

Case Officer: Shona King

Recommendation: Approve

Applicant: Mr Alex & Mrs Leila Watson

Proposal: Erection of two dwellings with associated garaging, alterations to garaging and boundary wall to dwelling approved under 18/01914/F and 18/01915/LB

Expiry Date: 22 November 2019

Extension of Time:

26/06/20

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in the centre of Bodicote and comprises a paddock set to the rear of and associated with a group of barns that front onto High Street. The site is bounded on all sides by dwellings and gardens. Access to the paddock is from High Street immediately adjacent to the south of the barns.
- 1.2. The barns fronting onto High Street are curtilage listed and consent has been granted for their conversion to a single dwelling (refs. 18/01914/F and 18/01915/LB). The site is within the designated Bodicote Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the erection of two dwellings within the paddock with access utilising the existing vehicular access from High Street.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01369/F	Conversion of barn to dwelling with garages and demolition of portal framed building	APPROVED
16/01370/LB	Conversion of barn to dwelling with garages and demolition of portal framed building	APPROVED
18/01914/F	Conversion of barn to dwelling with garages and demolition of portal framed building (revised scheme of 16/01369/F - amend some of the construction materials proposed to be used in the conversion)	APPROVED
18/01915/LB	Conversion of barn to dwelling with garages and demolition of portal framed building (revised scheme of 16/01370/LB - amend some of the construction materials proposed to be used in the conversion)	APPROVED

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 **29 April 2020**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Loss of privacy
- Loss of light to windows
- Overshadowing of garden
- Overlooking of new dwellings from The Homestead
- Impact on historic buildings
- Highway safety
- Suggests repositioning of dwellings
- Health and safety issues in removing Asbestos from barn

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. BODICOTE PARISH COUNCIL: **No objection** but comments on the short distance from the entrance to the bus stop.

STATUTORY CONSULTEES

6.3. LOCAL HIGHWAY AUTHORITY: **No objection**. They originally objected due to the poor visibility from the site access and the width of the driveway. Following the submission of a Transport Statement, speed survey and drawing showing visibility splays, the Highway Authority has removed their objection.

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)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- VIL1 – Village Categorisation

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)

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
- Heritage Assets
- Residential amenity
- Highway safety

Principle of development

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for 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. Cherwell District Council can demonstrate an adequate supply of deliverable housing sites (3 years following the 2018 Written Ministerial Statement). Therefore, the tilted balance in the presumption in favour of sustainable development, as advised by the NPPF, will not need to be applied in this context (see footnote 7 to paragraph 11 of the NPPF), and assessment of the proposal must be made in accordance with the Development Plan.

- 8.5. Paragraph 103 of the NPPF states that the planning system should: “Actively manage patterns of growth”, whilst Policy ESD1 of the Cherwell Local Plan (2011-2031) Part 1 states that: “Measures will be taken to mitigate the impact of development within the District on climate change.” Policy ESD1 states that this includes distributing growth to the most sustainable locations as defined in the Local Plan and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.6. Policy Villages 1 of the Cherwell Local (2011-2031) Plan Part 1 groups villages into three separate categories (A, B and C). Policy Villages 1 classifies Bodicote as a Category A village and such villages are considered the most sustainable settlements in the District’s rural areas. Within Category A villages, residential development will be restricted to minor development as well as the conversion of buildings and infilling. One
- 8.7. The proposal is considered to comprise minor development. One of the criteria for assessing a proposal for minor development is acceptable relates to the size of the village and level of service provision. Bodicote has a primary school, post office, pubs and a restaurant and is well served by public transport. The services/facilities provided in Banbury are easily accessible.
- 8.8. The principle of the development, in geographic sustainability terms, is therefore acceptable and accords with Policy Villages 1 in this regard as well as Policy ESD1 and the District’s overall housing strategy. Assessments against the other criteria are set out below.

Design and impact on the character of the area

- 8.9. Paragraph 124 of the NPPF states that: ‘Good design is a key aspect of sustainable development’ and that it ‘creates better places in which to live and work’. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.10. Saved Policy C28 of the Cherwell Local Plan 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.
- 8.11. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.” In addition, Policy ESD15 states that development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness. Furthermore, development should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.12. Whilst the general form of Bodicote is linear with buildings fronting directly onto roads there are instances where dwellings are in a backland position and in this context the erection of two dwellings in this location would not in principle be out of character with the overall settlement pattern. The key then is to ensure such dwellings are designed appropriately so as to respect the character and appearance of the area.

- 8.13. The application proposal has been amended to reposition the dwellings and the garages to reduce the potential impact of the proposals on the neighbouring properties and to try to create a more compact built form enabling more of the open space to remain. The garages for the barn conversion and Plot 2 have also been adjoined and located in a similar position to that approved under 18/01914/F.
- 8.14. The proposed dwellings are of a traditional design and are proposed to be externally faced in natural stone with a natural slate roof. Given the site's location within the Conservation Area and in the context within the setting of a Grade II listed building and curtilage listed barn these materials are considered to be necessary to make the development acceptable.
- 8.15. It is unfortunate that from the highway the most visually prominent element of the development would be the garage to "Plot 3" but given the distance back from the road and that one would also be able to see the main part of the said dwelling, and subject to appropriate facing materials, this is not considered to result in a level of harm to visual amenity or to heritage assets that warrant refusal of the application.
- 8.16. Overall, therefore, it is considered that the amended proposal is acceptable in terms of the design of the buildings and layout such that it would not result in detriment to the visual amenities of the area.

Heritage assets

- 8.17. The site is within the designated Bodicote Conservation Area and adjoins Grade II listed buildings.
- 8.18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.19. Likewise, Section 66 of the same Act states that: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.20. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.21. Whilst the development will result in the loss of the paddock related to the listed building and curtilage listed barn, it is considered that the original curtilage can still be appreciated given the layout of the proposed development, with the buildings forming a courtyard reminiscent of a farm yard. It is considered that the proposed development would not result in any significant harm to the significance of the listed buildings by reason of change to their settings.
- 8.22. As noted above, it is not ideal that the most visually prominent element of the development would be the garage to "Plot 3" but given the distance back from the road and that one would also be able to see the main part of the said dwelling, and

subject to appropriate facing materials, this is not considered to result in a level of harm to visual amenity or to heritage assets that warrant refusal of the application. The proposed dwellings are of a scale and design that, subject to approval of externally facing materials and detailing, complements the surrounding development. The proposed development is therefore considered to preserve the character and appearance of the Conservation Area.

Residential amenities

- 8.23. The proposed dwellings are orientated with the front elevations facing the rear of the buildings fronting onto High Street, including the barn to be converted under application 18/01914/F, and the rear elevations are to face the rear of the dwellings fronting onto Chapel Lane. The distance between the proposed dwellings and the rear elevation of the buildings/dwellings on High Street (to the west) is approximately 40m and the distance between the dwellings and those in Chapel Lane (to the east) is approximately 26m at the closest point. These distances exceed the Council's informal space standards which require at least 22m between habitable room windows to seek to ensure privacy for the existing and new occupiers is maintained.
- 8.24. Therefore, whilst the existing properties would lose their open views of the paddock to the rear it is considered that the development would not result in levels of overlooking that would create unacceptable living amenities for those properties. It is also considered that the proposed dwellings and their garages are to be sited such that they would not cause any significant loss of light to the existing dwellings.
- 8.25. Comments made in the representations suggest the reorientation of the proposed dwellings by 90 degrees. Whilst this would reduce the impact on the living amenities of the terrace of dwellings to the east of the site it would compound any adverse impacts on the dwelling to the north of the site and would not reflect the character and layout of the dwellings in the vicinity.
- 8.26. There is a side facing window proposed in the first floor of Plot 3 (south elevation) which is approximately 14m from the shared boundary with the garden of The Manor House. It is considered that given the distance to the boundary and the height of the boundary wall there would not be any significant increase in overlooking particularly as there is an existing first floor window in the south elevation of the terrace of dwellings to the east of the application site which is very close to the boundary of this garden.
- 8.27. The dwelling to the north of the site, The Homestead, forms part of the northern boundary. There are habitable room windows in the south elevation of that property at both ground and first floor. The application proposals have been amended to seek to preserve the privacy of the occupiers of the neighbouring property with the addition of a 1.8m high wall surrounding a 4m x 3m space adjacent to the ground floor window in the southern elevation of The Homestead. It is considered that this is sufficient to prevent users of the garden of Plot 2 being able to look into this ground floor window. The siting of Plot 2 has also been amended, moving it further to the south away from the northern boundary. This was required as the original position would have resulted in the unacceptable loss of light to the ground floor habitable room window and private amenity space to the rear of The Homestead.

Highway safety

- 8.28. The access to the application site is via an existing vehicular access previously used for farm vehicles to access the paddock and barns on the site. The Local Highway Authority (LHA) originally objected to the intensification of the use of the access as it

was substandard in terms of visibility onto the highway and that the drive serving the dwellings was too narrow to enable vehicles to pass. The application proposals have been amended to increase the width of the drive within the site and additional information has been provided in terms of a speed survey, a drawing showing the achievable visibility splays at the junction and a Transport Statement.

- 8.29. The LHA has advised that the information demonstrates that acceptable visibility splays can be achieved, albeit they could have temporary obstructions caused by parked cars or stopped buses. However, on street parking as a temporary obstruction is normal and accepted within a built-up area. Buses would be stopped for a very short time and drivers could wait for them to move on before exiting.
- 8.30. Visibility of pedestrians approaching on the footway from a driver waiting to pull out of the junction has not been assessed in the Transport Statement. However, this is an existing agricultural access and use as a residential access would probably be less of a risk in this respect. It is not unlike other accesses in the village and there is not an existing accident record.
- 8.31. There does remain a slight risk of vehicles not being able to pass one another in the narrow entrance but, again, this is not unlike other accesses locally and in similar, village locations. It is most likely that the vehicle exiting would reverse within the site to allow the other vehicle to enter, and the site plan shows that this would not be too difficult.
- 8.32. Given the above it is considered that the proposed development would not result in any significant detriment to highway safety.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposal constitutes minor development within the built limits of a Category A village and therefore complies with Policy Villages 1 of Cherwell Local Plan 2011-2031. For the reasons set out in this report it is considered that the proposed development as amended would not adversely affect the visual amenities of the area, nor the character and appearance of the Conservation Area and setting and significance of the nearby listed buildings. It is also considered that the proposed development would not result in detriment to highway safety. The proposal therefore complies with the Policies listed at section 7 of this report.

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: Design and Access Statement, Heritage Statement dated November 2019, Transport Statement prepared by David Tucker Associates dated 14th April 2020 and drawing Nos. 001 C, 002, 003 B and 004 B.

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. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural stone and has been inspected and approved in writing by the Local Planning Authority. The external walls of the dwellings and garages and the means of enclosure between the two dwellings subject of this permission shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence above slab level unless and until samples of natural slate to be used on the roof of the dwellings and garages have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details on the approved plans no development shall commence above slab level unless and until full details of the doors and windows hereby approved, at an appropriate scale, including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the buildings other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level unless and until full specification details (including construction, layout, surfacing and drainage) of the driveway, parking and manoeuvring areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details 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 to comply with Government

guidance contained within the National Planning Policy Framework.

7. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented fully in accordance with the approved details.

Reason – To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to safeguard the living conditions of neighbouring residents and future occupiers of the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development full details of the enclosures along all boundaries of the site and all boundaries and means of enclosure within the site shall be submitted to and approved in writing by the Local Planning Authority. The brick wall to provide enclosure to Plot 1 as shown on drawing 001C shall be constructed in either English or Flemish Garden Wall bond. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development, and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of Plot 2 the 1.8m high wall surrounding the window in the south elevation of The Homestead, shown on drawing No. 001 C, shall be constructed prior to the first occupation of Plot 2 and the wall shall be retained and maintained at that height thereafter.

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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no new doors, window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwellings 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 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending those Orders with or without modification), no development within Parts A to E (inclusive) shall take place on the dwellinghouses hereby permitted or within their curtilage without the grant of further specific planning permission from the Local Planning Authority.

Reason – To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to preserve the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Shona King

DATE: 17/06/20

Checked By: Nathanael Stock

DATE: 23.06.2020
