

**Case Officer:** Sarah Willson

**Recommendation:** Approval

**Applicant:** Mr C Barrett

**Proposal:** Remove existing garage and construct new double garage and garden store

**Expiry Date:** 17 April 2020

**Extension of Time:** No

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

- 1.1. The application site comprises a two-storey detached property located at the entrance to Wendlebury when approaching from the west on the Oxford Road. The dwelling is set back from the highway by a driveway and front garden of approximately 30 metres. There is an existing single storey garage towards the front of the site.
- 1.2. The site is of medium archaeological interest and the Wendlebury Meads and Mansmoor Closes SSSI is within 2km of the site. A Public Footpath runs adjacent to the site to the west.
- 1.3. The dwelling is neither a listed building nor is it located within a Conservation Area. There are no listed buildings within close proximity to the site, and no significant changes in land level which would affect the assessment of this application.

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

- 2.1. The applicant seeks planning permission for the replacement of the existing garage with a new double garage and store room. The garage is proposed with a gabled end facing the highway, two dormer windows to facilitate a storage room above and side hung doors. The garage is proposed to be constructed with a render and timber boarded finish, concrete roof tiles to match the existing dwelling and timber/uPVC fenestration.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 00/01767/F – Extensions to existing bungalow. Demolish existing garage and build new double garage (as amended by plans received 23.11.00). Application Permitted.
- 3.3. 16/00821/F – Erection of two storey rear extension. Application Permitted

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

- 4.1. No pre-application discussions have taken place with regard to the current proposal. A pre-application (17/00020/PREAPP) considered a new dwelling in a similar location to the proposed garage, which was considered not to accord with Policy Villages 1 of the CLP 2031 Part 1 and which raised concerns about the principle of a dwelling in this location in terms of character of the locality and visual amenities.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site 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 **1 April 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. WENDLEBURY PARISH COUNCIL: Support the application, however requested that the applicant should ensure that the essential drainage culvert on the property should be maintained and kept clear during and after the development.

### OTHER CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY (OCC): No objection, request a specific use condition

## **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)

- 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:

- Design, and impact on the character of the area
- Residential amenity
- Highway safety/parking provision

### Design and Impact on the Character of the Area

- 8.2. 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.*
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*
- 8.4. The 2016 application approved a large number of alterations to the dwelling which have been implemented at the time of the site visit. The application in 2000 included a replacement double garage on the site of the existing single garage, however this was not implemented, and the permission has lapsed. That said, the current application proposes a similar scale and positioning to the 2000 permission. A 2017 pre-app considered the erection of a dwelling in this location not to accord with Policy Villages 1 of the CLP 2031 Part 1 as it would not constitute infill development as well as raising concerns in terms of character and appearance. The proposed garage in this application would read as subservient to the existing dwelling and would not alter this relationship or divide the site subject to a condition for the garage to remain ancillary to the dwelling.
- 8.5. The Cherwell Home Extensions and Alterations Design Guide (2007) states that garages to the front of dwellings will not usually be supported unless they are an established character of the streetscene. The application proposes to replace the existing, reasonably dilapidated garage with a larger double garage and store room, and other garages are visible in the area to the front of dwellings such as at the properties in Meadow View to the east of the site. The retention of a garage structure to the front of the dwelling is therefore considered acceptable in this instance where it would not be introducing an alien feature to the street scene.
- 8.6. The garage and store room are larger in scale than the existing single garage, however, it would remain subservient to the existing dwelling in height and scale. Dormer windows are proposed to facilitate the use of the roof space as a storage area, which are not a common feature in the village. Nevertheless, as dormer windows have been approved on the same elevation of the dwelling, it is considered that the views of the site from the west would be acceptable and would not result in demonstrable harm to the visual amenity of the area.
- 8.7. The materials proposed for the garage are considered an improvement on the existing breezeblock structure and would be typical for this type of building, with tiles to match the dwelling.

- 8.8. Having regard to the spacious plot and the level of boundary treatment screening views from the public footpath it is considered that the works would not cause significant or demonstrable harm to visual amenity.
- 8.9. It is therefore considered that the proposal is acceptable in terms of design and impact on the character of the area, and thus accords with Government guidance contained within the NPPF and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and policy ESD15 in the Cherwell Local Plan 2011-2031 Part 1.

#### Residential Amenity

- 8.10. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 8.11. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 8.12. Open land lies to the south and west of the site, and as a result, the only neighbour with the potential to be affected by the development is 4 Meadow View positioned 11.5 metres to the east of The Bungalow beyond a strip of land that is owned by the applicant but does not form a part of the domestic curtilage of The Bungalow.
- 8.13. The garage would sit outside of the 45-degree line and I consider the separating distance of the property to the location of the proposed garage – approximately 20 metres - to be sufficient in order to avoid a significant loss of outlook, overbearing appearance or overshadowing. No openings are proposed facing this neighbour which would provide views into habitable rooms.
- 8.14. The proposal therefore accords with Government guidance contained with the NPPF and saved Policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

#### Highway Safety/Parking Provision

- 8.15. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.
- 8.16. The site benefits from ample parking space with an approximately 30-metre gravel driveway. The application proposes to consolidate two parking spaces within the double garage and introduce a garden store and additional storage area in the roof space above the garage. The Local Highways Authority raised no objection to the scheme. A condition is proposed to the garage to remain ancillary to the existing dwelling without the consent of the LPA. Subject to the proposed condition the application is considered to be acceptable in regard to highway safety and parking provision.

## Other matters

8.17. Given the scale of the development there are unlikely to be impacts upon archaeology or ecology and with regard to the comments of the Parish Council relating to the drainage ditch, it is not expected that this development would impact this.

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

9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so it is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **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 information contained within the application form and the following approved plans: S.885/01; S.885/02; S.885/03

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

3. The garage/ storage/ garden store hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse, currently known as The Bungalow, and as such shall not be sold, leased, let, sub-let or used as an independent dwelling unit.

Reason - The site is unsuitable to accommodate a separate dwelling without it being cramped and out of keeping with the locality and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan

Case Officer: Sarah Willson

DATE: 17/04/2020

Checked By: Caroline Ford

DATE: 17/04/2020

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