

APPLICATION NO.	P17/V0918/HH
SITE	Red Copse, Foxcombe Road, Boars Hill, Oxford, OX1 5DG
PARISH	Sunningwell
PROPOSAL	Backfill of 1.3m retaining wall to level a sloped area at the bottom of the residence garden (retrospective application).
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT OFFICER	Mr Philip Taylors Martin Deans

RECOMMENDATION

To grant planning permission subject to the following conditions:

Standard

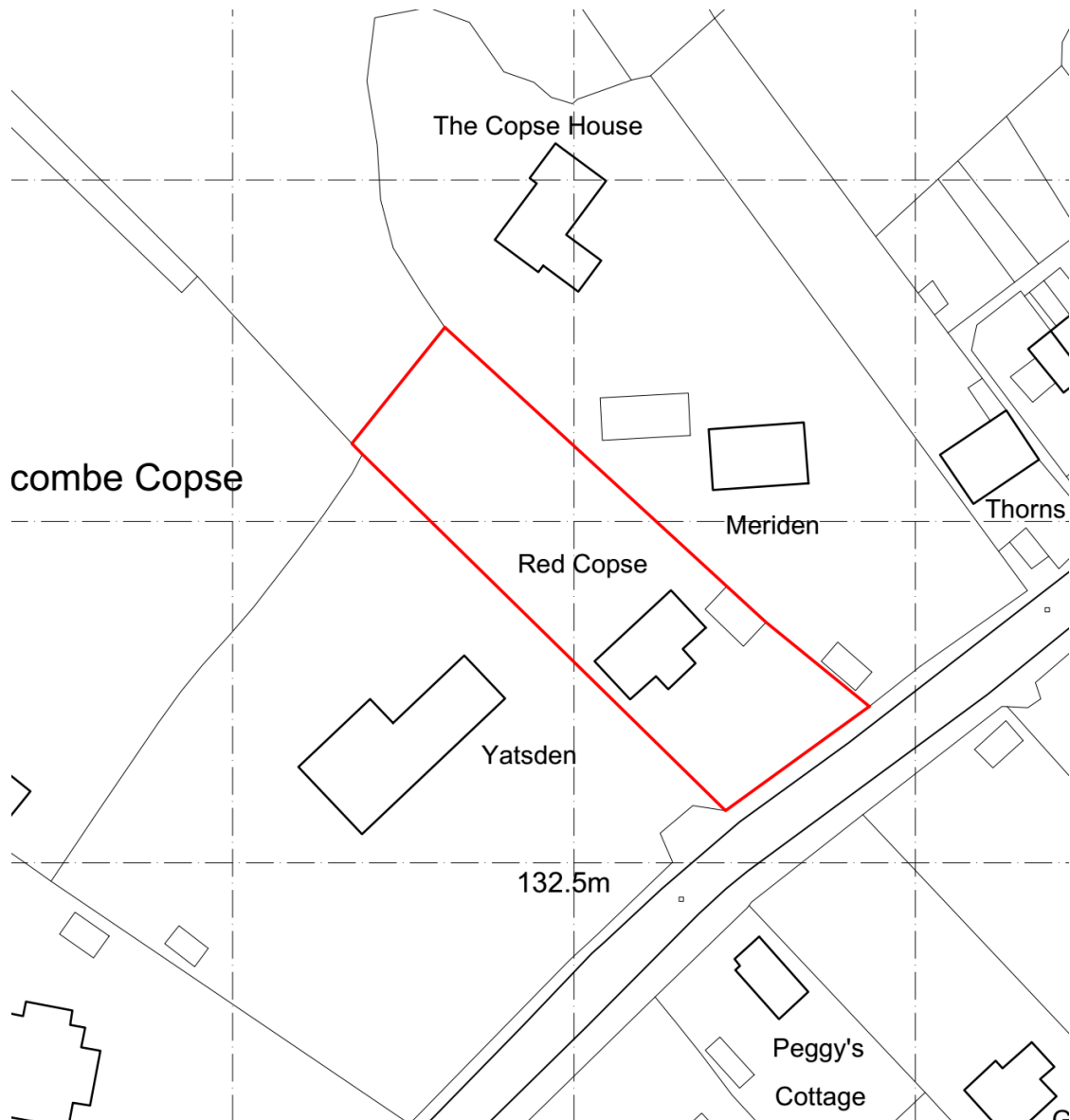
1. Approved plans.

Compliance

2. Retain existing boundary hedgerow – 2 metres in height.

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application comes to the committee at the request of local councillor, Emily Smith. The site is within the rear garden of a detached house on Foxcombe Road, Boars Hill. The site lies within the Oxford Green Belt. To the north lies a detached house, The Copse, and to the west is another house known as Yatsden. To the east is Meriden, a building containing apartments. There is a general fall in levels in the locality from south-east to north-west.
- 1.2 The application seeks retrospective planning permission for the raising of levels at the end of the garden, next to the north-west boundary, on a relatively narrow strip approximately 1m wide, and by up to a maximum of 1.5m in height. The raised level is consistent with the existing lower garden level. Permission is also sought for the construction of a retaining wall that has been built to contain the new level, and the retention of a laurel hedge that has been planted at the new level to provide screening.
- 1.3 A greenhouse has been constructed close to the boundary. The applicant maintains this has been constructed on the existing garden level and not on the raised area, and is therefore permitted development. A wooden outbuilding has also been erected further back from the boundary. The site location plan is below and extracts from the application drawings are **attached** in appendix 1.



2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

The below is a summary of representations, which can be seen in full at www.whitehorsedc.gov.uk

2.1 Sunningwell Parish Council	Object to the series of applications at Red Copse
Neighbours – 2 neighbouring households have objected on the following grounds:	<ul style="list-style-type: none"> • Overlooking • More land has been raised than is shown on the plan • The development harms the openness of the green belt and is inappropriate development • Loss of existing planting • The greenhouse and wood outbuilding are not permitted development

	<ul style="list-style-type: none"> An artificial change to levels harms the character and appearance of the area
Forestry Team	No objections
Health & Housing - Contaminated Land	No objections

3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE17/24](#)

Without planning permission the raising of the land/engineering operations.

[P17/V0911/LDP](#) - Approved (30/05/2017)

Adjust the existing roof hips to gables and the addition of a dormer to the rear of the roof overlooking the garden (utilising the permitted 50m³). Erect a porch to the rear of the property, replace a small window on the rear elevation to match the size of other windows on the property. Replace two downstairs windows with a bifold door.

[P16/V3140/LDP](#) - Approved (27/01/2017)

Proposed outbuilding

[P16/V2075/HH](#) - Approved (10/11/2016)

Two storey side and first floor side extensions.

[P16/V1736/PEO](#) - Other Outcome (22/07/2016)

Extension & redevelopment of unattractive garage & storage wing and cosmetic works to facade & porch

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The development is not one that requires an EIA

5.0 **MAIN ISSUES**

5.1 Officers consider the main issues to be as follows:-

- The relationship of the development to green belt policy
- The impact on neighbours
- The issue of intentional unauthorised development

5.2 **Relationship to Green Belt Policy**

A significant raising of ground levels is an engineering operation in planning and generally requires planning permission. National and local green belt policy states that engineering operations are not inappropriate development in the green belt provided there is no conflict with the purposes of the green belt and no effect on the openness of the green belt.

5.3 In this case the ground levels have been raised to no more than the height of the existing boundary fence on the north-west boundary and are consistent

with the levels of the adjacent part of the garden. As the boundary fence has effectively contained the engineering works officers do not consider that the works in themselves have compromised the openness of the green belt. Consequently the works are not considered to be inappropriate development in the green belt.

5.4 The Impact on Neighbours

The raising of the levels does enable the residents of Red Copse to stand approximately 1m closer to the north-west boundary than previously. The north-west boundary adjoins the garden of The Copse, which is the neighbour most affected. The new retaining wall is screened from much of The Copse by the existing boundary fence. Neighbours are concerned that the change in level has significantly affected privacy.

5.5 The applicant has planted an evergreen laurel hedge at the end of the raised level with the intent of preventing overlooking of The Copse. This hedge will be allowed to grow to 2m in height. The retention of this hedge at a specified height, and the replacement of any individual plants that die, can be secured by condition.

5.6 Neighbours dispute that the greenhouse and wood outbuilding are permitted development. The available evidence is not conclusive and, in consequence, officers have insufficient cause to counter the applicant's contention that they are permitted development.

5.7 The relationship of the development to the garden and house of the neighbour to the west, Yatsden, is such that any impact from additional visibility is unlikely to cause harm. There is significant evergreen planting on the boundary which screens much of the area from view. With regard to the effect on The Copse it appears that occupants of Red Copse had the opportunity to look across the boundary before the works were undertaken, albeit from approximately 1m further back into the site. Officers consider that, in view of the relatively narrow width of the area that has been raised, and the retention of the laurel hedge to provide screening, the impact of the development on the amenities of the residents of The Copse is not sufficient to warrant refusal of the application.

5.8 Intentional Unauthorised Development

In August 2015 the government announced that intentional unauthorised development is a material consideration in the planning process. In this case both conversations and correspondence with the applicant indicate he was under the impression that the construction of the retaining wall, as it is under 2m in height, was permitted development, and that the alteration of the level of a garden was part of normal permitted development rights that householders enjoy. Officers have concluded that the unauthorised development has been undertaken in error and has not been intentional.

6.0 CONCLUSION

6.1 The development is not considered to be inappropriate development in the green belt and, subject to a condition regarding the laurel hedge, does not have sufficient impact on the amenities of neighbours to justify refusal. The

development is considered to accord with relevant policies of the development plan and with the NPPF.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1, policies:

CP13 – The Oxford Green Belt

Vale of White Horse Local Plan 2011, policies:

DC9 – Impact on Neighbours

National Planning Policy Framework, 2012

Planning Practise Guidance, 2014

Equalities Act, 2010

The application has been assessed against section 149 of the Equalities Act 2010 and it is considered that no recognised group will suffer discrimination as a result.

Human Rights Act, 1998

The proposal has been assessed against Articles 1 and 8 of the Human Rights Act. The impact of the development on individuals has been weighed against the public interest and it is considered that, in reaching the decision, officers have acted proportionately.

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