

**Carters Yard, Main Street, Sibford Gower, OX15
5RW**

21/00559/F

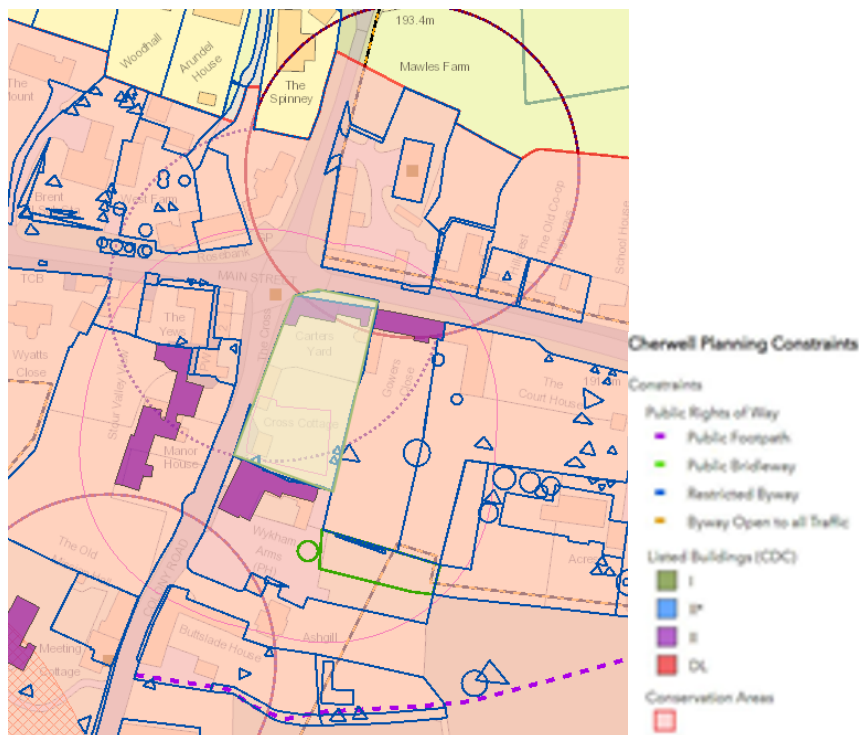
Case Officer: Gemma Magnuson

Recommendation: Approve

Applicant: Mr & Mrs M Bannister

Proposal: Conversion of garage building and erection of a single storey extension,
to form a granny annexe

Expiry Date: 30 June 2021



1. Relevant Features of the Site

Conservation Area, Name: Sibford Gower with Burdrop

Listed Building, Grade: II, Name: THE WYKHAM ARMS PUBLIC HOUSE, HE Ref: 1046801

Listed Building, Grade: II, Name: MANOR HOUSE, HE Ref: 1369599

Listed Building, Grade: II, Name: GOWER'S CLOSE, HE Ref:

Listed Building, Grade: II, Name: CARTERS YARD, HE Ref: 1046800

Radon, Percentage Chance: Percentage of homes at or above the Action Level (Class 5) 10-30%

Naturally Elevated Arsenic, Ranking: LOW

Potentially Contaminated Land, Description: 50 metre buffer of Potentially Contaminated Land

Potentially Contaminated Land, Description: Potentially Contaminated Land

Best and Most Versatile Land, Category: 5

Aquifer, Details: Groundwater Vulnerability (Aquifers) - MINOR

Archaeological Alert Area, Designation ID: DOX16713, Description: Sibford Ferris and Sibford Gower historic cores, Priority: Medium

Pond Mapping, Detail: Standing water - eutrophic

Oxon Protected and Notable Species, Common Name: Swift, Species Category: Birds
Swift Record, Species: Swift,
Swift Hotspots, Hotspot Record Count: 2
Birds Nests in Buildings, Species: Swift, Location: Mawles Farm, Sibford Ferris,
Record Type: nest, Record Date: 2019
Water Utility Company, Water Utility: Severn Trent Water

2. Description of Proposed Development

The application seeks planning permission to convert a detached double garage with accommodation over into a granny annexe to be occupied ancillary to the main dwelling known as Carters Yard. The occupants of the annexe and main dwelling would be members of the same family.

A single storey extension is proposed off the rear elevation of the garage, that due to the land levels of the site would be taken off the existing first floor accommodation rather than the garage, which sits at a lower level.

Construction materials would consist of natural stone walls and natural slate roof. The existing garage building would be re-roofed with slate to replace the existing plain tiles, and dormer windows and a rooflight would be installed in the front facing roofslope.

The garage would be reduced in size to allow the installation of a lift and utility room, with the opening altered accordingly. Openings would be timber.

Alterations would be made to the landscaping to provide a larger off-street parking area, including the removal of trees.

A bird nesting box and under eaves bat box would be incorporated into the build and an electric vehicle charging point would be provided.

3. Relevant Planning History and Pre-Application Discussions

The following pre-application discussions are considered relevant to the current proposal:

Application: 20/02220/PREAPP	Response Sent	23 September 2020
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Conversion of garage building and construction of single storey rear extension, to form a granny annexe

Application: 20/02972/PREAPP	Response Sent	3 December 2020
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Conversion of garage building and construction of single storey rear extension to form a granny annexe (follow-up request to 20/02220/PREAPP)

The later of these two pre-application responses concluded as follows:

I consider that the current scheme represents an improvement to that previous, although the removal of the side projections and the introduction of a second dormer

window would result in more balanced and traditional form of development that could be supported at application stage.

You will note that concerns remain over the provision of off-street parking within the site. You may wish to consider engaging in pre-application discussions directly with the Highway Authority in order to obtain more detailed guidance and explore whether or not this concern can be overcome.

4. Response to Publicity

This application has been publicised by way of site notice, press notice and neighbour letter. The final date for comments was **15 June 2021**, although comments received after this date and before finalising this report have also been taken into account. 9 responses were received; 2 Objecting, 5 supporting and 2 commenting. The comments raised by third parties are summarised as follows:

- Sensible, sensitive proposal, providing accessible accommodation and enables valued residents to remain in their home
- Minimal visual impact, design sympathetic to main house, surrounding buildings and village centre, net benefit to area, enables more flexible use of historical property by present and future owners, majority of existing will be maintained, overall elevation and character of the proposed building will blend well with surrounding area, bulk of new development will not be visible from public highway
- No access issues, parking provision accords with planning guidance, visibility exiting driveway will be significantly better than many existing properties in village
- Proposal doesn't represent any real change in the way the property or parking area is to be used, current garage has been regularly used over past 5 and a half years we have been here with no issues
- Accords with Local Plan
- No noise impacts
- No negative impact on nearby listed buildings or Conservation Area, it will enhance existing building and streetscape
- Releases family-sized home for later occupation
- Application should be for new dwelling not granny annexe, already a decent sized annexe
- Parking concerns in this already congested part of village
- Parking space used by owners on Main Street is part of public highway and shouldn't be considered a parking space
- Measurement to front of garage is not sufficient to park anything other than a small car – it will not accommodate two cars side by side as proposed – should be satisfied that measurements are correct

- Highway safety concerns – dangerous, cars will be reversing in and out onto what is a busy road for farm and other vehicles (turning is not possible) – not uncommon for vehicles to break 30mph speed limit
- Danger for pedestrians, users of public house, horse riders – no footpath along this part of road
- Car parking was not given to refurbishment of the Old Methodist Chapel almost alongside parking area featured in this application, planning needs to be consistent and fair
- Planners should be encouraging less cars not more on our roads, priority should be given to public transport and car sharing
- Parish had supported the proposal ignoring fact that parking facilities are inadequate and have been misrepresented on block plan with incorrect measurements
- Blatant attempt to build another dwelling for financial gain on already overdeveloped site, existing dwelling could easily be adapted with a stair lift or elevator
- Chairman of Sibford Gower Parish Council supported the application, as did other members, without questioning pre-advice from highways and highway issues
- Most elderly people are not given permission to building another house in their grounds just because they struggle to get upstairs

5. Response to Consultation

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.

Sibford Gower Parish Council – support the application, and comment as follows:

The application seeks to provide for the longer term care of the applicants within a supportive extended family environment. The sensitive redesign and repurposing of the existing garage, choice of materials and approach to window openings, maintain the character and integrity of this sensitive conservation area / listed building location. Car parking provision and highway safety are not compromised. An appropriate condition linking the granny flat to the main building would be appropriate.

OCC Highway Authority – originally objected to the proposal on the grounds of visibility, parking bay dimensions, additional parking in the public highway, insufficient parking provision and construction related constraints. A Highway Access and Technical note was submitted by the Agent in response to this objection. The Highway Authority subsequently removed their objection, stating as follows:

I note the previous recommendation from OCC.

I have read the submitted report from the Transport Consultant and would agree with the conclusion with regard to the visibility at the parking places. Following my site visit I concluded that given the speed and flows of vehicles passing the access I

could not demonstrate such harm that would warrant the refusal of the application for reasons of highway safety and convenience.

I note both reports regarding the size, location and number of proposed parking spaces. However, I prefer the analysis that the application seeks, in part, the provision of an extension containing a 2nd bedroom to the existing building above the garage that could be lawfully used as an ancillary bedsit. The proposal for 1 additional bedroom requires 1 additional parking space – 1 is proposed.

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.

OCC Archaeology – watching brief required, and comment as follows:

The development is located in an area of archaeological interest and potential being situated within the historic settlement core of Sibford Gower, this documented as comprising two manors in the Domesday Survey of 1086, but whose place-name evidence would suggest an earlier Saxon origin. Evidence of earlier activity in the prehistoric period is known in the area of the site, this primarily from the recovery of flint arrowheads, one of which is noted to have been found c.40m to the north-east. A former medieval chapel maintained by the Knights Hospitallers is also noted to have been present in Sibford Gower, this thought to have once occupied a location between Temple Close and Gowers Close, albeit its precise location remains unknown since its dereliction in 1547. The site of the proposed development further occupies an area situated between a number of buildings of 16th to 17th century date, these comprising probable former farmhouse and cottages. It is therefore possible that, despite the small scale nature of the proposal, this development may encounter archaeological deposits relating to the medieval and/or early post-medieval settlement.

CDC Arboriculture – no objection.

CDC Conservation – no objection, and comment as follows:

Understanding the heritage assets affected

The application site relates to a garage building that is within the curtilage of a grade II Listed House. The main house can be dated to c1600 and is constructed of coursed ironstone rubble with a thatched roof. Adjacent to the site on the south side is also a grade II Listed public house. Because of the position of the garage it is considered to be within the setting of two grade II Listed Buildings and it is located within the conservation area.

Significance

The significance lies in the relationship of the site to the Listed Buildings and its contribution to the character of the village in this location and therefore the significance of the Conservation Area.

Appraisal of issues

As previously commented the existing garage has no particular historic merit and is not considered to contribute greatly to the character of the conservation area in this location. Therefore altering the existing garage building will not result in harm to any historic fabric. The proposal is for a large extension to the existing garage to allow the conversion to habitable accommodation. As a result the appearance of the building will be changed notably, and this will alter its visible presence and the

contribution the building makes to the street scene. The street scene will be further affected as a consequence of the parking provision that is necessary for the development. However this is not considered to be a negative impact and overall on balance the design of the proposal is not considered to detract from the surrounding Listed Buildings and the materials proposed are considered appropriate and complementary to the existing buildings.

Furthermore the proposal is considered to improve the elevation of the existing garage building facing the road and therefore provide some level of enhancement to the street scene consequently maintaining the character of the conservation area in this location.

Level of harm

The proposal is not considered to result in harm to the Listed Building through development within its setting or the conservation area.

CDC Ecology – I am happy with the suggested biodiversity enhancements here. There are records of swifts in the area and I would recommend a planning note on both nesting birds in buildings and on bats are attached to any permission to ensure the applicants are fully aware of the law pertaining to both. I do not have any other concerns on ecological grounds.

CDC Environmental Health – no comments, with the exception of the requirement for a Construction Environment Management Plan (CEMP) to avoid noise nuisance.

6. Relevant Policy and Guidance

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2031 Part 1)

- **PSD1 – Presumption in favour of Sustainable Development**
When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Planning applications that accord with the policies in the Development Plan will be approved without delay unless material considerations indicate otherwise. *See page 36 of the CLP 2031 Part 1 for full details.*
- **SLE 4 – Improved Transport and Connections**
Requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. *See page 55 of the CLP 2031 Part 1 for full details*
- **ESD 1 – Mitigating and Adapting to Climate Change**
Seeks to incorporate suitable adaptations measures in new development to ensure that development is more resilient to climate change impacts. *See page 85 of the CLP 2031 Part 1 for full details*
- **ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment**
Requires relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones. *See page 106 of the CLP 2031 Part 1 for full details*

- ESD15 - The Character of the Built and Historic Environment.
New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. Where development is in the vicinity of the District's distinctive natural or historic assets, delivering high quality design that compliments the asset will be essential. *See page 117 of the CLP 2031 Part 1 for full details.*

Cherwell Local Plan 1996 (saved policies) – (CLP 1996)

- C23 -Retention of features contributing to character or appearance of a conservation area
There is a presumption in favour of retaining buildings trees, walls and other features that make a positive contribution to the character and appearance of a conservation area. *See page 117 of the CLP 1996 for full details*
- C28 – Layout, Design and External Appearance of New Development
New development required to have standards of layout, design and external appearance sympathetic to the character of the urban or rural context of that development. *See page 120 of the CLP 1996 for full details.*
- C30 – Design of New Residential Development
Development should be compatible to the scale of the existing dwelling, its curtilage and the character of the street scene. Development should also provide acceptable standards of amenity and privacy. *See page 120 of the CLP 1996 for full details.*

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal (2012)

7. Appraisal

Design and impact on character of the area

The site is sensitively located in the Sibford Ferris, Sibford Gower and Burdrop Conservation Area and surrounded on all sides by Grade II listed buildings and their curtilages, including the main dwelling Carters yard itself, Manor House opposite the site to the west and the Wykham Arms Public House immediately to the south. The site is also located within the Sibford Gower and Burdrop character area of the Conservation Area, as designated in the Conservation Area Appraisal.

Carters Yard itself is noted in the Conservation Area Appraisal as forming a strong building line that very tightly defines the crossroads. It is not only the dwelling that contributes to this strong building line, but the existing detached annexe building in the curtilage that sits immediately adjacent to Colony Road when heading south. The existing detached garage that forms the subject of this application is, however, set back from the highway beyond the existing annexe, with the public house following suit.

Planning history suggests that the garage may have originally been constructed around 1950, with a first floor added to form a study around 1988 (see 50/00240/B and 88/00383/LB) although I have been unable to confirm this.

The appearance of the existing structure certainly suggests that this planning history is accurate, with two differing bands of stonework upon the lower and upper elements indicating that the first floor was a later addition. The garage door

unfortunate in appearance, with double garage door of standard up and over style and blank band of mis-matched stonework at first floor level.

The proposed development would involve a single storey extension off the rear of the first floor element of the garage that has an overall height subservient to the existing structure. A variety of roof heights and styles, and projecting gables, break up the elevations and add interest. The extension is contemporary in appearance with full length glazed openings.

Whilst the garage is positioned within a historically sensitive location, its appearance at present is not traditional and, in my opinion, currently detracts from the setting of the nearby listed buildings and designated Conservation Area. At pre-application stage we discussed the potential for the development to enhance the appearance of the building, and it is my opinion that the replacement of tile roof with natural slate, the repointing of the stonework, replacement of the up and over garage door with a timber door and the installation of dormer windows upon the frontage would all achieve this aim. I consider this enhancement to be gained from the proposal to constitute a public benefit.

At pre-application stage I raised concern with regard to the proposed side projections, as they would unbalance the structure when viewing from the public domain although I note that the Conservation Officer does not consider this to be the case. Whilst I continue to have concerns, given the choice of construction materials, the set back from the road and the proposed replacement landscaping, I do not consider that I could defend the refusal of the application on the grounds of visual impact at appeal.

The existing dry stone wall would be repositioned to accommodate the additional parking, which is preferable to the complete loss of the wall.

The development would be sufficiently separated from the nearby listed buildings to avoid harm to their setting, and no listed fabric would be altered as part of the works.

I therefore consider that the development would not result in harm to the historic significance of the nearby listed buildings, their setting or the wider Conservation Area. Further, significant harm would not be caused to the visual amenities of the wider locality as a result of the work.

Conclusion: Acceptable.

Residential amenity

The outlook from openings would largely be contained within the curtilage associated with Carters Yard and obscured by boundary treatment. The connection between the main dwelling and the ancillary accommodation removes the need to consider the impact upon the amenity between these two units of accommodation.

The proposed dormer windows and rooflight would be positioned less than 22 metres from the frontage of Manor House (approx. 19m), although given that these are both the less private frontages I do not consider that they would result in a significant loss of amenity for either resident.

The proposed extension would be contained to the rear of the building, a sufficient distance from all neighbouring openings to avoid harm in terms of a loss of amenity. It is for the above reasons that I consider the proposal will not result in a significant loss of amenity or privacy for any neighbouring property, in accordance with the above policies.

I note the comment from the Environmental Health Officer requiring a Construction Environment Management Plan, although given the minor scale of the works I do not consider this reasonable.

Conclusion: Acceptable.

Highway safety

Concerns were raised by the Highway Authority regarding the impact of the development upon highway safety at both pre-application stage and during the consideration of the current application. In summary, these related to the limited visibility, parking bay dimensions, additional parking in the public highway, insufficient parking provision and construction related constraints.

A Highway and Access Technical Note was produced by the agent during the course of the application following indication that the application was likely to be recommended for refusal on the grounds of harm to highway safety.

The Highway Authority have since re-assessed the proposal taking the supporting Highway and Access Technical Note into consideration. Following this assessment, the Highway Authority has agreed with the conclusion with regard to visibility and advised that they do not consider that they could demonstrate such harm that would warrant the refusal of the application for reasons of highway safety and convenience. One of the reasons behind this change in stance is that the application had originally been assessed as the creation of a new two bedroom dwelling, as opposed to the addition of one bedroom to existing ancillary accommodation as is proposed (requiring only 1 extra space that is provided).

Given the above, I do not consider that the refusal of the application on the grounds of significant harm to highway safety could be sustained at appeal, particularly without the support of the Highway Authority.

The comments regarding construction traffic are accepted and given the minor nature of the proposal I do not consider it reasonable to require the submission of a CTMP.

I note the comments as a result of public consultation with regard to the lack of parking at the methodist chapel across the road, although as this involved a change of use from D1 to a dwelling I do not consider these two cases to be comparable.

Conclusion: Acceptable.

Protected species

The Ecology Officer does not consider it necessary to undertake a protected species survey and I have no reason to disagree with this assessment. The incorporation of biodiversity enhancements into the scheme is welcomed.

Conclusion: Acceptable.

8. Planning Balance and Conclusion

The appraisal above, which is informed by the policy and guidance set out in section 6, demonstrates that the proposed annexe would not harm the historic significance of the listed buildings, their setting or the designated Conservation Area. Further, harm would not be caused to the visual amenities of the locality, residential amenity,

highway safety or protected species and their habitat. The proposal is therefore considered to be sustainable development and, in accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

9. 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: Drawing No's: 01, 06D, 07C

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. Prior to any ground disturbance associated with the development hereby approved, the applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the extension hereby approved above slab level, or the removal of the existing roof, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved, to include a stone sample panel (minimum 1m² in size) to be constructed on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

6. Prior to the insertion of the rooflights, windows and doors hereby approved, full details of the openings at a scale of 1:20 including cross section and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

7. Prior to the demolition of the existing stone boundary wall, full details of the proposed replacement wall, to include a stone sample panel (minimum 1m² in size) to be constructed on site for inspection, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply 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.

8. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (20-002 06D) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

9. The annexe hereby approved shall be used solely as ancillary accommodation to the dwelling known as Carters Yard and as such shall not be sold, leased or used as an independent dwelling unit.

Reason – In order to safeguard the living amenities and privacy of the adjacent property in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Note

1. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

2. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore, all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

Case Officer: Gemma Magnuson

DATE: 23 July 2021

Checked By: Paul Ihringer

DATE: 26/7/21
