

<b>APPLICATION NO.</b>	<a href="#">P20/V2810/FUL</a>
<b>SITE</b>	Brakspear's Yard, Denchworth Road, Grove, Wantage, OX12 0AZ
<b>PARISH</b>	GROVE
<b>PROPOSAL</b>	Retrospective application to modify the ridge height of the approved development, to relocate one bedroom from the second floor to the roofspace, and to insert two rooflights
<b>WARD MEMBER(S)</b>	Ron Batstone Grove North Ward Vacancy
<b>APPLICANT</b>	D Pink Investments Ltd
<b>OFFICER</b>	Martin Deans

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## RECOMMENDATION

Planning Permission subject to the following conditions:

### Compliance

1. Approved plans
2. Remove Rights for Further Roof Accommodation

## 1.0 INTRODUCTION AND PROPOSAL

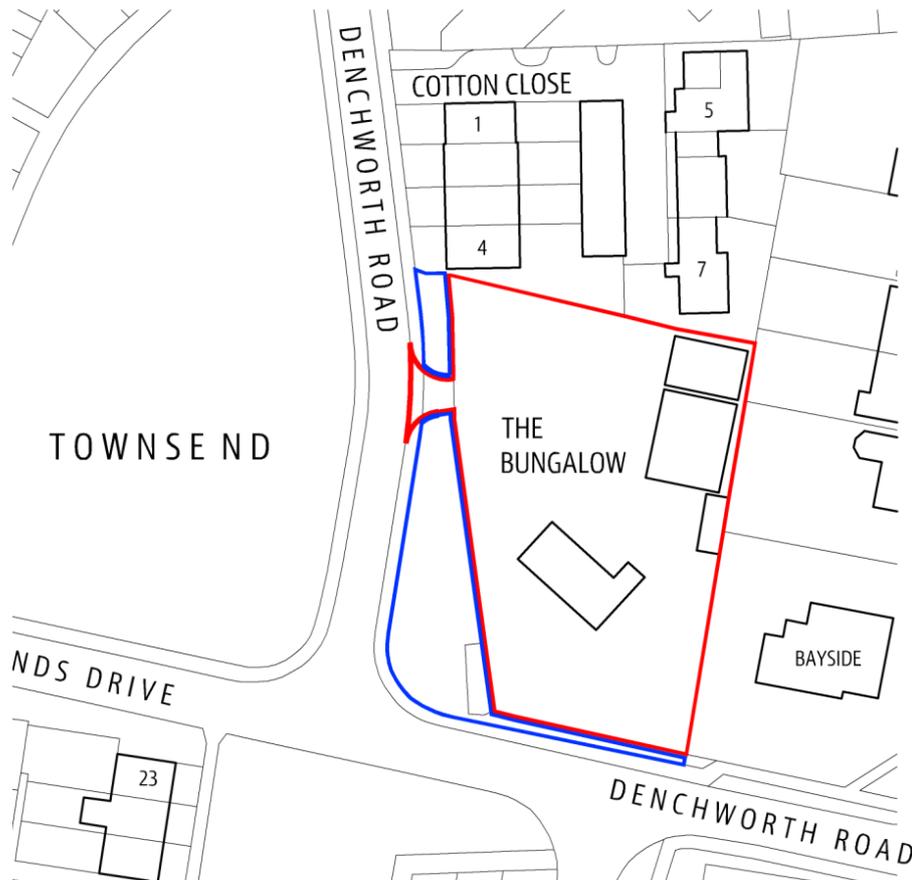
1.1 This is a retrospective planning application for changes to a development of 14 flats in Grove, which is nearly completed. It has been referred to committee by the ward member, Ron Batstone. The application seeks permission for changes made between the development as approved and the development as built.

1.2 The site lies on the junction of Denchworth Road and Newlands Drive. The changes made are as follows:

- An increase in the height of the ridge and gables of the main three-storey element of the building by approximately 600mm, from 11.7m to 12.3m
- The relocation of one bedroom in Flat 10 from the second floor to the roofspace with the addition of two rooflights in the front, west elevation

The application was amended to include the second element and re-consultation was carried out on 29 January 2021 for 21 days.

1.3 The site location plan, which shows the previous buildings on the site, is below and the application plans are **attached** at Appendix 1.



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Full copies of all representations that have been made can be found at the council’s website, [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

<p><b>Grove Parish Council</b></p>	<p><b>First Consultation:</b> Object on the grounds that, if allowed, there will be nothing to prevent more flats being added to this overdeveloped site</p> <p><b>Second Consultation:</b> Any comments received will be reported to committee</p>
<p><b>Neighbours</b></p>	<p><b>First Consultation:</b> Two neighbours object on the following grounds</p> <ul style="list-style-type: none"> <li>• The changes make worse a development that is unattractive, out of keeping with its</li> </ul>

	<p>location, and harmful to neighbours</p> <ul style="list-style-type: none"><li>• Original statements made about the suitability of the development have proved false</li><li>• The permitted lower roof was requested by planning committee</li><li>• Approval will encourage further rule-breaking in the future</li><li>• The application should be refused and the roof height should be reduced</li></ul> <p>One neighbour has written with the following observations:</p> <ul style="list-style-type: none"><li>• We have sympathy for adjacent residents</li><li>• We opposed the development but calling it an eyesore overlooks the fact it replaced a scrap yard</li><li>• Better to encourage completion of the development to end disruption as soon as possible</li></ul> <p><b>Second Consultation:</b> Any comments received will be reported to the meeting</p>
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### 3.0 **RELEVANT PLANNING HISTORY**

#### 3.1 [VE20/355](#) – Enforcement Query

Development not built in accordance with the approved plans for P16/V0527/O & P17/V0134/RM.

#### [P18/V2140/FUL](#) - Approved (02/11/2018)

Removal of condition 3 (Arboricultural method statement) of Planning Permission P17/V0134/RM

#### [P17/V2398/DIS](#) - Approved (14/11/2017)

Discharge of conditions 5 (access), 6 (construction traffic management), 7 (contaminated land risk assessment), 8 ( surface water) and 9 ( parking of bicycles)of Planning Permission P16/V0527/O and conditions 3 (arboricultural method statement), 4 (materials) and 6 (preventing of parking in front of bin store) of Planning Permission P17/V0134/RM

Demolition of existing bungalow and industrial workshops/storage sheds.  
Erection of 14no flats, car parking, landscape and works there to.

#### [P17/V0134/RM](#) - Approved (23/08/2017)

Reserved matters application following outline planning permission P16/V0527/O (which permitted 14 flats, access only approved) for appearance, landscaping, layout and scale (as amended by revised building design and layout plans received 21 April 2017, further revised by amended landscape

details received 26 May 2017, further amended by revised elevations and floor plans to reduce height of two storey wing received 30 May 2017, and further amended by revised elevations and floor plans to reduce roof pitch, remove balconies and replace brick on two storey wing with render on 22 June 2017).

[P16/V0527/O](#) - Approved (10/06/2016)

Demolition of existing bungalow and industrial workshops/storage sheds.  
Erection of 14no flats, car parking, landscape and works there to.

[P15/V2288/PEJ](#) – Pre-Application Inquiry (27/11/2015)

Demolition of existing bungalow and industrial workshops/storage barns.  
Erection of 14 no. flats, car parking, landscape and associated works.

[P92/V0994](#) - Approved (19/03/1992)

Erection of an open ended vehicle shelter.

[P85/V2061](#) - Approved (26/04/1985)

Construction of a single detached bungalow. (Site area 0.19 hectare).

#### 4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This scale of development does not require an EIA.

#### 5.0 **MAIN ISSUES**

5.1 Officers consider the main issues to be as follows:

- The impact of the increase in height on the surrounding area
- The impact of the increased height, and of relocating a bedroom into the roofspace, on neighbours and on parking
- The weight to be attached to the consideration of intentional unauthorised development

#### 5.2 **The Impact of the Increase in Height on the Area**

The change has increased the height of the main three storey element by approximately 600mm, from 11.7m to 12.3m. As a proportion, this is an increase of 5% in the height of this part of the building. Officers understand the inevitable emotions generated by a retrospective application of this nature. However, the application should be assessed on its planning merits and on whether any harm can be verified from the change now that the building exists. When viewed on site, and compared to what was approved, officers consider this change has not been sufficient in size to cause planning harm to the character or appearance of the locality in terms of its visual impact. Consequently, officers consider the application accords with policy CP37 of LPP1.

5.3 As neighbours have pointed out, the reduction in height of the building by 600mm was requested by committee, and then approved, when it considered the reserved matters application for the development in 2017 (P17/V0134/RM). The request was made due to concerns about the impact of the building on its surroundings. The applicants agreed to lower the roof pitch from 50 degrees to 45 degrees, which led to the 600mm reduction. The applicant's agent states

that, by error, the original set of plans, at 600mm higher, were sent from the architect's office to the project team for the development, and this is what has led to the discrepancy.

- 5.4 In terms of assessing the difference, and the impact of the building on its surroundings, members now have the benefit of seeing the building as constructed, as opposed to visualising it before construction. Officers' advice is that members should make the assessment of the building as it has been constructed to determine whether any planning harm has been caused.

5.5 **The Impact on Neighbours and on Parking**

The site is bounded on the north and east side by neighbouring dwellings. The nearest neighbouring dwelling to the east is Bayside. Further away are the dwellings at no.2, no.4. and no.6 Steptoe Close. The closest elements of the increase in height to Bayside itself are the two east-facing gables. These lie approximately 18m from the side wall of Bayside. In light of this distance, and the size of the increase, officers do not consider that any planning harm has been caused to this neighbour, or to neighbours in Steptoe Close, in terms of loss of light or dominance. The nearest neighbours to the north are no.4 and no.7 Cotton Close. These properties are at least 30m away from the nearest part of the building that has been increased in height. Given this distance, and the amount of change to the height, officers do not consider that harm has been caused to these neighbours. Nearest neighbours on the opposite side of Denchworth Road are also at least 30m from the part of the building that has increased in height. Overall, therefore, officers do not consider that the increase in height has caused harm to neighbours' amenities, and the development complies with policy DP23 of LPP2.

- 5.6 The two new rooflights in the west elevation look towards the open space in front of the development on the opposite side of Denchworth Road. Approved upper floor windows also look in this direction. Therefore, officers consider that the rooflights cause no harm to neighbours from overlooking, and the development is also compliant with policy DP23 of LPP2 in this regard.

- 5.7 The relocation of a bedroom from the second floor to the roofspace has not changed the total number of bedrooms on the development. The space that was occupied by the bedroom on the second floor has been used to enlarge the lounge of Flat 10. Consequently, there have been no implications for parking, which remains as approved and is satisfactory. Therefore, the development complies with policies CP35 of LPP1 and policy DP16 of LPP2.

- 5.8 To ensure that any future proposed change to the roofspace for the purposes of creating accommodation is properly assessed, it is considered reasonable and necessary that a condition is imposed to require any future changes to create accommodation in the roofspace to be subject to an application for planning permission. The reason is to allow for consideration of the impacts on neighbours and the impacts on parking.

5.9 **The Issue of Intentional Unauthorised Development**

An application of this nature raises the issue of intentional unauthorised

development, which the Government introduced as a material consideration in such cases in 2015. In this instance, officers consider the evidence does not support any contention that the changes made to the development were carried out intentionally, but rather that this has arisen from a genuine error, due to the wrong set of drawings being sent out from the architect's office. Consequently, officers consider that no weight should be attached to this particular material consideration.

5.10 **Other Issues**

Members are aware that, notwithstanding the original objections of Grove Parish Council, any approval of this application does not mean that further flats will be approved on this site.

6.0 **CONCLUSION**

6.1 Officers consider that the increase in height is too small, in the context of the scheme, to cause harm to its surroundings from its visual impact, or harm to neighbours' amenities from loss of light or dominance. The two new rooflights do not cause harm through overlooking. There has been no change in the number of bedrooms in the development so there are no implications for parking. Consequently, officers consider the development as built complies with relevant policies of the development plan, and is acceptable.

6.2 **The following planning policies have been taken into account:**

**Vale of White Horse Local Plan 2031, Part 1 (LPP1)**

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

**Vale of White Horse Local Plan 2031, Part 2 (LPP2)**

DP16 - Access

DP23 - Impact of Development on Amenity

**Vale of White Horse Design Guide (SPD 2015)**

**National Planning Policy Framework, 2019**

**Planning Practise Guidance, 2014 onwards**

**Other Relevant Legislation**

Human Rights Act 1998

The application has been assessed in the context of the Human Rights Act 1998 and in particular the provisions of Article 1 and Article 8. The objections made by individuals have been weighed against the public interest and officers consider the recommendation is proportionate.

Equality Act 2010

Officers have assessed the application in light of Section 149 of the Equality Act, It is considered that no member(s) of a prescribed group will suffer discrimination as a result of what is proposed in the application. In determining this planning application

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