

Case Officer: Catherine Harker **Recommendation:** Approve

Applicant: Sir Stephen Gomersall

Proposal: To move existing window on rear elevation by 50-60 centimetres
(following permission granted in decision of 9 October on application
20/02076/LB)

Expiry Date: 4 January 2021 **Extension of Time:** No

1. APPLICATION SITE AND SUMMARY OF SIGNIFICANCE

1.1. The application relates to a Grade II Listed Building in the village of Sibford Gower.

1.2. Listing Entry (1988):

1.3. *House. 3 builds. C17 with later additions and alterations. Squared coursed ironstone. Steeply pitched stone slate roof laid to diminishing courses. Stone end and brick ridge stacks. Stone coped gables with moulded kneelers. Situated gable end to road. 3-unit plan with addition forming roughly L-plan. 2 storeys plus attic. Entrance has C20 porch and plank door. Right end has 3-light metal casements in wood frames to ground and first floor. 2-light similar attic window. Wrought-iron casement fasteners, springs, lead comes and wood lintels. Left part has C20 windows and 2 half-dormers. Interior not inspected.*

1.4. The side of the house faces directly onto the private garden to Pond Cottage.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks to make alterations to an existing window. The window is a ground floor secondary window to the kitchen, and due to the extreme harm it causes to the privacy of the neighbour's garden, close to their house, the owners of Pond Cottage have planted a hedge adjacent to the window to prevent overlooking, whilst allowing some light to the window.

2.2. The applicant seeks to infill part of the window, and replace the large window with a smaller one, to allow an enlarged WC granted under 20/02076/LB. The new window would shift slightly to the side of where it currently sits, necessitating the removal of some stone to the existing wall, which would then be used to infill the space to the other side.

3. RELEVANT PLANNING HISTORY

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

20/02076/LB - Relocation of staircase, minor internal alterations associated with staircase and alterations to a single window and external door - PER

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 11 January 2021, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No formal 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. No comments

OTHER CONSULTEES

- 6.3. CDC Building Control – It will require a Building Regulations Application
- 6.4. CDC Conservation - The lintel does appear to be historic, although it could potentially have been a simple timber embedded within the wall as a levelling device.
- 6.5. It would be preferable for the window to remain in its current location and be subdivided (given that the window itself is not of historic merit), but the applicant's proposals have changed.
- 6.6. The current proposals lead to some disruption of the historic fabric and potentially some limited harm. However this harm is not considered to impact on the core significance of the building.
- 6.7. It is not considered that the very low level of harm caused should lead to a refusal. It is understood that the proportions of the window are now proposed to change from the existing (which is potentially a benefit as the proportions look more traditional).
- 6.8. A method statement and the design of the new window should be submitted. This could be dealt with by condition, but the applicant may find it preferable to submit the information prior to determination.
- 6.9. Given the small size of the alterations to the opening it wouldn't really be practical to have a stone sample panel, and in any case the stone removed to enlarge one side of the opening can be used to infill the other side.
- 6.10. The Method Statement and Joinery details provided are considered to be acceptable

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)

- C18 – Development proposals affecting a listed building

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
- The Setting of Heritage Assets: Historic England Good Practice (2015)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).

8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*

8.4. Paragraph 193 of the NPPF directs that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

8.5. The window in question is clearly modern but sits beneath what appears to be a historic lintol, which implies that the opening may also be historic.

- 8.6. The Method Statement makes clear that the work will be undertaken in a manner sympathetic to the listed building, with the stone removed to allow the shifting of the window used to infill the gap to the other side and is considered to be acceptable.
- 8.7. The joinery details submitted are considered acceptable as a replacement for a modern window.
- 8.8. The Conservation Officer has stated that the proposals would result in some minor harm to the historic fabric of the listed building, but that this would not significantly impact on the historic significance of the building. The new window is considered to be in keeping with the historic character of the listed building due to its more traditional proportions.
- 8.9. The conditions required by the Conservation Officer were discussed with the applicant, who chose to submit the method statement and joinery details with the application rather than have to submit further discharge of conditions applications.
- 8.10. Although the Conservation Officer would have preferred the windows to remain its current location it is not considered that that any harm would be significant enough to require a refusal and a positive recommendation is therefore made.

9. RECOMMENDATION

That consent is granted, subject to the following conditions

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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: 07B, 08B, and plans entitled Kitchen Window Detail and Joinery Details received 25/01/21 and the Method Statement received 27/01/21

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: Catherine Harker

DATE: 01 February 2021

Checked By: Paul Ihringer

DATE: 1/2/21