006.
- The development proposed is an extension.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal property is a detached house on a corner plot within a residential area characterised by terraced and semi-detached homes. The proposed extension would significantly increase the size of the property, emphasising its different form and appearance to the prevailing local pattern of development.
3. Although the submitted scaled plan (drawing 770-03 Rev. A) appears to show that no part of it would be less than 1m from the highway boundary, the extension would result in the property appearing well forward of the frontages of the adjacent houses on Tennyson Drive, which are staggered back. This would make the property stand out most conspicuously across these frontages and more generally in views from the east along this road.
4. I have taken note of the fact that there is another detached house across the junction, which is partly forward of the regular building line of the nearest properties on the other side of Tennyson Drive. However, with the addition of the extension, the appeal property would be much closer than this property to the highway, creating a noticeably unbalanced effect at the junction. As a result of its forward position to the highway I consider that the extension would be unduly conspicuous, unacceptably reducing the existing sense of space at the junction and within the surroundings. It would thus fail to comply with Policies DC1 and H24 of the adopted Vale of White Horse Local Plan, which seek to ensure that development does not adversely affect those attributes that make a positive contribution to the character of the locality and, in particular, that the scale, massing and positioning of extensions would not result in a dwelling of design and appearance that would cause demonstrable harm to the character and appearance of the surroundings.

5. I note the appellants' references to other properties with extensions within the area. However, each case must be dealt with on its merits and I consider that these other examples do not therefore set a precedent for the present proposal.
6. I also note the personal circumstances that have led the appellants to seek planning permission for the extension. However, I consider that these do not outweigh the objections to the development outlined above.
7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Leeming

INSPECTOR

HAR/1123/10 – Mr M Evans

Retrospective application for the construction of timber decking across stream and erection of close board fencing.

Bumble Barn, Church Lane, Harwell

1.0 The Proposal

1.1 This application seeks retrospective planning permission for the construction of timber decking across a small stream which runs along the south-eastern boundary of the site, together with close board fencing on the south-east end of the decking. The decking itself measures 5.2 metres wide by 21.2 metres long, and is positioned 1.2 metres above the soil bank on the opposite side of the stream. The close board fencing measures 1.8 metres high. A copy of the site plan and application drawings are at **Appendix**.

1.2 The site is located within Harwell Conservation Area.

1.3 The application comes to Committee due to an objection received from Harwell Parish Council.

2.0 Planning History

2.1 Permission was granted in 1987 for the 'Conversion of existing barn into two residential units' (application HAR/1123/5). Subsequently, permission was granted in 1988 under application HAR/1123/7 for the 'Rebuilding of sub-standard existing walls of barn and conversion of barn into two dwellings. (Amendment to approval HAR/1123/5)'.

2.2 Application HAR/1123/8-CA for the 'Demolition of existing sub-standard walling' was approved in 1988.

2.3 Application HAR/1123/9 for the 'Erection of a double garage' was approved in 1989.

3.0 Planning Policies

3.1 Policy H24 of the adopted Vale of White Horse Local Plan allows for the erection of ancillary buildings and structures within the curtilage of a dwelling provided various criteria are satisfactory including; i) the impact on the character and appearance of the area as a whole, and ii) the impact on the amenities of neighbouring properties in terms of privacy, overlooking and overshadowing.

3.2 Policy DC9 of the Local Plan refers to the impact of new development on the amenities of neighbouring properties and the wider environment in terms of, among other things, loss of privacy, daylight or sunlight, and dominance or visual intrusion.

3.3 Policy HE1 of the Local Plan relates to development within or affecting the setting of a Conservation Area, and seeks to ensure that any such development preserves or enhances the established character or appearance of the area.

4.0 Consultations

4.1 Harwell Parish Council objects to the proposal stating "The Council believes the decking has already been enlarged since being first erected, but basically objects to the decking as it may restrict the free flowing of the stream underneath during times of high water, thereby creating a risk of flooding. As the Environment Agency has strict rules about building over water courses, the Council requests that planners consult with an EA representative if clarification is needed".

4.2 The Council's Principal Engineer has stated "Provision should be provided to allow access to maintain the watercourse beneath the decking".

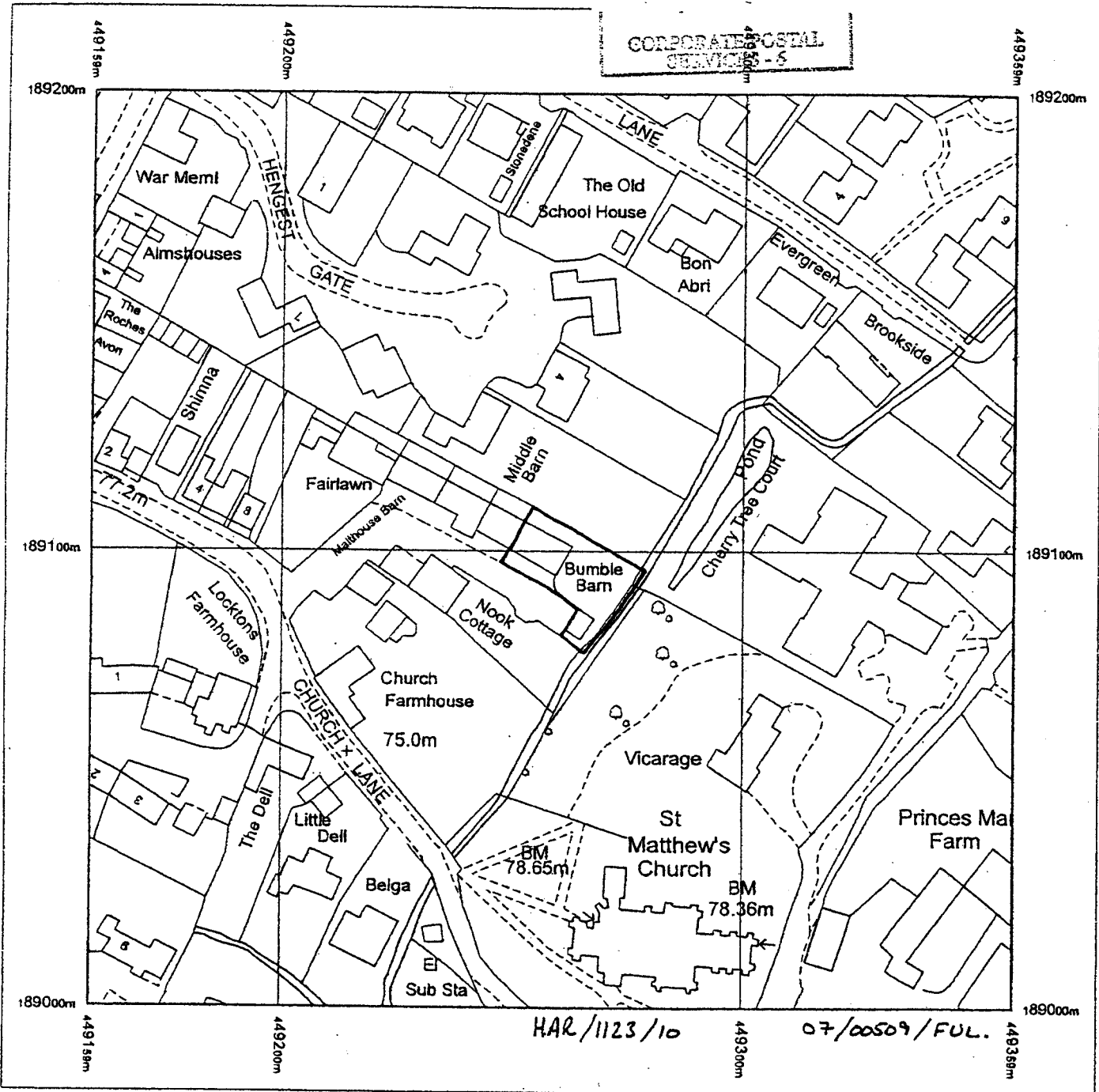
- 4.3 The Conservation Officer has stated "Although the fence and decking has a very urban appearance in a rural part of Harwell Conservation Area, it is not visible from any public vantage point. Accordingly it is not felt that the application can be refused on the grounds it does not preserve or enhance the Conservation Area".
- 4.4 The Arboricultural Officer has stated "No particular arboricultural issues with this decking".
- 4.5 The Environment Agency has stated "...we have no grounds to object to the development". A full copy of the comments received are at [REDACTED].
- 4.6 Three letters of objection have been received, which raise the following points:
- To maintain the flow of the stream it is necessary to clean out the debris and mud that flows down quite frequently.
 - The stream is a feature not only of the gardens, but also of all the houses which border it.
 - Building a deck has altered the use of the land, and although it has been done, it will set a precedent and ruin the peace and beauty of the area.
 - The boundary between the properties lies in the middle of the stream. The decking is very extensive, and the close board fencing tall and dominating.
 - The decking stretches across the stream and onto adjoining land.
 - If the application is allowed it will set a precedent.
 - Decking has created a lack of privacy, with adjacent back gardens being overlooked.
 - The design of the decking, with rope fencing, appears very dangerous.
 - How will future maintenance of the brook be carried out, with the decking restricting access to the stream via Bumble Barn?
 - Covering the stream with decking has done little to maintain the rural feeling of this part of Harwell.
- 5.0 **Officer Comments**
- 5.1 The main issues in determining this application are the impact on neighbouring properties, the impact on the character and appearance of Harwell Conservation Area, and the impact on the stream itself.
- 5.2 Comments have been made referring to the fact that the applicant has trespassed onto land owned by Oxford Diocesan Board of Finance in order to construct the decking. However, this is not a material planning consideration.
- 5.3 Regarding the impact of the structure on neighbouring properties, your Officers consider that the amenities of the dwellings which adjoin the site have not been compromised. The projection of the decking across the stream onto land to the south-east does not impact on 'The Vicarage' directly it projects onto scrub land, which is not directly visible from the private garden of 'The Vicarage' given the existence of thick vegetation between the dwelling and the scrub land. In terms of potential overlooking of the neighbouring garden to the north from the decking, it is possible to stand on the decking and look over the south-eastern end of this garden. However, any views over the private amenity space next to the dwelling itself (which is located approximately 40 metres away) are extremely limited. It is consequently considered that the development is not refusable on the grounds of harmful impact on the amenities of adjoining properties.
- 5.4 The decking and fence are not visible from any public vantage points, primarily from the church grounds to the south and south-east. As a result, it is not considered that the development harms the character or appearance of the area. If the decking and fence were located in a prominent position there would be issues regarding the visual impact of the structure. However views within the Conservation Area have not been lost or damaged by the development, therefore its impact on the character and appearance of the area is not considered to be harmful.

5.5 Regarding the impact on the stream itself, the Environment Agency has stated that there are no grounds to object to the proposal. Whilst there are concerns over the future maintenance of the watercourse and the potential effect on the conservation value of the stream, these are not matters which would justify refusing planning permission.

6.0 **Recommendation**

6.1 *That planning permission be granted, subject to the following conditions:-*

1. *MC20 Amended Plans.*



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The representation of features as lines is no evidence of a property boundary.

**AMENDED
PLAN**

Metres
0 20 40

Scale 1:1250

Supplied by: Outlet User
Serial number: 00120600
Centre coordinates: 449259 189100

Further information can be found on the OS Sitemap Information leaflet or the Ordnance Survey website
www.ordnancesurvey.co.uk

Bumble Barn
<i>Site Plan A.</i>
Church Lane
Harwell
Oxon, OX11 0EZ