

APPLICATION NO.	P19/V0077/FUL
SITE	Land Adjacent to Courtdown The Courtyard Stud Court Hill Road Letcombe Regis Wantage, OX12 9JQ
PARISH	LETCOMBE REGIS
PROPOSAL	Variation of conditions 2(approved plans), 3(materials), and 6(windows to east elevation) of planning permission P17/V1122/FUL. (As amended by plans received on 5 April 2019)
WARD MEMBER(S)	Erection of one detached dwelling
APPLICANT	Dr Paul Barrow
OFFICER	Peter Clarke Sally Appleyard

RECOMMENDATION

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

Standard

1. Commencement within 3 years from the date of planning permission P17/V1122/FUL.
2. Development in accordance with approved plans

Pre-occupation

3. Improvement of access in accordance with approved plan

Compliance

4. Materials in accordance with submitted details
5. Rooflight sill height to be 1.7m from finished floor level
6. Ancillary accommodation

Informative

7. INF17 - Works within the Highway

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 The application is referred to committee at the discretion of the Development Manager.
- 1.2 The application site is located on the rural edge of Letcombe Regis. Residential development is located to the north and east of the site, with a stable yard located to the west of the site and open countryside to the south.

Access to the site is obtained from the existing access off Court Hill Road to the east. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty.

- 1.3 A site location plan showing the site in its local context is provided below:



- 1.4 Planning permission was granted under reference P17/V1122/FUL for the erection of a four bedroom dwelling and the conversion of the stable block into a car port and storage area. This application seeks planning permission to vary condition 2 (approved plans) and condition 3 (materials) and remove condition 6 (windows) attached to planning permission P17/V1122/FUL. The proposed changes include:

- Changes to the roof form resulting in the gable end facing north rather than east. The eaves level and ridge height remain as previously approved.
- Amendments to fenestration
- Removal of first floor window on east elevation.
- Demolish the stable block and replace with a smaller outbuilding comprising of a double car port and store room.

- 1.5 Amended plans have been submitted to omit first floor windows on the north and west elevations following concerns raised by neighbouring properties.

- 1.6 The application is submitted part-retrospectively, as the works have commenced on site.

- 1.7 Extracts of the plans are **attached** at Appendix 1.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 A summary of the consultations and representations received in response to the application is provided below. The full comments are available on the council's website. There were two consultations during the application process.

The responses received to all of the amendments have been grouped together for ease under one heading below.

<p>Letcombe Regis Parish Council</p>	<p><u>Original Plans</u> Objects:</p> <ul style="list-style-type: none"> • Gable end dominates neighbouring properties, with more windows and doors in closer proximity to neighbours, impinging on privacy and amenity • Works have commenced without planning permission <p><u>Amended Plans</u> Objects:</p> <ul style="list-style-type: none"> • Refurbishment and build should be constructed to original plans
<p>Local Residents</p>	<p><u>Original Plans</u> Three letters of objection have been received, raising the following concerns:</p> <ul style="list-style-type: none"> • Overlooking and loss of privacy • The alterations to the gable end will change in character – appearance of a 2 storey dwelling • Not in keeping with surrounding properties • Impact on value of neighbouring properties • Works have commenced without planning permission • Removal of trees and impact on amenity <p><u>Amended Plans</u></p> <ul style="list-style-type: none"> • Overlooking and overshadowing • The alterations to the gable end will change in character – appearance of a 2 storey dwelling • Concerns regarding size and scale of dwelling, and proximity to neighbours • Not in keeping with surrounding properties • Impact on value of neighbouring properties • Works have commenced without planning permission • Concerns regarding access and impact on highway safety

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/V0249/DIS](#) - Approved (12/03/2019)

Discharge of conditions 3 - materials, 4 - access, 5 - rooflights, 6 - obscure glazing and 7 - outbuildings on P17/V1122/FUL

(Erection of one detached dwelling).

[P17/V1122/FUL](#) - Approved (07/07/2017)
Erection of one detached dwelling

[P16/V3112/MPO](#) - Approved (06/03/2017)
Modification of planning obligation relating to LRE/5447/5-X and LRE/5447/6-D
- erection of a detached bungalow

[P16/V2548/PEM](#) - Other Outcome (02/11/2016)
Proposed new dwelling.

3.2 **Pre-application History**

None

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal does not fall within the defined scope for potential EIA development.

5.0 **MAIN ISSUES**

5.1 **Principle of removing or varying a condition**

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. New issues may arise after planning permission has been granted, which require modification of the approved proposals, and under Section 73 of the Town & Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission.

5.2 The relevant planning considerations for this application are only the matters for which the variation is sought. All the other matters were dealt with as part of the approved application and are not for re-consideration here.

5.3 **Design and Layout**

Core Policy 37 of the adopted Local Plan 2031 part 1 requires new development to be of a high quality design that responds positively to the site and its surroundings, is visually attractive and the scale, height, massing and details are appropriate for the site and surrounding area.

5.4 The proposed amendments to the main dwelling involve a change to the roof form resulting in the gable end facing north rather than east as previously approved. The position, layout and scale of the dwelling remain as previously approved. It is not considered that the alterations to the roof form will significantly alter the character and appearance of the dwelling, and is considered acceptable in design terms.

5.5 The application also seeks to amend the wall materials from Michelmersh multi red brick to Desimpel Jewel multi brick. It is also proposed for the casement windows to be timber rather than UPVC. The amendments to the materials will

not significantly alter the visual appearance of the dwelling, and are considered acceptable in design terms.

- 5.6 The original application sought to retain and convert the existing stable block to a car port and store. This current application now seeks planning permission to demolish the stable block and replace with a smaller outbuilding comprising of a double car port and store room. The outbuilding is situated on the footprint of where the stables were located, and is of a smaller scale. The height of the outbuilding is the same height as the stable block at approximately 3.2 metres. The outbuilding is constructed from larch feather edged boarding with green steel sheets for the roofing. Officers are of the opinion that the outbuilding is subordinate in scale and acceptable in design terms. As with the original permission, it is considered reasonable and necessary to secure by condition that the outbuilding be used ancillary and incidental to the main dwelling.
- 5.7 **Residential Amenity**
Saved policy DC9 of the adopted Local Plan 2011, seeks to prevent development that would result in a loss of privacy, daylight or sunlight for neighbouring properties or that would cause dominance or visual intrusion for neighbouring properties and the wider environment.
- 5.8 As originally submitted, a first floor window was proposed on the north (rear elevation) within the gable end, and an enlarged first floor window on the west (side elevation). Following concerns raised by local residents and the parish council, the applicant has since submitted amended plans to omit both first floor windows. As such, it is not considered that the proposed alterations will result in harmful overlooking or loss of privacy to the amenities of neighbouring properties to the north and north-west.
- 5.9 Concerns have also been raised that the change to the gable end will impact on neighbours in terms of overshadowing and dominance. It is acknowledged that the rear elevation as previously approved sloped away from the neighbours to the north, which gave the appearance of a single storey dwelling. The proposed change to the roof form will change the appearance of the rear elevation, however the eaves and ridge height of the dwelling remain as previously approved, at 2.3 metres and 6.8 metres respectively. Furthermore, due to the orientation of the dwelling in the plot, the gable end is positioned to the east of the plot, and will not directly face any neighbouring properties. Therefore it is not considered that the change will result in significant harm to the amenities of neighbouring properties due to orientation of the dwelling and the distance to neighbours.
- 5.10 Condition 6 of the original permission (ref P17/V1122/FUL) required the first floor window on the east elevation to be obscure glazed and fixed shut apart from a top-hung vent. As a result of the change to the roof form, this window is no longer proposed, and as such the condition is no longer relevant and can be removed. Condition 5 of the original permission requiring the roof lights proposed on the east and north elevations have a sill height of 1.7 metres from finished floor level is still considered to be reasonable and necessary to prevent any harmful overlooking.

- 5.11 Concerns have also been raised regarding the size and scale of the proposed dwelling, and the proximity to neighbours, which will impact on the amenities of neighbours. The size, scale, and siting of the dwelling are unchanged, and remain as previously approved under application P17/V1122/FUL.
- 5.12 **Traffic, parking and highway safety**
The access to the site remains the same as previously approved. Under the previous application, it was considered that the first 5.0 metres of the access off Court Hill Road needs to be re-surfaced in a bound material to ensure loose material is not transferred onto the main road, due to the intensification of the existing access. These details have been submitted and approved under application P19/V0249/DIS and have been carried over to this current application. It is considered reasonable and necessary to ensure that the works to the access are carried out in accordance with the approved details, and this can be secured by a condition.
- 5.13 Sufficient parking space has been provided for the proposed new dwelling which is considered acceptable.
- 5.14 **Other considerations**
Local residents and the parish council have raised concerns regarding the commencement of the development prior to gaining the relevant planning permission. The applicant has been advised to cease works until planning permission is granted and advised of the associated risks involved. The councils enforcement team are aware of the situation (reference VE19/117), however it is unreasonable of the council to take any enforcement action whilst there is a planning application currently under consideration which seeks to rectify the breach of planning.
- 5.15 Local residents have raised concerns that the proposed development will impact on the value of their properties. This is not a material planning consideration and therefore cannot be taken into account.
- 5.16 **Conditions**
The remaining conditions as attached to the previous planning permission P17/V1122/FUL are all considered to be necessary and reasonable, and therefore have been carried over to this current application.
- 5.17 In accordance with S100ZA(6) of the Town and Country Planning Act 1990 (a), any pre-commencement conditions need to be agreed with the applicant. There are no pre-commencement conditions imposed.
- 5.18 **Community Infrastructure Levy**
The Council has adopted the CIL Charging schedule. The proposed changes do not create additional floor space that would be CIL liable.

6.0 **CONCLUSION**

- 6.1 The proposed changes will not harm the character and appearance of the area, the amenities of neighbouring properties or have any impact upon highways safety. It therefore complies with the relevant development plan policies and the provisions of the NPPF.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 part 1 policies;

- CP01 - Presumption in Favour of Sustainable Development
- CP03 - Settlement Hierarchy
- CP04 - Meeting Our Housing Needs
- CP20 - Spatial Strategy for Western Vale Sub-Area
- CP37 - Design and Local Distinctiveness
- CP44 - Landscape

Vale of White Horse Local Plan 2011 saved policies;

- DC5 - Access
- DC6 - Landscaping
- DC7 - Waste Collection and Recycling
- DC9 - The Impact of Development on Neighbouring Uses
- NE6 - The North Wessex Downs Area of Outstanding Natural Beauty

Vale of White Horse Emerging Local Plan 2031 part 2 policies;

Vale of White Horse Local Plan 2031 Part 2 has undergone examination but the Inspectors report is still awaited. Its policies therefore have limited weight at the current time.

- DP16 - Access
- DP23 - Impact of Development on Amenity

National Planning Policy Framework 2019 and National Planning Practice Guidance

Adopted Guidance

Vale of White Horse Design Guide SPD – March 2015

Neighbourhood Plan

Letcombe Regis does not have a neighbourhood plan.

Other Relevant Legislation

- Human Rights Act 1998
 - The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
- Equality Act 2010

Vale of White Horse District Council – Committee Report – 29 May 2019

- In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

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