

**Site Address: Land Adj 2 Orchard Way 15/01055/F
Bicester OX26 2EJ**

Ward: Bicester West

District Councillor: Cllrs Bolster,
Hurle and Sibley

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr J Prpa

Application Description: 2 x 2 bedroom semi detached dwellings

1. Site Description and Proposed Development

- 1.1 The application site forms part of the curtilage of number 2 Orchard Drive, with the site being to the side of the main house. The surrounding area is characterised by two-storey, semi-detached residential properties, with 2 Orchard Drive being semi-detached. It is understood that the property has 3 bedrooms.
- 1.2 To the side of the application site is Walnut House, a detached two storey property the front elevation of which is orientated towards George Street. The rear of the site backs on to the rear garden of Primrose Cottage.
- 1.3 Permission is sought for the construction of a pair of two storey semi-detached dwellings located adjacent to 2 Orchard Way. The proposed dwellings would be two storeys in height (7.6m), and would measure a total of 8.9m in width (4.45m each), and approximately 8m in depth. A gap of approximately 1.4m would be provided between the flank elevation of 2 Orchard Way and the proposed building. Similarly, a gap of approximately 1.3m would be provided between the flank elevation of the proposed building and the boundary with Walnut House.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter. The final date for comment was 06 July 2015.

Representations have been received from the occupiers of Walnut House and 1 Orchard Way.

The objections received are summarised as follows:-

Walnut House:

- Loss of light and privacy.
- Out of character with the layout of existing housing.

1 Orchard Way:

- Insufficient parking provided.

3. Consultations

3.1 Bicester Town Council:

Bicester Town Council objects to this application as an overdevelopment of the site. It would appear to be a big development in a very small space.

Consultees

3.2 Contaminated Land:

No representations received

3.3 Housing:

No objections

3.4 Oxfordshire County Council Consultees

Highways:

No representation received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Cherwell Local Plan 2011-2031

5. Appraisal

5.1 The key issues for consideration in this application are:-

- The principle of development
- Visual amenity
- Amenity standards
- Neighbours amenity
- Trees
- Parking provision and highway safety

The principle of development

5.2 The application site lies within the main built up area of Bicester. There is a general presumption in favour of sustainable development as identified within

the NPPF, with Bicester being a sustainable location for development containing a range of services and access to public transport.

- 5.3 Whilst residential gardens are no longer considered to be brownfield land, the development of land within the main built up area is in principle acceptable and potentially reduces the need to allow development on land beyond town and village confines.
- 5.4 However, a site falling within the built-up area does not lead to an automatic presumption that it can be developed. In this circumstance, whilst the site would represent an infill plot, regard still has to be had to the wider impacts of the development in terms of impact on the character of the area, neighbouring amenity and parking.

Visual Amenity

- 5.5 The proposed dwellings would be constructed adjacent to the existing pair of semi-detached dwellings (2 and 4 Orchard Way). Together they would have a gabled roof and each property would feature a modest front projecting canopy.
- 5.6 The predominant character of surrounding development comprises semi-detached two storey dwellings set on spacious rectangular plots. In general spacing between properties is generous giving the locality an open character.
- 5.7 Policy C28 of the Local Plan states '*control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development*'.
- 5.8 Further, Policy C30 states '*design control will be exercised to ensure that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity*'.
- 5.9 The flank elevation of 2 Orchard Way currently stands approximately 11m from the common boundary with Walnut House, and therefore the existing situation contributes positively to the spacious character of the locality. The proposed development would infill this gap; reducing it from 11m to just 1.3m (when viewed from the street). While a gap of 1.4m would also be provided between the flank elevation of the proposed building and the side elevation of 2 Orchard Way, the proposed development would appear adversely cramped and tight and therefore would fail to be commensurate with the wider pattern of more spacious development in the surrounding local area; contrary to Policy C30 of the Local Plan.
- 5.10 In general, semi-detached plots on Orchard Way measure approximately 14m in width (7m per individual plot), and gaps of approximately 4m are retained between pairs of buildings. While side extensions have been constructed at a number of surrounding properties in general the spacious character of the street has been maintained. The width of the proposed plot (approximately 11.5m) would be smaller than the overriding width of existing plots on the street, and similarly the gaps retained either side of the new development

would be less than the majority of those on the road. Consequently, both the size of the plot and width of the gaps retained either side of the development would exacerbate the cramped nature of the proposal and would upset the general pattern and layout of existing development to the detriment of the visual amenity of the local area.

- 5.11 It is important to note the prominent nature of the existing site located close to the corner of Orchard Way and George Street. Currently, the gap retained between 2 Orchard Way and Walnut House provides an open and spacious approach to the road which contributes positively to the visual amenity and character of the locality. The proposed development would upset this, and while the proposed building would be set back from the front elevation of numbers 2 and 4, the set back location would actually upset the rhythm and layout of housing on this corner, and would intensify the inappropriate nature of the development. Consequently, the development would appear incongruous and contrived in terms of both siting and position in relation to neighbouring buildings.
- 5.12 The development would also result in the creation of an extended area of hardstanding to accommodate a total of three parked vehicles. This would result in the loss of existing soft landscaping (boundary hedge) and would result in the site frontage being dominated by hardstanding and parked cars. This, as well as the adverse layout and cramped nature of the proposal would impact adversely on the visual amenity and character of the existing site and wider street scene.
- 5.13 In isolation, the proposed design and character of the dwellings would respect the design of existing housing in the area. The dwellings would have an appropriate gable roof, and the front canopies and front facing openings would provide sufficient interest and relief. Similarly the proposed materials would be in-keeping with varied palette in the surrounding area.
- 5.14 To conclude, the proposed development is considered to be unacceptable on the grounds of visual amenity and layout and therefore fails to comply with Policies C28 and C30 of the Local Plan.

Amenity Standards

- 5.15 Each rear garden would provide over 40m² which would adequately cater for future occupiers of the development. Similarly, an acceptable standard of environment would be retained at 2 Orchard Way where the proposed garden would comprise approximately 50m².

Neighbours Amenity

- 5.16 The occupiers of Walnut House have objected to the proposal on the grounds the new development would impact adversely on the receipt of light to their garden and an existing conservatory located at the rear of their property. Further, they are concerned the development would reduce their existing levels of privacy.

- 5.17 The proposed development would be located approximately 1.3m from the rear boundary of Walnut House sited adjacent to the neighbouring garden. Given the proximity of the development to the boundary, the proposed depth of the new building, and the proposed height the proposal would have a significant adverse impact on the amenity of these occupiers.
- 5.18 Taking account of the orientation of the two plots the new building would be located to the south-west of the adjacent garden and therefore would impact significantly on the receipt of direct sunlight for a substantial period of the day. Further, the depth and height of the proposal would culminate in a significant adverse overbearing impact.
- 5.19 It is not considered the development would impact adversely on the conservatory at the rear of Walnut House given this structure is set back from the rear elevation of the proposed dwellings.
- 5.20 In terms of privacy, views from the proposed first floor rear facing openings would be located at an oblique angle from the main garden and existing openings at Walnut House. The proposed side facing openings would both serve non-habitable rooms and therefore, to ensure privacy between dwellings is maintained, should be obscure glazed via condition.
- 5.21 In respect of 2 Orchard Way, the proposed building would extend a small distance to the rear of the existing property (2m) and therefore would not culminate in a significant adverse overbearing form of development, nor would it impact significantly on the receipt of light. The proposed building would be set back from the front elevation of number 2, and while the existing property has two side facing openings orientated towards the flank elevation of the proposed building (one ground floor and one first floor), neither opening serves habitable rooms at the existing property. Consequently, the proposal would have an acceptable relationship with 2 Orchard Way.
- 5.22 The proposed rear facing first floor openings would be located approximately 2m further rearward than the existing first floor rear facing openings at number.2. However, given a distance of 11.8m would be retained between the proposed openings and the rear garden of Primrose Cottage the privacy of these occupiers would not be adversely compromised. Further, the proposed distance would be sufficient to ensure the development would not have an overbearing impact on this property.
- 5.23 To conclude, the proposed development is considered to be unacceptable on neighbour amenity grounds, and would have an adverse overbearing impact on the garden at Walnut House, culminating in a significant reduction in the receipt of light contrary to Policies C28 and C30 of the Local Plan.

Trees

- 5.24 A mature tree is located in the rear garden of Walnut House, adjacent to the proposed siting of the new building. The crown of the tree overhangs the application site boundary and therefore pruning works would be required prior to construction. Nevertheless, it is not considered the proposal would impact adversely on the neighbouring tree. Similarly, while details have not been

provided identifying the root protection area of the adjacent tree, subject to the provision of appropriate details (to be submitted via condition), it is considered a sufficient distance would be retained between the proposed development and adjacent tree; ensuring its future health and survival.

Parking Provision and Highway Safety

- 5.25 The existing dropped kerb would be extended and additional hardstanding, providing off-street parking for up to three vehicles, would be created at the front of the site. The Highway Authority was consulted but has not provided comments for the scheme.
- 5.26 One parking space would be provided for each property, including one space for the existing building (2 Orchard Way). Given the sustainable location of the site, to the north of Bicester Town Centre which provides access to local services and amenities, the creation of one space per unit is, on balance, considered to be acceptable. However, as discussed above, the dominance and amount of the hardstanding proposed is considered unacceptable in visual terms.

Consultation with Applicant

- 5.27 The applicant has been contacted and informed of the reasons for refusal.

Conclusion

- 5.28 To conclude, in isolation the principle of development would be acceptable from a land use perspective. The proposed development, by reason of its design, scale, siting and layout fails to respect the spacious character and pattern of existing development in the locality and would appear cramped and over-dominant within the street. Further, the proposed area of hardstanding, which would provide off-street parking for up to three vehicles, and would result in the loss of existing soft landscaping (boundary hedge), would have a detrimental impact on the character of the site and the visual amenity of the area.
- 5.29 In addition, by reason of its close proximity to the common boundary with Walnut House, and taking account of the proposed height, depth and orientation, the proposal would have an adverse overbearing impact on the occupiers of Walnut House, and would significantly interfere with the receipt of light at the neighbouring rear garden.
- 5.30 The proposed development is therefore contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan 2015, and the relevant provisions of the National Planning Policy Framework, 2012 on design and neighbour amenity grounds.

6. Recommendation

Refusal, subject to the following reasons:-

1. By reason of its design, scale, siting and layout the proposed development would fail to respect the spacious character and pattern of existing development in the locality and would appear cramped and over-dominant within the street. Further, the proposed area of hardstanding, which would provide off-street parking for up to three vehicles, and would result in the loss of existing soft landscaping (boundary hedge), would have a detrimental impact on the character of the site and the visual amenity of the area. The proposal is therefore contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

2. By reason of its close proximity to the common boundary with Walnut House, and taking account of the proposed height, depth and orientation, the proposal would have an adverse overbearing impact on the occupiers of Walnut House, and would significantly interfere with the receipt of light at the neighbouring rear garden. The proposed development would therefore have a detrimental impact on the residential amenity of the occupiers of Walnut House contrary to Policy C28 and Policy C30 of the Cherwell Council Local Plan, 2015, and the relevant provisions of the National Planning Policy Framework, 2012.

Statement of Engagement

It was not possible to amend the application to comply with local policy. The Local Planning Authority encourages applicants to engage in pre-application discussions as advocated under paragraph 188 of the NPPF. The applicant did not engage in pre-application discussions with the Local Planning Authority and the form of development proposed fails to comply with the requirements of the Development Plan and does not improve the economic, social and environmental conditions of the District.