

## Cumnor Parish Council - Plan Receiver - [P24/V2480/FUL](#)

<b>Date Reviewed:</b>	10/12/2024
<b>Version:</b>	V1
<b>Application Reference:</b>	<a href="#">P24/V2480/FUL</a>
<b>Application Type:</b>	Full
<b>Proposal:</b>	Subdivision of land to rear and erection of 5 bedroom 2.5 storey dwelling with rooms in the roof space and 1.5 storey detached garage. Use of new access to Cumnor Hill allowed by application P23/V1945/HH. Provision of fire appliance turning space, associated landscaping and bin store.
<b>Address:</b>	96 Cumnor Hill Oxford OX2 9HY

### Description of Proposal:

- Subdivision of land to rear of 96 Cumnor Hill, a 4-bed detached 2 storey detached house.
- Convert use of existing 2<sup>nd</sup> access from Cumnor Hill (permitted under [P23/V1945/HH](#)) from access to #96 to access for proposed 2nd dwelling
- Erection of 5 bed 2.5 storey dwelling in the back garden of #96
- Erection of a 1.5 storey garage with office space in roof in back garden of #96
- Provision of fire appliance turning space, associated landscaping and bin store

### Relevant Planning History

- **P22/V2708/PEM** Advice provided on this pre-app for 2x new houses in back garden, extension to existing house and new access off Cumnor.

Referred to in Delegated Report for [P23/V1945/HH](#), but not published on VWHDC website for that application, nor this current application. Cumnor Parish Council therefore cannot find out what it says.

- **[P23/V1945/HH](#) 5<sup>th</sup> September 2023** Single-storey rear extension and two-storey side extension to existing house with new 2<sup>nd</sup> access to Cumnor Hill for traffic and pedestrian safety.

Supported by Cumnor Parish Council and approved by VWHDC

- **[P24/V0162/HH](#) 23<sup>rd</sup> January 2024** Demolition of garage and erection of detached outbuilding to accommodate garage and loft storage.

Amended twice. Cumnor Parish Council objected throughout – see for example minute 18/24 of 19<sup>th</sup> February 2024 CPC Planning Committee.

CPC Requested DC Roberts call this in – see, for example, 20<sup>th</sup> February email from CPC clerk to [registration@southandvale.gov.uk](mailto:registration@southandvale.gov.uk) cc'd to Planning Officers and [judy.roberts@whitehorsedc.gov.uk](mailto:judy.roberts@whitehorsedc.gov.uk).

CPC heard nothing further from VWHDC. Officer recommended approval, which is granted on 18<sup>th</sup> April 2024

- [P24/V0949/LDP](#) 29<sup>th</sup> April 2024 Erection of two outbuildings, one to serve as an Art Studio and the second to accommodate a swimming pool, changing rooms, gym and activity room.

2 neighbouring properties objected. Refusal of Certificate of Lawful Use or Development on 14th June 2024 because:

*'it has not been demonstrated, on the balance of probabilities, that buildings of the size and design proposed are reasonably required for purposes incidental to the enjoyment of the dwellinghouse.'*

- [P24/V1523/LDP](#) 16<sup>th</sup> July 2024. Erection of single 223 square metre (c.f. existing house of 234 sq. m) outbuilding with swimming pool, home gym and pergola.

2 neighbouring properties objected. Certificate of Lawful Use or Development granted on 2nd September 2024 because

*'it has been demonstrated, on the balance of probabilities, that the proposed outbuilding and the pergola would be required for a purpose incidental to the enjoyment of the dwellinghouse.'*

- [P24/V2480/FUL](#) 21<sup>st</sup> November 2024. This application for a 2.5 storey 5 bed house on the footprint of the swimming pool approved in [P24/V1523/LDP](#)

#### Plan Receiver Comments

- Cumnor Neighbourhood Plan Policies DBC1, DBC3, RNE1 and RNE2 apply to the application. Vale Policy CP 37 applies.
- The Access Appraisal document submitted in support of [P23/V1945/HH](#) states:

*3.2 Access and manoeuvrability at the site is currently compromised by the width of the existing stone pillars at the access gates and the parking area in front of the house which is very restrictive for larger vehicles. For example, a long wheelbase transit van chassis as is often used by supermarket delivery vehicles, requires up to four manoeuvres in order to turn and exit the site in a forward gear.*

*3.4 To improve the access and manoeuvrability at the site it is proposed to install an additional access onto Cumnor Hill alongside the southern side boundary as shown on the plan in Appendix A and Photo 2. A new section of driveway will follow the southern boundary up to the existing turning area at the front of the house. This will enable vehicles to enter at the southern access and exit in a forward gear at the existing northern access. "Entry Only" and No Entry" signs will be installed at both accesses to clarify the arrangement.*

*3.5 This configuration will significantly improve the operational safety of the site by ensuring that vehicles entering the site are not at risk of encountering a vehicle exiting the site at the same access. It will also enable larger delivery vehicles to seamlessly enter and exit the site in a forward gear without having to undertake complex manoeuvres within the site.*

All of these advantages sought and claimed by [P23/V1945/HH](#) would be lost should this latest application be granted, as the proposed backland property behind #96 would have sole use and title over the 2<sup>nd</sup> entrance permitted by [P23/V1945/HH](#).

Visual inspection of site on 10/12/2024 shows that although the 2<sup>nd</sup> access to #96 has been constructed it is not in use and the 'entry' and 'no entry' signs committed to in this application (see Access Appraisal document) have not been installed.

**NB:** From the application's plans it is unclear who owns land between the apparent property boundary and the highway over which the new entrance and associated dropped kerb have been built.

- The 'Relevant Site Planning History' section of this application's Planning Statement (page 4) fails to mention application [P24/V0949/LDP](#) and, most significantly, [P24/V0162/HH](#) for the demolition of an existing garage which lies on the land to the south west side of #96, now proposed to be used to gain access to the backland development from the 2<sup>nd</sup> highway entrance.

Cumnor Parish Council objected to this application twice, the 2<sup>nd</sup> time on the grounds of:

*Council objects to the scale and position of the proposed outbuilding.*

*The 'street side' 6.25m wide x 6.25m high end gable wall does not conform with Neighbourhood Plan Policy DBC1's principle of 'active frontages' (para 77)*

*The size and position of the outbuilding does not conform with Policy DBC 3, as it intrudes in the streetscene*

*Notwithstanding the above, if VWHDC choose to grant planning permission Council would request that a condition be applied stating that the outbuilding may not be separately occupied, let or sold with respect to 96 Cumnor Hill.'*

Despite this objection and a request for it to be 'called in' Cumnor Parish Council has no record of this application coming before the VWHDC Planning Cttee, nor having been invited to attend such a meeting, prior to it being approved.

- This application for a 2.5 storey 5 bed house in referencing the prior [P24/V1523/LDP](#) of September 2024 for the 'erection of outbuilding with swimming pool, home gym and pergola' states that (para 3.2 of Carter Jonas Planning Statement):

*'The new dwelling is now herein proposed sited on the same footprint location as that permitted outbuilding.'*

and claims (para 3.3) this permitted development of a single storey swimming pool outbuilding

*'is a material planning consideration in the proper planning assessment of this current application.'*

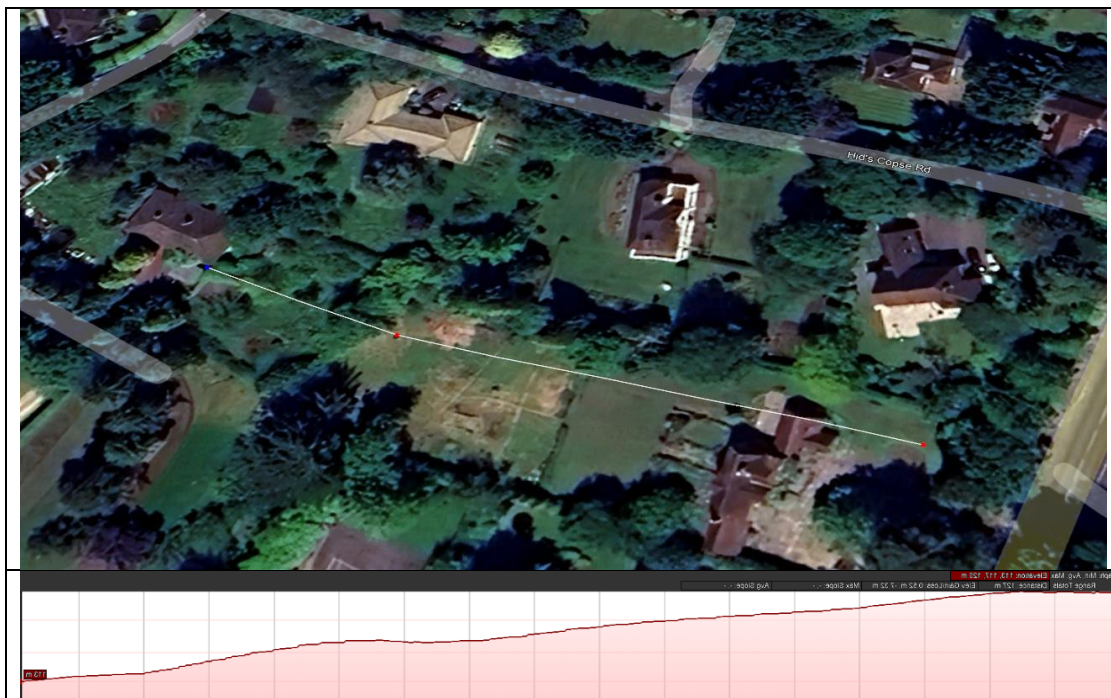
- However, Cumnor Neighbourhood Plan Policy DBC1 states that the following design principles apply:

*Maintaining the common one and two-storey character*

*Maintaining the strong character formed by common plot shapes, sizes, orientation and building to plot ratios by avoiding backland development that will undermine this character*

- The applications' Design and Access Statement states 'There is a change in level across the site to the rear of the site of 2.7 metres'.

However, the accompanying Tree Survey Report and Google Earth Pro concur, showing an elevation change of at least 4m across the site (117+m in front garden of #96 to 113m in back garden of proposed backland dwelling with a further 3m drop to the eastern wall of 5 Hids Copse Road (see section below).



Interestingly, 5 Hids Copse Road is stated in the application to be 22m distant from the proposed 10.5m high new property, just 1m over the 21m 'overlooking' requirement.

- Despite the pronounced elevation change across the site, no details of either the current or proposed 'retaining wall' separating the two properties can be found in the application. The hedge on the top of the existing retaining wall can be viewed on [this estate agent's website](#) (picture below) which shows the pronounced drop in elevation to the WNW of the site where the proposed backland house would be located.



- No spot heights or finished floor levels for the proposed new house in relation to adjoining development are included in the application, as required by Cumnor Neighbourhood Plan Policy DBC3.

The application also does not address its conformity with the Cumnor Hill Character Assessment, referenced in Policy DBC3.

- Although no TPOs for the site can be found, many trees shown in the plans for [P23/V1945/HH](#) are now absent in the proposed plans for this application ([P24/V2480/FUL](#)) and on the intermediate [P24/V0162/HH](#) and [P24/V1523/LDP](#) applications (see below).



For example, four 10m high trees at the SSW end of the garden retaining wall, and on the line of the proposed access drive to the backland development, are visible on the [P23/V1945/HH](#) plans (above). They are absent in the plans for this application – and in the plans for the intermediate applications.

- Cumnor Neighbourhood Plan Flood Risk Policy RNE2 applies to this application, the site sitting within Area of Interest 1 (see NBP and associated [Flood Risk assessment](#)) which has a high risk of surface water and Groundwater flooding with the results

currently seen of increased flooding at lower elevations on Cumnor Hill and in Dean Court.

No attempt to address the requirements of this policy (see for example para 114 on pp42) can be found in the application.

- The impact of the removal of trees on groundwater levels and drainage is not addressed in this application.

As well as the removal of trees on the site the accompanying Tree Survey Report notes new root damage.

With on-site observations made in November 2023 (para 2.1), it records in para 5.2 that

*'T2 has been downgraded because recent landscaping works carried out to the driveway around T2 (and T1) have exposed roots with injury occurring to the outer bark of some large diameter roots and the severance of secondary roots.'*

- The application states that the method of foul sewage removal is 'unknown'. This is unacceptable in any case and especially so given that the proposed backland property lies at a materially lower elevation than the main sewer on the Cumnor Hill highway. Foul sewage won't run up hill.
- In relation to Neighbourhood Plan Policy RNE1, and given the site's proximity to woodland and its current verdant character, it's concerning that the application does not include either a bat survey or a badger survey, as both species are present in significant numbers on Cumnor Hill.
- Given the statement ascribed to the architect in the objection to this application from 2 Hids Copse Road and statements made about purpose and need made in previous applications - now obviated by this application, Council has concerns about the validity of statements made in this application and the motives for the intermediate steps leading to this application.

### Cumnor Parish Council's response

Recommends this application for <b>APPROVAL</b> :	
Has a <b>RESPONSE</b> to this application:	
<b>OBJECTS</b> to this application:	<b>X</b>

Having considered the Relevant Planning History (see above) and the Plan Receiver's comments (also see above) Cumnor Parish Council objects to this application because:

- The application conflicts with VWHDC Core Policy 37 as it does not respond positively to its surroundings and does not maintain distinctiveness. See for example PINS Appeal Judgement APP/V3120/W/24/3345686.
- The application conflicts with Neighbourhood Plan Policy DBC1 (and the underlying Cumnor Hill Character Assessment) as it constitutes backland development. It is not infill.
- The application conflicts with Neighbourhood Plan Policy DBC3. It provides no evidence of the careful consideration of site topography, over dominant buildings, or provision of

spot heights or finished floor levels in relation to adjoining properties as required by DBC3

- The application conflicts with Neighbourhood Plan Policy RNE2 (groundwater & surface water), with no assessment provided as required by that policy (see para 114 of Neighbourhood Plan) for Area of Interest 1.

This is especially concerning given absence of mature trees shown in this application compared with those previously shown on the site in prior applications.

- No details are provided for foul sewage removal from the proposed property at a level well below the main sewer under the highway and some 40+metres from it
- No bat or badger surveys are provided in the biodiversity assessment – so conflicting with the requirements of Neighbourhood Plan Policy RNE1: Green Infrastructure.
- The application conflicts with the road safety and pedestrian safety advantages sought and claimed by the previously approved [P23/V1945/HH](#).

### Neighbourhood Plan

If you have an emerging or adopted Neighbourhood Plan does it support your view on this application?

Yes	X
No	

If so, please give details of the relevant sections: Policies DBC1, DBC3, RNE1 and RNE2