

Case Officer: Lewis Knox

Recommendation: Approve

Applicant: Mr T Robbins

Proposal: Replacement of flat roof to pitched roof over existing garage, demolition of existing sun room to be replaced with a single storey extension and a proposed double garage

Expiry Date: 30 July 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application property is a single storey detached dwelling situated to the south of an established residential area in Bodicote. The property is set within a large plot which is accessed from Austin road to the north. The dwelling was formally occupied through an agricultural occupancy tie however this was removed following confirmation through application Ref: 17/02356/CLUE.
- 1.2. The property is not listed and is not situated within a conservation area. Rights of way run to the east of the site (137/4/20 & 137/6/10), but do not cut through the site. There are no other constraints on the land or dwelling that need to be taken in to consideration in the assessment of this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the replacement of an existing flat roof to pitched roof over the attached garage, plus the demolition of an existing sun room to be replaced with a single storey extension and the erection of a double garage.

3. RELEVANT PLANNING HISTORY

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

Application: 17/02356/CLUE Permitted 17 January 2018

Certificate of Lawfulness of Existing use for the use of the dwelling without compliance with the agricultural occupancy tie

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 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 **13 July 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. **Bodicote Parish Council** – No comments received

OTHER CONSULTEES

- 6.3. **Oxfordshire County Council Highways** – No comments received
- 6.4. **Cherwell District Council Building Control** – Building regulations application 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)

- 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 proposed pitched roof over the existing attached garage would be visible from the public domain and would therefore have an impact on the character and appearance of the streetscene.
- 8.5. The pitched roof is considered to be an improvement on the existing flat roof and would better respect the gabled character of the application site, and the dwellings further north along Austin Road. The ridge line would be subservient to the main dwelling and would therefore still appear secondary to the main building and would reduce any dominating impact from the larger roof.
- 8.6. The proposed extension to the southern side of the dwelling would replace a smaller flat roof sun room which currently exists at the property. Whilst the width of the dwelling would increase, and the roof would be replaced with a pitched roof it is not considered that this would negatively impact on the visual amenity of the area. As with the replacement garage roof, the pitched roof extension would be an improvement on the existing structure and would be subservient to the main dwelling.
- 8.7. The proposed double garage would be to the south of the main dwelling at the site but would be in front of the front elevation and would therefore be readily visible from the public domain. Generally, garages to the front of dwellings are not encouraged and are resisted, however with the site layout as it is, it would not be possible to place the garage anywhere else and it still be functional as a garage.
- 8.8. The application site is relatively isolated itself and is somewhat cut off from the rest of Austin Road, and so the garage would not alter the streetscene massively. The overall size scale and design would be in keeping with the application dwelling and would appear sufficiently secondary to the dwelling.
- 8.9. All materials proposed for all elements of the proposal would match the materials already on site and so the established character of the area would be retained and respected.
- 8.10. Overall the proposals are considered to accord with Policy ESD15 of the CLP 2031 Part 1 and Saved Policies C28 and C30 of the CLP 1996 in respect to their impact on the visual amenity of the area and are therefore acceptable in this respect.

Residential Amenity

- 8.11. 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.*

- 8.12. 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.
- 8.13. The application site is sufficiently away from the nearest neighbouring property to the north so there would not be any impact from any of the elements of the proposed development on the amenity of this neighbour in terms of loss of light, loss of outlook or overbearing.
- 8.14. There would not be any new windows which serve habitable space which would face towards this neighbour and so the levels of privacy in the locality will be retained.
- 8.15. The development is considered to accord with Policy ESD15 of the CLP 2031 Part 1 in respect of its impact on the residential amenity within the locality and is considered to be acceptable in this regard.

Highway Safety/Parking Provision

- 8.16. 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.*
- 8.17. The levels of off-street parking available at the site would remain adequate through the proposals with the addition of the detached double garage as well as the retention of the existing attached single garage. It is not considered that the proposals would have any significant harm on the safety of the local highway network.
- 8.18. The proposals are considered to accord with Policy ESD15 of the CLP 2031 Part 1 in respect to their impact on the safety of the local highway network and is therefore acceptable in this respect.

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: Drawing No. 002A, 003A, 004A, 005A, 006A and 007A

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 garages shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

Case Officer: Lewis Knox

DATE: 29.07.2020

Checked By: Paul Ihringer

DATE: 30/7/20
