
APPLICATION NO.	P13/V0626/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	28.3.2013
PARISH	CUMNOR
WARD MEMBER(S)	Dudley Hoddinott Judy Roberts John Woodford
APPLICANT	Mr Joe McDermott
SITE	66 Cumnor Hill Oxford, OX2 9HB
PROPOSAL	Demolition of existing dwelling. Erection of 11x2 bed flats and 1x1 bed flat in three separate two and three storey buildings. Alterations and extension to existing access, 20 car-parking spaces, cycle parking, bin storage and landscaping.
AMENDMENTS	None
GRID REFERENCE	447810/205517
OFFICER	Martin Deans

1.0 INTRODUCTION

- 1.1 The application site lies on Cumnor Hill, almost opposite the junction with Arnolds Way. The site currently contains a split-level detached house in a plot that measures 0.27 hectare in area and which, when viewed from Cumnor Hill, sits between no.64 Cumnor Hill and no.4 Dean Court Road. A site location plan is **attached** at appendix 1. Aside from the existing drive and garage to the house, all of the site lies significantly below the level of Cumnor Hill itself. Just inside the site levels fall by approximately six metres to garden level. This fall is marked by a steep bank that is occupied by a number of Lawson cypress and deciduous trees, which are clearly visible from the main road. The house sits on a split-level platform above the garden. Levels fall more gradually towards the rear of the garden. Levels also fall sharply in a south-westerly direction near to the boundary with no.64 Cumnor Hill. The fall here is between two and three metres. Apart from the trees on the front boundary, there are numerous trees and shrubs across the rest of the site, of varying quality.
- 1.2 To the north-east lies no.64 Cumnor Hill, a large detached house of Victorian appearance, and its garden. The south-west boundary is shared with the plots of five detached houses in Dean Court Road, built in the 1980's. The front boundary is marked by a 1.8 m high fence that sits at road level, in front of Lawson cypress and deciduous trees.
- 1.3 The application comes to committee because Cumnor Parish Council, and 29 neighbours have objected to the application.
- ## 2.0 PROPOSAL
- 2.1 It is proposed to demolish the existing house and replace it with three contemporary buildings containing 12 flats. For the purposes of this report the buildings will be known as building A, B and C, as shown on the plan **attached** as appendix 2. Extracts from the plans are **attached** as appendix 3. Building A would replace the existing house, although set back further into the site by approximately four metres. Building B would lie to the south-west of A, approximately eight metres away from it. These two buildings would occupy a position at the front of the site on a line drawn between the houses at no.64 Cumnor Hill and no.4 Dean Court Road. Building C lies in the rear of the site.

2.2 The proposed buildings have been specifically designed with the significant change in levels across the site in mind. Thus building A has a two storey front element but a three storey rear element set approximately two metres lower with a roof no higher than the front element. Building B, set approximately 3.5 metres below the principal level of building A, has a three storey element at the front and a two storey element at the rear. Building C is entirely two storeys. The contemporary design of the proposed buildings means that, in absolute terms, the two storey elements are between approximately 6 and 6.7 metres high, and the three storey elements are approximately 8.7 metres high.

2.3 The vehicular access to the site would remain in the current position, with a drive running between buildings A and B to serve the rear. Eleven parking spaces would be provided at the front of the site and nine spaces in the area between the two front buildings and building C. Three covered bicycle stores will be provided across the site, and a communal bin store at the front of the site to enable kerbside collection.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Cumnor Parish Council – Object for the reasons **attached** in appendix 4

3.2 Neighbours – 29 letters of objection have been submitted. The grounds for objection can be summarised as follows:-

- The proposed flats, and the resultant density and plot coverage, are all out of character with the area
- The contemporary design and height of the buildings is out of keeping with the character of the area
- The uniformity of the designs do not accord with the advice in section 4.5 of the adopted residential design guide for development in lower density areas
- The amount of parking in the front garden area does not accord with the advice in section 4.5 of the adopted residential design guide
- The proposed bin store is prominent, not in accordance with the advice in section 4.5 of the adopted residential design guide
- The buildings will cause overlooking and loss of light to neighbours
- Traffic entering the rear of the site will cause noise and disturbance to neighbours
- Existing poor surface water and foul water drainage will be exacerbated causing increased surface water flooding to neighbours
- The construction involves changing levels, resulting in geological and structural instability - the complex geology is not understood and should be surveyed
- The traffic generated will add to congestion and highway danger on Cumnor Hill
- There is not enough parking which will lead to dangerous on-street parking
- The gradient of the drive will be dangerous in the wet or in winter
- The impact on trees, plants and wildlife
- Inaccuracies and omissions from documentation
- The proposal sets a precedent

3.3 The County Engineer has visited the site and assessed the proposal against national and local policies. He has no objections subject to conditions, including an improvement to the visibility splay to the south-west from 2.4 x 35 m to 2.4 x 70 m to accord with national guidance in Manual for Streets – this can be achieved by splaying back the line of the existing boundary fence close to the access by up to 0.5 metre

3.4 The Architects' Advisory Panel – "The design appears very well thought out, particularly in relation to the significant level drop across the site. The contemporary design has

been well considered. We recommend the usual conditions including samples of materials, eaves details and rainwater downpipes. The relationship of the proposed development to neighbours in design terms is considered acceptable. Impact on trees must be checked with arboriculturalist.”

- 3.5 Drainage Engineer - A detailed surface water drainage strategy has been submitted which involves specific design of the foundations of the proposed buildings to minimise the effect on groundwater, and the use of permeable paving on all new hardstandings with underground storage tanks to control the release of storm-induced surface water into the ground at the existing “greenfield” rate. On the basis of this strategy, there is no objection subject to conditions.
- 3.6 Forestry Officer - No objection subject to conditions including the protection of retained trees and details of the construction of the car park area near to the front of the site, the details to be submitted and agreed prior to the commencement of development.
- 3.7 Countryside Officer - No objection subject to condition requiring a badger survey prior to commencement of development
- 3.8 Waste Management Officer (District Council) - No objection subject to a financial contribution to provide waste and recycling bins of £2,040
- 3.9 Oxfordshire County Council - No objection subject to the following financial contributions to be secured through a section 106 agreement

Education – £11,582
Social and health care - £3,300
Library - £1,360
Waste management - £1,024
Museum resource centre - £80

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 [P04/V1921](#) - Approved (11/01/2005)
Erection of a single storey rear extension.

[P03/V0272](#) - Approved (27/03/2003)
Loft conversion and new conservatory. (Demolish existing conservatory).

[P97/V1458](#) - Approved (06/01/1998)
Erection of Indoor Swimming Pool and Games Room.

[P81/V0581/O](#) - Refused (18/05/1987)
Erection of a detached two bedroom dwelling and garage.
(Site area 0.2 acre).

5.0 **POLICY & GUIDANCE**

- 5.1 Vale of White Horse Local Plan 2011 policies;

H10 – New Housing within the Main Settlements
DC1 - Design
DC14 - Flood Risk and Water Run-off
DC7 - Waste Collection and Recycling
DC9 - The Impact of Development on Neighbouring Uses
DC5 – Highway safety

- 5.2 Adopted residential design guide (RDG), December 2009, section 4.5 development in lower density areas – this is **attached** at appendix 5
- 5.3 Published in March 2012, the National Planning Policy Framework replaced all previous PPG's and PPS's, and is a material consideration in the determination of all planning applications. The core principle of the Framework is a presumption in favour of sustainable development, comprised of three mutually dependent dimensions – economic, social and environmental. Where relevant policies of the development plan are out-of-date, the Framework states (paragraph 14) that planning permission should be granted "... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.."
- 5.4 Paragraph 49 of the Framework states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Currently the council does not have a five year supply of housing sites. Paragraph 50 supports the delivery of sustainable, inclusive and mixed communities.
- 5.5 Paragraph 53 states that "local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". Paragraph 59 states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development. Paragraph 60 states that planning policies and decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation.

6.0 **PLANNING CONSIDERATIONS**

- 6.1 Officers consider the starting point for the consideration of this application is that, due to the lack of a five year supply of housing sites, the housing supply policies of the development plan (the adopted Vale of White Horse Local Plan 2011) have little weight and are usurped by the Framework and the presumption in favour of sustainable development. Following paragraph 14 of the Framework, applications for sustainable development should be permitted unless the adverse impacts "significantly and demonstrably" outweigh the benefits when assessed against the Framework as a whole. Cumnor Hill, together with Botley, Dean Court, and Chawley, form a contiguous suburb of Oxford within the Vale district. Given the proximity of this suburb to Oxford it has been assessed as one of the most sustainable locations for new housing development in the Vale. When compared to many parts of the Vale, residents here have the potential to access employment and services, and to make use of non-car modes of transport, in ways that promise greater minimisation of the use of energy than anywhere else. Consequently, new housing in this area strongly supports the principle of sustainable development.
- 6.2 However, these significant sustainability credentials have to be balanced against other material considerations, in particular, when considering the development of garden land, the character and appearance of the locality in which the application site lies. Cumnor Hill has been recognised as a distinctive area of lower density housing in section 4.5 of the adopted residential design guide of 2009. This states that the established form and character of the area should provide the context for the layout and design of any new development. For new housing development it highlights the following:-

- to pay respect for adjacent building lines and to the character of the immediate area
- the space between buildings and boundaries and between buildings themselves
- a height and scale that is appropriate for its area
- the provision of planted front gardens – where parking in front gardens is necessary it should be screened from view by trees and hedges and should not dominate front garden areas
- retention of all trees and hedges, especially on property boundaries
- discrete refuse and recycling storage with easy access to the road frontage

The case study for the lower density areas is Poets Corner, a contemporary development of six flats which happens to lie opposite the application site, on the corner of Cumnor Hill and Arnolds Way, with a density of 46 dwellings per hectare. The size of the building is related to a large suburban house that is further articulated through set-backs and balconies, while the retention of much of the original landscaping provides an attractive setting for the building and screening from adjacent roads.

- 6.3 Also of relevance to this application is a dismissed appeal on the application site itself in 1982, and two recent dismissed planning appeals at 40 Cumnor Hill. The appeal relating to the application site dates from 1982 (ref P81/V0581/O) and a copy of the decision is **attached** as appendix 6. It was an outline application to erect a new house to the side of the existing house, no.66. At this time the land now containing much of the Dean Court Road estate was the single garden of the former dwelling known as no.64 Cumnor Hill. In reaching his decision to dismiss the appeal, the inspector noted the spacious, well-landscaped character of the area, but considered that, due to the fall in levels and the presence of mature planting, the visual impact of any new dwelling on the wider area would be slight. He dismissed the appeal on the grounds of a poor relationship with no.66 itself.
- 6.4 The two appeal dismissals at 40 Cumnor Hill concerned residential re-development of the site, and were made in 2008 (P06/V1599/FUL) and 2010 (P06/V1764/O). A new appeal is currently being determined (P12/V1269/O). The 2008 and 2010 appeal decisions are **attached** as appendix 7. Both inspectors noted the well-landscaped, mature and spacious character of Cumnor Hill, but, although ultimately dismissing each appeal, both also considered that new housing development to the rear of the site would be screened from view from the hill, partly due to lowering site levels, and would not be harmful to its character. In the 2010 decision, the inspector had regard to a draft version of the RDG which identified Cumnor Hill as a lower density housing area. Since these appeal decisions garden land has been removed from the definition of brownfield land, and the Framework has been published.
- 6.5 Taking all these matters into account, the main issues are:-
- The impact on the character and appearance of the area
 - The impact on neighbours, including drainage
 - The impact on local services and infrastructure
 - Highway safety
- 6.6 *The Impact on the Character and Appearance of the Area*
The central issue for officers is to strike the correct balance between achieving the central aim of the Framework, the delivery of sustainable development, whilst not compromising the recognised character and appearance of Cumnor Hill. The location of the site is highly sustainable relative to many other sites in the Vale and officers

consider significant weight should be given to this factor. However, although it pre-dates the Framework and is not informed by it, the RDG accords with advice in paragraph 53 of the Framework concerning resistance to inappropriate development of residential gardens, and officers consider significant weight should also be given to this.

- 6.7 The application is for a development of flats. Local objectors consider that the flatted nature of the proposal is at odds with the prevailing built form and character of the area, which is one of detached houses. However, paragraph 50 of the Framework supports mixed, rather than homogeneous, communities. Moreover, section 4.5 of the RDG supports the use of flats within a building designed to look like a large dwelling as a method of increasing density in lower density areas. Therefore, officers consider that refusal of the application on principle would be contrary to this advice and unreasonable.
- 6.8 Objectors consider that the application does not accord with the advice in the RDG due to design, layout, plot coverage, the amount of parking in the front garden and the prominence of the proposed bin store. In terms of design, the proposed buildings are contemporary rather than traditional. The Framework warns against imposing individual tastes on design, and the RDG supports the use of modern design in appropriate circumstances, and highlights Poets Corner, the contemporary scheme of flats opposite the application site. Consequently officers consider a contemporary design approach is acceptable in principle. Some objectors consider the similar design of the buildings to be contrary to the character and appearance of the area. Although there are a variety of styles in the locality, officers consider that a development of only three buildings of similar design is not significant enough to amount to harm to the area.
- 6.9 The Framework states that consideration of design should be focussed on issues such as scale, density, mass, height, layout and materials. In this regard, buildings A and B have a similar scale, height and mass, comprised of a principle element at the front, approximately nine metres in span, and a narrower rear projection. This, together with a projecting stairwell on each building and balconies, results in an articulated built form that, officers consider, is similar in scale to a large house. The contemporary design means that the proposed three storey elements are no higher than a traditional house with a pitched roof. Building C, to the rear, has a smaller scale. The architects' advisory panel consider the overall design of the proposal to be well considered. The analysis of Poets Corner in the RDG compares the building favourably to a large suburban house that is appropriate in the area – officers consider this applies to the proposed buildings in this case.
- 6.10 Of significant relevance is the marked change in levels, particularly at the front of the site. The proposed buildings have been designed with these in mind. The result is that, when viewed from the public highway, Cumnor Hill, only the upper parts of buildings A and B are likely to be visible above the roadside fence and through the trees. A highly important factor in respect of the character and appearance of the area is the space between the existing and proposed buildings, as recognised in the RDG. Building A lies in approximately the same position, relative to no.64 Cumnor Hill, as the existing house. It is, in effect, a replacement building. Building B lies approximately nine metres from building A and approximately 14 metres from no.4 Dean Court Road. This amount of space between the buildings accords with the advice in the RDG and is considered to respect the character and appearance of the area.
- 6.11 The plan **attached** as appendix 8 shows the spacing of the new buildings in their context. Building C represents development in depth. However, the appeal decisions at 40 Cumnor Hill have demonstrated that development to the rear is not necessarily harmful to the character of Cumnor Hill if it cannot be easily observed. In this case, it is

considered that building C will not be easily observed from the public highway and that its impact on the character of the area will be limited.

- 6.12 In terms of layout, the grain of development is orientated to face Cumnor Hill, which is sympathetic to the prevailing character of the area. The proposed building line respects that of neighbouring houses. With regard to density, any proposal for flatted development is likely to exhibit a density that is materially higher than the surrounding housing. The density of the proposal is 44 dwellings per hectare, slightly lower than Poets Corner, which is 46 dwellings per hectare. As in the case of Poets Corner, density on its own is not considered to be an indicator of harm.
- 6.13 There will be 11 parking spaces in the front garden area. The RDG warns against parking dominating the front garden area, and that landscape screening should be used as with Poets Corner. The proposal retains the line of existing mature trees and fence on the roadside boundary, and contains additional fencing and planting alongside the entrance drive. Together these are likely to mean the majority of the parking will not be noticeable from public viewpoints, and will not be harmful to the area. The proposed bin store is to be subject to landscaping and, in a relatively short time, should have an acceptable visual impact.
- 6.14 An arboricultural report has been submitted with the application. This shows the removal of some trees within the site but the retention of substantial trees within the garden and the trees along the road frontage. The forestry officer has assessed the report and has no objections subject to conditions, including a pre-commencement condition to agree the detailed construction of the parking area at the front.
- 6.15 To conclude, taking into account the balance of considerations arising from the Framework and the RDG, officers consider that the impact of the proposal on the character and appearance of the area is acceptable.
- 6.16 *The Impact on Neighbours*
The main neighbours affected are at no.64 Cumnor Hill and at nos.4, 16, 18, 20 and 22 Dean Court Road. No.64 Cumnor Hill will be principally affected by the proposed building A, which will be higher and project back further into the site than the existing dwelling. There are windows in the side wall of no.64 facing the site. However, the side wall of building A will be five metres away, and, as these windows are secondary windows, officers do not consider that harm arising from loss of light or loss of outlook will be sufficient to warrant refusal of the application. There is a significant drop in levels from no.64, of approximately two or three metres. This drop increases further to the south-west. This means that, although building A will project further back into the site, and will be higher than, the existing dwelling, the relative levels are such that the impact on the patio and rear garden area of no.64 from loss of light will be acceptable. All windows on the north side of building A will be obscure glazed, so there will be no harm from overlooking.
- 6.17 Building B will be closest to no.4 and no.16 Dean Court Road. However, it will be approximately 14 metres from no.4 and approximately 21 metres from no.16. In light of these distances, no harm is considered to arise from overlooking or loss of light. Building C will be closest to no.18 and no.20 Dean Court Road. Its side wall faces the rear wall of these neighbours, at a distance of at least 15 metres. This exceeds the council's minimum distance for this relationship, which is 12 metres. The only first floor windows facing this direction are high level to a stairwell. In view of the distance, and the nature of the first floor windows, it is considered no harm will occur to the residents of no.18 and no.20 Dean Court Road from either loss of light or overlooking.

- 6.18 Concern has been raised with respect to the potential for noise and disturbance from vehicles driving into and out of the nine parking spaces in front of building C. The parking areas will lie approximately 14 metres from the house at no.16 Dean Court Road, and 17 metres from the house at no.18 Dean Court Road. Given these distances, the intervening boundary treatment, and the expected level of traffic movements associated with the proposed housing, the potential for noise and disturbance is not considered sufficient to warrant refusal of the application.
- 6.19 With regard to drainage, a detailed drainage strategy has been produced following extensive investigation of the site. The purpose of the strategy is to ensure that the existing drainage behaviour on the site is not worsened through the proposed development. The council's drainage engineer has carefully assessed the strategy, which involves specific design of the foundations to minimise the effect on groundwater, and the use of permeable surfaces with underground storage to control storm water run-off and prevent flooding. He has no objections subject to conditions.
- 6.20 *Highway safety*
The traffic implications of the proposal have been assessed by the county highways officer. He considers that the visibility at the access meets the required standards subject to a minor re-alignment of the roadside fence. In view of the sustainable location of the site, with direct access to bus stops, and the provision of on-site cycle parking, the proposed level of car parking is considered to be in accordance with national and local policies.

7.0 CONCLUSION

- 7.1 The site is in a highly sustainable location, one that has been identified as a lower density housing area with a particular character and appearance. For site specific reasons, the proposal is not considered to be harmful to this character and appearance. No harm is considered to arise to neighbours, and the traffic and parking implications are considered to be acceptable. The proposal is therefore considered to be in accordance with relevant policies of the development plan, including policies DC1, DC5, DC7, DC9 and DC14 of the adopted Vale of White Horse Local Plan 2011.

8.0 RECOMMENDATION

It is recommended that authority to grant planning permission is delegated to the head of planning, in consultation with the chairman, subject to:-

- i) the completion of section 106 agreements to secure financial contributions**
- ii) conditions, including:**

- 1 : Commencement 3 yrs - Full Planning Permission**
- 2 : Approved plans**
- 3 : CN8[I] - Submission of Details (Full)**
- 4 : HY2[I] - Access in Accord.with Specified Plan (F)**
- 5 : HY7[I] - Car Parking (Full)**
- 6 : LS1 - Landscaping Scheme (Submission) (Full)**
- 7 : LS2[I] - Landscaping Scheme (Implement) (Full)**
- 8 : LS4 - Tree Protection (Full)**
- 9 : MC2 - Materials (Samples) (Full)**
- 10 : MC24 - Drainage Details (Surface and Foul(Full)**
- 11 : MC29 - Sustainable Drainage Scheme (Full)**
- 12 : MC32 - Construction of Method Statement(Full)**
- 13 : RE17 - Slab Levels (Dwellings) (Full)**

It is also recommended that, should timely progress not be made and a decision on the application is not possible within the target time set in the planning performance agreement, authority to refuse planning permission is also delegated to the head of planning in consultation with the chairman.