

<b>APPLICATION NO.</b>	<a href="#">P16/V1903/FUL</a>
<b>SITE</b>	The Gate House Reading Road Upton DIDCOT, OX11 9HP
<b>PARISH</b>	UPTON
<b>PROPOSAL</b>	Replacement of existing family dwelling with single family dwelling. (Amendment to application reference P15/V1772/FUL). As per plans submitted on 8 September 2016.
<b>WARD MEMBER(S)</b>	Janet Shelley Reg Waite
<b>APPLICANT</b>	Mr K Naylor
<b>OFFICER</b>	Hanna Zembrzycka-Kisiel

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## RECOMMENDATION

It is recommended that planning permission is granted, subject to the following conditions:

1. Time limit.
2. Approved plans list.
3. Drainage details to be submitted - foul water.
4. Tree protection - submission of a timed programme.
5. Materials in accordance with application.
6. Wildlife protection- the development shall be implemented in accordance with the mitigation strategy outlined in the bat survey report.
7. Archaeology- An archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site.
8. Access, parking and turning in accordance with application.
9. Access arrangement to be reinstated once the building works are finished.
10. Permitted developments rights removed.

### Informative :

1. Your attention is drawn to the need obtain a European Protected Species (EPS) Licence before any development or demolition can proceed. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.

## 1. Introduction

- 1.1 This application was presented to Planning Committee on Wednesday, 9<sup>th</sup> November 2016. However the Planning Manager suggested that committee deferred making a decision on it as it was brought to the Officers attention by one of the public speakers that the length of the swimming pool element as currently

built on site differs from the length of the swimming pool element approved under planning permission reference P15/V1772/FUL. The proposal was deferred from the committee meeting to allow an additional survey of the building under construction to be carried out, to confirm its exact location as well as to confirm the scale of the mentioned swimming pool element.

- 1.2 This is a retrospective planning application for a replacement of the existing property with a single dwelling, which was submitted to the Council in order to reconcile the position and scale of the building that is currently under construction, as it has been brought to Officers' attention that the property approved under the latest planning application (reference P15/V1772/FUL), is being constructed approximately 5.1 metres north and 2.9 metres west of the approved building position.
- 1.3 The Local Planning Authority sought further clarification from the agent and has appointed an independent consultant to carry out the survey of the position and footprint of the building under construction.
- 1.4 The agent has confirmed that the swimming pool element extends approximately 3.7m further to the north than the previously approved scheme (P15/V1772/FUL) and that "this element of the building was extended, to allow for services and maintenance of the swimming pool located within the structure, and was done on the assumption that this structure was in effect covered under permitted development rights".

### **Additional assessment**

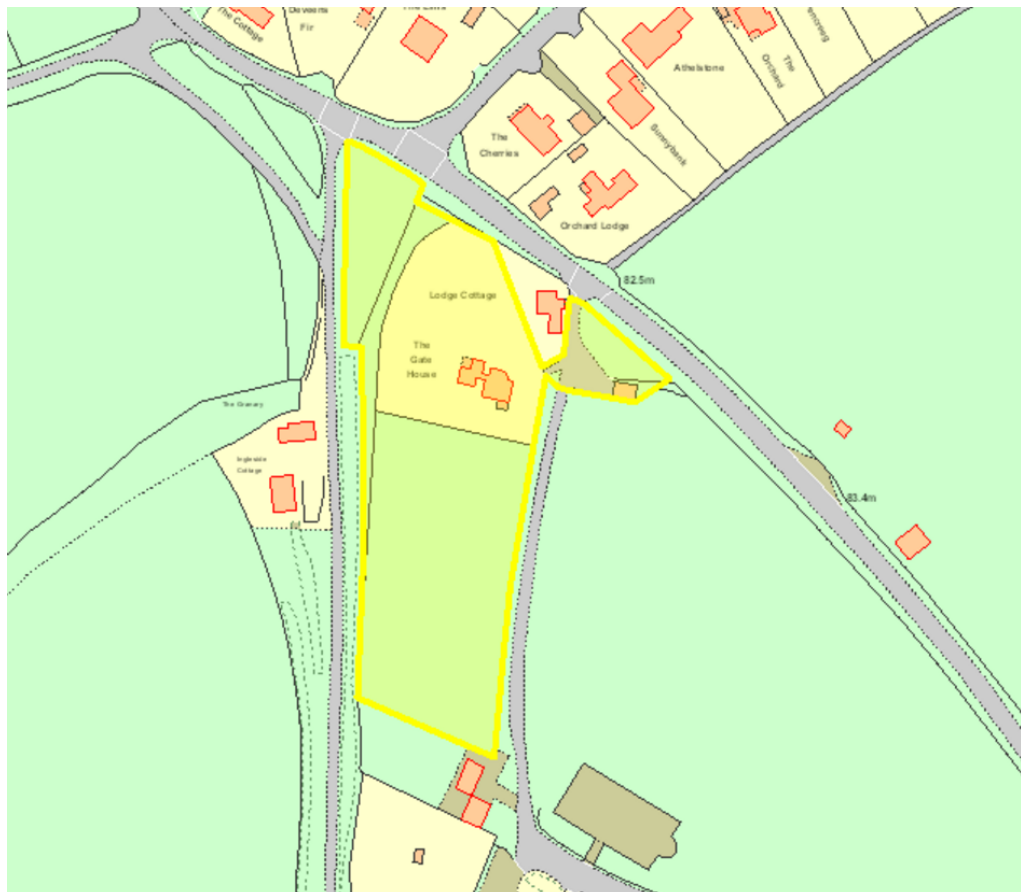
- 1.5 To ensure that all distances between the neighbouring property and the Gate House are also accurate, the position of the neighbouring property has also been surveyed.
- 1.6 The position and the footprint of the building under construction, as illustrated on the plans submitted by the agent, have been compared with the plans submitted by the appointed independent surveyor. This comparison has confirmed that both the position and the footprint of the property under construction are the same. The swimming pool element has been confirmed to be longer than approved by approximately 3.7 metres. However given that this element of the building is single storey in height, and it is located approximately 28 metres from the neighbouring property, the Upton Lodge Cottage, it is not considered in the Officers' opinion that the increased length of that element would have any harmful impact upon the residential amenity of the neighbouring property.

## **2. PROPOSAL**

- 2.1 This is a retrospective planning application for a replacement of the existing property with a single dwelling. The principle of development has been already established under planning application reference P14/V2550/FUL. There was a subsequent planning application reference P15/V1772/FUL, seeking planning permission for the addition of an indoor swimming pool and a single storey extension on west elevation, approved in September 2015.
- 2.2 The current application was submitted to the Council in order to reconcile the

building position that is currently under construction, as it has been brought to Officers' attention that the property approved under the latest planning application (reference P15/V1772/FUL), is being constructed approximately 5.1 metres north and 2.9 metres west of the approved building position. The swimming pool element extends approximately 3.7m further to the north than the previously approved scheme (application reference P15/V1772/FUL).

- 2.3 Therefore, as the principle of the replacement dwelling on the application site has been already established, the main aspect of this application to be assessed is whether the amended location is acceptable in terms of the impact upon the neighbouring property located to the north-east, Upton Lodge Cottage.
- 2.4 Extracts from the application plans are **attached** at Appendix One. All plans and supporting documentation for the application are available to view on the council's website at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk).
- 2.5 A site location plan is included below:



### 3. SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

A summary of the responses received to the current proposal is below. A full copy of all the comments made can be seen online at [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

3.1

Upton Parish Council	<p><b>Object</b> The grounds for objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Upton Parish Council has objected to the previous applications ,</li> <li>• Unacceptable impact on the neighbouring property</li> <li>• The window to window distances do not met the recommended distances.</li> </ul>
Ward Member	Councillor Janet Shelley has raised concerns in relation to the harmful impact upon the Upton Lodge Cottage.
Local residents	<p><b>1 letter of objection</b> has been received from the resident of Upton Lodge Cottage.</p> <p>The grounds for objections may be summarised as follows:</p> <ul style="list-style-type: none"> <li>• Entrance and access</li> <li>• Loss of privacy through overlooking</li> <li>• Overbearing nature of proposal</li> </ul>
Oxfordshire County Council	<p><u>Highways</u> <b>No objection</b></p>
Thames Water	No comments received
Drainage engineer	<p><b>No objection</b>, subject to condition</p> <ul style="list-style-type: none"> <li>• Foul Water Condition</li> </ul>
Forestry officer	<p><b>No objection</b>, subject to condition</p> <ul style="list-style-type: none"> <li>• Submission of a timed programme.</li> </ul>
Countryside Officer	<b>No objection</b> , subject to condition
Waste management team	<b>No objection</b>

## 4. RELEVANT PLANNING HISTORY

4.1

[P15/V2249/DIS](#) - Approved (03/11/2015)

Discharge of condition 3 on application ref. P15/V1772/FUL  
Replacement of existing family dwelling with single family dwelling.

[P15/V1772/FUL](#) - Approved (18/09/2015)

Replacement of existing family dwelling with single family dwelling

[P14/V2550/FUL](#) - Approved (16/07/2015)

Replacement of existing dwelling with single family dwelling (As amended by

revised block plan and documentation submitted on 24 February 2015)

[P13/V1019/HH](#) - Approved (23/08/2013)

Proposed extensions and adaption to existing house. Renewal of planning permission P05/V1856.

[P05/V1856](#) - Approved (07/02/2006)

Extension and alterations

#### 4.2 **Pre-application History**

None

### 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 The site area is less than 5ha, fewer than 150 dwellings are proposed and the site is not in a 'sensitive area'. The proposal is therefore not EIA development

### 6. **MAIN ISSUES**

#### 6.1 **Principle of Development**

The principle of the replacement dwelling has been already established under planning application reference P14/V2550/FUL which granted planning permission for the demolition of the existing dwelling and the erection of a detached two storey 5 bedroomed replacement dwelling. There was a subsequent planning application (reference P15/V1772/FUL) submitted seeking planning permission for the addition of an indoor swimming pool and a single storey extension on west elevation, which was also approved. Both reports, assessing in detail the principle of the proposal are available on the Council's website.

6.2 Therefore, the key consideration under this application is considered to be whether the amended position of replacement dwelling is acceptable in terms of the impact upon the neighbouring property located to the north-east, Upton Lodge Cottage.

#### 6.3 **Design and Layout**

The swimming pool element extends approximately 3.7m further to the north than the previously approved scheme (P15/V1772/FUL). This element of the building is single storey in height, and it is located approximately 28 metres from the neighbouring property, the Upton Lodge Cottage. Given the proposed height and the distance between the swimming pool element and the neighbouring property, it is not considered in the Officers' opinion that the increased length that element of the building would have any harmful impact upon the residential amenity of the neighbouring property.

#### 6.4 **Residential Amenity**

The house has been constructed approximately 5.1 metres further to the north of the approved location, and 2.9 metres further west of the approved location. Concerns have been raised in representations received that the new dwelling would be overbearing, and would cause harmful overlooking and loss of privacy.

#### 6.5 Additional survey

It has also been raised that the location of Upton Lodge Cottage, has been

inadequately plotted on the submitted plan. Therefore, the applicant has undertaken additional survey work to accurately plot Upton Lodge Cottage. Therefore, all the measurements are taken between the building under construction and the correctly plotted neighbouring property.

- 6.6 Further to the Local Planning Authority's request, the location and the footprint of the building under construction, as well as the location of the neighbouring property have been surveyed independently. The plans submitted by the agent when compared with the plans provided by the appointed surveyor illustrate the same dimensions of the surveyed properties, and the same distances between them. Therefore the Officers are satisfied that the plans submitted by the agent are correct.
- 6.7 Internal layout amendments  
Further to the received objections, the proposed internal layout and the fenestration have been amended to reduce any potential overlooking. The changes include:
- omission of the balcony from the north elevation;
  - the door to the balcony at first floor level shown on the north elevation has been amended to be a window;
  - the bay windows at first floor level have been amended in a way that the window sill levels have been raised to 600mm above first floor level, preventing a person walking into the bay; and
  - the side lights of all bay windows have been removed; this includes bays to north and east elevation at first floor and bay to the north elevation at ground floor.
- 6.8 Window to window distances  
A minimum distance of 12 metres is recommended in the Council's adopted Design Guide (Principle DG104) between habitable windows flank elevations. Due to the angled relationship between the dwellings, the proposal does not include any flank walls which would face the neighbouring property directly.
- 6.9 Further to that, an adequate distance between facing habitable rooms is recommended in the adopted Council's Design Guide (Principle DG64). When assessing proposals, a distance of 21 metres is recommended between directly facing first floor habitable windows. Again, due to the positioning of the dwellings, the proposal does not include any habitable windows which would directly face the windows of the neighbouring property.
- 6.10 Windows on the East elevation  
The distances between the closest first floor window on the east elevation of the property under construction, and the Upton Lodge Cottage's windows range approximately between 15 and 21 metres. There are no direct views to the windows on Upton Lodge Cottage, obtained from any of the windows located on the east elevation of the property under construction.
- 6.11 Windows on the North elevation  
The distances between the windows on the north elevation of the property under construction, and the Upton Lodge Cottage's windows range between 17.5 metres and 21.2 metres. Again, there are no direct views to the windows on Upton Lodge

Cottage, obtained from any of the windows located on the north elevation of the property under construction.

6.12 Landscape

It has been argued in the received comments that due to the elevated location of the Gate House, the new dwelling is overbearing, and that the existing vegetation does not provide sufficient screening. The concern has also been raised that as there is a variance in land levels, any additional planting may block the sun light.

- 6.13 The variance in land levels between The Gate House and Upton Lodge Cottage are acknowledged. However, as there is an existing hedge on the boundary between The Gate House and the Upton Lodge Cottage, which provides some screening, it is considered in the Local Planning Authority's opinion the appearance of the new dwelling is softened. The applicant has also agreed to implement a landscape scheme which would help to mitigate the appearance of the new dwelling even further, without interfering with the sun light. The council's forestry officer has confirmed that the species proposed to be planted have relatively light canopies, and given their proposed location, an additional screening without interfering with the daylight would be provided. It was suggested that a Beech hedge would also provide additional screening, and that it should be incorporated into landscape scheme. This proposal has been supported by the officers, and subsequently incorporated to the landscape plan. Officers consider that due to the distances involved and relationship between the dwellings, the proposed dwelling would not result in harmful dominance of the neighbouring dwelling to an extent as to warrant refusal of the application.

6.14 Residential amenity conclusion

Overall, the proposal does not introduce any directly facing windows. Furthermore, there are no flank walls, which would face directly windows of Upton Lodge Cottage. The proposal has been amended not only internally, but also externally. The proposed changes include the omission of the balcony, provision of a high level sills (raised up to 0.6 m) in the bay windows, and removal of the side lights of the bay windows.

- 6.15 Although there are the variance in land levels between The Gate House and Upton Lodge Cottage, there is a separation distance of approximately 15 metres between these two dwellings, which is considered sufficient to ensure that no harmful overlooking of Upton Lodge Cottage, or overbearing would occur. As such the appearance of the new dwelling and the distances between the proposed house and the neighbouring property are acceptable in planning terms. There is an existing vegetation and further planting is proposed, which would provide additional screening and would soften the appearance of the new dwelling.
- 6.16 Given the above, the proposal as it currently stands, complies with the recommendation in the adopted Council's Design Guide, as well as with the local and national policies.

6.17 **Traffic, parking and highway safety**

The proposed dwelling would be served by the existing vehicular access from

Reading Road. The application site would also provide sufficient off-street parking provision. It has been raised by the neighbour that the existing access has been doubled in width. However, it has been confirmed the agent, that the vehicular access arrangement to the application site would be reinstated to the standard width after construction works have ceased on site. This aspect is able to be conditioned subsequently, so the access arrangement will be reinstated once the building works are finished. Therefore, the proposal is not considered to have a harmful impact on highway safety and would therefore comply with policy DC5 of the adopted Local Plan, the Design Guide 2015 and the NPPF.

#### 6.18 **Biodiversity**

The Council's Countryside Officer has been consulted on the proposal and has raised no objections, subject to condition. The requested condition requires the applicant to implement the development in accordance with the Mitigation Strategy outlined in chapter C.2 of the Bat Survey Report (Ecoconsult, July 2015) submitted with the application in all respects. Any variation shall be agreed in writing by the Local Planning Authority before such change is made. This condition will be imposed accordingly.

#### 6.19 **Drainage**

The consulted Drainage Officer has raised no objections to the proposal, subject to appropriate condition being imposed, if planning permission is granted.

#### 6.20 **Trees**

Further to the submission of the tree protection report, the consulted Forestry Officer has raised no objections to the proposal, but requested an additional condition that requires the submission of a timed programme of works to be submitted at the commencement of each of the stages referred to in the tree protection report. This will allow the council to monitor that all of the elements of the work indicated are being undertaken in accordance with that specified in the tree protection report. Consequently, this condition is recommended to be included if planning permission is granted.

### **7. CONCLUSION**

- 7.1 The application is recommended for approval as the development complies with the relevant development plan policies and the National Planning Policy Framework. The principle of the proposed development has been already established, under planning permissions reference P14/V2550/FUL and P15/V1772/FUL. It would not harm the visual amenity and character of the area or the AONB and the highways safety. There is adequate off-street parking provision on the site. The distances between the proposed house and the neighbouring property are acceptable in planning terms. The proposal, therefore, complies with the provisions of the development plan, in particular policies DC1, DC5, DC9 and NE6. The development is also considered to comply with the provisions of the National Planning Policy Framework and the council's adopted Design Guide 2015 SPD.

### **8 POLICY**

The following planning policies have been taken into account:



**8.1 Vale of White Horse Local Plan 2011 policies;**

DC1 - Design

DC5 - Access

DC6 - Landscaping

DC9 - The Impact of Development on Neighbouring Uses

NE6 - The North Wessex Downs Area of Outstanding Natural Beauty

**8.2 Vale of White Horse Emerging Local Plan 2011 policies:**

CP37 - Design and Local Distinctiveness

CP42 - Flood Risk

CP44 - Landscape

**8.3 Neighbourhood plan**

No Neighbourhood Plan has been submitted to the Council

**8.4 Vale of White Horse Design Guide 2015**

Principle DG104

Principle DG64

**8.5 National Planning Policy Framework 2012**

**8.6 National Planning Practice Guidance 2014**

**8.7 Human Rights Act 1998**

**8.8 Equality Act 2010**

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