

Case Officer: George Smith

Recommendation: Approve

Applicant: Mr Tim Catling

Proposal: Erection of timber shed (existing authorised) in garden of dwelling under construction

Expiry Date: 9 February 2021

Extension of Time: 12 February 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within West Adderbury to the south of Round Close Road. The site previously comprised an existing one and a half storey detached building which was previously used as a Catholic Church. A planning application was granted to demolish the church and construct a new two-storey detached dwelling. These works had commenced on 11th January 2021, with the dwelling walls up to approximately first floor level.
- 1.2. The site bounds Round Close Road to the north where there is a stone wall, which encloses part of the frontage and to the front of the building there is a hard-surfaced area which offers parking for one or two cars. The site is bounded to the west, south and east by residential uses. Partridge Court to the west is a two-storey building comprising 7 residential flats, to the south lies two detached dwellings, the gardens of which abut the application site. To the east the boundary is formed by the side elevations of number 13 and 15 Round Close Road which contains a number of windows.
- 1.3. The site is located within the Adderbury Conservation Area. An ordinary water course runs through the site from west to east and runs on into the neighbouring garden of 13 Round Close Road in the south east corner of the site. The site lies within 50 metres of potentially contaminated land and with a site of medium Archaeological Interest.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks permission for a detached shed to the rear garden of the approved dwelling. Condition 10 of the approved consent (19/02181/F) restricted permitted development rights for outbuildings. However, as the dwelling has not been completed, there are no permitted development rights in any case and the shed requires formal planning permission.
- 2.2. The shed would reach a height of 2.5m and would be constructed in timber. The floor area would be approx. 3.6m x 3.6m. It would be located in the far south-eastern corner of the property, facing out north. The shed is currently in-situ, being used as storage for the construction process. It would be retained for use by occupiers.

3. RELEVANT PLANNING HISTORY

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

- 3.2. **19/02181/F** - Demolition of existing chapel and erection of 1 dwelling – APPROVED
13th December 2019

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 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 February 2021**, 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. ADDERBURY PARISH COUNCIL: **No comments**

OTHER CONSULTEES

- 6.3. None

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

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

Principle of development

- 8.2. The dwelling has already gained planning consent and is under construction. The shed would be used for residential purposes in connection with the approved dwelling. Therefore, the principle of development is acceptable, subject to other material considerations discussed below.

Design and impact on the character of the area

- 8.3. 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 2015, 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.*
- 8.4. 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 street scene.*
- 8.5. The proposed outbuilding would be set to the rear of the existing dwelling and would not be readily visible from the highway due to its height and setback. The materials are standard for a garden shed and not considered to be of any detriment. Having regards to its scale, siting and design, the proposal would be substantially subservient to the existing dwelling.
- 8.6. Overall, the shed would not have any significant impact on the site or wider locality. The proposal therefore accords with retained Policy C28 of the CLP 1996 and Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Residential Amenity

- 8.7. 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 2015, 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.*
- 8.8. The shed would be located on the boundary of the property adjacent to 13 Round Close Road. However, given its proposed height, there is considered to be very limited impact on this property. Thus, the proposal is acceptable in this regard.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 9.2. 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.

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 application forms and the following plans and documents:

- Site Location Plan
- 1239 19 – Site Plan
- 1235 20 Rev A – Floor Plans & Elevations

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 shed must not be used for purposes other those which are ancillary to the use of the residential dwelling approved under 19/02181/F.

Reason – In order to safeguard the character of the area and the amenity of adjacent neighbours, in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 11.02.2021

Checked By: Nathanael Stock

DATE: 12.02.2021
