

APPLICATION NO.	P21/V3077/HH
SITE	Dulcina, Newmans Close, Upton, OX11 9JA
PARISH	UPTON
PROPOSAL	Partial demolition of existing dwelling. Erection of new front and rear extensions. Conversion of existing loft space into habitable accommodation. Refurbishment and associated internal reconfiguration (parking arrangements and fenestration detail clarified on plans submitted 28th and 31st January 2022)
WARD MEMBER(S)	Hayleigh Gascoigne Sarah Medley
APPLICANT OFFICER	Mr Bartlett Nathalie Power

RECOMMENDATION

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

Standard

- (1) Commencement of development within three years
- (2) Approved Plans list

Pre-commencement

- (3) Tree Protection Details to be submitted

Compliance

- (4) Materials in Accordance with Application Details
- (5) Obscured Glazing (Opening Top Hung Casement Only)
- (6) Rooflights (Sill Height No Lower Than 1.7m from finished floor level)
- (7) Car Parking area to be implemented and kept free of obstruction to use

Informative

- (8) The Community Infrastructure Levy (CIL)

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to Committee at the request of Councillor Gascoigne.
- 1.2 This application site is located within the village of Upton. The building on site is a detached bungalow. The site hosts an existing double garage and car parking area to the front (east) of the dwelling. This site is not located within a designated Conservation Area, or an Area of Outstanding Natural Beauty.

- 1.3 Vehicular access is obtained via Newmans Close which adjoins the eastern boundary of the site. Neighbouring residential dwellings are located to the north and south of the site, and across Newman’s Close to the east. A public right of way, Chapel Furlong, runs along the western boundary of the site.
- 1.4 A site plan is provided below:



Extracts from the application plans are **attached** at Appendix One.

- 1.5 The application seeks planning permission for the;
- demolition of a northern section of the dwelling (a footprint of approximately 4.70 metres by 8.40 metres)
 - conversion of the existing double garage
 - construction of a first-floor side extension (atop the existing garage)
 - erection of two front extensions
 - erection of a rear extension
 - conversion of the existing loft space, inclusive of front and rear dormers
- 1.6 The proposed first-floor side extension will be constructed atop the existing flat-roofed double garage. It will project 6.11 metres from the existing side elevation of the building, measuring approximately 6.8 metres in depth. For the avoidance of doubt, the roof ridge height of this dwelling as a result of the works will not exceed the existing roof ridge height, as shown on submitted existing and proposed elevation plans 'PL007', 'PL107', 'PL008', and 'PL108'.

- 1.7 The northernmost front extension proposed will project 4.00 metres from the principal (eastern) elevation of the dwelling, with a width of 5.75 metres, and an overall gable-ended height of 5.56 metres from the existing ground-floor level.
- 1.8 The southernmost front extension proposed will adjoin the proposed first-floor side extension, projecting 2.50 metres from the principal (eastern) elevation of the dwelling, with a width of 5.75 metres, and an overall gable-ended height of 5.56 metres from the existing ground-floor level.
- 1.9 The proposed rear extension will also adjoin the proposed first-floor side extension, projecting approximately 6.20 metres from the rear (western) elevation of the dwelling, at a width of 6.85 metres, and an overall gable-ended height of 5.56 metres from existing ground-floor level.
- 1.10 The resulting loft space is to be converted to host 4 bedrooms and a bathroom and will include the introduction of flat-roofed dormers on both the principal and rear elevations. The principal dormer will measure 2.3 metres in width, and the rear dormer will measure 7 metres in width.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Below is a summary of the consultation comments received. Copies of the full consultation comments are currently available to view on the website.

2.1	Upton Parish Council	NO MATERIAL OBJECTION However, Parish Councillors are mindful of the overbearing impact upon adjacent neighbouring dwellings, and that this application is part one of a scheme to build two dwellings on this site.
2.2	Highways Liaison Officer (OCC)	NO OBJECTIONS This is subject to provision of 3 spaces (measuring to standard) on site. The car parking area shall be conditioned to be kept free of obstructions at all times and used only for specified purpose.
2.3	Forestry Officer	NO OBJECTIONS This is subject to submission of tree protection details for the hedges, and trees indicated to be retained, prior to commencement
2.4	Countryside Access	NO RESPONSE RECEIVED
2.5	Wychwood	OBJECTION Proposal will result in harmful overshadowing and overlooking, from the southern and eastern elevations in particular

2.6	Pippins	<p>OBJECTION Proposal will result in severe harm to private residential amenity through overlooking, overbearing and by blocking out views of the sky. Further, this development will set a precedent in Upton. Looking at the surrounding character of the area, the building should be set centrally within the plot, not 1 metre from the southern boundary.</p>
2.7	White Cottage	<p>OBJECTION Proposal will result in harmful overlooking and loss of privacy. The proposal does not respect the prevailing character of the area. The site should be investigated for hazardous materials. The site should also be subject to a full ecological survey, as White Cottage has a pond in the rear garden visited by protected reptiles, such as great crested newts.</p> <p>Looking at the surrounding character of the area, the building should be set centrally within the plot, not 1 metre from the southern boundary. Further, this application is part one of a scheme to build two dwellings on this site. It is understood that Planning Authorities cannot make judgements based on ‘intentions’, but this scheme needs to be assessed holistically.</p>
2.8	Larkfield	<p>OBJECTION Proposal adversely affects the properties of Pippins and White Cottage through overbearing. Further, this application is part one of a scheme to build two dwellings on this site. It would not be reasonable for this plot to host two dwellings.</p>
2.9	Kent Cottage	<p>OBJECTION Proposal will harm private residential amenity through overlooking and overbearing. Building should be located centrally within the plot.</p>
2.10	3 Alexander Close	<p>OBJECTION Proposal will harm private residential amenity through overlooking and overbearing, by blocking views of the sky. Building should be located centrally within the plot.</p>
2.11	Beech Lodge	<p>OBJECTION Proposal will harm private residential amenity through overlooking and physical dominance. The dwelling at Dulcina sits in the middle of a sizable plot, so the building should be located centrally within the plot.</p>

2.12	Sunnybank	OBJECTION Proposal will result in severe harm to private residential amenity through being located so close to the boundary. The building should be located centrally within the plot.
2.13	Pentrose	OBJECTION The dwelling at Dulcina sits in the middle of a sizable plot, so the building should be located centrally within the plot, unless the developer has future plans for the remainder of the plot.
2.14	Kameki	OBJECTION Proposal is out of keeping with the character of the area - which used to be a village of mainly bungalows. The proposal also infringes upon privacy of adjacent neighbours.
2.15	Elmsgate	OBJECTION Proposal will harm private residential amenity through overlooking and overbearing. The proposed scheme is too close to the boundary, the building should be located centrally within the plot. It is likely that this development foreshadows further development of this plot.
2.16	Representation (Address Unknown)	OBJECTION Proposal will result in severe harm to neighbouring residential amenity through overlooking, overbearing and by blocking out views of the sky. Developments such as this are ruining the rural character of this village.
2.17	Countryside Officer [INFORMAL]	NO CONCERNS Based on the submitted information and available Council records
2.18	No further representations received, at the time of writing	

3.0 **RELEVANT PLANNING HISTORY**

3.1 P71/V5317 – Approved (01/06/1971)

Replacement of single garage with a double garage and replacement of coal bunker with fuel store.

P60/V5155 – Approved (02/11/1960)

Erection of seven private bungalows.

P59/V5119 – Approved (08/02/1960)

Erection of eight dwellings.

P54/V0048 - Approved (27/07/1954)

Erection of a bungalow and stable adjoining Larkfield. Planning Application History

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

4.1 An EIA is not considered necessary for this householder development.

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations in determining this application are;

- **Design and Layout**
- **Residential Amenity**
- **Access, Parking & Highway Safety**
- **Mature Trees on Site**
- **Potential Land Contamination**
- **Local Ecology**
- **Other Matters; Development of a Second Dwelling**
- **The Community Infrastructure Levy (CIL)**

5.2 **Design and Layout**

Core Policy 37 of the Local Plan 2031 Part 1 Updated states that new development should be visually attractive, and be of a scale, height, density, massing and materials that respond positively to the site and surrounding area. The Design Guide additionally highlights that extensions should use simple and uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling.

5.3 The proposed front extensions will be marginally set down from the existing roof ridge, with an eaves height set approximately 90cm higher than that of the original dwelling. Extensions should generally be set down to be visibly subservient to the original dwelling, however, it is noted that front projections such as those proposed are a feature seen at other properties along Newman's Close.

5.4 In this instance, the depths of the proposed front extensions, relative to the scale of the existing dwelling are considered proportionate in scale. Whilst the extensions project further than the recommended 1.4 metres held within the Design Guide 2015, it must be noted that the building is set over 14 metres back from Newman's Close. This significant setback distance mitigates the visual impact of the extensions upon the street scene.

5.5 The proposed first-floor side extension, atop the converted garage, will match the height of the existing roof ridge. Given the demolition of approximately 4.80 metres of the northern end of this building, together with the set back from Newman's Close, the side extension as proposed is not considered to present unacceptable harm to the visual amenity of the street scene.

- 5.6 The proposed rear (western) extension is marginally set down from the original roof ridge of the dwelling and will adjoin first-floor side extension. The width and proposed depth of this extension is significant. However, taking into consideration the scale of the proposed development relative to the scale of the existing dwelling and plot, the rear extension is considered to be a subservient addition that is on balance considered acceptable in scale.
- 5.7 The development features flat-roofed dormers on the principal and rear elevations. These domestic features are already seen along the street scene of Newman's Close. The proposed dormers will be set down from the roof ridge, set in from the gable ends, and set up from the eaves line, in line with principles held within the Design Guide 2015. On balance, the dormers are not considered to harm the appearance of the dwelling.
- 5.8 Concerns have been raised regarding the positioning of the dwelling within the plot, as a result of the proposed development. The dwelling will be located closer to the southern boundary. The character of the area sees dwellings set well back from the road and largely set centrally within the plot. The proposed development will maintain the significant set-back of the dwelling from Newman's Close, which is considered to reflect the layout of many adjacent properties.
- 5.9 In respect of the concerns raised, the Design Guide highlights that the extent of the gap between a side elevation and site boundary should generally be determined by the pattern of the development in the area - but should not be less than 1 metre wide. The proposed development would measure a minimum of 1.60 metres from the southern boundary with adjacent neighbouring properties. Whilst this shifts the dwelling off-centre, given the location of this site towards the edge of the established built area of Upton, it is not considered in this instance that the positioning of the proposed development would pose an unacceptable level of harm to the character area of this area.
- 5.10 The chosen materials will consist of render, timber cladding and roof tiles to match the existing. Overall, the scale of the development is considered on balance acceptable, with a chosen design and materials that are not considered to have an unacceptable impact upon the visual amenity of the street scene. The development is considered to be in accordance with Core Policy 37 of the Local Plan 2031, Part 1 Updated.
- 5.11 **Residential Amenity**
- Development Policy 23 of the Local Plan 2031 Part 2 states that proposals should not result in a significantly adverse impact upon the residential amenity of neighbours, including through overshadowing, dominance or overlooking. Concerns regarding overlooking, overshadowing and overbearing have been raised regarding the southernmost elevation of the proposed development, which would face the adjoining southern neighbours; White Cottage, Pippins and Wychwood.

- 5.12 In terms of overlooking; whilst the proposed development introduces first-floor windows on the eastern and western elevations, respectively these will have a direct outlook over the car parking area and rear garden of the applicant's property. Some angled obscured views may be obtained of neighbouring rear gardens. However, the proposed layout is considered to form part of an expected residential relationship, given the orientation of Dulcina relative to the southern neighbouring properties.
- 5.13 The agent has confirmed that the proposed rooflights on the southern elevation would have a minimum sill height of 1.7 metres from finished floor level. 1.7 metres is considered to be average eye level and is an adopted measurement used within Central Government's Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It was additionally confirmed that the single bathroom window proposed on the southern elevation will be obscure glazed and fixed shut, to mitigate any direct overlooking of adjacent private neighbouring amenity space. These elements of the development are proposed to be conditioned.
- 5.14 On balance the windows proposed on the front (eastern) and rear (western) extensions, and the rooflights and window proposed along the southern side elevations are not considered to have an unacceptable impact upon existing levels of privacy experienced by adjacent neighbouring properties.
- 5.15 In terms of overshadowing; the proposal will result in an increase of built form along the southern boundary of the application site, which adjoins the rear gardens of three neighbouring properties. The built form of the dwelling itself is located approximately 20 metres north of the closest residential dwellings of White Cottage, Pippins and Wychwood.
- 5.16 Taking into consideration the east-to-west path of the sun, alongside the orientation of the application site and the size of the neighbouring residential plots, it is not considered that an adverse impact will be caused through overshadowing of private residential amenity space.
- 5.17 In terms of overbearing impact; the proposal would result in built form measuring approximately 14.30 metres in length and approximately 5.56 metres in height - set a minimum of 1.60 metres from the southern boundaries with neighbouring properties White Cottage, and Pippins.
- 5.18 The built form of the proposed development will measure over 21 metres from the rear elevations of these dwellings. From the visit to site, the proposed extensions will be clearly visible from neighbouring residences. However, considering the domestic scale of the proposed extensions in addition to the plot sizes of these dwellings - it is not considered that the proposed development would have an unacceptable impact upon adjacent residential amenity through overbearing.

5.19 On balance, taking into consideration the domestic scale of the extensions, the orientation of the dwellings and the sizes of the adjacent residential plots, the development is not considered to harm existing levels of residential amenity experienced by neighbours through overlooking, overshadowing or physical dominance and would comply with Policy DP23 of the Local Plan 2031 Part 2

5.20 **Access, Parking and Highway Safety**

Core Policy 37 of the Local Plan 2031 Part 1 Updated and Development Policy 16 of the Local Plan 2031, Part 2 state that all proposals for new development should ensure a sufficient level of well-integrated car parking, and vehicle turning is provided within the site.

5.21 The development would facilitate the creation of an additional bedroom on site and would see the existing double garage converted. The OCC Highways Officer has assessed the submitted information and has raised no objection to the proposal, subject to the provision of three car parking spaces to standard within the curtilage of the dwelling, and their future retention as such.

5.22 The submitted plans demonstrate that the existing drive and car parking area to the front of the dwelling is to be retained and altered to provide parking and turning for a minimum of three vehicles. As such, Officers do not consider that the proposed development poses a risk to local highway safety and would be in accordance with Policy 37 of the Local Plan 2031, Part 1 Updated and Policy 16 of the Local Plan 2031, Part 2.

5.23 From a visit to site, it was noted that the site currently benefits from two vehicular accesses. For the avoidance of doubt the applicant has clarified that the northernmost vehicular access is to be blocked up. This has been annotated on the plan.

5.24 **Mature Trees on Site**

From a visit to site, it was noted that there are a number of well-established mature trees on site. Core Policy 44 highlights that key features, such as trees and hedgerows, which contribute to the nature and quality of the Vale of White Horse District's landscape and townscapes should be protected from harmful development.

5.25 The Council's Forestry Officer has assessed the proposed development and has raised no objection, subject to the submission of tree protection details for the site prior to any commencement of development. This has been agreed with the applicant and is proposed to be applied as a pre-commencement condition.

5.26 **Potential Land Contamination**

A neighbouring consultation response has commented that a number of trees planted along the border with the application site have died in recent years. They have raised concerns that this may be related to soil contamination and have requested that a land contamination survey of this application site be undertaken by the applicant. From available Council records, the application site has not been identified as being within an area of a previous land use known to give rise to land contaminants.

5.27 Based on this information, land contamination is not considered a constraint to this development. Subsequently it is not considered reasonable, nor necessary, in planning terms to request a land contamination survey be undertaken for this site.

5.28 **Local Ecology**

A neighbouring consultation response has commented that following the creation of a pond in their rear garden, a number of protected species have been seen in the area, in particular, Great Crested Newts (GCN). Following an initial assessment of the details of this proposal, the Council's Countryside Officer has raised no concerns regarding the proposed development. They have provided the following comments explaining this further;

“I've reviewed the application submission and the comments provided by the occupants of White Cottage, to the south of the application site. I have not been to the application site.

Firstly, there is no corroborating evidence (e.g. photos, TVERC records) that great crested newts (GCN) are present on site. [...] As part of our involvement with the GCN district licence scheme, the district has been mapped and allocated into different zones based upon the level of risk to GCN. The impact risk map has been agreed with Natural England and is a robust way to assess impacts on the species at a landscape scale.

When referring to the GCN impact risk map, the application site and White Cottage resides in a 'green' zone of low risk of impacts to GCN (red is highest risk). This does not mean that they are absent for certain, but the surrounding area does not provide suitable habitat types, pond density and pond connectivity which are likely to support GCN.

Secondly, assuming that GCN are present this pond (see commentary above), the scale and nature of development is unlikely to lead to significant impacts which would undermine the favourable conservation status of GCN.”

Subsequently, it is not considered reasonable or necessary at this time for an ecological survey to be conducted for this proposed householder development.

5.29 **Other Matters; Development of a Second Dwelling**

The Parish Council and a number of neighbouring representations have raised concerns that the positioning of the development proposed as part of this application is to allow for the development of a second dwelling to the north of Dulcina.

5.30 Each planning application must be assessed on its individual merits. If an application for the subdivision of the plot and a second dwelling to the north of Dulcina is subsequently submitted, this will be assessed against current Local Plan Policies. The Parish Council and adjoining neighbours will be consulted as part of that process. However, this application proposes householder development to Dulcina. The proposed development must be assessed on this basis.

5.31 **The Community Infrastructure Levy (CIL)**

CIL is a planning charge primarily calculated on the increase in footprint created as a result of the development or net gain of residential use on site. This residential development would exceed 100 m² and would be liable to pay CIL. The relevant forms have been received at this stage, and it is proposed to attach an informative for the benefit of the application.

Pre-commencement Conditions

Following receipt of the Forestry Officer's response, a pre-commencement condition is proposed to be placed upon any permission granted for this application, requiring tree protected details to be submitted to, and approved by, the technical specialist. In line with The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, written agreement has been obtained from the agent, on behalf of the applicant, regarding this pre-commencement condition. The applicant has confirmed acceptance of this pre-commencement condition, in an email received on the 10th January 2022.

6.0 **CONCLUSION**

- 6.1 This application for householder development must be assessed on its individual merits. Subject to the attached conditions, the development would not have an unacceptable impact upon the character and appearance of the local area, private residential amenity, highway safety, nor mature trees on site.
- 6.2 Having regard to the above, the weighing of material considerations is in favour of granting planning permission for the development. This development is considered to accord with the relevant policies of the Development Plan and the provisions of the National Planning Policy Framework 2021.

The following planning policies have been taken into account:

VOWH Local Plan 2031 Part 1 (Updated) Strategic Sites & Core Policies;

CP35 – Promoting Public Transport, Cycling and Walking

CP37 – Design and Local Distinctiveness

CP44 – Landscape

VOWH Local Plan 2031 Part 2: Detailed Policies and Additional Sites;

DP16 – Access

DP23 – Impact of Development upon Amenity

Supplementary Planning Document: Design Guide (adopted March 2015).

DG103 – Responding to Local Character

DG104 – Consider Your Neighbours

DG105 – Scale, Form and Massing

DG107 – Front Extensions

DG109 – Side Extensions

DG110 – Rear Extensions

National Planning Policy Framework (2021)

Planning Practice Guidance 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. The impact on individuals has been balanced against the public interest and the Officer recommendation is considered to be proportionate.

Equality Act 2010

In assessing this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010. It is considered that no recognised group will suffer discrimination as a result of the proposal.

Author: Nathalie Power

Email: nathalie.power@southandvale.gov.uk

Telephone: 01235 422600