

UPT/18307/1-X – Mr D Curran

Erection of single detached dwelling and alteration of existing access to highway, on land adjacent to 1 Beeching Close. 1 Beeching Close, Upton

1.0 **The Proposal**

1.1 This application is in outline with all matters reserved except for means of access. It proposes the erection of a detached dwelling in the garden to the south west of the existing property. This would be accessed from Beeching Close, a cul-de-sac currently containing 4 detached dwellings. The proposal includes the remodelling of the existing access from Station Road. The application drawings are at **Appendix 1**.

1.2 This application comes before Committee as the Parish Council objects to the proposal.

2.0 **Planning History**

2.1 Planning permission was granted for the change of use from highway verge to garden adjacent to 1 Beeching Close in November 2003.

2.2 Permission was granted on appeal for 3 bungalows at Beeching Close. The appeal decision notice is at **Appendix 2**. A subsequent revised application for 3 chalet bungalows was granted in 1987 (UPT/4721/6).

2.3 Other applications for residential development in the vicinity are relevant:

- Outline planning permission for a single storey detached dwelling at Ravello, to the west of the site, was granted by Committee in March 2005. The minutes of the Committee meeting are at **Appendix 3**.

- Outline planning permission was refused under delegated authority in January 2006 for the demolition of Maslina, to the south of the site, and its replacement with 3 dwellings. This was refused for the following reasons:

1. *In the opinion of the District Planning Authority, the proposed development by reason of its location outside the main built up area of the village within the AONB, would be tantamount to, and would represent an intensification of, development in the countryside without special or exceptional justification, which would set a precedent for other similar development in the vicinity. As such the proposal is contrary to the adopted Vale of White Horse Local Plan in particular Policies H5 and H8 and the Second Deposit Draft emerging Local Plan (2011) in particular Policies H11 and H12.*

2. *In the opinion of the District Planning Authority the proposed development, by reason of its location within the Area of Outstanding Natural Beauty, would have a detrimental impact on the character of the landscape. As such the proposal is contrary to the adopted Vale of White Horse Local Plan in particular Policy C2 and the Second Deposit Draft emerging Local Plan in particular Policy NE6.*

The applicants have appealed against this refusal, there has not been a decision yet. These 2 sites are shown on the location plan included in **Appendix 1**.

3.0 **Planning Policies**

3.1 Policy H5 of the adopted Local Plan allows for development within the main built up area of Upton. It states that development will be resisted on sites which contribute positively to the physical form, structure, and character of a settlement. In the Second Deposit Draft Local Plan Upton is listed under policy H11 which carries forward the objectives mentioned above.

3.2 Policy D3 of the adopted Local Plan states that the Council will seek to ensure that all new development provides for safe and convenient access and parking. Policy DC5 of the Second Deposit Draft Local Plan carries forward similar objectives.

4.0 **Consultations**

4.1 Upton Parish Council objects to the proposal. Their comments are at **Appendix 4**.

4.2 9 neighbour objections have been received which relate to the following:

- Original permission for the 3 bungalows stated that access to Station Road should not be changed.
- An application in 1979 for 6 houses was refused on the grounds of overdevelopment.
- Drawings are not accurate – plot is smaller than drawings suggest.
- Plot is inadequate to support either a house or garage.
- A number of trees will have to be felled and shrubbery cut back.
- Station House is a historical part of Upton; a dwelling next to it would be detrimental to the historic fabric of the village.
- A house on this site would be out of keeping with the village.
- The access is restricted by covenants, other residents of Beeching Close will not grant consent for alterations to the access. (This is not a material planning consideration.)
- The proposed access and turning is inadequate. The suggested improvements would exacerbate existing problems.
- The proposal would have an adverse impact on the property values of Beeching Close. (This is not a material planning consideration.)
- The proposal results in an infringement of human rights under article 8 of the Human Rights Act.

4.3 The County Engineer has no objection subject to conditions.

5.0 **Officer Comments**

5.1 Given that the application is in outline, your Officers consider the main issues to be (1) whether the principle of a house in this location is acceptable, (2) whether the access arrangements are acceptable.

5.2 Reference has been made to the previous decisions on this site. The refusal for 6 houses dates from 1979, and was for the area where the existing three properties are and an additional area to the northeast. It did not include the application site. The proposal was refused on the grounds that it was contrary to the housing policy of the Local Plan at the time and that, being on elevated land, would be detrimental to the amenities of the area. However, given the change to policies in the meantime and the differences between the proposals, your Officers do not consider that this decision has any significant bearing on the consideration of the current application.

5.3 The main consideration here is whether the application site is within the main built up area of Upton. Members took the view that 'Ravello' was within the main built up area, given that it was on the end of an existing row of dwellings on Chilton Road and bounded by the A417. Three dwellings were refused on the site of 'Maslina' as this was considered to be outside of the main built up area, given that it is not part of the linear form of the properties on Chilton Road or the remainder of the village to the east of the A417. The application site is on the east side of the A417 where the built form is continuous to the eastern edge of the village. In addition, similar to

the permission granted for a new dwelling in the garden of "Ravello", the site is bounded by an existing dwelling and the A417. As such, it is your Officers opinion that the site does fall within the main built up area of the village and it is therefore in line with Policies H5 and H11.

- 5.4 The permission for the 3 dwellings granted in 1987 was subject to a condition which states that the access to Station Road shall be as existing and no further access shall be formed or used. This condition does not preclude any further development - nevertheless the current application proposes to use the existing access, albeit with alterations. The scheme for alterations to the access has been prepared to satisfy the requirements of the County Engineer and, as such, he has no objections subject to conditions. Therefore, the access arrangements are considered to be satisfactory. Several objectors have referred to covenants regarding access rights however this is a private legal matter and is not a material planning consideration.
- 5.5 As the application is in outline issues of siting, landscaping, design and external appearance are not matters for consideration here. The plot slopes up toward the road and, as such, it may be necessary to cut into the bank. To ensure that this is satisfactory, it is recommended that a slab level condition be imposed. The application form states that the proposal does not involve the felling of any trees; at present there is an existing belt of trees around the plot boundary which add to the verdant approach into Upton. The landscaping reserved matter will need to ensure that certain trees are retained and any removed vegetation is replaced in order to soften the impact of the development. Station House is not a listed building, neither is it in a conservation area and, in your Officers opinion, there is no reason to believe that a sensitive scheme could not be accommodated within this plot.

6.0 **Recommendation**

6.1 *It is recommended that the application be approved subject to the following conditions:*

1. *TL2 Time Limit – Outline Application*
2. *OL2 Standard Outline Condition (excluding access)*
3. *RE21 Floor/Slab Levels (Single Dwelling)*
4. *HY3 Access in accordance with specified plan*
5. *HY26 Plan of Car Parking Provision*