

APPLICATION NO. SITE	P22/V2607/FUL Colt Corner Horn Lane East Hendred Wantage, OX12 8LD
PARISH PROPOSAL	EAST HENDRED Demolition of existing bungalow. Construction of a new 4 bedroom dwelling. Conversion of the existing garage into an ancillary residential annexe (as amended by plans and additional supporting information received 03 March 2023)
WARD MEMBER(S) APPLICANT OFFICER	Sarah James Mr Nicolas Charrington Nathalie Power

RECOMMENDATION

The planning permission is **REFUSED** for the following reason:

(1) Design, Scale and Appearance

In the opinion of the Local Planning Authority, the proposed development by way of its cumulative size, scale, bulk, massing, design and elevated positioning relative to adjacent public highway, does not present as an innovative, visually attractive, well-designed scheme, nor a scheme that responds positively to existing site topography and the transitional character of the immediate area. The proposal is considered contrary to Core Policy 37 of the Local Plan 2031 Part 1, design principles on built form held within the South Oxfordshire and Vale of White Horse Joint Design Guide 2022 and the provisions of the National Planning Policy Framework, in respect of achieving and maintaining well-designed places.

Informatives

(2) Refused Plans List

(3) The Community Infrastructure Levy (CIL)

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to planning committee at the discretion of the Development Manager.

1.2 This application site is a corner plot located within the village of East Hendred. The existing building on site is a bungalow, currently in a state of disrepair. The site additionally hosts a single-storey double garage and small driveway. The site lies adjacent to a section of the East Hendred Conservation Area (to the north) and sits within the North Wessex Downs Area of Outstanding Natural Beauty.

- 1.3 Currently, vehicular access is obtained via a small private access track adjoining the western boundary of the site. Horn Lane runs along the northern boundary of the site. Neighbouring dwellings are located to the east, south and over the respective roads to the east and north of the site. The topography along the westernmost part of Horn Lane sees houses running along the south of it sit upon a higher land level than the lane itself. Dwellings to the north of Horn Lane maintain a similar land level to Horn Lane.
- 1.4 A site plan is provided below, **Figure 1**. The application site is outlined in red. East Hendred Conservation Area is shown hatched in green.

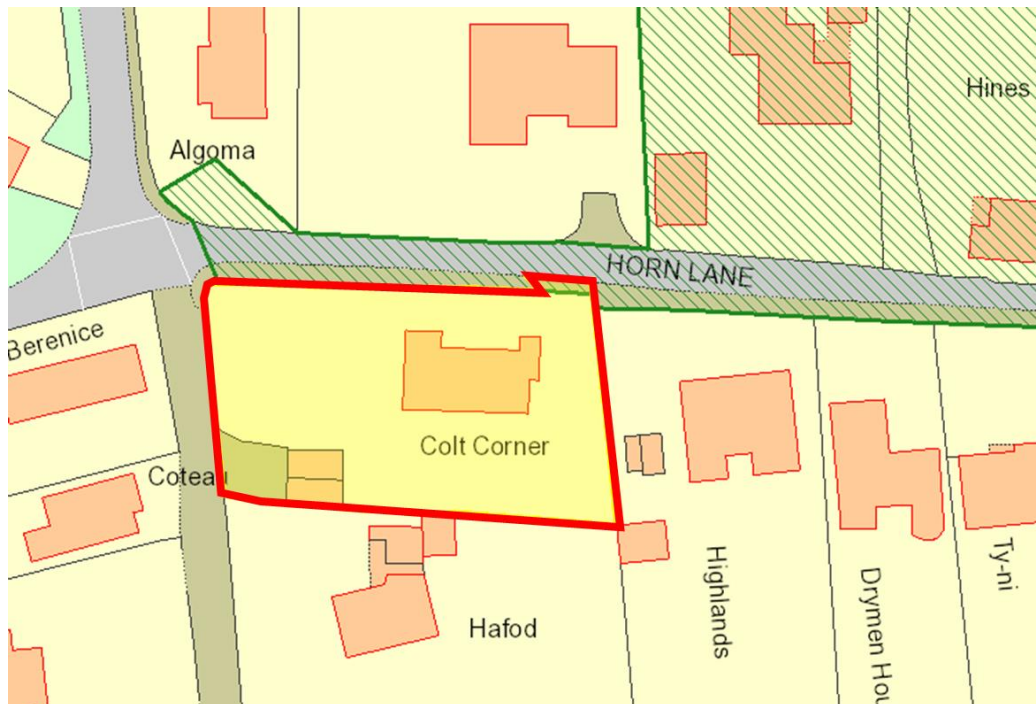


Figure 1: Site Plan (extracts from the application plans are also attached at Appendix One)

- 1.5 In summary, this application seeks planning permission for the;
- demolition of the existing bungalow
 - construction of a new 4 bedroom dwellinghouse
 - conversion of the existing garage into an ancillary residential annexe
 - creation of a new vehicular access on to Horn Lane, with associated works
- 1.6 Amended plans and additional information were received on the 03 March 2023, which sought to address Officers' initial concerns surrounding the two-storey design of the dwellinghouse in respect of land levels, the landscaping of the site, and sought to demonstrate the impact of the proposal upon the neighbouring dwellings and the streetscene(s) to the north and west of the site.

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- 1.7 From the submitted plans, the existing bungalow on site measures approximately 16 metres wide, 8.80 metres in depth, with an eaves height of 2.40 metres, and an overall height of 4.90 metres (excluding chimney). The dwelling has a footprint of approximately 115 sqm. The existing double garage to the west of the bungalow measures 6.60 metres in depth and 5.60 metres in width.
- 1.8 The proposed dwelling will be sited broadly over the footprint of the existing bungalow, hosting an 'L' shape and measuring 12.80 metres across at its widest point, and 13.70 metres in depth. The principal elevation will host an eaves height of 2.90 metres, with the rear elements of the proposed dwelling hosting an eaves height of 4.00 metres. The highest roof ridge of the dwelling will measure 6.74 metres in height. The dwelling would have an overall footprint of 202 sqm.
- 1.9 The proposed ancillary residential annex 8.30 metres in width, and 5.80 metres in depth, with an overall pitched roof height of 4.45 metres.
- 1.10 The proposed development additionally sees the creation of a new 7.30 metre-wide vehicular access from the north-easternmost corner of the site on to the adjoining Horn Lane. The associated driveway will host a suggested approximate 8° gradient from Horn Lane, leading to an entrance gate set back from the road, and a car parking and turning area (for 4 vehicles) to the eastern side and rear of the proposed dwellinghouse.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Below is a summary of the representations received, following the close of the reconsultation period on the amended plans and additional information (received 03 March 2023). Full copies of all representations are currently available on the Council's website at www.whitehorsedc.gov.uk under the planning reference number.

2.2	East Hendred Parish Council	OBJECTION Increased risk to highway safety. The safety of cyclists and pedestrians on narrow lands is protected under Local Plan Policy CP35. The grass verges, as identified along Horn Lane, are a key characteristic of many narrow lanes in the Conservation Area, based on their visual amenity value which contributes to its rural character. The Parish Council believes that the embankments are key heritage assets and should therefore be protected.
2.2	Conservation Officer	NO OBJECTIONS Subject to conditions surrounding landscaping to mitigate impact of increased hardstanding

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2.3	Countryside Officer	NO OBJECTIONS Subject to conditions surrounding biodiversity enhancement, external lighting and nesting bird mitigation works
2.4	Highways Liaison Officer (OCC)	NO OBJECTIONS Subject to conditions, including development being in accordance with the plans and Local Highway specifications, surface water drainage, and the closing of the existing access
2.5	Drainage Officer	NO OBJECTIONS No conditions requested
2.6	Forestry Officer	NO OBJECTIONS Subject to pre-commencement conditions surrounding landscaping and tree protection
2.7	Contaminated Land	NO OBJECTIONS
2.8	County Archaeologist	NO OBJECTIONS
2.9	Environment Agency	NO COMMENTS ON SCHEME
2.10	Neighbouring Representations (7)	OBJECTIONS <ul style="list-style-type: none"> ▪ scale and height of proposed new dwelling is inappropriate for site. If the dwelling design is to be two storey it should be positioned further back in the plot ▪ given the higher ground, the dwelling should be built as a bungalow to better blend into the surrounding houses ▪ new vehicular access poses increased risk to highway safety for all users of Horn Lane, including local school children - particularly if use of the site is to be intensified with a new 4 bedroom house. The access would have poor visibility because of the very narrow nature of Horn Lane and would appear impractical to manoeuvre into without using other people's driveways. It is not clear why the existing access to the site cannot be used. ▪ the gradient of the new vehicular access poses increased flood risk on to Horn Lane, despite any use of permeable materials. There is no highway drainage system in Horn Lane. ▪ new vehicular access poses risk to telegraph pole directly opposite (particularly from lorries or heavy construction vehicles), which carries cable and boxes relating to mains electricity, telephone and

	<p>broadband for local properties</p> <ul style="list-style-type: none">▪ proposal harms the character and appearance of the East Hendred Conservation Area▪ harmful overlooking and overshadowing of adjacent private neighbouring amenity space▪ trees and hedging already removed from site and embankments which has had a harmful impact upon the Conservation and existing ecological habitat.▪ indication that works have been undertaken to neighbouring land, not owned by the applicants, to facilitate positioning of new access▪ concerns that the proposed ancillary annexe is to be used as a separate dwelling, with its own access.▪ an application for a new bungalow and garage further along Horn Lane was refused in 2001 (ref. P01/V0862) due to it being a cramped form of development and detracting from the character and appearance of the Conservation Area▪ concern that the proposed development will cause increased subsidence issues▪ concern that there is a great deal of opposition to the proposed new access on to Horn Lane, and no focus has been given to the vulnerable state of the lane currently used to access the site. This lane would not be suitable for construction vehicles, which could cause further damage to surface and drainage of the lane.▪ concern that visibility along Horn Lane and adjacent lane is an issue because of the overgrown hedgerow that borders Colt Corner, this should be properly managed
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3.0 **RELEVANT PLANNING HISTORY**

3.1 [P22/V1127/FUL](#) - Withdrawn (23/08/2022)

Demolition of existing bungalow, to allow the construction of a new build 4 bedroom dwelling. Conversion of the existing garage into an annex.

[P61/V6099](#) – Approved (05/09/1961)

Erection of a bungalow and double garage.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

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

5.0 **MAIN ISSUES**

5.1 The relevant planning considerations in determining this application are;

- **Principle of Development**
- **Design, Character and Heritage**
- **Access, Parking & Highway Safety**
- **Residential Amenity**
- **Amenity of Future Occupants**
- **Mature Trees**
- **Ecology**
- **Flood Risk and Site Drainage**
- **Other Matters; Land Ownership & Procedure**

5.2 **Principle of Development**

Core Policies 3 (Settlement Hierarchy) and 4 (Meeting Our Housing Needs) of the adopted Local Plan 2031 Part 1 both set out the housing strategy for the district and define where applications for housing will be permitted. Policy CP3 defines East Hendred as one of the 'Larger Villages'. Policy CP4 states that there is a presumption in favour of sustainable development within the existing built area of 'Market Towns', 'Local Services Centres' and 'Larger Villages', in accordance with Core Policy 1 (Presumption in Favour of Sustainable Development).

5.3 The application site lies within the established built area of East Hendred. Given that the scheme proposes a replacement dwelling upon this residential site, the principle of the development is considered acceptable, subject to being in accordance with the other relevant development plan policies. These will be considered in turn below.

5.4 **Design, Character and Heritage**

Core Policy 37 of the Local Plan 2031 Part 1 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.

5.5 The Joint Design Guide 2022 emphasises that;

- new development should respond positively to the character of the area
- be sensitive to its context in terms of scale, massing and height, and
- should work with the existing landscape, topography and settlement pattern

5.6 Core Policy 44 of the Local Plan 2031, Part 1 states that high priority will be given to the conservation and enhancement of the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the quality of the Vale of White Horse District's landscape. Where development is acceptable in principle, measures will be sought to integrate it into the landscape and/or the townscape of the area.

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- 5.7 The application site is additionally bounded to the north by the East Hendred Conservation Area (*please see Figure 1*). Local Plan Policies CP39, DP36 and DP37 seek to ensure that new development conserves and where possible enhances the historic setting, character and appearance of designated Conservation Areas.
- 5.8 The National Planning Policy Framework (NPPF) further emphasises that good design is a key aspect of sustainable development and decisions should ensure that developments;
- function well and add to the overall quality of the area
 - are visually attractive as a result of good architecture, layout and landscaping
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting
- 5.9 Horn Lane overall hosts a diverse mix of dwellings and plots sizes, contributing towards a relatively varied and transitional character area, moving east to west. At the westernmost end of Horn Lane, the prevailing character sees medium to large, detached dwellings sitting within relatively spacious plots, set well back from the road. The application site is located along this part, at the corner junction of Horn Lane, Fordy Lane and The Lynch.
- 5.10 The topography along the westernmost part of Horn Lane sees houses to the south sit upon a higher land level (up to 1.40 metres) than Horn Lane itself. Dwellings to the north of Horn Lane largely maintain a similar land level to Horn Lane. The storey height(s) of these dwellings varies also. Moving westwards along Horn Lane, the prevailing character of dwelling types along the south of the Lane appears to transition from two-storey buildings to an existing 1.5 storey building and then toward bungalows along The Lynch.
- 5.11 Submitted plan '531 0622 HW 02', compiled by the agents, seeks to demonstrate this variety in housing types. An extract of this site context plan is provided below (**Figure 2**), additionally showing a proposed 1.5 storey dwelling upon the site at Colt Corner (outlined in red);



Figure 2: Site Context Plan '531 0622 HW 02' (compiled by Bluestone Planning LLP)

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- 5.12 Looking at the application site, it is a relatively smaller plot when compared to the majority of its eastern and northern neighbours. While remaining relatively consistent with the plot sizes of the dwellings to the south, these other properties front on to the track to the west and therefore this orientation and character is different. The site sits approximately 1.4 metres higher than Horn Lane and is currently heavily vegetated. This, in addition to the embankment running along the northern boundary of the site, contributes towards a softer undeveloped character towards this very western end of Horn Lane. From the site visit, the stark contrast of this current vegetated village character is felt when encountering the hard engineered vehicular entrances to adjacent properties along Horn Lane.
- 5.13 The design of the proposed dwelling (as amended) is a simple 'L' shaped geometric form, consisting of red brick and grey slate. The principal elevation sees the dwelling present as a 1.5 storey dwelling, with a porch canopy extending down over the front door. The height of the building has been amended to be no higher than neighbouring 1.5 storey building 'Highlands'. The main built form of the proposed dwelling will sit approximately 5.40 metres back from the top of the embankment of Horn Lane (excluding the porch area) and would sit further forward in the plot than immediate neighbouring dwellings to the east.
- 5.14 However, notwithstanding what is shown on the above plan drawing (**Figure 2**), an overall two-storey built form and appearance for the proposed dwelling is largely retained. Following a visit to site, it appeared to Officers that the design of the proposed dwelling, which sees second-storey windows cutting through the proposed eaves line of the dwelling, had taken reference from the design of a row of dwellings seen opposite the junction, along Fordy Lane.
- 5.15 Core Policy 37 and principles held within the Joint Design Guide emphasise that new development should respond positively to the site and its surroundings, be sensitive to its context in terms of scale, massing and height and should work with the existing landscape and topography, with architectural features such as dormer windows sitting well above the eaves line, well below the ridge line and set in from the gable ends. Given the land level difference between Horn Lane and the application site, and the plot and housing types seen along both Horn Lane and The Lynch Officers are not convinced that the proposal is an appropriate design approach for this site.
- 5.16 The scale, bulk and massing of the proposed development, in addition to the elevated land level of the site, combine to present a two-storey property that would dominate this section of small rural lane. To address initial Officer concerns surrounding the scale of the proposal, the submitted amendments to the scheme dropped the overall height of the dwelling by 80cm and introduced an extended mono-pitched porch canopy across the full width of the principal elevation. It is not considered that this minor height reduction, and alteration to the front elevation reduces the scale and bulk of the proposed dwelling significantly enough. The proposed development would remain an incongruous feature within the immediate streetscene, failing to respond positively to the site or its surroundings.

- 5.17 Horn Lane itself sits within the East Hendred Conservation Area (*please see Figure 1*). A number of representations received raised concerns surrounding harm to the East Hendred Conservation Area. The Council's Conservation Officer was consulted on the application to ascertain the heritage impact the proposed development may have on the setting of the Conservation Area. The Conservation Officer raised no objections to the scheme commenting that, with enhanced landscaping, the proposed development would have a limited direct impact upon the setting of the Conservation Area.
- 5.18 A landscaping scheme has been provided ('COLT1-CBLS-00-ZZ-DR-A-0020 S4 P01') which sees the matures trees in the north-western corner of the site retained, and hedging (reintroduced where necessary) along the northern and western boundaries, maintained at a height of least 1.5m (approximately 5ft). Further landscaping details could be secured via condition. At this time however, Officers host concerns that even if the hedgerow were retained in the long-term, it would do little to mitigate the cumulative visual impact of the scale and massing of any two-storey dwelling in this location of Horn Lane, as a result of the site's higher land level, together with the visual appearance of the new hard engineered access in this section of Horn Lane.
- 5.19 The scheme additionally proposes an ancillary residential annexe. Neighbouring representations have raised concern that the annexe is to be used as a separate dwelling. From the information submitted the annexe is to be used in ancillary manner to the proposed dwelling, by family and friends of the applicants. The size, scale and layout of the annexe is considered to be subordinate to the dwelling proposed, and of an appropriate size to meet its stated purpose. Subject to there being only one vehicular access on to this site, Officers consider this element of the proposed development to be acceptable.
- 5.20 Whilst Officers do not consider that there would be harm to the setting of the adjacent Conservation Area, taking into consideration the existing soft vegetated appearance of the site within the streetscene(s), the design, scale, bulk and massing of the proposal, in combination with the size of this plot and the elevated positioning of the dwelling relative to Horn Lane; Officers consider that the cumulative development proposed does not present as an innovative, visually attractive, well-designed scheme, nor a scheme that responds well to existing site topography. As part of this, the proposed scheme is not considered to contribute positively to the transitional character and appearance of this westernmost stretch of Horn Lane.
- 5.21 It is the opinion of Officers that the development as proposed is contrary to Core Policy 37 of the Local Plan 2031, Part 1, design principles held with the Joint Design Guide 2022 and the provisions of the NPPF, surrounding achieving and maintaining attractive well-designed places.
- 5.22 **Access, Parking and Highway Safety**
Core Policies 35 and 37 of the Local Plan 2031 Part 1, Development Policy 16 of the Local Plan 2031 Part 2 and paragraph 110 of the NPPF together emphasise that all proposals for new development should ensure that safe and suitable access to the site can be achieved for all users and a sufficient

level of well-integrated car parking and vehicle turning is provided within the site.

5.23 The proposed development would see;

- the existing 3 bedroom bungalow replaced with a 4 bedroom 2 storey dwelling
- the double garage converted to a one bedroom ancillary residential annex
- the creation of a new vehicular access on to Horn Lane

A large number of neighbouring objections have been received surrounding this aspect of the development, raising concern surrounding visibility and maintained highway safety for other users of Horn Lane.

5.24 The Oxfordshire County Council (OCC) Highways Officer has assessed the proposed development (as amended) and has raised no objection to the works, commenting;

“The proposed site is located on a lightly trafficked low speed rural lane with an existing dwelling replacing the existing bungalow, therefore there is effectively no increase in traffic associated with the site. The proposed access is detailed in the [Access Appraisal] and visibility splays can be provided to accord with the likely speeds of up to 20mph within the highway.

I have noted that the Y-dimension cannot be provided to the carriageway edge particularly to the right-hand side at exit. In this location and given the geometry of the vicinity I consider the indicated sight lines acceptable particularly given that drivers of vehicles approaching from this direction will be off set from the carriageway channel. The proposed car parking provision and turning space as shown on drawings COLT1 0020 Proposed Site Information & P1169-01 Visibility Splays and Access Arrangement are acceptable.”

5.25 This is subject to a series of conditions, including the development being in accordance with the plans and Local Highway specifications, surface water drainage, and the closing of the existing access of the private lane to the west of the site. Therefore Officers do not consider that the proposed development poses adverse harm to current levels of highway safety experienced by users of Horn Lane. In highway safety terms, the proposal is considered to comply with Core Policies CP35 and CP37, Development Plan Policy DP16 and the provisions of the NPPF.

5.26 **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.

- 5.27 Neighbouring representations have raised concerns regarding overlooking and overshadowing of adjacent private amenity space. In contrast to the existing bungalow on site, the proposed development will host a second storey with first-floor windows facing in all directions.
- 5.28 Development Policy 23 and principles held within the Joint Design Guide 2022 highlight the importance of ensuring existing levels of private amenity are maintained, with;
- back-to-back distances between facing habitable rooms being 21 metres
 - back-to-boundary distances being a minimum of 10 metres.
 - front-to-front distances being a minimum of 10 metres
- 5.29 In terms of overlooking; the windows of the proposed development measure;
- 11 metres to the southern boundary of the nearest northern neighbour
 - 22 metres to the front windows of the nearest northern neighbour
 - 12 metres to the eastern boundary of the site with the adjacent neighbour
 - 21.5 metres to the western elevation of the eastern neighbour
 - 15 metres to the southern boundary of the site, with the adjacent neighbour

The east-facing windows of the dwelling will have a direct outlook over the proposed new driveway and parking area. Some limited views may be afforded of the western elevation of the nearest eastern neighbour, however a distance of 21 metres would be maintained. Officers do not consider the proposed development to have an unacceptable impact upon existing levels of privacy experienced by adjacent neighbouring properties.

- 5.30 In terms of overshadowing; the proposal will result in an increase of built form upon the site. From available aerial imagery, the gardens of the properties to the north of the site can become quite overshadowed as a result of some substantial existing mature trees along the northern boundary of the site. This report has previously discussed the design of the proposed two-storey dwelling, however from a residential amenity perspective, Officers do not consider that the proposed dwelling on this raised site would have an adverse impact upon existing levels of amenity experienced by the properties over the road to the north through overshadowing. On balance the proposed development is considered to comply with Development Policy 23 and principles on amenity held with the Joint Design Guide 2022.

5.31 **Amenity of Future Occupants**

In terms of space standards, as set out by Development Policy 2 of the Local Plan 2031, Part 2, the floor space and storage required for a two-storey 4-bedroom 8person dwelling would be 124 sqm. The proposed development sees the creation of a two- storey 4b8p dwelling, measuring 202 sqm in habitable area. This floor space therefore meets Nationally Described Space Standards. Each bedroom has been provided with a clear outlook, and it is considered that each habitable room will be adequately naturally lit for most of the year. The proposed dwelling would additionally benefit from over 300 sqm of private outdoor amenity space. This is therefore acceptable and complies with Development Policy 2 of

the Local Plan Part 2 and the principles on outdoor amenity held within the Joint Design Guide 2022.

5.32 Mature Trees

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. Development Policy 37 further highlights that developments should ensure no loss of or harm to any feature that makes a positive contribution to the special interest, character, or appearance of the Conservation Area, unless the development would make an equal or greater contribution in terms of public benefit.

5.33 The site hosts a number of substantial mature trees. The trees within the site are not subject to the submission a Tree Preservation Order (TPO) and, with the exception of the proposed new access, the application site lies just outside of the Conservation Area. The Council's Conservation Officer has identified that the trees along the northern boundary of the site (identified to be retained) contribute positively to the setting, character and appearance of the East Hendred Conservation Area.

5.34 The Council's Forestry Officer has assessed the proposed development and has raised no objections, subject to the submission of updated tree protection details and detailed landscaping and replacement planting information. It is considered that conditions could be used to secure details relating to these matters. On balance, the proposal is considered to comply with Core Policy 44 and Development Policy 37.

5.35 Ecology

Local Plan Policy CP46 seeks to ensure that development does not result in the loss, deterioration or harm to habitats or species of importance to biodiversity. From available Council records, there are no known protected species records on site. However, taking into consideration the external condition of the building, suitability of surrounding habitat and scale of the proposed works, the impact of the proposed development on protected species (in particular, bats and wild birds) should be carefully considered.

5.36 An ecological appraisal has been submitted and did not identify any roosting bats on site. Recommendations for the development included protecting and retaining mature trees, providing biodiversity enhancements on site and carefully designing any new lighting.

5.37 The Council's Countryside Team has assessed the submitted information and raised concerns that it was not immediately clear how a net loss of biodiversity would be avoided as a result of the development. They have raised no explicit objection to the proposed development, recommending that details of biodiversity enhancements, an external lighting scheme be submitted, and any clearance works being undertaken outside of bird nesting season (March-August inclusive).

5.38 Given the scale of the proposed development, for a single replacement dwelling in this instance, Officers do not consider it reasonable under Paragraph 55 of the NPPF to impose any conditions surrounding the submission of an external lighting scheme, as no external light has been included within the application submission. However, it is considered that conditions and informatives could be used to secure details relating to the matters surrounding biodiversity enhancements, and how/when to undertake works in relation to birds and bats. On balance, the proposed development is considered to comply with Core Policy 46 of the Local Plan 2031, Part 1.

5.39 Flood Risk and Site Drainage

Policy CP42 stresses that all relevant development will be required to provide a drainage strategy. From available Council records, this site is not located within an area of known fluvial, surface or groundwater flood risk. The application is accompanied by a SuDS report, which includes the installation of a soakaway chamber between the proposed dwelling and the residential annexe on site, and the use of permeable paving for the driveway and new access.

5.40 The Council's Flood Risk and Drainage Officer has assessed the submitted information and has raised no objections to the proposed development. As part of their consultation response, the OCC Highways Officer has required that a condition be applied to any permission granted to ensure that the parking and turning area be constructed to prevent surface water discharging on to the highway. Officers therefore consider that the proposed development would comply with Core Policy 42 of the Local Plan 2031, Part 2.

5.41 Other Matters; Land Ownership and Procedure

A neighbouring representation has raised a point of discussion surrounding land ownership within their response. From available Land Registry Information and County Council records, it is understood that the site is within the ownership of the applicants, with the section of embankment subject to the creation of the new accessway (bordering the north of the site), owned and maintained by Oxfordshire County Council.

5.42 Under article 13 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the applicants, not being in sole ownership of all the land within the red outline, have served notice on Oxfordshire County Council. Correct procedure is understood to have been followed.

5.43 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 involves the development of a replacement house and an ancillary residential annexe. The proposed development would be liable to pay CIL. The relevant forms have been received at this stage, and a relevant informative will be added to any decision issued.

6.0 CONCLUSION

- 6.1 It is recommended the planning permission is refused for the proposed development. It is acknowledged that technical matters surrounding highway safety, heritage impact, trees on site, biodiversity, site drainage, land contamination and the amenity of future occupants have largely been addressed. Outstanding elements, including tree protection, landscaping, and access specifications could be addressed via appropriate condition.
- 6.2 However Local Plan Policies, the Joint Design Guide SPD 2022 and the National Planning Policy Framework stress that design, and the impact of design upon the character and appearance of an area is key to the delivery of high-quality development, in addition to achieving and maintaining well-designed places.
- 6.3 As proposed, Officers are of the opinion that the design, scale, bulk and massing of the proposal, in combination with the size of the plot and the elevated position of the dwelling relative to the nearest public highway - cumulatively does not result in a well-designed, visually attractive scheme, nor a scheme that responds well to existing site topography. As part of this, the proposed scheme is not considered to contribute positively to the transitional character and appearance of this westernmost stretch of Horn Lane.
- 6.4 Having regard to the above policies within the Development Plan, principles within the Joint Design Guide SPD 2015 and the National Planning Policy Framework, for the reasons stated within this report, Officers consider this proposal to be unacceptable and recommend that planning permission be refused.
- 6.5 The following planning policies have been taken into account:

VOWHDC Local Plan 2031 Part 1 (LPP1) Strategic Sites and Core Policies;

A Regulation 10A review (five-year review) for Local Plan Part 1 (LPP1) has been completed. The review shows that five years on, LPP1 (together with LPP2) continues to provide a suitable framework for development in the Vale of White Horse that is in overall conformity with government policy.

CP01 - Presumption in Favour of Sustainable Development

CP03 - Settlement Hierarchy

CP04 - Meeting Our Housing Needs

CP15 - Spatial Strategy for South-East Vale Sub-Area

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

CP39 - The Historic Environment

CP42 - Flood Risk

CP44 - Landscape

CP46 - Conservation and Improvement of Biodiversity

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

DP02 - Space Standards

DP04 – Residential Annexes

DP16 - Access

DP23 - Impact of Development on Amenity

DP27 - Land Affected by Contamination

DP28 - Waste Collection and Recycling

DP36 - Heritage Assets

DP37 - Conservation Areas

Supplementary Planning Guidance

The South Oxfordshire and Vale of White Horse Joint Design Guide SPD 2022

The National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

s72 - General duty as respects Conservation Areas in exercise of planning functions

Countryside and Rights of Way Act 2000 (Parts I - IV)

s85 – General duty of public bodies in relation to land in an AONB

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.

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