

APPLICATION NO.	P14/V0487/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	6.3.2014
PARISH	KINGSTON BAGPUIZE
WARD MEMBER(S)	Melinda Tilley
APPLICANT	Mr Jonathan Shorter
SITE	The Goldings Stonehill Lane Southmoor Abingdon, OX13 5HU
PROPOSAL	Demolition of existing 3 bed detached house and construction of two semi-detached 3 bed houses.
AMENDMENTS	None
GRID REFERENCE	440013/197879
OFFICER	Miss S Green

1.0 INTRODUCTION

1.1 The Goldings is a detached property within the built up area of Southmoor. A location plan is **attached** at Appendix 1. The property sits within a good size plot and has a south facing rear garden. The property sits alongside the adjacent detached property Key-Lyn and borders the rear gardens of 7 Stonehill Lane and Stonecroft. Along the boundary with 7 Stonehill Lane, but within the neighbours garden, is a large Poplar tree which is protected with a TPO. There is currently a single access off Stonehill Lane to the property and a large willow tree along the frontage.

1.2 A previous application for two dwellings (ref P13/V2406/FUI) was refused due to the affect on the TPO tree.

1.3 This application is referred to committee due to an objection from the parish.

2.0 PROPOSAL

2.1 This application seeks planning permission for the demolition of the existing house and the erection of two semi-detached 3 bedroom houses. Copies of the application plans are **attached** at Appendix 2. In comparison to the previous scheme the internal layout of the houses has been altered and the rear single storey elements to both houses have been relocated. The houses have also been moved forward by 0.8m. These revisions over the refused scheme have been to principally address the previous refusal reason.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 3.1 Forestry Team (Vale of White Horse)
- Application sought to address principle issue that resulted in previous refusal. Internal layout has been re-orientated to ensure main habitable rooms are not unduly overshadowed.
 - Whilst anticipate future growth of tree will require management, type of pruning required to minimise the social impact of the overhanging branches can be achieved without detriment to the trees form or health.
 - Pruning will not now need to be excessive or frequent given that rooms affected by light deprivation are not those in use for the greater part of the day.

Kingston Bagpuize
With Southmoor

- Objection
- Difficult to undersand what significant change has been

- Parish Council
- made since the earlier refusal.
 - Requires the removal of 4 trees and given its proximity to the new building will potentially damage one in the neighbours garden protected by TPO (given possible damage to its roots during construction).
 - The effect will be to urbanise this leafy area of the village.
- Neighbour Object (2)
7 Stonehill Lane
- Do not object to development as a whole but do object to east facing window on first floor. Faces directly into sons bedroom. Appreciate that window is 2m above the level of the stairs but it is still possible for someone standing on the landing to see into all three bedrooms of No 7. Purpose of this window is to provide light...request has obscure glass specified to match ground floor window directly below it.
- Stoney croft
- Object because site plan moves house approx 5m closer and number of rear first floor windows doubles from two to four. Jeopardises our privacy in two respects: extent to which our rear bedroom, kitchen and living room are overlooked; Privacy of our garden. Privacy was provided by trees in Goldings rear garden. All the trees have been cut down. Privacy is down dependent only on a bamboo cane screen on our side of the boundary and trees and bushes on our side of boundary. Would be prepared to withdraw objection subject to assurance that no attempt will be made to remove our screen and/or bushes.

4.0 RELEVANT PLANNING HISTORY

4.1 [P14/V0295/LDP](#) - Approved (11/04/2014)

Certificate of lawfulness for a rear and side extension

[P13/V2406/FUL](#) - Refused (16/01/2014)

Demolition of existing 3 bed detached house and the erection of two semi-detached 3 bed dwellings. (Re-submission of withdrawn application P13/V1758/FUL). Copies of the plans are **attached** at Appendix 3.

Refused for the following reason:

'That, having regard to the height and position of the protected Poplar tree in relation to the proposed development, it would result in the significant loss of daylight to the proposed easterly dwelling such that it would result in a poor standard of amenity for the future occupiers of that dwelling. There would be future pressure on the tree to reduce it which would likely result in an unbalanced canopy to the detriment of the tree. The proposal would therefore be contrary to policy DC1 and DC9 of the adopted Local Plan 2011, Section 3.5 of the Residential Design Guide and the NPPF.'

[P13/V1758/FUL](#) – Withdrawn prior to determination (11/09/2013)

Proposed demolition of existing 3 bed detached dwelling and construction of two semi-detached 3 bed dwellings.

5.0 POLICY & GUIDANCE

5.1 Vale of White Horse Local Plan 2011 policies;

DC1 - Design

DC5 - Access

DC6 - Landscaping
DC9 - The Impact of Development on Neighbouring Uses
H11 - Development in the Larger Villages

5.2 Adopted Residential Design Guide

5.3 The National Planning Policy Framework published in 2012 has replaced all previous PPGs and PPSs. Central to the NPPF is the presumption in favour of sustainable development. This means approving proposals that accord with an adopted local plan, or where relevant policies of the adopted local plan are out-of-date, to grant planning permission for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The National Planning Policy Guidance, published this year, supports the NPPF.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main planning considerations are the following:

6.2 Principle

Southmoor is one of the larger village settlements in the district. It is therefore one of the more sustainable locations having a range of services and facilities. The provision of additional housing within the built up area is therefore considered acceptable in principle.

6.3 Design and scale

The NPPF seeks that new development is of high quality design and policy DC1 of the local plan seeks that development does not adversely affect those attributes that make a positive contribution to the character of the area.

6.4 The existing property is a dwelling of non-descript design and there is no objection to its removal in principle. The styles of properties in the vicinity are mixed with detached properties to the west, semi-detached properties to the north and a cul-de-sac to the east of the site. In your officers' view the provision of a pair of semi-detached properties of this design would not appear out of character with the surrounding development.

6.5 The proposed dwellings are positioned centrally within the plot. They have been moved forward slightly (0.8m) in comparison to the previous scheme however this would not result in the dwellings appearing prominent within the street scene. There is still space for the required parking and landscaping to the front. The willow tree at the front is proposed to be retained and would help to soften the frontage of the development. Two good size rear gardens would be provided to the rear of each property.

6.6 From a design perspective, officers consider that the dwellings would not appear cramped or out of character within the locality, and would not be an overdevelopment of the site. They would therefore comply with policy DC1 of the local plan.

6.7 Impact upon neighbouring properties

The proposed main two-storey element of the dwellings would be just over 4m away from its eastern boundary with 7 Stonehill Lane. (This is approx 0.2m further than the previous scheme.) This is the rear garden of 7 Stonehill Lane. The neighbour's property is itself around 17m away from the boundary. The side of the proposed dwelling would have a single landing window in the side at first floor level which the plans show the sill level would be 2m above the stair. The neighbour has requested that this window is obscured glazed to prevent overlooking into their windows. The height of the window is

generally more than acceptable in planning terms and given the distance to the neighbours property it is not considered that such a condition would meet the necessary test set out for conditions in the National Planning Policy Guidance.

- 6.8 The proposed dwellings would be closer to the side of Key-Lyn on the west of the site. This property has its driveway along the boundary to its garage at the rear and the boundary between the two sites is relative low. The property has an obscure glazed window first floor side window. The distance between the side of the neighbours property and the proposed single storey element would be 5.3m and to the proposed two story element would be 7.7m. Given the distances between the properties, it is not considered that the proposed dwellings would be overbearing on this neighbour or result in harmful overlooking.
- 6.9 To the south of the site is the rear garden of Stoney Croft. The dwellings would be over 21m from the boundary with this property. This is further enough away from this property to not adversely impact upon them. This neighbour has objected on the increase in the number of rear windows that would look towards his property. This distance is considered sufficient in planning terms to not result in any harmful overlooking. They also comment about the cane screen and bushes which is on their side of the boundary and would like assurance that these will not be removed. As they are on the neighbours side of the boundary and within their control, they would remain as they are not in the control of the applicant.
- 6.10 The scheme would therefore accord with the policy DC9 of the local plan.
- 6.11 Trees
The Poplar on the eastern boundary of the site is covered by a TPO and makes a significant contribution to the visual amenity of the area. The tree is within the garden of 7 Stonehill Lane. There is also a willow on the frontage. Previously there were also a number of trees within the rear garden but these have been removed.
- 6.12 The previous application was refused following professional advice from the council's forestry officer. In that application the dwelling was sited and laid out so that the tree would have had significantly impact upon daylight levels to the kitchen and dining areas and to the immediate patio area to the rear. Future occupiers would have been highly likely to request the tree to be regularly pruned which would have resulted in a very unbalanced crown to the detriment of the health and long term retention of that tree.
- 6.13 This revised application has sought to address this issue. The rear single storey extension has been moved to the other side of the house and the rooms re-arranged. The dining area will now open out further to the south so it will be less affected by any shadowing from the tree. The first floor has been re-arranged such that the most affected room will now be the bathroom rather than any of the bedrooms. The forestry officer has reviewed the plans and whilst future growth of the tree will require management, the type of pruning required to minimise the social impact of any overhanging branches can be achieved without detriment to the trees health. He states that pruning will not now need to be excessive or frequent given that the rooms most affected are not those used for the greater part of the day. He therefore no longer maintains any objection to the scheme. Overall the tree will have some impact upon the rear of the property. However given the rear faces south, and the revisions that have been made to the living accommodation, it is considered that the impact will not be as serve to justify refusal planning permission. It is considered necessary in this case to require permitted development rights for rear extensions to be removed. Otherwise extensions similar to that of the previous scheme could potentially be built and as such could lead to the same detrimental impact upon the TPO tree.

6.14 The construction of the houses would be within the RPA of the tree. However it was acknowledged in the previous application that a site specific foundation design can be used to minimise the impact upon the roots. The submitted foundation design is acceptable, however in acknowledgement that an alternative may also be acceptable, the condition is worded to be in compliance with that submitted unless an alternative is approved in writing. The forestry officer therefore did not have any objection to this aspect. Overall the scheme would now comply with DC1, DC6 and DC9 of the local plan and the NPPF.

6.15 Parking and access

Two car parking spaces are being provided for each dwelling along with a turning area. This is the same arrangement as in the previous application and to which the county highway officer had no objections to. The scheme would therefore comply with policy DC5.

6.16 Other

There was no objection from environmental health to the previous application, nor from the drainage engineer subject to a condition requiring a sustainable drainage scheme.

7.0 **CONCLUSION**

7.1 It is considered that the reason for refusal of the previous application with regards to the impact of the TPO upon the amenity of future occupiers has been overcome with the revisions made in this application. The design and scale of the scheme is considered acceptable as is the impact upon the neighbouring properties. The proposal therefore complies with the relevant development plan policies.

8.0 **RECOMMENDATION**

Planning Permission is granted subject to the following conditions;

1 : Commencement three years - full planning permission

2 : List of approved plans

3 : Samples of materials to be approved

4 : Access and parking to be in accordance with plan

5 : Development to be carried out in accordance with submitted arboricultural method statement

6: Development to be carried out in accordance with submitted foundation design unless alternative agreed with LPA

6 : Sustainable drainage scheme to be approved and implemented

7 : Removal of permitted development rights for rear extensions.

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