

**The Yews, Main Street, Sibford Gower, Banbury,  
OX15 5RT**

**20/00641/F**

**Case Officer:** Gemma Magnuson

**Recommendation:** Approve

**Applicant:** Mr Fraser Main

**Proposal:** Raise roof height of bedroom and conservatory; install 10 No solar panels; replace all UPVC windows and doors with timber framed alternatives

**Expiry Date:** 28 April 2020

**Extension of Time:** No

---

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

1.1. The Yews is a detached dwelling situated on Main Street in the village of Sibford Gower. The building is not listed, although Grade II listed Manor House is situated adjacent to the southern boundary, and Carters Yard to the east. The site is in a designated conservation area. The land is of archaeological interest, and has been identified as being potentially contaminated, including naturally elevated levels of Arsenic. Protected species the swift has been identified in the vicinity of the site.

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

2.1. The applicant seeks planning permission for to raise the roof height of an existing bedroom and conservatory; install 10 solar panels and replace all UPVC windows and doors with timber framed alternatives.

2.2. More specifically, the raising of the roof height would take place upon an existing single storey projection upon the southern most element of the dwelling. Currently this consists of a slate roofed conservatory and corrugated sheet roofed lean-to structure, that both lean against a central parapet style wall. The works would involve a change in material from corrugated sheeting to slate, to involve an alteration to the roof pitch and therefore height, to be similar to that of an adjacent element of slate roof. Both the structures would be re-roofed as part of the works, with existing slate conservatory roof replaced like for like. The existing timber cladding upon the bedroom structure would be replaced, and the conservatory structure would be clad with timber in order to reduce the amount of glazing. The southern facing bedroom window would be increased in size and repositioned. A small area of high level glazing would be retained within the southern facing elevation of the conservatory.

2.3. 10 solar panels would be installed upon the rear facing roof slope of the main dwelling. White timber sash windows would be installed upon the frontage, with white timber casements to the side and rear. It is likely that this would constitute permitted development.

## **3. RELEVANT PLANNING HISTORY**

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

**Application: 04/02574/F**

Application  
Permitted

12 January 2005

Conversion/Rebuilding of existing lean to store into home office

3.2. The existing lean-to described is the structure now proposed to be altered.

#### **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 **26 April 2020**, although comments received after this date and before finalising this report have also been taken into account. One comment was received.

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

- Object if raising roof height would give views over our garden and swimming pool area – privacy and safeguarding issues.

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. Sibford Gower Parish Council – support this application. The proposal to raise the roof height on the bedroom and conservatory have minimal impact on adjacent properties. Other actions proposed – discreet positioning of the solar panels on the south elevation; replacing inappropriate UPVC windows and doors with timber will have a positive and appropriate impact on its location within the Sibfords Conservation Area.

##### OTHER CONSULTEES

6.3. OCC Archaeology – no archaeological constraints to the scheme.

6.4. CDC Conservation – solar panels will not affect the setting, or be very visible in the Conservation Area or in views of the Manor. Comments regarding the style of window proposed, the preference for slimline glazing and cills also provided.

6.5. CDC Ecology – no bat survey required, although suggests a note.

6.6. CDC Environmental Health – no comment on all matters.

#### **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)

- ESD 5 – Renewable Energy
- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15 - 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)
- Sibford Gower and Burdrop Conservation Area Appraisal (2012)

## **8. APPRAISAL**

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

- Design, and impact on the character of the area, including setting of listed buildings and Conservation Area
- Residential amenity
- Ecology

Design and Impact on the Character of the Area

- 8.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.3. Policy ESD15 of The Cherwell Local Plan 2011-2031 Part 1 requires development 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.
- 8.4. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings. Proposals for development that

affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. In sensitive areas, such as Conservation Areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

- 8.5. Despite the likelihood of the new windows not requiring planning permission, I consider that the replacement of UPVC openings with timber would represent an enhancement to the building. The proposed use of sash windows upon the frontage, and casements to the rear, would be in-keeping with the style of those existing. I consider it unreasonable to require the level of detail requested by the Conservation Officer, although the applicant is advised to take account of this guidance.
- 8.6. Renewable energy development is generally encouraged in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1, provided that there is no unacceptable adverse impact. I consider that the siting of the panels upon the rear facing roof slope would not be clearly visible from the public domain, and I agree with the Conservation Officer that harm would not be caused to the historic significance of the designated Conservation Area, or the setting of the nearby listed buildings, as a result of this work.
- 8.7. The increase in roof height upon the rear projection would represent a minor alteration and an enhancement over the existing corrugated sheeting, that would not detract from the visual amenities of the area, or the historic significance of heritage assets or their setting. The use of timber cladding upon dwellings is generally discouraged throughout the District, although given that the works would involve the replacement of existing timber cladding, and the installation of further timber cladding where it already exists, I do not consider that I could reasonably resist its use. The proposal therefore accords with the above Policies in terms of visual impact.

#### Residential Amenity

- 8.8. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.9. The work would involve the replacement of existing openings, rather than the creation of new ones, and I do not consider that a significant additional loss of privacy would occur. The bedroom would be slightly larger and of a higher positioning, although it would remain at ground floor level and I consider that views towards the neighbours, including swimming pool are unlikely to differ significantly from those existing. The conservatory already has high level openings in the south facing elevation.
- 8.10. The increase in roof height would take place directly opposite a ground and first floor opening at 2 The Cross with limited separating distance. However, I do not consider

that the increase in height, or replacement of timber cladding, would result in a significant additional loss of amenity in terms of overshadowing, loss of outlook or overbearing appearance from that existing. No openings are proposed to face towards this neighbour.

8.11. I therefore consider the proposed development to accord with the above Policies in terms of neighbour impact.

### Ecology

8.12. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

8.13. Policy ESD10 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.

8.14. The Ecology Officer does not consider a bat survey necessary, despite the works to the existing roof and the replacement of timber cladding. A note has been suggested in case bats are encountered during the works. I do not consider that protected species or their habitat would be harmed as a result of the development, in accordance with the above Policies.

## **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 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: Site Location Plan, Block Diagram, Proposed Alterations floor plans and elevations, Typical Solar Panel Design, Email from application dated 22 April 2020 with regard to windows

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.

**Notes**

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

Case Officer: Gemma Magnuson

DATE: 28 April 2020

Checked By:

DATE:

---