

South Oxfordshire District Council – Delegated Report

APPLICATION NO.	P22/S1689/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	20.5.2022
PARISH	WHITCHURCH
WARD MEMBER(S)	Peter Dragonetti
APPLICANT	Urban village group
SITE	Eastfield House Eastfield Lane Whitchurch On Thames, RG8 7EJ
PROPOSAL	Application under S73 of the Town and Country Planning Act 1990 for Variation of condition 14 (Approved Plans) on application P11/S0126 granted by appeal decision APP/Q3115/A/13/219268 (Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space) to allow changes to internal layout; formation of dormers at second floor; additional plant room; part retention of existing outbuilding; and erection of summer house within rear garden.
OFFICER	Sarah Chesshyre

1. INTRODUCTION AND PROPOSAL

- 1.1. The application site was last occupied by a care home comprising 27 bedrooms and specialising in high dependency care. This use was in operation for approximately 30 years until the care home was closed in 2016 and has been vacant since.
- 1.2. The site extends to approximately 0.4 hectares. The main building is a large and relatively ornate detached building dating to the 19th century, originally built as a dwelling, set back from the wide and open frontage onto Eastfield Lane by approximately 30 metres and surrounded by extensive landscaped grounds.
- 1.3. The site is located within Whitchurch Conservation Area and the building is considered a non-designated heritage asset. All trees within and surrounding the site are protected by virtue of their location within the Conservation Area. In addition to this, Tree Preservation Orders cover a group of trees at the front of the site and a group of Lime trees located adjacent to the rear of the site. The site is also located within the Chilterns AONB.
- 1.4. Substantial extensions to the original building were added predominantly in the 1980s. More recently, planning permission was first granted for substantial extensions to the building in 2010 although this permission was not implemented. A further application for substantial extensions was allowed on appeal in 2013 (the original application to which this application under S73

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relates). A number of applications have been considered since, the most recent of which sought outline consent (with landscaping the only matter reserved) for substantial extensions and alterations and was refused.

- 1.5. Subsequently, the applicant sought to demonstrate to the Council that the 2013 appeal permission (P11/S0126) was lawfully implemented and therefore remains extant. The Council confirmed in a letter to the applicant dated 28 January 2021 that they considered that the permission remained extant, however no certificate of lawful development has been issued to formally confirm this position.
- 1.6. The current application seeks to vary condition 14 (approved plans) of the appeal permission (P11/S0126) in order to make a number of internal and external changes to the approved scheme. These comprise:
 - changes to the internal layout predominantly to reconfigure bedrooms, with the effect of an increase from 43 to 45 bedrooms
 - the formation of three additional dormer windows on the south roofslope of the approved extension
 - the erection of an additional two storey extension to the east elevation of the original building to accommodate plant; this would extend beyond the east elevation by 5 metres, with a depth of 4.13 metres and have a flat roof with a height of 6.3 metres
 - the part retention of an existing outbuilding in the north west corner of the site; the proposed use of the outbuilding is not detailed, but this would be limited to uses ancillary to the care home use unless separate consent was sought for an alternative use
 - the erection of a summerhouse within the rear garden; this would have a footprint measuring 13.6 metres by 5 metres, an eaves height of 2.1 metres and a ridge height of 3.82 metres and would be finished in timber-effect cement cladding with clay tiles to the roof
 - the formation of a lift overrun to the roof of the east wing of the original building

It is also noted that there are a number of discrepancies between the proposed plans and proposed elevations, such that it is not clear whether there are additional external changes proposed. For example, the proposed floor plans show the omission of the central front entrance from the south elevation, although this change is not shown on the proposed elevations.

- 1.7. During the course of the application, officers have sought to agree amendments to the proposals, including omitting the proposed summerhouse, and have also requested clarification and further information in support of the proposed changes. However, despite extensive engagement, the requested amendments and additional information has not been forthcoming.

2. SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Whitchurch Parish Council – **objection**. In summary:

- Proposed changes are too great to be considered as a minor material amendment to condition 14
- Concern about cumulative effect of additional areas of building in addition to substantial extensions

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- Impact of overlooking from proposed new dormers
- Lack of information about size and intended use of retained outhouse
- Loss of separation between development and Eastfield Cottage
- Concerns about the size of the development in the Conservation Area
- Under provision of car parking spaces and impact of congestion on Eastfield Lane

Chilterns Conservation Board – no comments received.

Conservation Officer – **holding objection**. In summary:

- Proposed changes are not informed by any revised heritage assessment; additional information required before this application can be determined
- Summerhouse cannot be considered through a S73 application
- Two storey side extension not of same architectural quality as approved extension; design should be revised
- Concerns about loss of historic fabric

Countryside Officer – **holding objection**. In summary:

- No ecological information submitted with this application; most recent bat survey submitted with previous application is out of date
- Updated preliminary ecological surveys are required, with focus on bats and great crested newts
- Material change in circumstances since last application was determined on the site relating to presence of great crested newts

Drainage – **objection**. In summary:

- Proposed summerhouse is proposed over the location of the soakaway approved under application P16/S1956/DIS
- Not clear whether there is sufficient space in the rear garden for the summerhouse and soakaway

Forestry Officer – **objection**. In summary:

- Proposed summerhouse conflicts with landscaping approved under P16/S1919/DIS
- Protected lime tree growing due south of proposed summerhouse has been plotted in the wrong location; base topographical drawing is wrong
- Tree needs to be replotted and Root Protection Area adjusted

Contaminated Land – no comments.

Environmental Protection Team – **holding objection**. In summary:

- Note discrepancies in drawings relating to the plant room
- No information supplied as to what plant would be in the plant room
- Potential noise impacts
- Further information required on details of plant and likely impacts, and consideration of whether plant could be located further away from neighbouring property

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Landscape Architect – **no objection**, subject to proposed summerhouse location being acceptable in respect of trees and drainage. Detailed planting plans would need to be updated to reflect changes.

Oxfordshire County Council Highways – **no objection**.

Oxfordshire County Council Lead Local Flood Authority – in summary:

- Approved location of soakaway will need to be revised to avoid foundations of the summerhouse.

Thames Water Development Control – no comments.

Waste Management Officer – no comments.

Air Quality – air quality assessment required.

Members of the public – **objections** received from 21 addresses in total. In summary:

- Original permission has lapsed
- Lack of information/detail on plans
- Summerhouse is too large
- Summerhouse requires full application
- Trees are drawn incorrectly
- Site plan does not show plant room
- Insufficient information to demonstrate how plant room relates to neighbouring properties
- Elevations have not been updated to reflect revised floor plans
- Location of plant room unacceptable due to amenity impacts
- Overlooking of neighbouring properties from proposed dormers
- Existing consent is considered overdevelopment
- Concerns about cumulative impact of developments
- Proposals cannot be considered minor material/should not be a S73 application
- Proposals reinstate elements that were agreed to be removed through the appeal decision (plant room and 2nd floor windows)
- Information states plant room will be in location of existing building but this does not appear to be correct
- Plant room has no architectural merit, not in keeping with character of house
- Lack of information relating to the plant room
- Information on plant room should demonstrate consideration of alternative more neighbourly locations
- Relocation of plant from roof to new extension is to allow additional bedrooms and therefore purely for commercial reasons
- Summerhouse is too large to be considered ancillary, would be size of a new house
- No details provided of retention of outbuilding
- Proposals involve increase in number of bedrooms so Transport Assessment should be provided

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- Public transport referred to in original decision no longer exists - should be reconsidered
- Insufficient parking provision (14 spaces)
- Stained glass window in front elevation should be protected - importance as part of hall, stairs and landing
- Boundaries are drawn incorrectly
- Not clear from application what arrangements for parking are
- Site should be made secure due to issues with ASB/break ins, requiring calls to police
- Amendments conflict with approved landscaping details
- Summerhouse is unneighbourly
- Summerhouse is a fire hazard
- Summerhouse is backland development
- Summerhouse would be harmful to AONB
- Summerhouse would be harmful to Conservation Area
- Proposals would include extensive demolition of original house
- Proposals would retain outbuilding adjacent to boundary with Tanglewood, which inspector supported the removal of
- Proposals would reintroduce elements that the Inspector found unacceptable in 2011 appeal decision (plant room)
- Site location plan is out of date and does not show neighbouring properties correctly
- Retained outbuilding is depicted inaccurately
- Application does not specify number of additional beds
- Air quality impacts of proposed plant
- Transport statement is required for proposals for 50 or more beds
- Unacceptable traffic/parking/highway safety impacts on Eastfield Lane
- Consideration should be given to embodied carbon of building to be demolished; existing building should be retrofitted
- Concern about additional bedroom windows leading to increased pressure for pruning of protected lime trees
- Site is not big enough to accommodate the development planned
- Developer has not engaged with local residents
- Hazard from construction traffic
- Concerns about flood risk
- Granting permission would allow either this or the appeal permission to be implemented, with a mixture of the floor plans which could lead to 52 bedrooms
- Trees should be re-surveyed as they will have grown since 2011
- Proposals fall short of Care Home Act 2014
- Care homes should be designed with considerations for Covid19 at the forefront
- Proposal would provide inadequate outdoor amenity space for residents
- Appeal decision permission would not be approved today
- Many amendments at once cannot constitute a minor material amendments
- No fire risk assessment has been submitted
- Existing trees would result in inadequate daylight to bedrooms
- Proposals would remove original front door entrance to building
- New heritage assessment is required

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- Permission allows demolition of original fabric because application incorrectly stated it was later addition
- Concerns about impact of servicing
- Overdevelopment
- Concerns about foul water drainage and sewer flooding
- Building is being considered for listing by Historic England

3. **RELEVANT PLANNING HISTORY**

[P16/S1919/DIS](#) - Approved (08/09/2021)

The development proposed is partial demolition of care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of

the home from C3 to C2 to provide additional external amenity space. Appeal Ref APP/Q3115/A/13/2192681 Conditions(s) 2 (materials), 3 (landscaping) and 13 (travel plan) - Revised Travel Plan received 6 July 2016 (amended April 2021)

[P16/S1956/DIS](#) - Approved (17/08/2021)

Discharge of condition 6 on application ref. P11/S0126 Appeal ref. APP/Q3115/A/13/2192681

The development proposed is partial demolition of care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of

the home from C3 to C2 to provide additional external amenity space.

[P19/S4631/O](#) - Refused (29/09/2020)

Partial demolition of existing care home, construction of extension and associated works and change of use of land at the rear of the Home from C3 to C2 to provide additional external amenity space (as amended by additional information received 14 April 2020 and 6 August 2020).

[P18/S2965/O](#) - Refused (17/01/2019) - Appeal dismissed (18/09/2019)

Proposed Demolition of Existing Care Home, Construction of New Care Home and Associated Works - Outline with the matters of landscaping being reserved. (As amended by Site Plan drwgn0 91 Rev D received 17 December 2018)

[P16/S4157/FUL](#) - Approved (08/03/2017)

Erection of gas and electricity meter housing - to replace previous timber summer house (as amended to reposition the building)

[P16/S3799/FUL](#) - Approved (03/01/2017)

Variation of Conditions 9 on application P16/S2399/O

'Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

The site currently benefits from planning permission granted under Appeal Ref. APP/Q3115/A/13/2192681, dated 21 August 2013 '

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[P16/S2399/O](#) - Approved (30/09/2016)

Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

The site currently benefits from planning permission granted under Appeal Ref. APP/Q3115/A/13/2192681, dated 21 August 2013

[P16/S2193/FUL](#) - Approved (31/08/2016)

Removal of condition 13 of Planning Permission APP/Q3115/A/13/2192681 (Travel Plan).

Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

[P16/S2195/FUL](#) - Approved (31/08/2016)

Variation of condition 13 of Planning Permission APP/Q3115/A/13/2192681 (Travel Plan).

Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

[P15/S1641/FUL](#) - Refused (27/07/2015) - Appeal dismissed (26/05/2016)

Variation of condition 14 (approved plans) of planning permission P11/S0126 (APP/Q3115/A/13/2192681)

[P15/S1632/FUL](#) - Refused (13/07/2015) - Appeal allowed (26/05/2016)

The demolition of the pre-existing buildings other than the retained front facade.

[P14/S3443/O](#) - Refused (08/01/2015)

Demolition of existing care home. Construction of new care home and associated works.

[P11/S0126](#) - Refused (15/08/2012) - Appeal allowed (21/08/2013)

Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

[P11/E2057/PEM](#) - Advice provided (09/01/2012)

Demolition of extensions and replacement with single extension and reconfiguration.

[P10/E0854/CA](#) - Approved (20/09/2010)

Part demolition of the existing care home, Eastfield House, the construction of an extension and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space.

[P10/E0852](#) - Refused (20/09/2010) - Appeal dismissed (23/08/2011)

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Partial demolition of existing care home, construction of an extension and associated works and change of use of land at the rear of the home (As amplified by plans & Bat Report updated July 2010 received 28 July 2010).

Planning history before this date is extensive and led to the buildings on site as currently found. A full history of the site can be found on the Council's website.

4. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1. The site is located in a sensitive area (Chilterns AONB) and therefore a Screening Opinion should be carried out to ascertain whether the development would require an Environmental Impact Assessment, although no request for a Screening Opinion has been made. I note that previous Screening Opinions carried out in relation to the most recent application (P19/S4631/O) concluded that an EIA was not required and that any environmental impacts could be assessed through the planning application process.

5. **POLICY & GUIDANCE**

5.1. **Development Plan Policies**

5.2. South Oxfordshire Local Plan 2035 (SOLP) Policies:

ENV1 Landscape and Countryside
ENV2 Biodiversity – Designated Sites, Priority Habitats and Species
ENV3 Biodiversity
ENV5 Green Infrastructure in New Developments
ENV6 Historic Environment
ENV8 Conservation Areas
ENV11 Pollution - Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution)
ENV12 Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Sources)
EP1 Air Quality
EP4 Flood Risk
DES1 Delivering High Quality Development
DES2 Enhancing Local Character
DES3 Design and Access Statements
DES6 Residential Amenity
DES8 Sustainable development
DES10 Carbon Reduction
TRANS2 Promoting Sustainable Transport and Accessibility
TRANS4 Transport Assessment, Transport Statements and Travel Plans
TRANS5 Consideration of Development Proposals

5.3. **Neighbourhood Plan**

Whitchurch-on-Thames has designated an area for its Neighbourhood Plan. At present plan preparation has been paused. Any draft documents carry no weight given the early stage in plan preparation.

5.4. **Supplementary Planning Guidance/Documents**

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

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5.5. National Planning Policy Framework and Planning Practice Guidance

5.6. Other Relevant Legislation

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.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6. PLANNING CONSIDERATIONS

6.1. The relevant planning considerations are the following:

- **Whether the changes proposed can be considered under S73 of the Town and Country Planning Act 1990**
- **Design and character**
- **Historic environment**
- **Landscape**
- **Highways, access and parking**
- **Residential amenity**
- **Ecology**
- **Drainage and flooding**
- **Impact on trees**
- **Other matters**

6.2. Whether the changes proposed can be considered under S73 of the Town and Country Planning Act 1990

Planning permission P11/S0126 (allowed on appeal, appeal reference APP/Q3115/A/13/219268) granted permission for 'Partial demolition of existing care home, Eastfield House, construction of extensions and associated works and change of use of land at the rear of the home from C3 to C2 to provide additional external amenity space' subject to a number of conditions, including condition 14, which required that the development be carried out in accordance with the approved plans.

6.3. The scope of changes sought under the current application include the erection of a large summerhouse building, with a footprint of 69sqm, within land to the north of the existing care home building. The original consent granted permission for the change of use of this land from C3 to C2 to provide external amenity space to serve the care home, and additional details contained within the application and subsequently approved via condition secured details of landscaping and drainage within this part of the site. However, no built structures were proposed within this part of the site as part of the original application, and no ancillary buildings were proposed elsewhere within the site.

6.4. The judgement handed down in *Finney v Welsh Ministers and Others [2019] EWCA Civ 1868* (herein referred to as *Finney*) held that an application under section 73 of the Act could not be used to obtain planning permission that

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requires a variation to the terms of the 'operative' part of the planning permission. *Finney* established that amendments cannot be made to conditions such that a discrepancy would be created with the description of development.

- 6.5. The 'operative' part of the original planning permission makes no reference to the erection of a summerhouse or any other ancillary structures within the site. Notwithstanding any other material considerations as to whether the proposed summerhouse would be acceptable, as addressed in detail below, the variation of condition 14 in accordance with the plans submitted with this application would create a discord between the operational part of the original planning permission, which refers to extensions to Eastfield House and the change of use of land to the north for external amenity space.
- 6.6. Therefore the proposal amounts to a fundamentally different form of development to that approved under P11/S0126. As such, and in light of the *Finney* judgement, I consider that section 73 of the Act does not allow the development granted under the original planning permission subject to the varied condition. It would instead be necessary for an application to be made seeking approval for full planning permission for a summerhouse to the rear of the care home.
- 6.7. **Design and character**
Policy DES1 (Delivering High Quality Development) requires proposals to use land efficiently, whilst respecting the existing landscape character. Proposals should take into account landform, layout, building orientation, massing and landscaping. The design should respect the local context, working with and complementing the scale, height, density, type and details of the surrounding areas. Policy DES2 (Enhancing Local Character) requires all new development to reflect the positive features that make up the character of the local area and should physically and visually enhance and complement the surroundings.
- 6.8. As noted above, there are discrepancies between the submitted proposed plans and proposed elevations, such that it is not considered that the full extent of the proposed changes is clearly conveyed through the application. Given these discrepancies, I consider that there is insufficient information to assess the proposals fully in respect of their impact on the character and appearance of the building.
- 6.9. Giving consideration to the proposed changes that are more clearly indicated on the proposed plans, I consider that the proposed additional dormer windows that would be added to the southern roofslope of the approved extension would not detract from the overall character and appearance of the building. These structures would be situated in a 'valley' formed between the rear roofslope of the original building and the front roofslope of the approved extension. As such, on the basis of the information provided, I consider that they would be largely screened from view by the roof of the original building and would not be prominently visible. Furthermore, the approved extension included a single dormer window on the south roofslope of the western wing of the extension. The three additional dormer windows would be in addition to this approved dormer window, and would introduce a degree of symmetry absent from the

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approved scheme and as such would represent a slight improvement to the overall appearance of the extension.

- 6.10. I note that the proposed two storey extension to the east of the original building is not shown on the proposed roof plan or the proposed site plan, and north elevations of the extension are not provided, making it difficult to carry out a full assessment of this part of the proposals, particularly in the wider context. However, on the basis of the information available, the proposed plant room would be a relatively prominent addition, visible from the front of the building and to an extent from Eastfield Lane. The extension would have a predominantly flat roof and would have entirely blank elevations except for a door in its east elevation. The form and detailed design of the building bears no relation to the original building, and would be an overly bulky and characterless addition which would detract significantly from the appearance of the development.
- 6.11. The retention of the outbuilding would not in itself require planning permission, as this could be achieved through a partial implementation of the approved development given there was no condition on the original permission requiring the demolition of the outbuilding.
- 6.12. The proposed summerhouse would be a relatively large addition to the site. However, having regard to the generous size of the plots on Eastfield Lane, and the generally dispersed character of residential development in this location, I consider that the summerhouse could be accommodated within the grounds of the care home without detriment to the character and appearance of the wider area. Views of the summerhouse would be limited to from within the site and from surrounding residences and their gardens, and in this context the summerhouse would not appear harmfully out of keeping with the established character. However as advised above this element of the scheme should be considered as a new full planning application as it does not represent a minor material amendment to the permission.
- 6.13. The proposed lift overrun would introduce a flat-roofed extension to the rear roofslope of the original building, which would effectively have the appearance of a flat roof dormer, with no fenestration. No details of the proposed materials are provided. On the basis of the information available, I consider that the lift overrun would be an overly bulky addition that would detract from the character and appearance of the building. Part of the character of the original building derives from its attractive roofscape, which combines gables to the front and sides with areas of hipped roof and hipped dormers. The lift overrun fails to respond positively to this feature of the building.
- 6.14. In summary, while the proposed dormers and outbuilding would be acceptable in design terms, the proposed plant room and lift overrun would be out of keeping with the character and appearance of the original building and would be harmful additions. Furthermore, there is insufficient information to allow a full appraisal of the proposed changes, and due to inconsistencies in the submitted plans the full extent and resulting impact of changes proposed is not clear. The proposals would detract from the character and appearance of the building and

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would be visually harmful, contrary to policies DES1 (Delivering High Quality Development) and DES2 (Enhancing Local Character) of the South Oxfordshire Local Plan 2035.

6.15. **Historic environment**

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given by decision takers to the asset's conservation, irrespective of the level of harm, in accordance with NPPF paragraph 190. This includes the setting of those assets. The local planning authority also has a statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.16. Having regard to the development plan, SOLP Policy ENV6 (Historic Environment) requires proposals to take account of the desirability of sustaining and enhancing the significance of heritage assets. Proposals should be sensitively designed to conserve and, where possible, enhance those assets and designated areas. Proposals should make a positive contribution to local character and distinctiveness, through high standards of design and use of appropriate materials.

6.17. I note that an application for listing was made to Historic England. Historic England have confirmed that a decision has been made not to list Eastfield House at this time. However, Eastfield House is considered a non-designated heritage asset under the tests of paragraph 203 of the NPPF. The frontage is a Victorian house, built during an expansion of towns and villages along the River Thames and consistent with the popular vernacular style of the time. It is an important contributor to our understanding of the development of Whitchurch during this time and makes a strong positive contribution to the character and appearance of the area.

6.18. As set out above, the proposed summerhouse is an entirely new element of the proposals, that was not considered under the original appeal permission. The application does not make any assessment of the proposed summerhouse on the Conservation Area and the setting of Eastfield House, as a non-designated heritage asset.

6.19. The proposed flat roofed side extension does not have the same architectural quality as the approved extensions, and makes no attempt to reflect the architectural character or detailing of the original building. Given this would be a direct extension to the frontage of the Victorian building, and would likely be visible from the public realm, the poor quality design of the extension would detract from the special character and appearance of the building as a non-designated heritage asset, and from the special character and appearance of the Conservation Area.

6.20. It is very unfortunate that the primary fabric within the retained Victorian building is proposed for such substantial alteration and loss. Whilst it is recognised that the interior of the building is not subject to any statutory protection, one of the aspects of the appeal scheme that mitigated impacts was that the historic building, a non-designated heritage asset, within the conservation area was

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well preserved with new extensions providing the increased accommodation space as desired without substantial loss of the most historically and architectural significant elements. The proposed total loss of the stair and layout of the interior of the Victorian range would result in a scheme that is once again facadism, compromising what the building contributes to our understanding of the development of the conservation area.

- 6.21. Furthermore, as noted above, as a result of discrepancies between the proposed floor plans and proposed elevations, the full extent of external changes to the building is not clear. It would appear from the proposed floor plans that the main front entrance door is to be removed, although this is not shown on the proposed elevations. This change is likely to result in harm to the special character and appearance of the non-designated heritage asset and the Conservation Area.
- 6.22. The proposed changes to the approved development are not informed by any revised heritage assessment that considers the impact to the non-designated heritage asset or the Conservation Area, contrary to NPPF paragraph 194 and Policy ENV6. I consider that the proposals would result in some degree of harm to the non-designated heritage asset and the Conservation Area, although there is insufficient information to establish the level of harm. Without an assessment of the level of harm it is not possible to carry out the balancing exercise described in NPPF paragraph 202. In the absence of a heritage assessment, and based on the information provided with the application, there is insufficient information to establish and assess the impacts of the proposals on designated and non-designated heritage assets and the development would not comply with policies ENV6 and ENV8 of the Local Plan and paragraphs 194, 199, 200, 202 and 203 of the NPPF.
- 6.23. **Landscape**
Policy ENV1 (Landscape and Countryside) affords the highest level of protection to the landscape and scenic beauty of the Chilterns AONB. Development will only be permitted where it conserves and, where possible, enhances the character and natural beauty of the AONB. Moreover, the district's landscape, countryside and rural areas will be protected against harmful development.
- 6.24. The site lies wholly within the Chilterns AONB, although within an existing settlement. The proposed changes to the approved extensions, comprising the addition of dormer windows, a two-storey side extension and a lift overrun, would not be additions of such significance so as to materially alter the landscape impacts of the proposed development when compared to the approved scheme.
- 6.25. Notwithstanding that the proposed summerhouse is considered an addition so substantial to require a new planning application, rather than consideration under S73, I consider that it would result in minimal landscape impacts. While having a relatively large footprint, it would be of a single storey, and would be sited between residential gardens and existing dwellings. Views of the summerhouse would be limited to surrounding dwellings and their gardens, and in this context the summerhouse would not be a prominent addition. I do not

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consider that the proposed summerhouse would result in harm to landscape and scenic beauty of the Chilterns AONB and the proposals would comply with Policy ENV1.

- 6.26. However, I note that the proposed summerhouse conflicts with the landscaping details approved under discharge of condition application P16/S1919/DIS. Were the proposals otherwise considered acceptable, amended landscaping details would have been sought.
- 6.27. **Highways, access and parking**
Policy TRANS2 (Promoting Sustainable Transport and Accessibility) seeks to ensure new development is designed to encourage walking and cycling; promotes and supports improvements to the transport network and ensures the needs of all users, including those with impaired mobility, are planned for. Policy TRANS5 (Consideration of Development Proposals) requires development to provide adequate and safe access for all highway users, including pedestrians and cyclists.
- 6.28. Highway impacts, access and car parking provision were considered under the approved development. Subsequently a Travel Plan has been agreed under discharge of condition application P16/S1919/DIS.
- 6.29. The proposals would result in an increase in the number of bedrooms from 43 to 45, however this change is not considered to materially alter the proposals in terms of highway impacts or required car parking provision. I do not consider that an updated Transport Statement or Transport Assessment would be required as a result of these changes. I note public comments received highlighting that a bus service that was in operation at the time the approved development was considered at appeal has since been cancelled, however there remain good public transport links within a ten minute walk of the site. These comprise rail services from Pangbourne Station and buses between Reading and Goring. I do not consider this to be a material change in circumstances that would justify reviewing the highway impacts of the development.
- 6.30. Concerns about congestion, car parking, access on Eastfield Lane and hazards from construction traffic are also noted, however given the proposals would not have any materially different impacts from the proposed scheme, there would be no additional impacts from the current proposals. Details of car parking are not provided with the current application, however were the proposals otherwise acceptable these would remain as approved under the appeal permission.
- 6.31. The proposed development would provide acceptable levels of car parking and would not result in any unacceptable impacts to highway safety. Were the proposals otherwise acceptable, compliance with the previously approved details would be secured by condition.
- 6.32. **Residential amenity**
Policy DES6 (Residential Amenity) requires that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses, in

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relation to loss of privacy, daylight or sunlight; dominance or visual intrusion; noise or vibration; smell, dust, heat, odour, gases or other emissions; pollution, contamination or the use of/or storage of hazardous substances; and external lighting. Policy ENV12 (Pollution – Impact of Development on Human Health, the Natural Environment and/or Local Amenity) requires that development proposals are designed to ensure that they will not result in significant adverse impacts on the amenity of neighbouring uses. It goes on to state that the consideration of the merits of development proposals will be balanced against the adverse impact on human health and local amenity, including impacts from noise or vibration, and smell, dust, odour, gases and other emissions.

- 6.33. The main two properties affected by the development are Tanglewood to the west and Eastfield Cottage to the east. The impact on the amenity of these properties was considered by the Inspector when determining the 2013 appeal. The inspector concluded that the proposed development would not have an unacceptable impact upon the living conditions of existing or future occupiers of Tanglewood or Eastfield Cottage. I note comments from neighbours stating that the site location plan is out of date and does not show neighbouring properties correctly. I acknowledge that the plan does not show a single storey rear extension to Tanglewood, however this has been taken into account in my assessment of the proposals. I also note comments that boundaries are drawn incorrectly in the submitted plans, although it is not indicated what the errors are. I have taken this into account in my assessment of the proposals, but do not consider this would materially alter my assessment and this is likely to be a civil matter between neighbouring land owners.
- 6.34. I note that the Inspector acknowledged that the proposals involved the demolition of the existing single storey outbuilding close to the boundary with Tanglewood. I also note that the Inspector considered that, while the proposed rear extension would extend to two storeys with rooms in the roof, thereby creating a much bulkier structure than the buildings to be demolished, the extension would be set further away from Tanglewood (a minimum of 9 metres) and project only marginally beyond the established rear elevation of that property. Noting these observations, and considering the Inspector's assessment, I do not consider that it was concluded that the acceptability of the extension was subject to the removal of the outbuilding. The demolition of the outbuilding is noted in the Inspector's decision but is not given significant weight. Furthermore, at paragraph 33, the Inspector notes agreement with the appellant that a condition requiring the demolition of existing buildings is not required as their demolition would be necessary in order to accommodate the new structure. In light of this, I consider that, had the Inspector considered that the acceptability of the extension was subject to the demolition of the outbuilding, this would have been required by condition.
- 6.35. Notwithstanding the Inspector's assessment of the proposed extension and existing outbuilding on the living conditions of Tanglewood, as outlined in paragraph 6.12 above, I do not consider that the retention of the outbuilding would require consent. This could be achieved through a partial implementation of the appeal permission, given the permission was not subject to a condition requiring the demolition of existing buildings.

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- 6.36. The proposed summerhouse would have a large footprint although would be confined to a single storey. It would be located in a part of the site which abuts large residential back gardens on 3 sides, and would be sited a minimum of 3 metres from any neighbouring boundaries. I also note that a number of surrounding properties, including 14 Swanson's Field, immediately to the east, and Eastfield Lodge, to the west of the application site, benefit from existing ancillary buildings within their rear gardens. Generally there is robust screening afforded by mature trees between these gardens. As such, I do not consider that the proposed summerhouse would result in any harmful impacts to the living conditions of surrounding properties in terms of outlook or daylight, and would not have an overbearing impact.
- 6.37. The area of land on which the summerhouse would be sited benefits from consent for use as outdoor amenity space associated with the care home. Subject to the summerhouse being used for ancillary purposes only, which could be secured by condition, I do not consider that the use of this structure for additional amenity space for residents would result in any noise and disturbance over and above that which would be associated with the approved use of the land. In this respect the proposals would not harm the living conditions of neighbouring properties.
- 6.38. The proposed lift overrun would be sufficiently separated from neighbouring properties that it would not result in any loss of daylight or impact of overbearing. The changes to the internal layout of the building would not result in any materially different impacts from the approved scheme subject to the reimposition of a condition requiring obscure glazing in identified windows.
- 6.39. The proposed additional dormer windows would be sited in the front (south) roof slope of the approved extension, and would be sited above windows in an approximately equivalent position at first floor. Given the location of the windows, I consider that these would only allow oblique views to neighbouring properties, and these would not be materially different from the views afforded by the windows at first floor. As such, I do not consider that the addition of these dormer windows would result in an unacceptable loss of privacy or impact of overlooking to the dwelling or garden at Eastfield Cottage or Tanglewood.
- 6.40. The proposed two storey side extension would project closer to the shared boundary with Eastfield Cottage than the existing building. The extension is not shown on the proposed site plan, so it is not possible to accurately measure the distance between the extension and the boundary, although I would approximate this to be over 3 metres. Given that the proposed side extension as shown on the proposed floor plans would not project beyond the rear elevation of the original building, I can establish that it would project beyond the rear elevation of Eastfield Cottage by approximately 1 metre. Given the separation distance, I do not consider that this slight projection would result in a harmful loss of light to windows in the rear of Eastfield Cottage or an unacceptable impact of overbearing to the rear garden. There are no windows in the west elevation of Eastfield House. As such, I do not consider that this extension would result in any unacceptable loss of light or outlook or impact of

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overbearing to habitable rooms, or the rear or front garden of Eastfield Cottage. The proposed extension would not have any windows, and therefore would not result in any impact of overlooking or loss of privacy.

- 6.41. In making this assessment, I have had to regard to the Inspector's consideration of both appeal schemes (P10/E0852 dismissed on appeal, and P11/S0126 allowed on appeal). Central to the Inspector's assessment of the acceptability of the proposals was the impact of the proposed extension on Eastfield Cottage. The earlier dismissed appeal (P10/E0852) found that the rear extension would *'lie very close to the rear of the plot on which 'Eastfield Cottage' stands and would dominate the outlook from the rear garden as well as that from certain rooms at the rear, especially at first floor level. Although an existing structure which is to be removed stands in this general area, it is sited alongside the neighbouring property rather than to the rear'* and for these reasons the Inspector concluded that there was *'no doubt that the appeal scheme is unacceptable'*. The subsequent proposal (P11/S0126) significantly increased the separation between the proposed rear extension and the shared boundary with Eastfield Cottage, and also proposed demolition of the two storey mansard roof element which projects beyond the rear of Eastfield Cottage to the north west. In considering these proposals, the Inspector considered that the changes to increase the separation between the rear extension and Eastfield Cottage had satisfactorily addressed the previous Inspector's concerns, and that the proposals would not impact harmfully upon the outlook of Eastfield Cottage. I note that the Inspector did not comment specifically upon the demolition of the two storey mansard roof element. While its demolition would be required to accommodate the rear extension, the benefits of its removal to the amenity of Eastfield Cottage are not given weight in the Inspector's assessment. I therefore conclude that my assessment of the proposed side extension on the amenity of Eastfield Cottage would not conflict with the Inspector's conclusions.
- 6.42. However, the application proposes that this extension would be used to house plant to serve the care home, although does not provide any details of the nature or scope of plant equipment. Given the proximity of the extension to the dwelling at Eastfield Cottage, and in the absence of any details of the equipment proposed and likely impacts in terms of noise, vibration and smells, I am not satisfied that this is an appropriate location to house plant. I also do not consider that it has been demonstrated that there is not an alternative location within the large site that could accommodate plant, that would be better separated from sensitive receptors.
- 6.43. Therefore, in the absence of details of the type or amount of plant equipment proposed, I consider that there is insufficient information to demonstrate that the proposed development would not generate noise, vibration or smells that would impact on and be harmful to the living conditions of occupants of Eastfield Cottage. As such the proposals would be contrary to policy DES6 of the South Oxfordshire Local Plan 2035.
- 6.44. **Ecology**

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Policy ENV1 (Landscape and Countryside) protects the landscape and countryside of the district from harmful development. Policy ENV2 (Designated Sites, Priority Habitats and Species) affords the highest level of protection to designated sites, habitats and species. Where adverse impacts on important ecological receptors are likely, development must meet the criteria outlined under the policy to be acceptable. Policy ENV3 (Biodiversity) requires all development to provide a net gain in biodiversity using a biodiversity accounting metric.

- 6.45. No ecological information has been submitted in support of this application. Up to date ecological surveys were requested but have not been forthcoming. The application site is a known bat roosting site. An application submitted in August 2019 (ref. P19/S4631/O) was supported by updated bat surveys undertaken in March 2020. Typically the accepted lifespan for such surveys is approximately 12-24 months. Given the most recent surveying was undertaken over two years ago, and the main building and associated outbuildings have been unoccupied during this time, I do not consider that this is sufficiently up to date information on the presence, and use of the building by, bats.
- 6.46. Having regard to the potential presence of other protected species on the site, there has been a material change of circumstances with regard to the presence of Great Crested Newt habitat since the application was determined in 2013, and since subsequent applications on the site between 2013 and 2020. Planning application P20/S3730/HH (submitted October 2020, after the most recent application was determined on the site, P19/S4631/O, determined 29 September 2020) related to a dwelling on Eastfield Lane approximately 300 metres east of the application site. Great Crested Newts were found to be present in a pond within the garden of the property. Given the presence of Great Crested Newts in this location, there is a reasonable likelihood that there is potential for their existence in a loose network of back garden ponds, which may be unmapped. As such, it is necessary to carry out updated ecological surveys to establish the presence of Great Crested Newts and to consider the impacts of the development.
- 6.47. In the absence of a preliminary ecological appraisal (with an emphasis on bats and great crested newts) and up to date bat surveys, there is insufficient information to assess the extent to which protected species would be impacted by the proposed development, and the proposals would be contrary to policies ENV2 and ENV3 of the South Oxfordshire Local Plan 2035.
- 6.48. **Drainage and flooding**
Policy EP4 (Flood Risk) requires proposals to minimise the risks and impact of flooding. Policy INF4 (Water Resources) states that all development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.
- 6.49. Part of the site falls within Flood Zone 2. A surface water drainage strategy was approved under discharge of condition application P16/1956/DIS. This relied upon a soakaway measuring 12 metres by 8 metres to the rear of the building.

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The proposed summerhouse would be located partially over the site of this soakaway. A minimum offset distance of 5 metres would be required between the soakaway and the summerhouse structure and as such it has not been demonstrated that there is sufficient space within the rear garden for both the proposed summerhouse and an adequate soakaway, also having regard to other constraints associated with the root protection zones of protected trees.

- 6.50. In the absence of a revised surface water drainage strategy, the application fails to demonstrate that surface water can be adequately managed and that the development would not result in an increase in flood risk, or that the run-off rates would be attenuated to greenfield run-off rates. Given the identified constraints of the site I am not satisfied that there is a sufficient likelihood that an appropriate drainage strategy could be achieved such that these details could be secured by condition. While I acknowledge that these details were previously secured by condition, the current application introduces a further 69sqm of built development and the area in which drainage features could be accommodated is reduced by protected trees. As such the proposals would be contrary to policy EP4 of the South Oxfordshire Local Plan 2035.
- 6.51. **Impact on trees**
Any development proposals must be compliant with SOLP Policy ENV1 (Landscape and Countryside), Policy ENV5 (Green Infrastructure in New Developments), Policy DES1 (Delivering High Quality Developments) and Policy DES2 (Enhancing Local Character). Proposals must also be in accordance with paragraph 131 of the NPPF, Joint Design Guide 2022 (including 'Planting in development proposal') and BS 5837 2012 (Trees in Relation to Design, Demolition and Construction).
- 6.52. Lime trees to the rear of the existing building and within the gardens of neighbouring properties are subject to a Tree Preservation Order. The proposed summerhouse is located close to these trees and has the potential to impact upon and harm these protected trees. However, the submitted topographical drawing incorrectly plots the lime tree to the direct south of the proposed summerhouse; this tree is growing in the neighbouring garden to the east. As a result the Root Protection Area of this tree is incorrectly drawn, and needs to be adjusted to reflect the location of the tree and the existing site conditions including hard surfacing and buildings.
- 6.53. In addition, there are a number of trees along the western edge of the adjacent property at Eastfield Cottage. These are protected by virtue of their location within the Conservation Area. These are visible from Eastfield Lane and make a positive contribution to the sylvan character of the Conservation Area. It appears that no BS 5837:2012 Tree Survey has been undertaken. These trees are also incorrectly plotted; they are shown on the site plan as being within the application site, however they are within the garden of Eastfield Cottage. Root protection areas have not been drawn for these trees, and no assessment has been made of their quality.
- 6.54. While it has not been drawn on the proposed site plan, and it is therefore difficult to establish its exact location in relation to the site boundaries, the

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proposed two storey side extension to the original dwelling has the potential to impact harmfully upon these trees. As the quality of these trees has not been assessed, and as they have not been correctly plotted and their root protection areas have not been drawn, it is not possible to assess what impact the extension would have.

- 6.55. The proposed internal alterations to the existing building, the addition of dormers and a new lift overrun and the retention of an existing outbuilding would not impact further on existing trees.
- 6.56. I note that the proposed summerhouse conflicts with the location of mitigation tree planting secured as part of the approved landscaping details (ref. P16/S1919/DIS). Were the proposals otherwise considered acceptable, revised landscaping details including mitigation tree planting could be secured by condition.
- 6.57. In the absence of accurate topographical drawings and details of arboricultural constraints, there is insufficient information provided within the application to allow an informed assessment of the impact of the proposed development. It is therefore not possible to establish that the proposed development would not harm the protected lime tree, or other protected trees within the Conservation Area. As such, the application fails to demonstrate that the proposed development would protect trees and would be contrary to SOLP policies ENV1 (Landscape and Countryside), ENV5 (Green Infrastructure in New Developments), DES1 (Delivering High Quality Developments) and DES2 (Enhancing Local Character).
- 6.58. **Other matters**
I note comments received from neighbours raising concerns that the proposals would not comply with the Care Home Act 2014. This is separate legislation that sets out how adult social care should be provided in England. I am satisfied that the proposed development would provide an acceptable standard of accommodation and living conditions for occupants, including outdoor amenity space, however the requirements of the Care Home Act 2014 are not a material planning consideration and would be considered separately.
- 6.59. I note comments from the Council's Air Quality Officer requesting an air quality assessment. Given the scale of changes proposed I do not consider these are sufficient to justify this requirement.

Since the original permission the Council has adopted policies in respect of sustainable development and carbon reduction (DES8 and DES10). Whilst the applicant is progressing a scheme derived from the 2013 appeal permission it is evident that the scheme has evolved and in the Council's opinion this should be subject to a new application where policies in respect of sustainable development and carbon reduction to address climate change are considered and the design adapted to meet these requirements.

7. CONCLUSION

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- 7.1. In view of the nature and scale of the development for which planning permission is sought, the proposals amount to a fundamentally different development from that previously approved and the proposal cannot be dealt with by varying a condition of the existing planning permission under section 73 of the Town and Country Planning Act 1990.
- 7.2. Notwithstanding the above, this application has been assessed on its merits, against the Development Plan and the NPPF in relation to sustainable development. The development would provide social benefit in the delivery of a care home for the elderly in a relatively accessible location, however the changes proposed under the current application provide an additional two bedrooms to the approved development. I therefore give this limited weight.
- 7.3. Residential building plays a role in promoting economic growth, and more specifically the development would provide construction jobs and some local expenditure during the construction phase, and would create jobs once operational. However, I do not consider that the changes proposed under the current application would materially increase the economic benefits from the approved scheme. I therefore give this no weight.
- 7.4. In terms of the environmental role, the Eastfield House is an attractive building which contributes positively to the character and appearance of the surrounding area. It is also a non-designated heritage asset which contributes positively to the special character and appearance of the Conservation Area. The proposals would result in harm to the character and appearance of the building. Furthermore the submission fails to provide sufficient information to enable an informed assessment of the proposals on a designated heritage asset (the Conservation Area) and a non-designated heritage asset (Eastfield House); on the amenity of neighbouring properties; on protected species; on flood risk; and on protected trees, and therefore fails to demonstrate that the proposals would not result in unacceptable harm in these respects. I give significant weight to these harms.
- 7.5. I have not been presented with any evidence to demonstrate that the changes for which permission are sought through this application are required to enable the implementation of the approved scheme, and therefore to realise the identified social and economic benefits. Therefore, I consider the benefits that would be delivered specifically as a result of the changes sought through the current application to be minimal.
- 7.6. Had the proposals been of a scope and nature that could be considered under a section 73 application, in weighing the benefits of the proposal against the harm, I would consider the harm to be more substantial and therefore that planning permission should be refused.

8. **RECOMMENDATION**

That planning permission is refused for the following reasons:

1. The planning permission granted under P11/S0126 was for an extension to Eastfield House and the change of use of land to the rear for external

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amenity space, and the current application seeks planning permission for, among other things, the erection of a large summerhouse. Accordingly, the proposal amounts to a fundamentally different form of development to that previously approved and the proposal cannot be dealt with by varying a condition on an existing planning permission under Section 73 of the Town and Country Planning Act 1990.

2. Additions to the original building comprising an extension to the east elevation to accommodate plant and a lift overrun are overly bulky in form and devoid of detailed design features that would integrate them with the host building, and fail to respect the character and appearance of the building which would result in visual harm. Furthermore the application contains insufficient information and inconsistent plans such that a full appraisal of the proposed development is not possible. The proposals are unacceptable in design terms and contrary to policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.
3. In the absence of a heritage assessment, contrary to the requirements of Policy ENV6 and paragraph 194 of the NPPF, the application contains insufficient information to allow an assessment of the impact of the proposed development to designated and non-designated heritage assets and as such the level of harm cannot be established or weighed against the public benefits of the proposed development, and the proposals would be contrary to policies ENV6 and ENV8 of the South Oxfordshire Local Plan 2035 and paragraphs 194, 199, 200, 202 and 203 of the NPPF.
4. In the absence of details of the type or amount of plant equipment proposed, I consider that there is insufficient information to demonstrate that the proposed development would not generate noise, vibration or smells that would impact on and be harmful to the living conditions of occupants of Eastfield Cottage, and the proposals would be contrary to policies DES6 and ENV12 of the South Oxfordshire Local Plan 2035.
5. In the absence of up-to-date ecological surveys, there is insufficient information to assess the extent to which protected species would be impacted by the proposed development, and the proposals would be contrary to policies ENV2 and ENV3 of the South Oxfordshire Local Plan 2035.
6. In the absence of a revised surface water drainage strategy, the application fails to demonstrate that surface water can be adequately managed and that the development would not result in an increase in flood risk, or that the run-off rates would be attenuated to greenfield run-off rates and the proposals would be contrary to policy EP4 of the South Oxfordshire Local Plan 2035.
7. In the absence of a BS 5837:2012 Tree Survey or Arboricultural Impact Assessment, and due to the location of protected trees being incorrectly plotted on the submitted plans, the application contains insufficient

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information to allow an assessment of the impact of the proposed development on protected trees and as such the application fails to demonstrate that the proposals would protect existing trees and would be contrary to policies ENV1, ENV5, DES1 and DES2 of the South Oxfordshire Local Plan 2035.

CS 25 August 2022

Delegated Authority Sign-Off Officer