

<b>APPLICATION NO.</b>	<a href="#">P21/V1643/HH</a>
<b>SITE</b>	7 Childrey Way East Challow Wantage, OX12 9RX
<b>PARISH</b>	EAST CHALLOW
<b>PROPOSAL</b>	Detached annex for family member in rear garden of No. 7 Childrey Way for ancillary use to the main house (Amended certificate of ownership received 15 July 2021 and amended plan CHDR.P01E received on 22 November 2021).
<b>WARD MEMBER(S)</b>	Paul Barrow
<b>APPLICANT</b>	Mr Sam Murby
<b>OFFICER</b>	Josh Sharp

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## **RECOMMENDATION**

**Planning Permission is granted, subject to the following conditions:**

### **Standard**

- 1: Commencement of development within three years
- 2: Approved plans list

### **Prior to commencement**

- 3: Surface water drainage scheme to be submitted

### **Compliance**

- 4 : Materials in accordance with application details
- 5 : Access, parking and turning details in accordance with approved plans
- 6 : Retention of existing car parking area
- 7 : Obscure glazing to north elevation window

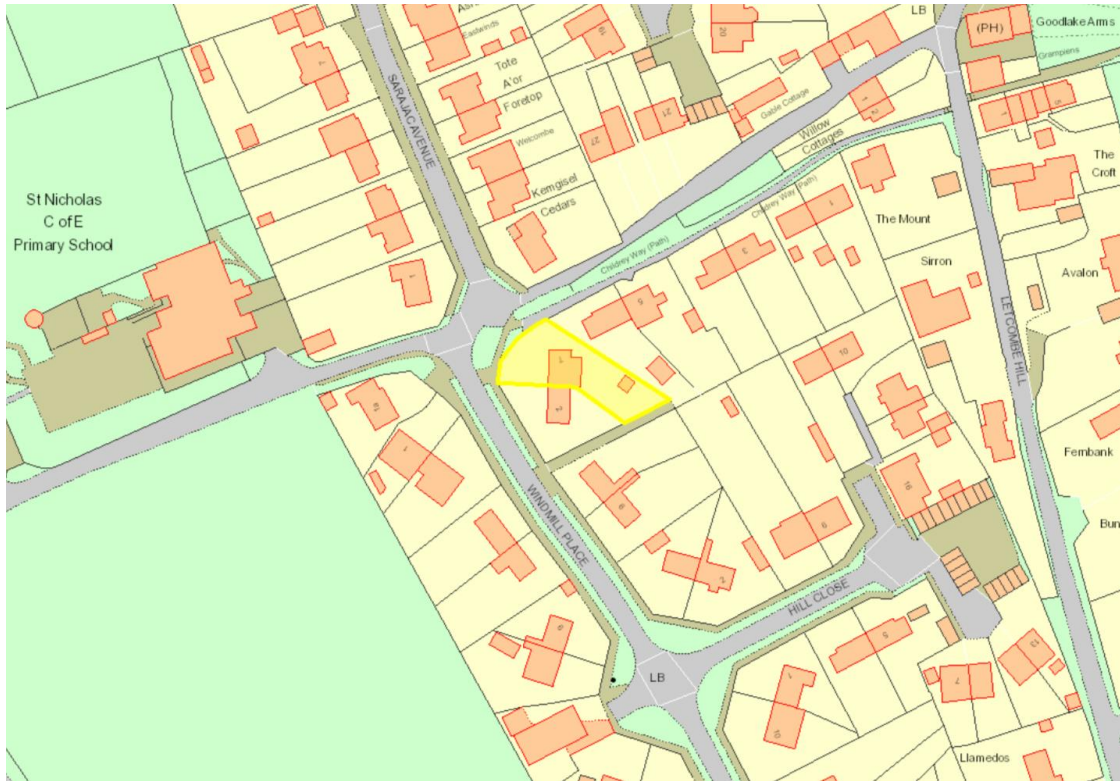
## **1.0 INTRODUCTION AND PROPOSAL**

- 1.1 The application is referred to planning committee at the request of Councillor Paul Barrow.
- 1.2 7 Childrey Way is a two-storey semi-detached property located within an established residential area towards the south of East Challow. The dwelling is located on a corner plot fronting onto the junction of Childrey Way, Windmill Place and Sarajac Avenue. The attached neighbouring dwelling, 2 Windmill Place, is to the south and to the west is number 6 Childrey Way.
- 1.3 There is off-street parking provision serving the property at the front of the dwelling including 5 to-standards parking spaces. Access to the rear of the site is also provided via a shared private driveway, not under the ownership of number 7. An amended certificate of ownership confirming that notice has

been served on the owner of the access road has been received during the application process and a 21-day re-consultation carried out.

- 1.4 The application seeks planning permission for the erection of a detached single storey outbuilding within the curtilage of the property to form ancillary accommodation for a relative.
- 1.5 The proposed annex outbuilding, as amended, would be 5 metres wide and 8.8m long with an eaves height of 2.6m and a dual-pitched roof 4.7m high. It would be finished with timber or timber effect vertical cladding and roof tiles to match the existing dwelling. The land level from the front of the site to the rear garden increases, and the proposed outbuilding would be excavated into the ground to reduce its visual impact.
- 1.6 The scheme has been amended four times, in response to Officer concerns regarding the scale and massing of the proposed outbuilding. The fifth set of plans, received on 22 November 2021, reduces the outbuilding to a single storey structure and the application has been assessed on the basis of these amended plans. A parking and turning plan and a levels plan has also been submitted within the 22 November 2021 amendment.
- 1.7 The application description has also been amended changed with agreement from the agent to read: “Detached annex for family member in rear garden of No. 7 Childrey Way *for ancillary use to the main house.*” This is to ensure the proposed annex is strictly used as ancillary accommodation associated to the main house and is not used independently as a separate dwelling.
- 1.8 A site location plan is provided below. The full set of original and amended application plans are **attached** at appendix 1.

1.9



2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 This a summary of the final responses received from consultees and third parties to the amended application. The full responses can be viewed on the council website: [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

<p>2.2 East Challow Parish Council</p>	<p><b>1<sup>st</sup> consultation response received 3<sup>rd</sup> August 2021 – Objection –</b></p> <ul style="list-style-type: none"> <li>• The building is a two-storey house, not an annex.</li> <li>• Dominance and over-looking to neighbours.</li> <li>• Insufficient materials info.</li> <li>• Insufficient information on dimensions.</li> <li>• Insufficient info on sustainability credentials.</li> <li>• No right of access for number 7 to rear driveway.</li> <li>• No separate curtilage shown.</li> <li>• Discrepancy in drawings.</li> <li>• The design is out of keeping with the area and will appear cramped and at odds with the visual amenity of the area, at odds with CP37 of LLP1, NPPF and Design Guide SPD.</li> </ul>
<p>East Challow Parish Council</p>	<p><b>2<sup>nd</sup> consultation response received 28<sup>th</sup> October 2021 in response to amended plan CHDR.P01D – Objections</b></p> <ul style="list-style-type: none"> <li>• We refer to our previous objections and confirm the Parish Council continues to object to this application.</li> </ul>

<p>East Challow Parish Council</p>	<p><b>3rd consultation response received 12<sup>th</sup> December 2021 in response to amended plan CHDR.P01E – Objection –</b></p> <ul style="list-style-type: none"> <li>• Overdevelopment of a semidetached property which has already been extended.</li> <li>• It is a one bedroomed house with all the facilities for living independently of the main dwelling and is to have a new vehicular access from the rear, albeit over a private access to which the property has no rights. There will now be four cars parked within the curtilage.</li> <li>• It is situated in a constricted area and will impact detrimentally on neighbouring properties.</li> <li>• It is more than an "annex" and will set a dangerous precedent for other potential developments in back gardens of limited size.</li> <li>• Please also refer to our previously submitted objections which we continue to stand-by.</li> </ul>
<p>Drainage</p>	<p><b>Received 12<sup>th</sup> August 2021 – No Objections –</b></p> <ul style="list-style-type: none"> <li>• No objections to planning permission being granted subject to the inclusion of the following pre commencement drainage condition being attached to any permission that you may be minded to grant:</li> </ul> <p><b>Condition 1 - Surface water condition to be attached</b></p>
<p>County Highways Liaison Officer</p>	<p><b>1<sup>st</sup> consultation response received 21<sup>st</sup> July 2021 – Objection</b></p> <p>–</p> <ul style="list-style-type: none"> <li>• As submitted the application fails to demonstrate the necessary vehicle swept paths, to standards, for vehicles to access and egress the parking space – this is important to ensure no overflow (from difficult parking access/egress) on the adjacent highway.</li> </ul>
<p>County Highways Liaison Officer</p>	<p><b>2<sup>nd</sup> response received 22<sup>nd</sup> October in response to amended plan CHDR.P01D – Objection -</b></p> <ul style="list-style-type: none"> <li>• Whilst I have no principle objection to this application, it is not clear from drawing no. CHDR.P01 D whether or not the access gradient measures 1:50.</li> </ul>

	The County Highway Authority would not accept this and requests that this be clarified.
County Highways Liaison Officer	<p><b>3rd response received 29<sup>th</sup> November 2021 in response to amended plan CHDR.P01D – No objection –</b></p> <ul style="list-style-type: none"> <li>I duly note the comments from the Architect (Confirming the 1:50 denoted on plan is the scale key, not the access gradient) and confirm that his reply settles my concerns. I am happy with the proposal in highway safety terms.</li> </ul>
Neighbour comment – 6 Childrey Way	<p><b>Received 15<sup>th</sup> July 2021 – Objections –</b></p> <ul style="list-style-type: none"> <li>The plans appear to be 1 bedroom house, not an annex.</li> <li>The height of building will cause over-shadowing to my garden and rear windows and impact on my privacy when using my garden.</li> <li>It will adversely impact views of local residents and is too imposing in its location.</li> </ul>
Neighbour comment – Ward Councillor Paul Barrow	<p><b>Received 26<sup>th</sup> July 2021 – Objection –</b></p> <ul style="list-style-type: none"> <li>The proposed building is more than 6m in height and will clearly overshadow the back gardens of the two neighbouring properties given that it lies to their south and west and the direction of the sun. The amendment also shows that the drive behind the property is included in the curtilage. I have no idea whether this does belong to number 7 Childrey Way, this drive provides access to two other properties (I think they are 5 and 6 Childrey Way).</li> </ul>

### 3.0 **RELEVANT PLANNING HISTORY**

#### 3.1 [P02/V1573](#) - Approved (05/11/2002)

Erection of a first floor extension to extend bedrooms and a single storey extension.

#### 3.2 **Pre-application History**

None relevant.

#### 3.3 **Screening Opinion requests**

Not applicable.

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

4.1 The scale of the proposal is below the relevant thresholds and the locality has no recognised specific environmental sensitivity. The proposal is not EIA development.

#### 5.0 **MAIN ISSUES**

5.1 **The relevant planning considerations are the following:**

- **Principle**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Flood risk and drainage**

#### 5.2 **Principle**

Local Plan Policy DP04 states that proposals for both detached and attached residential annexes will be permitted provided that they meet the following summarised criteria:

- There is a strong functional relationship between the dwelling and annex;
- The annex is within the curtilage of the dwelling;
- The size, scale, location and design of the annex is subordinate to the dwelling;
- It is appropriate in size to meet its stated purpose;
- There would be no demonstrable harm to the amenity of neighbouring residents;
- Adequate and safe access is achieved; and
- The annex is capable of being reasonably integrated with the function of the dwelling once the need has ceased without it becoming an independent unit in the future.

5.3 The proposed annex would be situated within the curtilage of the dwelling, within the rear garden. No boundary treatment would be created to sub-divide the site with the existing remaining rear garden being shared by the dwelling and the proposed annex building and a new pathway connecting the two would be created. It is stated to be an annex for a family member of the dwelling creating no new planning unit and contains no separate kitchen area, indicating that meals will be taken within the main dwelling. Officers are therefore satisfied that a strong physical and functional relationship would be provided.

5.4 The proposed annex would provide one bedroom, for the family member and, as amended, the scale is considered to be reasonable to meet the needs of its stated purpose and is subordinate to the main dwelling.

5.5 The proposed annex outbuilding would easily be able to be converted back to ancillary or incidental uses to the main dwelling would the need cease, given its close proximity and relationship to the main dwelling and appearance as an

ancillary outbuilding.

- 5.6 Officers therefore consider that the principle of providing a detached ancillary annex at the site is acceptable in line with Policy DP04 of the Local Plan 2031 Part 1, subject to a detailed assessment of the remaining points regarding the design of the proposed annex outbuilding and its effects on neighbour amenity and access and parking will be discussed in further detail within this report.

5.7 **Design and character**

Core Policy 37 of the adopted Local Plan 2031 Part 1 (LPP1) requires new development to be of a high-quality design that is visually attractive, and the scale, height, massing and details are appropriate for the site and surrounding area. The Vale of White Horse Design Guide 2015 is an adopted Supplementary Planning Document to the Local Plan and provides guidance on how to deliver high quality development in the District.

- 5.8 As amended, the proposed annex building would be single storey in height only. It would have a footprint of around 52.5m<sup>2</sup>, providing a single bedroom, living space and bathroom. It would be contained within the rear garden of the existing dwelling, on the site of a current shed which would be removed. Sufficient garden amenity space would be retained as a result of the proposed building, at around 125 sqm, which is compliant with the recommendations set out in the council's Design Guide SPD. The proposed subordinate footprint and sufficient space left within the garden area indicates that the proposal would not represent an overdevelopment of the site.
- 5.9 The proposed outbuilding would be clad with timber or timber-effect cladding, with roof tiles matching the main dwelling. The proposed annex building would have a dual pitched roof and a simple, rectangular geometry, in keeping with other built form in the vicinity. It would take the appearance of a traditionally designed domestic outbuilding at the end of the rear garden of the site.
- 5.10 The land level from the front of the site to the rear garden increases, and the proposed outbuilding would be excavated into the ground to reduce its visual impact. A levels plan has been provided with the application to show that finished floor level of the proposed annex would be around 0.6m lower than the level of the access road to the rear of the site.
- 5.11 The proposed annex outbuilding would be similar to an existing outbuilding within the rear of the neighbouring site 6 Childrey Way which was granted planning permission in 2017 under application P17/V1031/HH. While the overall height of that outbuilding is lower (at around 4.3m); compared to the 4.6m building proposed here, due to the excavation into the ground the proposed annex building subject of this application would appear similar in overall height than this adjacent building.
- 5.12 Domestic ancillary and incidental outbuildings are common features within rear gardens to residential sites, and as above, they are found within the immediate vicinity of this site. The amended single storey form significantly reduces the outbuilding's visual impact, and it would not appear overly prominent or out-of-

place. Additional planting is also proposed to the boundary fronting onto the access road to help to soften this view to the public realm and help to contain the building within the existing garden of the site.

5.13 Overall, as a result of the amended plans, the proposed ancillary annex would appear as a single-storey structure which is well related to the main house and would be subordinate in scale. There are no physical boundary treatments proposed which will separate the main house and the proposed annex. The proposed annex is of a scale, form, massing and design similar to other instances of residential outbuildings in the area, responding well to the established character of the area. As a result of the amendments the annex is considered to comply with the requirements of Policy CP37 of the Local Plan 2031 Part 1 and Policy DP04 of the Local Plan 2031 Part 2, Design Guide SPD.

5.14 **Residential amenity**

The impact of development on neighbouring properties is covered by policy DP23 of the Local Plan. This policy requires development proposals to demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses arising through loss of privacy, daylight or sunlight, from dominance or visual intrusion, noise or vibration, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting.

5.15 The closest neighbouring property to the site of the proposed outbuilding is 6 Childrey Way. As a result of the amended plans, the annex will be a single-storey structure which significantly reduces its impact. It would be located 0.9m off of the boundary with 6 Childrey Way and at the end of the rear garden, alongside the detached outbuilding as referred to above. It would be located to the south and therefore there may be some limited over-shadowing as a result of the proposal. However, given the size of no.6's garden (measuring 145sqm) and the subordinate single storey scale of the proposed annex building positioned alongside the existing outbuilding on the neighbour's site; this would not be significantly harmful as to warrant refusal in planning terms.

5.16 There would be one side facing window in the north elevation of the proposed annex, serving an en-suite bathroom. There are no other habitable room windows proposed which will afford direct over-looking into the private amenity space of any neighbouring properties. While the window would be at single storey height only and would be for a non-habitable room; the boundary treatment between the sites is low and due to the difference in land levels between the neighbour's garden and the development site, a condition is recommended; that the north facing window remains obscure glazed and top-hung only, to preserve neighbouring amenity.

5.17 In addition, officers are mindful that a 4m high incidental outbuilding with an eaves height measuring 2.5m could be erected in a similar location on the site, if situated an additional 1m away from the neighbour's boundary, without planning permission. According to available records, permitted development rights belonging to the property remain intact. While this proposal would not be



permitted development due to its height and annex use, there remains a similar permitted development fall-back scenario for the physical dimensions of such an outbuilding which is a material consideration.

- 5.18 The proposed annex outbuilding would be set off of the boundary with the neighbouring dwelling to the south-west by around 5.1m. Again, given its single storey height and overall subordinate scale, it is not considered to appear dominant or visually intrusive to this neighbouring dwelling and would not result in any harmful overshadowing or overlooking.
- 5.19 The use of the proposed outbuilding for purposes ancillary to the main dwelling would not give rise to any undue noise or disturbance as a single planning unit would be retained on the site. Officers note the concerns that the approval of this application could set a precedent for further such proposals. However, each application is assessed on its own planning merits under the policy context at that time.
- 5.20 Officers therefore conclude that the proposed detached annex building would not have a significantly harmful effect on neighbour amenity. It would comply with the requirements of Policies DP04 and DP23 of the Local Plan 2031 Part 2.
- 5.21 **Access and parking**  
Local Plan Policies CP35, CP37 and DP16 require development to provide safe and convenient access, sufficient car and cycle parking in line with Oxfordshire County Council standards and adequate provision for vehicle turning.
- 5.22 The primary parking area for the dwelling is on the driveway to the front of the site, which would remain as existing. This can accommodate at least 5 parking spaces. An additional space for one car to park would also be provided alongside the proposed annex building at the rear of the site.
- 5.23 The amended plans as submitted confirm that there would be sufficient room for the additional car parking space and tracking information to show that the car could turn an exit in a forward gear. The access point at the rear, between the shared private drive and the highway, is not proposed to be altered by the proposal.
- 5.24 Oxfordshire County Council as Highway Authority have reviewed the amended plans and raise no objections.
- 5.25 While Officers note that the access road to the rear is not within the ownership of 7 Childrey Way, the correct certificate of ownership has been submitted with the application as an amendment and notice served on the owner. Officers have been informed by the applicant that a verbal agreement has been reached between the applicant and the owner of the access drive for its use. Notwithstanding whether this is the case, the additional car parking space as shown is not necessary to make the development acceptable in planning terms – sufficient parking provision would be retained with the existing parking area to

the front of the dwelling.

- 5.26 Conditions are included, that the proposed parking and turning areas are constructed prior to first use of the annex and kept free of obstruction to that use. In addition, a condition for the retention of the existing parking area at the front of the property is included, in the interests of the highway safety.
- 5.27 With these conditions, the proposal is considered to provide safe and convenient access, parking and turning and therefore complies with Policies CP35 and CP37 of the adopted Local Plan 2031 Part 1 and Policies DP04 and DP16 of the adopted Local Plan 2031 Part 2.
- 5.28 **Flood Risk and drainage**  
Local Plan Policy CP42 requires that risk and impact of flooding by proposed development will be minimised.
- 5.29 The Vale Council's Drainage Engineer has been consulted and has commented no objection, subject to a condition that details of a surface water scheme are submitted for approval prior to the commencement of development. This is to ensure localised flooding caused by the development is avoided; particularly noting the variance in land levels within the site and to neighbouring boundaries. The condition is therefore considered reasonable and necessary to include and with it, the proposal is considered to comply with Policy CP42 of the adopted Local Plan 2031 Part 1.
- 5.30 **Community Infrastructure Levy**  
Given that the application is for a residential annex, it is CIL liable. Therefore, the relevant CIL liability notice will be issued with the decision.
- 5.31 **Pre-commencement conditions**  
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. Agreement for the inclusion of the following pre-commencement conditions was received via email on 24<sup>th</sup> December 2021.

**Drainage: Surface water drainage scheme to be submitted**

6.0 **CONCLUSION**

- 6.1 The proposed outbuilding is subordinate to the main dwelling and is of a scale, form, design and massing typical of a domestic outbuilding and which is seen elsewhere in the area. The proposal will not cause a proliferation of built form on the site and will not constitute over-development. Its use is confirmed as ancillary to the existing dwelling on the site.
- 6.2 Officers consider that the proposed detached annex outbuilding would not harm the character and appearance of the area or the amenities of neighbouring properties and would not pose a risk to highway safety or flooding. It would comply with the policies within the Development Plan, the adopted Design

Guide SPD and the provisions of the National Planning Policy Framework. The application is therefore recommended for approval.

The following planning policies have been taken into account:

**Vale of White Horse Local Plan 2031 Part 1 Policies**

CP35 – Promoting Public Transport, Cycling and Walking

CP37 – Design and Local Distinctiveness

CP42 – Flood Risk

**Vale of White Horse Local Plan 2031 Part 2 Policies**

DP04 – Residential Annexes

DP16 – Access

DP23 – Impact of Development on Amenity

**Neighbourhood Plan**

There is currently no made neighbourhood plan for this area. Consultation on the draft East Challow neighbourhood plan has recently closed. It therefore holds only limited weight at this stage.

**Supplementary Planning Documents**

Vale of White Horse Design Guide SPD 2015

**Other relevant legislation**

Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal

Human Rights Act, 1998

The application has been assessed against Schedule 1, Part 1, Article 8, and against Schedule 1, Part 2, Article 1 of the Human Rights Act, 1998.

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