
APPLICATION NO.	P17/V2413/FUL
SITE	Hatherton, The Ridgeway, Boars Hill, Oxford, OX1 5EZ
PARISH	Wootton
PROPOSAL	Replacement detached dwelling and detached garage/office with associated landscaping.
WARD MEMBER(S)	Henry Spencer
APPLICANT	Mr & Mrs G H King
OFFICER	Alastair Scott

RECOMMENDATION

To grant planning permission subject to the following conditions:

Standard

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**

Prior to commencement

- 3. Tree protection measures.**

Compliance

- 4. Materials in accordance with application.**
- 5. Bat protection.**

1.0 INTRODUCTION AND PROPOSAL

- 1.1** This application has been called-in to committee following referral by the Vale of White Horse Development Manager.
- 1.2** The site is located within Boars Hill which is situated within the Oxford Green Belt and the North Vale Corallian Ridge landscape character area. The site currently comprises a detached two storey dwelling set within relatively large residential curtilage. The application site has been the received two certificates of lawfulness which established permitted development for several extensions to the existing dwelling.
- 1.3** This proposal is also for a replacement detached dwelling and detached double garage/office with associated landscaping. The proposed dwelling has a volume equivalent to that of the existing house with its authorised extensions. The proposed garage/office has been amended from the original submission to lower its height. Information has also been submitted relating to site levels. A site location plan is below and extracts from plans are **attached** at Appendix 1.



2.0

SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1

Wootton Parish Council	No objections
Neighbours – 2 letters of objection on the grounds opposite	<ul style="list-style-type: none"> • The proposal is inappropriate development in the green belt • The default fall-back position may provide very special circumstances but harm needs to be avoided • The ridge of the proposed house should be no higher than the original • No import of material to change levels should take place • Lack of information regarding levels and boundary • Potential impact on neighbours' foundations • The proposed garage/office is too large • Impact on existing planting • Impact of construction traffic

	<ul style="list-style-type: none"> The application should be advertised as a departure and DCLG should be consulted
Forestry Team	No objection subject to tree protection measures
Countryside Officer	No objection subject to implementation of measures to protect bats

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P17/V1854/PEM](#) - Other Outcome (30/08/2017)

Replacement detached dwelling and detached garage/ office with associated landscaping

[P17/V0929/PDH](#) - Approved (24/07/2017)

Single storey rear extension containing new dining room and sitting area.

Glazing on all three sides, including bi-fold doors in rear elevation.

Width - 7.95m

Height - 3.5m

Height to Eaves - 2.45 m

[P17/V0210/LDP](#) - Approved (19/04/2017)

Single storey side and rear extensions, loft conversion including rear dormer window, erection of close boarded fence and laying of patio areas.

3.2 **Pre-application History**

P17/V1854/PEM - (30/08/2017)

Officer advice – Subject to acceptance of fall-back there was concern about size and height of proposed garage

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable

5.0 **MAIN ISSUES**

5.1 **Green Belt**

In volume terms the proposed dwelling represents an increase of 95% over the existing dwelling. Policy CP13 of the Local Plan 2031 Part 1 states that a replacement dwelling in the green belt should not be “materially larger” than the existing. The proposal is materially larger and is, therefore, inappropriate development. As such very special circumstances are required to justify the proposal in green belt terms.

5.2 The applicants have advanced very special circumstances associated with the established “fall-back” of the existing dwelling with lawful permitted development extensions authorised under the lawful certificates. The volume of the proposed dwelling and the existing dwelling with its authorised extensions is equivalent. This argument has been used on a number of occasions in the green belt to justify larger replacement dwellings since permitted development allowances were extended under the former Town & Country Planning (General Permitted Development) (England) Order of 2008. Based on these

previous cases, officers accept that a valid fall-back exists and, following court decisions on fall-back, accept that this does amount to very special circumstances that outweighs the harm to green belt in this instance.

- 5.3 A neighbour has suggested that, in view of its relationship to green belt policy, the proposal should be advertised and, should committee be minded to grant planning permission, referred to the Secretary of State beforehand. The relevant consultation document, the Town & Country Planning (Consultation) (England) Direction, 2009, states that consultation on green belt cases should occur for new buildings with a floorspace of 1,000 sq.m or more, or where there is a “significant” impact on openness. Officers consider this means referral should only take place on a proposal of a certain scale or size and that an application for one replacement dwelling is not of a scale that merits advertisement or consultation with the Secretary of State under the Direction.

5.4 **Design and Layout**

The proposed design and layout of the dwelling is considered a traditional design and is therefore considered to satisfy policy CP37 of the Local Plan 2031 Part 1 and the council’s design guide in relation to size, mass and build materials being appropriate for the site and the surrounding area. The proposed dwelling would be located in a more centrally within the curtilage and at a lower ground level to that of the existing dwelling which has been confirmed by the additional topographical information submitted by the applicant. No additional earth material would be taken onto the site to raise the levels.

- 5.5 The design of the proposed garage has been revised from the originally submitted design in order reduce its mass and the roof has been re-shaped into a simple hipped roof form. The proposed garage would be situated near the entrance of the site which is considered to be a satisfactory location within the curtilage as the existing conifer hedge provides an effective screen and therefore the visual impact for the residents of the row of cottages situated to the west of the site would not be significant.

5.6 **Residential Amenity**

The proposed dwelling would be situated in a more central location within the curtilage and at a lower level than of the existing dwelling and therefore the ridge of the roof would be no higher than that of the existing dwelling. It is considered that the visual impact of the proposed dwelling upon residents of the adjacent properties situated to the west and north west of the site would not be significantly greater due to the existing vegetation which screens the site effectively. Officers consider the proposed dwelling would be in a far less prominent position within the curtilage relative to the neighbouring properties and the road than the existing dwelling.

- 5.7 Officers consider the proposed detached double garage would be located on the site’s boundary next to its entrance which would be a prominent location within the curtilage of the property. However, available views from the row of cottages to the west would be largely obscured by a high conifer hedge located on the site’s boundary. With respect to neighbours to the north the proposed

garage would be at the same level as the existing dwelling but at a sufficient distance and separated by trees and vegetation to not have a significant visual impact.

5.8 Landscape Impact

An arboricultural report was submitted with the application, including a tree survey, arboricultural impact assessment and a tree constraints plan. The forestry officer is in agreement with the assessment of the trees and the impact that the proposed development will have on them. He considers that the arboricultural information provides measures to mitigate the impact so that, in practice, there should be little long term effect of the development on the amenity that the existing trees convey. The proposals will result in the removal of a maturing Nothofagus and a section of the Cypress hedge adjacent to the western boundary.

- 5.9 Construction work for the footprint of the dwelling and the driveway will potentially affect some existing trees. The forestry officer is satisfied that, if sufficient and appropriate protection measures are in place, the trees can be safeguarded and recommends that if planning permission is granted, it be subject to a condition requiring the provision of a tree protection plan.

5.10 Traffic, parking and highway safety

The site and existing property is accessed by private lane owned by the applicant which is also a shared vehicular right of way (by legal agreement) with the residents of the row of cottages located to the west of the site. The issues raised by neighbours regarding the position of a proposed boundary fence along the private lane against the line of conifers, the potential for an obstruction of the lane, and potential structural damage to her property as a result of construction vehicles using the lane to access the site, are not considered to be material planning matters. It is considered that the relatively large curtilage and the proposed double garage provide sufficient off-street parking.

5.11 Biodiversity

The countryside officer is satisfied that the bat surveys which have been undertaken are in accordance with best practice guidance and that the results and conclusions of the report are valid. Subject to the implementation of the recommended working methods and mitigation, he is satisfied that the proposed development accords with policy CP46 of the Local Plan 2031 Part 1 and Paragraph 109 of the NPPF. He has no objections to the proposed development subject to a condition being attached whereby the development shall be implemented in accordance with the recommendations made in section 6 of the supporting Bat Survey Report.

5.12 Financial contribution requests

The Council has implemented Community Infrastructure Levy (CIL) as from 1st November 2017. Planning applications which are decided after 1st November 2017 may be liable to pay the levy. Discussions regarding the level of CIL for

this proposal were under way at the time of writing the report. The CIL charge for this development shall be reported to the meeting.

6.0 **CONCLUSION**

- 6.1 It is considered that the proposed replacement dwelling and garage are acceptable in terms of green belt policy, and in terms of design, impact on neighbours, impact on existing wildlife, and in terms of highway safety.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 policies:

- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP13 - The Oxford Green Belt
- CP37 - Design and Local Distinctiveness
- CP44 - Landscape
- CP46 - Conservation and Improvement of Biodiversity

Vale of White Horse Local Plan 2011 policies:

- DC5 - Access
- DC9 - The Impact of Development on Neighbouring Uses

National Planning Policy Framework, 2012

Planning Practise Guidance, 2014

Vale of White Horse Design Guide (2015)

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