

**Case Officer:** George Smith**Recommendation:** Approve**Applicant:** Mr & Mrs Ben Tolley**Proposal:** Sub-division on site and erection of 1 bedroom dwelling (resubmission of 17/00088/F)**Expiry Date:** 2 April 2020**Extension of Time:**

## **1. APPLICATION SITE AND LOCALITY**

1.1. The application site is an existing 3-bedroom two storey end terraced property located in a residential area of Bicester. The site has private garden areas to the front side and rear, with part of the front/side garden laid to hardstanding for parking. The site is predominantly bounded by close-boarded fencing of varying heights, but an established hedgerow provides the means of enclosure to the front south-eastern boundary. Unallocated off-street parking exists adjacent the site to the north-east. There are no notable site constraints relevant to planning and this application.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The application as submitted is identical to that previously approved in 2017. A new dwelling is proposed adjacent to the existing 20 Ashby Road, extending from but set down and set in from this dwelling. Walls would be constructed in buff brick with a tiled roof, and white uPVC windows. The dwelling has a front door from the side elevation and has no garden.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. **13/00239/F** - Side two storey extension and internal alterations to existing end terrace house – Application Permitted
- 3.3. **13/00920/F** - Extension and conversion of existing house from 1 No 3-bed house into 2 No 2 bed houses including sub-division of garden area – Application Permitted
- 3.4. **16/01965/F** - Renewal of Planning Consent 13/00920/F (Approved 23rd August 2013) - Extension and conversion of existing house from 1 No 3-bed house into 2 No 2-bed houses including sub-division of garden area – Application Permitted
- 3.5. **17/00088/F** - Sub-division on site and erection of one-bedroom dwelling – Application Permitted

## **4. PRE-APPLICATION DISCUSSIONS**

4.1. No pre-application discussions have taken place with regard to this proposal.

## **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties

immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **10 March 2020**, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

## **6. RESPONSE TO CONSULTATION**

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BICESTER TOWN COUNCIL: **No comments received**

### OTHER CONSULTEES

6.3. OCC HIGHWAYS: **Comment** – that red-line does not extend to highway boundary and therefore does not comply with parking standards.

6.4. CDC BUILDING CONTROL: **Comment** – that a new building regs application is required.

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

## **8. APPRAISAL**

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

#### Principle of development

8.2. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

8.4. There are no adopted Local Plan policies relating specifically to housing development within Bicester. However, the recently adopted Local Plan states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B88 states: "By focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth".

8.5. This application follows a string of previous consents for a new dwelling adjacent 20 Ashby Road. The first applications granted consent for a shared garden area. However, like the last application, this current application does not seek such an amenity area. But for this, the applications have substantially been the same.

8.6. Therefore, and despite the fact that the latest consent lapsed on 22<sup>nd</sup> March 2020, the principle of this development is considered acceptable in general sustainability terms. However, the overall acceptability of the proposal is clearly dependant on it not causing demonstrable harm in other respects, as discussed below.

#### Design and impact on the character of the area

8.7. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

8.8. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

8.9. Policy ESD15 of the CLP 2031 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout*

*and high-quality design. All new development will be required to meet high design standards.”*

- 8.10. The latest application is identical in design and external appearance to the dwellinghouse previously approved in 2017. Whilst this consent has now recently lapsed, the local and policy context is considered substantially the same as previously considered. On this basis, it would not be reasonable to conclude that the proposal is acceptable on grounds of visual impact. Therefore, the proposal remains compliant with Policies ESD15 of the CLP 2031, saved Policy C28 of the CLP 2031 and relevant paragraphs of the NPPF.
- 8.11. It is considered appropriate to retain the construction materials approved under application 13/00303/DISC, to ensure a satisfactory appearance of the completed development.

#### Residential amenity

- 8.12. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.
- 8.13. Similarly, it remains the case that there would be no external private amenity space for future residents. The Council previously considered this to be acceptable, concluding that for a 1-bed dwelling one would expect to see less outdoor amenity space. It was also noted that the site is nearby to existing parks whilst future occupiers would be aware of the proposed arrangement before deciding whether the dwelling suits their needs. On this basis and given the lack of policy setting minimum standards of amenity space for outdoor space, Officers consider the proposal acceptable on these grounds.

#### Highway safety

- 8.14. The Local Highway Authority (LHA) has commented on the application, except to point out that the ‘red-line’ site plan does not extend to the highway. They have not otherwise objected or written in support of the application. Officers note that previous applications have the same extent of site boundary, whereby the LHA had not previously raised this issue and had not objected subject to conditions, including that parking and manoeuvring areas are retained. On this basis, it is considered unreasonable to refuse the application due to the extent of the ‘red-line’ and considering the LHA have previously commented saying that on-road parking is sufficient in this area to serve these dwellings. It is considered reasonable to reattach the condition as requested previously by the LHA and as written on the 2017 consent.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Having regard to previous permissions on the site it is considered that the proposal assessed within this application is an acceptable form of development, which would

contribute additional residential development in a location which does not conflict with the policies of the adopted Local Plan and has previously been considered acceptable. The development causes no significant harm to neighbour amenity or highway safety; the design and scale is acceptable having regard to the previous permissions and provides standards of amenity which are also considered acceptable. As such, it is considered to comply with the above-mentioned policies and is recommended for approval as set out below.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:

- Drawing No.1 - Proposed Plans & Elevations
- Drawing No.5 – External Works
- Location Plan
- Drawing No.14.01/3 – Site Plan

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The walls (including the boundary wall) and roofs of the development hereby permitted shall be externally faced in accordance with the schedule of externally facing materials approved under application 13/00303/DISC, unless samples of alternative materials are first submitted to and approved in writing by the Local Planning Authority prior to their use in the development.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first occupation of the dwelling hereby approved, the parking and manoeuvring area serving the dwelling shall be provided in accordance with the approved plans, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and flood prevention and to comply with Policy ESD7 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the provisions of Classes A to D (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be

extended without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 2<sup>nd</sup> April 2020

Checked By: Nathanael Stock

DATE: 02.04.2020

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