

KBA/20349 – Saxonville Ltd
Construction of three dwellings.
West Hayes, Faringdon Road, Southmoor, OX13 5BH.

1.0 The Proposal

- 1.1 Members will recall this site from the Meeting on 18 February 2008 when a separate application was considered. The application site is land within the plot of the house known as West Hayes, which lies at the west end of Southmoor village. The site lies to the rear of West Hayes and measures 120 metres long by 30 metres wide, an area of 0.36 hectare. It is bordered on the west side by the curtilage of a property known as Westfield, a Grade II listed building, and on the east by back gardens of houses in Cherry Tree Close, a modern housing estate.
- 1.2 Further south of the application site is another parcel of land, some 50 metres by 30 metres in area, that is within the plot of West Hayes but is to be retained as paddock and does not form part of the proposal. The applicants have produced aerial photographs to show that the entire plot of West Hayes (the application site and the parcel outside) was cultivated as garden at least between the 1960's and the 1980's. An aerial photograph from 1999 shows the area closely cropped or mown, and distinctly different in appearance to the paddocks around it. The site also contains a significant number of ornamental trees and shrubs.
- 1.3 The proposal is to build three houses on the site in a line, all served by the existing vehicular access to West Hayes. Existing boundary planting is shown retained and the layout has been designed to keep two large Walnut trees on the site at the request of the Arboricultural Officer. Extracts from the application drawings are at **Appendix 1**.
- 1.4 The application comes to Committee because the Parish Council and 6 local residents object.

2.0 Planning History

- 2.2 The application to extend West Hayes was permitted on 18 February 2008 (ref KBA/20348).

3.0 Planning Policies

- 3.1 Policy H11 of the adopted Vale of White Horse Local Plan states that new housing within the built-up area of Kingston Bagpuize-with-Southmoor will be allowed on sites up to 0.5 hectare in area provided the scale, layout, mass and design of the proposed housing would not harm the form, structure or character of the village and provided the site is not an important community facility. Policies DC1, DC5 and DC9 require all new development to be acceptable in terms of design, impact on neighbours and highway safety.

4.0 Consultations

- 4.1 Kingston Bagpuize-with-Southmoor Parish Council objects – “The narrow access between brick and stone walls and limited visibility splays at the junction of the internal roadway with Faringdon Road are inadequate to accommodate vehicular traffic from 3 additional dwellings. Approval would introduce a road safety hazard opposite a busy public house.”

4.2 Local Residents – 6 objectors have submitted letters raising the following objections:

- I. Loss of privacy due to overlooking
- II. Noise and disturbance from traffic using access
- III. Dangerous access onto Faringdon Road
- IV. Inadequate parking
- V. No provision for refuse collection
- VI. The development will add to local drainage problems and place further strain on village facilities
- VII. Loss of light from the development and from the proposed tree planting
- VIII. Over-dominance
- IX. Loss of wildlife from an existing natural site
- X. The plans are misleading and do not give a true impression of the impact of the proposal
- XI. The land has been used in the past for agriculture and not garden
- XII. Noise and disturbance from construction
- XIII. The proposed houses are large and will not be available for locals, to the detriment of local facilities and amenities
- XIV. Loss of current view (this is not a material consideration)
- XV. Loss of property value (this is not a material consideration)

4.3 County Engineer – no objection subject to vision splays of 2m x 70 m in each direction.

4.4 Consultant Architect and Architects' Advisory Panel – support the scheme but suggest a modification to the design of the garages for Plots 2 and 3 (see **Appendix 2**)

4.5 Arboricultural Officer – as the best trees are retained as part of the scheme, no objections

5.0 **Officer Comments**

5.1 During the consideration of the previous application at West Hayes, for an extension to the existing house, it was accepted that development on this east side of the listed Westfield does not harm its setting. This aside, there are three main issues-

1. The principle of the development and the impact on the character and appearance of the area
2. The impact of the proposal on neighbours
3. Highway safety

5.2 Regarding the first of these issues, there are three elements to consider under Policy H11 – first, whether the site lies within the built-up area of the village; second the impact of the proposal on the form, structure and character of the settlement; and third whether there would be loss of facilities (such as areas of open space) important to the local community.

Whether the Site is Within the Built Up Area

5.3 The applicants have made various arguments to support their view that the site lies within the built up area of the village. In considering this question Officers have taken guidance from the following –

- Comments made by the Local Plan Inspector when he recommended changes to Policy H11
 - The reasoning used by Inspectors in similar appeals in the District
 - The character and appearance of the application site
- 5.4 The Local Plan Inspector made two relevant comments concerning Policy H11. These are highlighted in **Appendix 3**. Firstly, he noted that the Council had chosen not to use “settlement boundaries” to define what lies within the built up area of a village. He went on to say that “I also recognise that the Council has a record of implementing the criteria based policies of the former Local Plan in a sensitive fashion, taking into account the character and appearance of settlements, and avoiding the more rigid framework approach that village boundary definition requires.”.
- 5.5 Secondly, he noted that the original version of the policy, as used in the former Local Plan, did not reflect changed national guidance on encouraging development in more sustainable locations, including on previously developed land within the larger villages. For this reason he specifically removed the previous policy criteria relating to the protection of gardens of properties standing in large grounds because gardens are defined as previously developed land. He said, “In my view, large gardens of existing properties that are not listed buildings or in Conservation Areas should only be protected if they make a significant contribution to the form, structure or character of a settlement and would be materially harmed by the development proposed.”
- 5.6 Other appeal decisions in the District have dealt with the issue of whether a proposed housing site was within the built up area of a village or not. Copies of relevant decisions with highlighted paragraphs are in **Appendix 4**. The Southmoor appeal was at Beggars Lane, close to the application site. The appeal, concerning 4 new dwellings in the garden of Wayside House, was dismissed. Two key reasons were that the site was bounded on two sides by open fields (para 10) and that the development would be clearly visible from the public highway and interrupt public views across the site of the countryside beyond (para 12).
- 5.7 The Garford case of 2004 concerned a single dwelling in the rear garden of College Farm Barn. The appeal was dismissed and the relevant paragraphs are 6 – 10. The Inspector noted that the village was a small linear settlement, very visible across the flat countryside (para 6). He therefore concluded that the built up area followed the line of building in the village and that to “.. allow development in gardens of curtilages would have a harmful impact on the physical form, structure and character of Garford” (para 9). The appeal site was clearly visible from the public highway and the proposed dwelling would visibly harm character of the village (para 10)
- 5.8 In the Chilton decision of 2007 for the demolition of one dwelling and the construction of four (which was allowed) the relevant paragraphs are 3, 4 and 7. The appeal site was a dwelling and garden. The Inspector noted the appeal site was bounded on three sides by existing housing and was not in the open countryside, from which it was separated by a hedge (para 4). He therefore considered the site to be within the built up area. Housing development on it was therefore in accordance with policy. He subsequently made recommendations to make the visual impact of the proposal from a nearby public footpath acceptable (para 7).
- 5.9 Standing on the application site at West Hayes it is clear that there are strong physical boundaries on three sides. To the north are West Hayes and Sydeways, fronting

Faringdon Road. To the west side there is a 70 metre long continuous row of 5 metre high mature conifer trees that lie within the curtilage of Westfield. These conifers change to an indigenous hedgerow further south. Although the trees are relatively recent, this boundary with Westfield has obviously existed for many decades. On the east side is a significant continuous row of high trees and hedgerow that forms the boundary with the back gardens to houses in Cherry Tree Close, an estate built in the 1970's. Consequently, all three are long-established boundaries and give the site an enclosed feel. Members are strongly advised to visit the site to assist in the consideration of this matter.

- 5.10 There are no public footpaths nearby which would afford public views of the site. The only public view is obtained to the west, at some distance, from Faringdon Road. From here only the south part of the site is visible, and it is seen against the backdrop of the houses in Cherry Tree Close and not the open countryside. Residents of Cherry Tree Close obviously have views across the site at present to the countryside beyond, but these are private views, not public ones, and Members are aware that the loss of a private view is not a material planning consideration.
- 5.11 In conclusion therefore, it is clear (as acknowledged by the Local Plan Inspector) that, under Policy H11, the question of whether any site lies within the built up area of the village is not a rigid framework issue but a matter for careful consideration of the particular characteristics of each site. Officers consider that, similar to the Chilton appeal (but unlike the Garford and Southmoor appeals), the application site is enclosed on three sides by the curtilages of existing dwellings, the boundaries of which have become well established over many decades. Moreover, unlike the Garford and Southmoor appeals, the site is not seen as part of the rural setting of the village from any public vantage point. After careful consideration of these issues Officers conclude that, on balance, the site does lie within the built up area of the village.

The Impact of the Proposal on the Form, Structure and Character of the Settlement

- 5.12 In the Garford appeal, the Inspector considered that the proposed development to the rear of the existing house on the plot would harm the identified form, structure and character of Garford, which he defined as being primarily "linear" with housing mainly confined in a narrow ribbon along the main road. Kingston Bagpuize-with-Southmoor is a much larger settlement and is characterised by considerably more development in depth away from the main Faringdon Road. In this respect the proposal to develop in depth to the rear of West Hayes is not considered to be harmful to the prevailing form, structure and character of the village.
- 5.13 The applicants argue that the scale and massing of the proposal are appropriate in design terms as a transition from the modern housing estate of Cherry Tree Close to the solitary large listed house at Westfield. The Consultant Architect and Architects' Advisory Panel support the scale, mass and design of the scheme, except for the detailed design of the garages for Plots 2 and 3. The applicants have confirmed that the design of these garages will be changed.

Whether There Would be a Loss of Facilities Important to the Local Community.

- 5.14 As the site is not particularly visible from public views, Officers do not consider that it performs an important open space function. Aerial photographs show the whole site under cultivation between the 1960's and 1980's and Officers understand that, at this

time, the occupants used all of the site as a garden for their own use and not as an agricultural business. An aerial photograph from 1999 shows the whole site closely cropped or mown, and distinctly different in appearance to the paddocks around it. The site also contains significant areas of structured tree and shrub planting that is associated with an established garden use rather than agricultural land. Officers, therefore, consider that the balance of evidence indicates the site is previously developed land, the development of which, as acknowledged by the Local Plan Inspector, should be encouraged in larger villages as well as in urban areas.

- 5.15 Even where land has been identified as being previously developed, the Government acknowledges that this does not mean that all of it should be built on if this would create other planning problems. In this regard, it is important to note that, as a result of the transitional design approach taken by the applicants, the proposal has been deliberately designed so that the built footprint would extend only as far south as the end of the curtilage of Westfield, and would therefore occupy only about 50% of the whole plot. The remaining 50%, to the south of the proposed house on Plot 3, would be garden land and paddock. Officers consider that this degree of site coverage is appropriate in terms of a design response to the character of the site, and any increase in density is likely to result in harm to the character of the area.
- 5.16 Members need to carefully consider the issues identified above. In terms of Policy H11, Officers' conclusion is that the proposal is acceptable.

Other Issues

- 5.17 Turning to the second main issue, the impact on neighbours, the main concerns are overlooking and the potential for noise and disturbance from additional traffic. The properties at risk from overlooking are those in Cherry Tree Close to the east and Westfield to the west. The proposed dwellings have been carefully designed so that most principal windows face either north or south. A total of four bedroom windows would face Cherry Tree Close, but these windows would lie at least 21 metres from the back wall of the houses in Cherry Tree Close, which meets the Council's minimum distance to protect privacy. Thus even if the planting on the east boundary shown to be retained is lost, no undue harm would be caused by overlooking. Two bedroom windows would face Westfield at relatively close range. The existing conifer hedge protects the garden of Westfield, and this is within the control of this neighbour. However, should the hedge be lost or removed the windows are close enough to cause harmful overlooking. These windows can be relocated onto other elevations.
- 5.18 The issue of disturbance from additional traffic needs careful consideration. The existing access enters the site between Westfield and a bungalow known as Sydeways. There are no windows in the flank wall of Sydeways. There are three rooflights on the shallow roof slope above the access which serve rooms within, but only indirectly via shafts within the roof structure. For this reason it is considered that the occupants of Sydeways would not be unduly affected by additional traffic from 3 additional dwellings.
- 5.19 The rear wall of Westfield lies alongside the access. The wall contains two ground floor windows to the kitchen, utility room windows, two windows to an intermediate landing and two bathroom windows. There are two dormer windows, set back on the roof, which serve two bedrooms. The main concern in terms of impact lies with the kitchen windows and the bedroom windows.

- 5.20 The kitchen in Westfield is set below the ground level of the site and, externally, the windows are set just above ground level in the wall. Currently, these kitchen windows look directly out onto the area used for pedestrian and vehicular access to West Hayes. The kitchen is therefore relatively exposed to disturbance from vehicles manoeuvring in and out of the parking area by the garage, and is also open to views into these low windows from the occupants of West Hayes using the pedestrian entrance. Given the unusual relationship of the kitchen windows to West Hayes Officers consider that normal pedestrian and vehicular comings and goings from West Hayes mean the kitchen currently suffers from a poor level of outlook and privacy.
- 5.21 The previous application for the extension to West Hayes results in moving the vehicle manoeuvring area away from the kitchen windows. As part of that application, it is proposed to define a protected area in front of these windows through low level planting, which would ensure that vehicles are not parked immediately in front of the windows. The driveway would also be defined by this planting and surfacing and would be moved away from the windows. As with the previous application, the right to erect any fencing in front of the kitchen windows as permitted development can be removed by condition.
- 5.22 Currently the access serves West Hayes itself. It is generally assumed that a dwelling will generate an average of 7 traffic movements per day and this would be the expected level of traffic for West Hayes now. With the proposed development, this would increase to 28 movements per day, or approximately 2 per hour. Given the removal of the manoeuvring area and the current relationship of the kitchen window to the site, Officers consider the still relatively low level of traffic using the driveway will not result in a harmful impact on the kitchen to Westfield.
- 5.23 With respect to the two bedroom windows these are dormers set in the roofspace and lie several metres back from the flank wall. Given their position relative to the drive, Officers consider that the limited amount of additional traffic that would be expected to occur from the development in the evening or early morning would not cause harm to occupants of the bedrooms.
- 5.24 Objections have been made for reasons of loss of light and over-dominance, but given the distance that the proposed houses would be from neighbours it is not considered that harm would arise.
- 5.25 With regard to the third main issue, highway safety, the main concern with the existing access is the available vision to the west, where there is a curve in Faringdon Road. The applicants have demonstrated that vision of 2m x 70 m is available and, given that only three dwellings are proposed, the County Engineer considers this to be acceptable. He therefore raises no objections subject to conditions.
- 5.26 Concerns have also been raised with respect to refuse collection. As the access road is to be private, Council refuse collection will be made from Faringdon Road. In this regard there is room to provide a suitably designed bin store near to the entrance to the site, and this can be made the subject of a condition. With respect to concerns over drainage, this can also be covered by condition.

6.0 **Recommendation**

6.1 *Subject to the resolution of outstanding matters concerning the detailed design of the proposal, it is recommended that permission is granted subject to the following conditions:-*

1. *TL1 Time Limit – Full Application*
2. *MC2 Submission of Materials (Samples)*
3. *HY3 Access in accordance with specified plan*
4. *HY11 Vision splays*
5. *HY16 Turning space in accordance with Specified Plan*
6. *HY24 Car Park Layout (Dwelling)*
7. *RE14 Garage Accommodation*
8. *RE7 Boundary Details*
9. *RE8 Drainage Details*
10. *LS4 Implementation of Landscaping Scheme (incorporating existing tree(s))
- to be submitted*
11. *CN8 surfacing of driveway*
12. *Removal of pd rights to erect fencing in front of Westfield and to install windows on certain elevations.*