

APPLICATION NO.	P17/V1055/HH
SITE	Red Copse Foxcombe Road Boars Hill OXFORD, OX1 5DG
PARISH	SUNNINGWELL
PROPOSAL	Two storey side extension and rear extension (alternative scheme to alterations approved under applications P16/V2075/HH and P16/V3140/LDP) (as amended by drawing 125 B and 220 B on 2 May 2017; addition of new boundary treatment to south east boundary, and as amended by drawing 101-120-GA-D and additional information 17-0939-V2 on 9 June 2017; revised positioning of retaining wall, and as amended by drawing 101-222-GA-C and 101-223-GA-C on 19 June 2017; levelled lawn).
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. Commencement three years - full planning permission.
2. Approved plans.

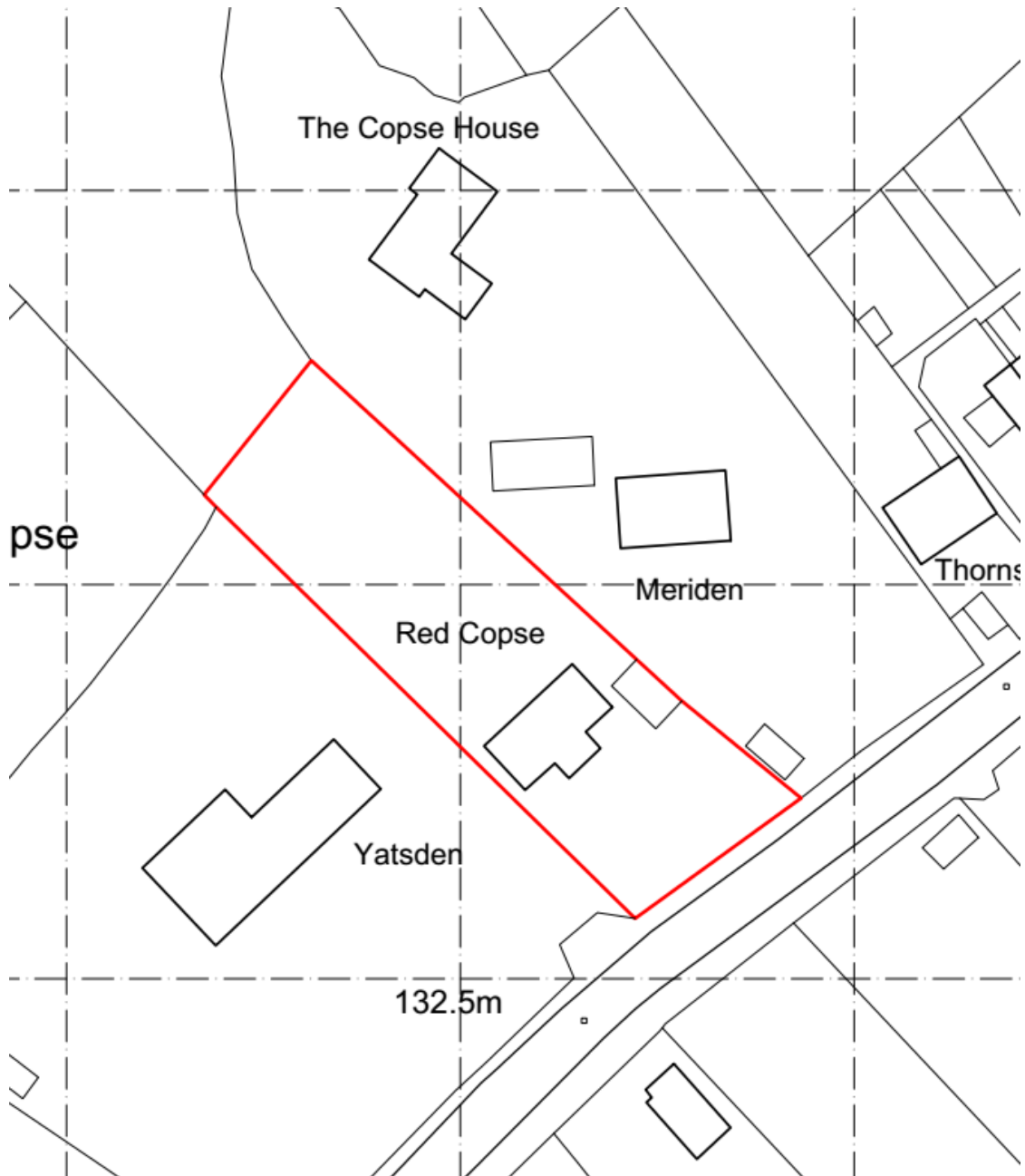
Compliance

3. Car parking.
4. Tree protection
5. Materials in accordance with application
6. Boundary details in accordance with specified plan.
7. Slab levels (as shown on plan).
8. Contamination notification

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application comes to committee at the request of the local councillor Emily Smith. The application site is a detached dwelling on Foxcombe Road, Boars Hill. The site and surroundings lies within the Oxford Green Belt. To the east of the site is a building containing flats, called Meriden. To the west is another detached house, Yatsden, while to the north is a detached house called The Copse. There is a general fall in levels in the locality from south-east to north-west.
- 1.2 The proposal incorporates an already permitted two storey side extension, which has not been built, and adds to the rear of it a part single storey, part two storey rear extension incorporating an indoor swimming pool. The

proposed single storey extension will be part excavated into the existing upper garden level, and will part project into the lower garden level. The existing upper garden closest to the house will be levelled to create a terrace, with new stairs descending to the lower garden to either side of an enclosed children's play area that has already been constructed. A site location plan is below and extracts from the application plans are attached at appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 A summary of representations is given below. The full versions are available at www.whitehorsedc.gov.uk.

Sunningwell Parish Council	Object to the series of applications at Red Copse
Neighbours	<p>5 households object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • Inappropriate development in the green belt and the alleged very special circumstances are insufficient to outweigh all the harm that is caused • Visual prominence • Loss of light • Dominance • Impact on trees • Noise from use of swimming pool • Deceptive plans
Highways Liaison Officer	No objection subject to condition
Forestry Team	No objection subject to condition, following the submission of amended plans
Health & Housing - Contaminated Land	No objection subject to condition to require notification of any contamination encountered during construction

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. **Site meeting**Planning Application History

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The development is not of a type that falls within the scope of the EIA regulations

5.0 **MAIN ISSUES**

5.1 The main issues with this application are as follows:

- Relationship to green belt policy
- Design
- Impact on neighbours
- Impact on trees

5.2 **Relationship to Green Belt Policy**

There is planning permission for a two storey side extension to the house (P16/V2075/HH). This application is for the same two storey side extension with an additional part single storey and part two storey rear extension, together with the levelling of the upper garden to form a terrace. The volume increase of the total proposed extensions is approximately 88%. Officers consider this increase to be disproportionate, and consequently to be inappropriate development in the green belt. The applicants argue that the previously approved lawful certificate (P16/V3140/LDP), for a larger outbuilding in a similar position to the proposed swimming pool, provides a “fall-back” position that amounts to very special circumstances which outweighs the harm to the green belt, and any other harm, in support of the proposal. This is because the fall-back scenario would create a new total volume increase of 2,064 cu.m, whereas the proposal creates a new total volume increase of 1,928 cu.m. The applicants argue the smaller total volume, and reduced site spread, have less impact on the openness of the green belt.

5.3 Objectors argue that the comparison of the outbuilding scenario and the current proposal is flawed because the proposed levelled terrace was not included in the lawful certificate application, and is an engineering operation that also causes harm to the openness of the green belt. Officers have carefully considered these arguments.

5.4 The rear garden to Red Copse already has two principal levels. Currently the upper garden does slope down to a more pronounced fall to the lower garden. Officers consider that a proposal to create a level terrace on the upper garden to assist in use of the garden to the rear of the house is entirely reasonable and understandable. In fact a similar exercise was carried out at neighbouring Yatsden following a planning permission granted in 2003 (P02/V1901). It will create a retaining wall and it is possible that some of the new terrace will be visible from outside the site, and may allow for greater views of some parts of neighbours’ gardens than currently. However, it will be seen and understood within the context of the house and garden. In these terms officers do not consider that the proposal will cause harm to the openness of the green belt, or any other harm to the locality.

- 5.5 In view of the court decisions on the fall-back scenario, particularly the landmark judgement of *R v Secretary of State ex p Aherne*, officers consider the fall-back position should be given significant weight and does amount to very special circumstances that outweighs the harm to the green belt. Consequently the proposal is considered to be acceptable in terms of green belt policy.

5.6 **Design**

The design of the proposal closely follows that of the lawful outbuilding. Officers consider the proposal to be subordinate in scale and to make good use of levels to help integrate the proposal into its surroundings. It is considered that the design of the proposal is acceptable.

5.7 **Impact on Neighbours**

Neighbours are concerned that, as the proposed swimming pool element is approximately 500mm higher than the lawful outbuilding, the proposal will cause harm to residents of Meriden through loss of light and dominance. The proposed lawful outbuilding was approximately 2.9m high and projected a total of approximately 24.5m from the rear of the permitted two storey side extension. The swimming pool element of the current proposal is approximately 3.4m high and its total projection is approximately 23.5m. Thus the current proposal is approximately 500mm higher and approximately 1m less in terms of total length. Overall, officers do not consider that the relatively small difference in height is sufficient to demonstrate harm from either loss of light or dominance.

5.8 **Impact on Trees**

The permitted two storey extension was amended to minimise impact on adjacent mature trees. There are also mature trees in the vicinity of the proposed swimming pool element. Investigative works have been undertaken to establish the root spread of the trees and the proposal has been amended to take these into account. The amended proposal has satisfied the council's arboricultural officer, who has no objections subject to condition.

6.0 **CONCLUSION**

- 6.1 The proposal is considered to be acceptable in terms of green belt policy, as well as impact on neighbours and on trees. Therefore it accords with relevant policies in 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

CP37 - Design and Local Distinctiveness

Vale of White Horse Local Plan 2011 policies:

DC9 - The Impact of Development on Neighbouring Uses

Design Guide (SPD Adopted March 2015)

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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