

APPLICATION NO.	P13/V0065/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	29 January 2013
PARISH	CUMNOR
WARD MEMBER(S)	Dudley Hoddinott Judy Roberts John Woodford
APPLICANT	Mr Brian Purcell-Smith
SITE	18 Leys Road Cumnor OX2 9QF
PROPOSAL	Erection of detached open bay and closed bay garage with space in loft above (re-submission of application P12/V1782/HH)
AMENDMENTS	
GRID REFERENCE	445727/204440
OFFICER	Stuart Walker

1.0 INTRODUCTION

1.1 This application seeks planning permission for the erection of a detached garage building with accommodation above in the rear garden of 18 Leys Road. The property is located on the north side of Leys Road, within the village conservation area and the North Vale Corallian Ridge landscape designation.

1.2 The application comes to committee because Cumnor Parish Council objects.

2.0 PROPOSAL

2.1 The proposal is to erect a timber clad garage building, measuring 6.9m wide by 6m deep with an overall height of 6.5m. The ground floor consists of a single bay car port, a single garage bay and an internal staircase to the first floor (with a separate entrance door). The first floor is to be used as ancillary living accommodation with an en-suite. The plans have been amended to steepen the roof pitch and reduce the size of the window to address officer comments on design. A copy of the plans showing the location of the proposal and its design is **attached** at appendix 1.

2.2 Prior to the submission of the application, the applicant removed eight trees from the site without the required prior consent of the council. These trees were protected under conservation area legislation and, following investigation by the enforcement team, the replacement of two trees has been suggested (the other six trees would have received consent to be removed). The proposed replacement trees, a mountain ash and scots pine, are shown on the submitted plans.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Cumnor Parish Council objects. Their full comments are **attached** at appendix 2.

3.2 Conservation Officer: "The scheme has been amended in accordance with my comments made on the 13/2/13 and I therefore have no objection to the proposal."

3.3 County Highways: no objection.

3.4 Forestry Team: no objection.

- 3.5 Five letters of objection have been received from local neighbours raising the following issues:
- The owner has felled several trees within the conservation area without consent.
 - The replacement trees are inadequate and facilitate the proposed development. The proposal would have been impossible to build had proper process been followed where the retention of the trees could have been required.
 - The replacement trees are too close to neighbouring properties and will adversely impact neighbours in respect of loss of light, damage to drains / underground services / driveways and trespass.
 - The owner is profiteering from his illegal tree felling which appears to have been pre-meditated.
 - The building is too large, too tall and more akin to a dwelling.
 - The building will be occupied as a separate dwelling.
 - Loss of light / privacy
 - Over development
 - The proposal will exacerbate current parking problems associated with this property as the current parking area is not sufficiently large enough to serve the needs of the dwelling.
 - Lack of parking for future occupants of the accommodation.

4.0 RELEVANT PLANNING HISTORY

- 4.1 [VE12/134](#) – Enforcement investigation regarding removal of trees in conservation area
- 4.2 [P12/V1782/HH](#) - Withdrawn (26/09/2012)
Erection of detached open bay garage with secure store and loft space above
- 4.3 [P09/V1391/O](#) - Approved (08/10/2009)
Outline application for demolition of existing garages. Erection of two detached dwellings with vehicular access
- 4.4 [P06/V0911/O](#) - Approved (31/08/2006)
Demolition of two garages and erection of two houses
- 4.5 [P95/V0423](#) - Approved (15/08/1995)
Two storey extension to enlarge living room with bedroom over

5.0 POLICY & GUIDANCE

- 5.1 Vale of White Horse Local Plan 2011 policies:

DC1 - Design
DC5 - Access
DC6 - Landscaping
DC9 - Impact of development on neighbouring uses
HE1 - Preservation and enhancement of conservation areas: implications for development
NE7 - The North Vale Corallian Ridge

- 5.2 Residential Design Guide (December 2009)

- 5.3 National Planning Policy Framework

6.0 PLANNING CONSIDERATIONS

- 6.1 *Impact on character / conservation area*
The conservation area appraisal (January 2011) describes Leys Road as having a

sporadic form of development that is tighter at the top end (where the application site is located) such that properties are set forward and have strip gardens running back at right angles to the street.

- 6.2 The new garage building is located to the rear of the existing dwelling and thus has little prominence in public views within the conservation area. The new building (as amended) is considered acceptable in terms of its size and location, and will preserve the character and appearance of the conservation area. The traditional design and the use of timber cladding mirrors timber cladding used on nos. 20 and 22 Leys Road which are sited to the rear of the site. Furthermore, the height and steep pitched roof form matches the garage element of no. 20 Leys Road which is considered acceptable.
- 6.3 The key impact on the conservation area has been the prior removal of the trees. Whilst it is accepted by your officers that had the trees remained the recommendation on this application would be for refusal, officers consider there is no defensible case to refuse planning permission now due to the fact the trees are no longer there.
- 6.4 *Amenity*
Concerns have been raised by local residents in terms of over-dominance, loss of light and potential overlooking. It is considered, however, that any impact on residential amenity would not be so harmful to warrant refusal on such grounds. The development accords with the amenity standards in the adopted residential design guide. Conditions can be imposed to ensure the use of the garage building remains ancillary and incidental to the main house and no new openings are created under permitted development rights (recommended conditions 4, 5 and 6 refer).
- 6.5 The proposed building is not considered to be an overdevelopment of the site and sufficient parking space is available within the site to meet the needs of the property. The county engineer raises no objections. Officers see no defensible case, therefore, to refuse permission on such grounds.
- 6.6 With respect to replacement tree planting, the trees shown on the submitted drawings are not required to offset the visual impact of this development but have been suggested as a possible remedy to the enforcement investigation into the unauthorised removal of the trees. The forestry team has assessed their likely impact in relation to neighbouring property and consider their position to be acceptable.
- 6.7 Members will be aware that the unauthorised removal of trees in a conservation area without consent is a potential prosecution matter. The enforcement team has advised their investigation is ongoing but that it may not be in the public interest to pursue prosecution action as the trees removed had limited public amenity value and the owner has agreed to replace the two most important trees.

7.0 CONCLUSION

- 7.1 The proposal to erect a detached garage building with accommodation above is considered to be acceptable. It will not detract from the character of the area, and will not harm the character and appearance of the conservation area, residential amenity or highway safety. The proposal, therefore, complies with relevant development plan policies and the National Planning Policy Framework.

8.0 RECOMMENDATION

- 8.1 **Grant planning permission subject to the following conditions:**

1 : TL1 - Time limit

2 : Approved plans

3 : MC2 - Materials (samples)

- 4 : RE11 - Garage accommodation**
- 5 : RE12 - Ancillary accommodation**
- 6 : RE26 - No windows or rooflights in garage building**
- 7 : LS4 - Tree protection**

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