

Case Officer: Gemma Magnuson

Recommendation: Approve

Applicant: Mr & Mrs Carolyn & Graham White

Proposal: Oak framed pergoda

Expiry Date: 4 September 2020

Extension of Time: No

1. APPLICATION SITE AND LOCALITY

- 1.1. Home Close is a Grade II listed dwelling situated central to the village of Sibford Ferris, in the designated Conservation Area. There are a number of other Grade II listed buildings in close proximity to the site. A public right of way runs to the south of the site, alongside the rear boundary of the curtilage. The land has been identified as containing naturally elevated levels of Arsenic and is of archaeological interest. Protected and notable species the swift has been identified in the vicinity.
- 1.2. The dwelling is a prominent building on Main Street in Sibford Ferris and can be dated to 1911, designed by M.H Baillie-Scott. The building is built in the Arts and Crafts style and constructed of coursed ironstone with a steeply pitched stone slate roof laid in diminishing bond. The house has a long rectangular plan with flanking wings. The interior is complete and unaltered. The significance of the building is that it is a largely unaltered example of an early 20th century Arts and Crafts style building. The unaltered interior and the external character and appearance are all of significance. The house also contributes to the significance of the conservation area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for a free standing oak framed pergoda within the garden to the south of the dwelling. A herringbone brick floor was originally proposed, although following concern from the Arboricultural Officer, this has now been removed from the scheme. The development would therefore consist of the posts supporting the roof, with the ground remaining unaltered.
- 2.2. The structure would have an L shaped footprint, with an eaves height of 2.1 metres and ridge height of 3.4 metres. The roof would be constructed with a timber shingle roof, either cedar or larch.

3. RELEVANT PLANNING HISTORY

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

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 September 2020**, although

comments received after this date and before finalising this report have also been taken into account. 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. Sibford Ferris Parish Council – no comment.

OTHER CONSULTEES

- 6.3. OCC Archaeology – no archaeological constraints to the scheme.
- 6.4. CDC Conservation – *The proposal is for a timber pergoda located in the garden to the rear. The structure is a simple timber framed design and is considered to be complementary to the character and appearance of this garden to the rear. The proposal will not affect any historic fabric of the house or the associated Listed walls or structures. Consequently the proposal is not considered to have a detrimental impact on the Listed building through development within its setting.*
- 6.5. *As the proposed pergoda will be located to the rear the appearance of the Listed Building within the street scene will not be altered as a result of the development, therefore the character of the conservation area will not be detrimentally impacted as a result of the new build.*
- 6.6. *The proposal is not considered to result in harm to the Listed Building through development within its setting or the conservation area.*
- 6.7. CDC Arboriculture – initially requested an AIA due to the proposed herringbone floor, although since this was removed from the scheme and the soil levels would not alter, raises no 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)

- 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, including protected trees, heritage assets and their setting
- Residential amenity

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 ESD 15 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. 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.
- 8.4. 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. The proposed open sided structure would be lightweight in design and positioned a sufficient distance from the listed building order to avoid harm to its setting. The Arboricultural Officer is now content with the scheme given that the existing soil level would not alter beneath the nearest tree. The structure would be positioned within the rear garden of the dwelling, and would not represent an overly prominent feature of the locality, or detract from the character, appearance or historic significance of the designated Conservation Area. I therefore consider the proposal to accord with the above Policies in terms of visual impact.

Residential Amenity

- 8.6. 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. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the local planning authority.

- 8.7. Due to its height, lightweight design and distance from neighbouring windows, I do not consider that the development will impact upon any neighbouring property in terms of a loss of amenity or privacy, 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: Design and Access Statement, Drawing No's: 001, 101, 102 Rev. A

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.

Case Officer: Gemma Magnuson

DATE: 12 October 2020

Checked By: Paul Ihringer

DATE: 22/10/20
