

CUM/11898/1 – M Glen

**Retrospective application for a vehicle access (Land to the rear of 13 Nobles Close)
13, Nobles Close, Botley (Cumnor Parish)**

1.0 The Proposal

- 1.1 This is a retrospective planning application for the creation of a vehicular access across an area of incidental open space located to the rear of No 13, Nobles Close. A location plan is at **Appendix 1**.
- 1.2 The proposal, recommended for approval, was considered at Committee on 9th June 2005 when Members deferred their decision due to uncertainties about the Council's responsibilities as both local planning authority and landowner. A confidential report prepared by David Quayle, the Monitoring Officer and Solicitor, on the issue of the Council's dual responsibility is included on this agenda. A letter from the applicant has been received since the last Meeting and is attached as **Appendix 2**,
- 1.3 The application comes to Committee as the land is in the Council's ownership.

2.0 Planning History

- 2.1 Planning permission was refused in September 1990 for the erection of a new garage and new access onto Orchard Way. Permission was refused for the following reason: "The proposal would be detrimental to the amenity of this part of Orchard Road, as such it is contrary to Policy H9 of the Oxford Fringe and Green Belt Local Plan (October 1988). If approved, it would also set a precedent for further similar undesirable proposals". Extracts of the planning application are at **Appendix 3**.

3.0 Planning Policies

- 3.1 Policies D1 and D2 of adopted Vale of White Horse Local Plan and DC1 and DC9 of the Second Deposit Draft Local Plan refer to the design of new development and impact on neighbouring properties.
- 3.2 Policy D3 of adopted Vale of White Horse Local Plan and DC5 of the Second Deposit Draft Local Plan refer to the provision of safe and convenient accesses both within sites and to and from the adjoining highway.

4.0 Consultations

- 4.1 Cumnor Parish Council have no objections and have made the following comments: "In view of the fact that the area is already used for parking cars, the Council has no objections providing that the ownership of the verge and maintenance can be established"
- 4.2 The County Engineer raises no objections, subject to conditions.
- 4.3 One letter of objection has been received from neighbours raising the following concern:
- i) Visual impact of the new detached garage that has been erected adjacent to the rear boundary of the proposal site.

5.0 Officer Comments

- 5.1 The new access with dropped kerb and driveway has been constructed to the rear boundary fence of No13, Nobles Close.

- 5.2 The driveway has been constructed with black tarmacadam and concrete edging and is approximately 2.2 metres wide and 16 metres in length; it crosses over an area of incidental open space planted with trees which is located between Nos. 2 and 3 Orchard Road.
- 5.3 Wooden boundary gates have been constructed to the rear of No13, Nobles Close in order to gain access into the rear garden and subsequently into the new detached garage which has been erected adjacent to the rear boundary fence. Due to its dimensions and its distance away from the public highway this new garage constitutes permitted development and therefore does not require planning permission.
- 5.4 Officers consider that the proposed new access and driveway will have a minimal impact on the open character and appearance of the area. The existing trees on the area of open space restrict the usability of the space and help to minimise the visual impact of the new driveway. These trees have matured since the previous refusal in 1990 and, as they provide an effective softening of the appearance of the new access, this is considered to be a material change in circumstances to justify granting planning permission.
- 5.5 The County Engineer raises no objections provided that cars are not parked on the new access.

6.0 **Recommendation**

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

1. *The driveway /access shall be permanently kept free of any parked cars*
2. *HY29 – Surface Water*