

Case Officer: Emma Whitley

Recommendation: Refuse

Applicant: L Attley

Proposal: Two storey front and rear extensions with single storey infill and formation of new first floor extension over side area of dwelling.
Enlargement of vehicle access width in frontage stone boundary wall

Expiry Date: 14 October 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a two-storey detached dwelling constructed from natural stone with white uPVC windows under a plain tiled roof. The dwelling is situated within the residential area of Bodicote, south Banbury. The wider streetscene is varied in character.
- 1.2. The dwelling is not listed, nor is it situated within close proximity to any listed buildings. The dwelling is considered to be located within the setting of the Bodicote Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for two-storey extensions situated to the front and rear, a single storey rear extension and first floor side extension. Works to include the widening of the driveway access.
- 2.2. The front two-storey extension would have a maximum roof ridge height of 7.7 metres, dropping to an eaves height of 4.8 metres. This element would protrude by 4 metres from the main dwelling and would have a width of 6.1 metres.
- 2.3. The rear two-storey extension would extend to the rear by 4 metres and would have a width of 3.8 metres. The maximum roof ridge height would be 6.9 metres and would drop to an eaves height of 4.8 metres.
- 2.4. The single storey rear extension would have a width of 6 metres and would protrude to the rear of the dwelling by 3.5 metres. The roof would have a mono-pitched roof design, with a maximum roof ridge height of 3.5 metres, dropping to an eaves height of 2.3 metres.
- 2.5. The proposed extensions would be finished in materials to match the existing dwelling.

3. RELEVANT PLANNING HISTORY

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

95/01820/F – First floor extension over existing garage and kitchen. *Application Refused.*

- 3.2. The proposal was refused as it was considered contrary to the provisions of Policy E3 of the adopted Rural Areas Local Plan and Policy C31 of the Draft Cherwell Local Plan because of its size, prominent position, design and external appearance. The proposal was considered to be an unacceptably incongruous addition to the

original dwellinghouse, which, due to its close proximity to the boundary and the orientation of the house in the streetscene would produce a contrived and congested form of development which would appear out of character with the form and nature of the existing buildings and streetscene generally.

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 **12 October 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/ objections** received at the time of drafting the report.

OTHER CONSULTEES

- 6.3. BODICOTE NEIGHBOURHOOD PLAN – **No comments/ objections** received at the time of drafting the report.
- 6.4. BUILDING CONTROL (CDC) – **No objections. Comments:** Building control application required.
- 6.5. LOCAL HIGHWAYS AUTHORITY (OCC) – **No objections** subject to a condition. **Comments:** The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view. The proposals would not materially change the volume or type of vehicles accessing the development.

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 proposals would involve a change to the principal elevation and therefore would have an impact on the streetscene, particularly given its proximity to the roadside. Given the visual harm that can result to the public domain, the Council’s Home Extensions and Alterations Design Guide (2007) advises that *“Extensions to the front of houses can disrupt the pattern of the buildings in a street and obscure the original elevation, so they are generally discouraged”*.
- 8.5. The introduction of a front gable extension, which does not show subservience to the main dwelling, and would detract from the simple linear character of the host dwelling is the type of development that the design guide seeks to guard against. The harm is exacerbated by the fact that the application property is within the setting of the Bodicote Conservation Area and would result in less than substantial harm to this heritage asset.
- 8.6. Whilst the side/rear extension would appear subservient to the original dwelling and is acceptable in principle the cat slide side which extends beyond the principal

elevation is an unfortunate feature which would further harm the simplicity of the host building's front elevation.

- 8.7. The rear extensions are of an acceptable design and would not be visible in the public realm and would therefore be considered acceptable in this regard.
- 8.8. The proposed front and side extensions are considered to cause harm the character and appearance of the area by virtue of their incongruous design causing harm to the street scene and less than substantial harm to the setting of the Bodicote Conservation Area. They this fail to accord with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Residential Amenity

- 8.9. 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*.
- 8.10. 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.
- 8.11. The proposed side/rear extension (i.e. bedroom 4 and bathroom at first floor level) would be set adjacent to the Old Thatch, which is set at right angles to the application property. This part of the proposal would have a significant impact on the residential amenity of the occupiers of this property by way of presenting an overbearing impact on this neighbour. Furthermore, the side extension would result in a reduction in light and outlook to this neighbour.
- 8.12. The proposed extensions to the rear of the existing dwelling would cause minimal impact to the amenities of the residents of the Old Thatch as the two-storey rear extension would be situated approximately 10 metres from this neighbour and no windows would be proposed in the side elevations to face these neighbours. Boundary treatments between these neighbours would also screen the majority of the rear single storey extension.
- 8.13. The neighbours at Spring Cottage are set back from the road and from the application property. The two-storey rear extension would be situated approximately 9 metres from this neighbour. However, given the relationship and orientation of the two buildings, on balance, I am satisfied that any harm would be limited and would not warrant refusal.
- 8.14. The proposed two-storey rear/side extension is considered to result in demonstrable harm to neighbour amenity as set out above. Thus, the proposals fail to accord with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C30 of the Cherwell Local Plan 1996.

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 proposals entail an additional bedroom. However, the retained parking provision for the site is considered suitable for a dwelling of this size in this location. Furthermore, the Local Highways Authority did not offer any objections to the proposals. The proposals are therefore considered acceptable in this regard.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 7 of this report because of the harm identified in respect of the impact on the street scene and setting of the Bodicote Conservation Area and also the loss of residential that the side extension would cause to the occupiers of the neighbouring property, Old Thatch. There are no other material considerations that outweigh this conflict and the harm caused, and therefore permission should be refused.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

The proposed development, by virtue of its siting, scale and design would result in an incongruous form of development when viewed from the public domain that would result in less than substantial harm to the setting of the Bodicote Conservation Area. The two storey side and rear extension would also adversely affect the residential amenities of the neighbouring residents at the Old Thatch, through a loss of light and by virtue of having an overbearing impact. In the absence of any public benefits, the proposal therefore runs contrary to Policy ESD15 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: Emma Whitley

DATE: 12/10/20

Checked By: Paul Ihringer

DATE: 13/10/20
