

## **KEN/6613/5 – Mr N Horn**

**Construction of a two bedroom single storey log cabin dwelling on land to the rear of 85 Bagley Wood Road, Kennington, sharing the same access.  
85 Bagley Wood Road, Kennington, Oxford, OX1 5LY**

### **1.0 The Proposal**

- 1.1 This application seeks planning permission for the construction of a two bedroom log cabin dwelling for use as a private dwelling to be occupied by the daughter and son-in-law of the owners of No 85 Bagley Wood. The application site forms part of the existing rear garden of 85 Bagley Wood Road. Vehicular access will be gained via the existing access to the side of 85 Bagley Wood Road.
- 1.2 A design and access statement, location plan, together with proposed floor plans and elevations are at **Appendix 1**.
- 1.3 This application comes to Committee because four objections have been received.

### **2.0 Planning History**

- 2.1 KEN/6613/2 planning permission was granted in October 1996 for the erection of a single storey rear extension to 85 Bagley Wood Road.
- 2.2 KEN/6613/3 planning permission was refused in February 2007 for the construction of a two bedroom log cabin similar to what is now proposed on the grounds that the proposal would intensify the use of an existing access which is sub-standard in terms of vision.
- 2.3 KEN/6613/4 planning permission was refused in August 2007 for the construction of a two bedroom log cabin similar to what is now proposed on the grounds that the proposal would intensify the use of an existing private road which is sub-standard in terms of construction, width and forward vision. It would also intensify the use of an existing access which is sub-standard in terms of vision, the means of access to the highway had not been included within the application site, and the applicant had not demonstrated a right of access over private land for the proposed development.

### **3.0 Planning Policies**

- 3.1 Policies H24, DC1, DC5 and DC9 of the adopted Local Plan seek to ensure that all new development is of high standard of design, does not cause harm to the amenity of neighbours or to the character and appearance of its surroundings, and adequate provision will be made for parking and access.
- 3.2 Policy H11 of the adopted Local Plan states that in the built up areas of villages including Kennington proposals for new housing will be permitted provided that: i) the scale, layout, mass and design of the new dwellings would not materially harm the form, structure or character of the settlement; and (ii) it would not result in the loss of facilities important to the local community.

#### 4.0 **Consultations**

- 4.1 Kennington Parish Council: No objections however they have made the following comments – “would wish a condition be imposed for retaining its use for the occupation by the family of the owners of 85 Bagley Wood Road”.
- 4.2 Council’s Arboricultural Officer: No objection subject to conditions.
- 4.3 County Engineer: No objection subject to conditions.
- 4.4 Council’s Drainage Engineer: “The Applicant has given insufficient details concerning the intended methods of draining the site. The applicant should be requested to provide further details or planning consent could be made conditional on the provision and approval by Technical Services of drainage details submitted after the consent and prior to the commencement of building on site”.
- 4.5 One letter of support and four letters of objection have been received from neighbours. The grounds of objection are:
- out of keeping with the surrounding properties;
  - setting a precedent;
  - potential fire risk & being affected by restricted covenants (not material planning considerations)
  - may cause danger to pedestrians using the nursery school;
  - incorrect information submitted in the design and access statement;
  - impact on neighbours in terms of noise, nuisance and privacy;
  - proximity to the trees on the boundary;
  - concern for further development on the site;
  - concern with the shared access road with other road users i.e. pedestrians;
  - impact on road movements along Bagley Wood Road;
  - existing condition of the track not being up to standard;
  - becoming a permanent structure;
  - concern for the access of emergency vehicles and potential increase in road movements onto Bagley Wood Road.

#### 5.0 **Officer Comments**

- 5.1 The main issues to consider in determining this application are: 1) the principle of the development in this location; 2) the impact of the proposal on the character and appearance of the locality; 3) the impact on neighbouring properties; 4) impact on existing trees; and 5) highway safety and whether the means of access and car parking arrangements are acceptable.
- 5.2 On the first issue the rear garden of No 85 Bagley Wood Road is located within a predominantly residential area of Kennington. Policy H11 of the adopted Local Plan enables new housing development within the built up areas of Kennington, provided the scale, layout, mass and design of the new dwelling would not materially harm the form, structure or character of the settlement and the proposal would not result in the loss of facilities important to the local community. Therefore, Officers consider the principle of this proposal in this location acceptable.

- 5.3 It is proposed that the two bedroom log cabin will be 12 metres long by 6 metres wide, which includes a 2 metre width of decking at the front of the cabin. The eaves height will be 3 metres with a ridge height of 4 metres. The walls are to be constructed with prefabricated stained horizontal timber panel frames. Doors and windows are to be of wooden construction and double glazed with felt shingles on the roof. Officers consider that due to its location within the site, the proposal will have a minimal visual impact on the surrounding area.
- 5.4 Turning to the impact upon neighbouring properties, Officers consider the proposal would have no harmful impact due to the boundary treatments and distances to neighbouring properties.
- 5.5 The proposed vehicular access to the application site will run along the northern hedge boundary between nos. 83 and 85 Bagley Wood Road. A number of conifer trees at the entrance of the site will have to be removed. The Arboricultural Officer has no objection, provided the existing Ash tree located in the middle of the garden is protected during construction of the service trench and access drive see condition 3 below.
- 5.6 Finally, on the issue of access and highway safety. The County Engineer considers that the existing access track from Bagley Wood Road to the proposed access point of the application site can be improved substantially by means of upgrading with tarmac surfacing, the provision of a new passing bay with a minimum width of 4.1 metres and the retention of visibility splays at the existing access to 85 Bagley Wood Road. This can be the subject of conditions, to ensure that the necessary works are carried out prior to the erection of the cabin see condition 5 and 7 below.
- 5.7 This proposal overcomes the previous reasons for refusal as the red line area i.e. the application site includes the existing access track from Bagley Wood Road to the proposed application site where as before the upgrading of the access track (mentioned above) could not be controlled and/or conditioned to be carried out.

## 6.0 **Recommendation**

6.1 *That planning permission be granted subject to the following conditions:*

1. *TL1- Time Limit*
2. *MC2 – Materials to be Submitted*
3. *LS5 – Hand Excavation of Ash Tree Roots*
4. *RE7 – Submission of Boundary Details*
5. *No work on the construction of the proposed log cabin shall be commenced until the existing access track from Bagley Wood Road to the proposed access point of the application site is upgraded with tarmac surfacing and the passing bay/space is constructed with a minimum width of 4.1 metres as shown on plans 3807/2, 3807/3, & 3807/4 which were received on the 15<sup>th</sup> July 2008.*
6. *HY29- No Surface Water*

7. *HY11 – Visibility splays at the existing access to No 85, Bagley Wood Road are to be maintained clear of obstruction for a setback of 2.4 metres.*
8. *HY16 – Turning Space in accordance with specified plans 3807/3, & 3807/4 which were received on the 15<sup>th</sup> July 2008.*
9. *HY24 – Car parking layout in accordance with specified plans 3807/3, & 3807/4 which were received on the 15<sup>th</sup> July 2008.*