

**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 **Appendix 1**.
- 1.4 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 its 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.

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

#### 4.0 **Consultations**

##### Original plans

4.1 No response was received from South Hinksey Parish Council in response to consultations to the plans as originally submitted.

4.2 County Engineer – No objections.

4.3 Drainage Engineer – No objections.

4.4 Four letters of objection were received which can be summarised as follows:

- 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 4m high to address this and should not be used for living accommodation.

##### Amended plans (1)

4.5 South Hinksey Parish Council – No objections.

4.6 County Engineer – No objections.

4.7 Four letters of objection were received stating:

- 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)

4.8 South Hinksey Parish Council does not object to the proposal but request that the following 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.”

4.9 Two letters of objection have been received stating:

- 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.
- 5.6 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.
- 5.8 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.*