

Case Officer: George Smith

Recommendation:

Applicant: Roger Coy Partnership

Proposal: Extension to existing garage and its conversion to form annexe

Expiry Date: 27 August 2020

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. Richmond House is a relatively large, detached dwelling located towards the western edge of the village of Sibford Ferris. The dwelling has an existing garage block, with 3 closed bays and a further wider open bay, formed in an L-shape. This building is located in the far south-eastern corner of the Richmond House curtilage, which has block paving to the north and a garden area to the west. Richmond House is accessed from Woodway Road to the north, via a private access road shared by 2 other properties to the west (Maddocks House and Larkrise).
- 1.2. The site is located outside of the Sibford Ferris Conservation Area and there are no listed buildings in close proximity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for extension to existing garage and its conversion to form annexe. The annexe is to be used the applicant due to health and mobility issues, meaning that the layout of Richmond House i.e. the stairs and changing levels, mean that the majority of the house is unfeasible to use or alter. The applicant's intention would be for the annexe to remain as part of Richmond House, with a relative or carer occupying the main dwelling.
- 2.2. Amendments were received during the course of the application which significantly reduced the scale of the annexe, following concerns raised that it would have essentially amounted to a new and separate dwelling which also included a basement and stairs down to that basement. The current proposal now seeks permission for an annexe consisting of a relatively minor extension to form a U-shape, consisting of master-bedroom, en-suite, open-plan kitchen/dining area, entrance hall, gym and further toilet/shower and utility area. It is on the basis of these plans that the application is assessed on.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:
- 4.2. **19/02717/PREAPP** - Proposed conversion and extension of garage to form dwelling

- 4.3. Officers advised that with sufficient justification and a reduced scale, the proposal could be supported subject to conditions securing the outbuilding as an annexe.

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 **11 August 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:

- Our foundations must be protected through building and basement.

- 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 FERRIS PARISH COUNCIL: **Comment** – to note concerns raised by neighbours in relation to creation of basement. Suggest a CTMP for the basement works.

OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**

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:

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

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. The applicant seeks to extend the existing garage and convert this into annexe accommodation. As an annexe to the dwelling, there would be no change of use proposed – the applicant wishes to keep the annexe together with Richmond House as a single unit. The annexe is relatively large and remains tantamount to a new dwelling. It would have sufficient facilities to be occupied independently without recourse to Richmond House, as well as a small garden area immediately to its west. That stairs were proposed originally detracts from the applicant's contention that the annexe is needed because of the main house having stairs.
- 8.5. However, the applicant's specific needs are acknowledged, in particular the need for accommodation all at one level. In addition, the application is made a householder application and with a fee (£206) for a householder application. For these two specific reasons (1) the proposal will be determined as an annexe, and (2) it is necessary that a condition is attached to ensure that the annexe remains connected to the main dwelling.
- 8.6. The proposal is considered acceptable in sustainability terms, but the overall acceptability is subject to other considerations, as discussed below.

Design and Impact on the Character of the Area

- 8.7. 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.*
- 8.8. 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.*
- 8.9. The proposed extension to the garage/outbuilding is significant in scale, more than doubling its size, and would be as large as many houses. That said, its form, style and materials are in keeping with that of the existing building and views of the site and the proposal are limited. Therefore, I do not consider that the proposal would give rise to any significant material impacts in design or visual amenity terms.
- 8.10. The proposal is thus considered acceptable in visual amenity terms, compliant with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and relevant paragraphs of the NPPF.

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. Given the location of the annexe building in relation to neighbouring dwellings and the direction of outlook for proposed windows, it is not considered that any adjacent neighbour would be materially impacted by the proposal.
- 8.13. The proposed annexe would be overlooked by occupiers of Richmond House and, if the annexe was proposed to be used as a separate dwelling, there is an insufficient separation distance between the annexe and the neighbouring dwelling to the west (Butwick House), such that the proximity and additional intensity of the use would be harmful to the amenities of that neighbour. For these reasons the annexe would not be appropriate as a separate dwelling and this is a further reason to attach a condition that the annexe is not let or sold separately.
- 8.14. In addition, officers have sympathy with the view expressed by the parish council in relation to the original submission that the basement may have had an impact on the amenity of neighbours through construction works required (noise, etc.). And, as set out earlier in this report, the acceptability of the principle – which is rather *on balance* – is predicated on the annexe being on one level. It is therefore considered reasonable and necessary for a condition to be imposed to require that the accommodation in the annexe be provided at one level and that no basement be formed.
- 8.15. On balance, subject to conditions, the proposal is acceptable on these grounds, compliant with Policy ESD15 of the CLP 2031 and paragraph 127 of the NPPF.

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 LHA has raised no objections to the proposal in highway safety terms. I see no reason to disagree with this assessment and conclude that the proposal is acceptable on these grounds, compliant with local and national policy.

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:

- 4614/Map – Site Location Plan
- 4614/16 – Elevations, sections and plans

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and to comply with Policy ESD15 and Villages 1 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.

3. The stone to be used in the walls and tiles to be used on the roof of the development hereby approved shall match in terms type, texture, colour and appearance the materials used on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason - To ensure the satisfactory appearance of the completed development and safeguard the character and appearance of the area 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.

4. The building shall be used solely for purposes ancillary to the existing dwelling currently known as Richmond House, and as such shall not be sold, leased or used as an independent dwelling unit.

Reason - The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwellings or the amenities of the application building or conflicting with the Council's housing strategy and in order to comply with Policies ESD1, ESD15 and Villages 1 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.

5. The development hereby permitted shall comprise accommodation at one level only and at no time shall a basement or any other subterranean accommodation be formed.

Reason – in the interests of sustainable development and to safeguard the living conditions of neighbouring occupiers and to accord with Policy ESD15 and Villages 1 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.

Case Officer: George Smith

DATE: 26th August 2020

Checked By: Nathanael Stock

DATE: 27.08.2020
