

Case Officer: George Smith

Recommendation: Approve

Applicant: My Ryan Breslin

Proposal: Two storey detached replacement dwelling with semi basement

Expiry Date: 14 July 2021

Extension of Time: 14 July 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a detached dwelling in a substantial parcel of land, to the rear elevation of the dwelling the land extends approximately 114 metres to the north. The existing dwelling on site is constructed externally in brick under a clay tile roof, and dates to approx. the 1960s. The site is in an archaeological alert area, although the site is on the boundary of the Sibford Gower with Burdrop Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks the replacement of an existing two-storey dwelling, with a larger two-storey dwelling. The new dwelling would have an irregular plan form, including a double gable and valley, with a flat roof to the valley. One of the gables would extend further forward to the front. The materials would be lime-washed render under an artificial stone slate roof.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. **20/02952/CLUE** - Certificate of Lawfulness of Existing Use for the use of land to as garden/residential amenity land used incidental to the domestic enjoyment of the dwellinghouse – APPROVED

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:
- 4.2. **21/00291/PREAPP** - Replacement dwelling. Detached 1.5 storey building with semi basement at front.
- 4.3. Positive advice given, but for some amendments being made.

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 **16 June 2021**, although

comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Wish for conditions to be imposed for future outbuildings or garaging. Conditions for use of sustainable energy. Requirement for a construction management plan.
- Concerned about noise impact from plant room.
- No issue with stone that is lighter than ironstone, but do not want it yellow.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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 GOWER PARISH COUNCIL: **Objects** – on the choice of material for the walls. Conditions should be attached to ensure a sample panel is constructed, for colouring of window frames, for heat pump and solar panel locations and for restricting garage/outside storage provision.

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **No objections** – subject to matters being addressed.

6.4. CDC ENVIRONMENTAL HEALTH: **No objections** – but for a condition for EV charging points.

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD 1: Presumption in Favour of Sustainable Development
- BSC1 - District Wide Housing Distribution
- BSC2 - The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- ESD1 - Mitigating and Adapting to Climate Change
- ESD7 - Sustainable Drainage Systems (SuDs)

- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

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:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

- 8.2. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has a Local Plan which was adopted on 20th July 2015 and is to be considered up to date except in the case of policies relating to the supply of housing.
- 8.3. In terms of housing supply, while the Written Ministerial Statement of 12th September 2018 stated that relevant and important policies for determining the application may be considered out of date only where a 3-year supply of deliverable sites cannot be demonstrated, a subsequent Written Ministerial Statement of 25th March 2021 has confirmed this 'flexibility' has ended. Therefore, Cherwell District Council will need to demonstrate a 5-year supply of housing. Cherwell District Council can demonstrate a 4.7-year supply of land for housing, and so para 11d applies, meaning the Development Plan policies for housing provision are to be considered out of date, and the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.4. Policy ESD1 of the CLP 2015 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury. The policies relating to rural housing growth are therefore more restrained.
- 8.5. The principle of residential development in Sibford Gower is assessed against Policy Villages 1 in the CLP 2015. Sibford Gower is classed as a Category A village in the

CLP 2015 at which appropriate minor development, infilling and conversions are permissible.

- 8.6. The principle of replacement dwellings in settlements is not strictly defined within the CLP. However, this proposal would effectively be infilling, were the existing dwelling not present. On this basis, the proposal is considered in accordance with the general thrust of this policy.
- 8.7. However, the acceptability of the proposed development in this case is also clearly dependent on it not having adverse effects on the character and appearance of the area, the living conditions of existing and/or future occupiers, or local highway safety. These issues are discussed below.

Design and impact on the character of the area

- 8.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.9. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.10. Policy ESD15 of the CLP 2015 states that: *“New development will be expected 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.”*
- 8.11. The site is located just outside the village’s Conservation Area. There is a run of post-war dwellings stretching along the northern section of the road. It is not considered a particularly sensitive site, although the setting of the Conservation Area could be impacted by a replacement dwelling.
- 8.12. The proposed dwelling would be sited on a broadly similar building line to the existing dwelling. The scale of the proposed dwelling would be greater than the existing dwelling but given the surrounding development and the size of the site, it is considered that the increased scale would not cause harm to the character and appearance of the area.
- 8.13. The design and form of the dwelling as proposed is contemporary, and slightly visually incongruous, with asymmetric roof form and irregular fenestration. Overall, however, given the visual context and the style/age/design of the existing dwelling on site, it is not considered that these features would have any significant impact on the site or wider area, including that of the designated Conservation Area.
- 8.14. It is considered, on balance, that the use of lime-washed stone, in this context is acceptable. It is not a material or finish that is used in the locality and would hide distinctive local natural ironstone. However, it would have a similar appearance to white painted stone and, subject to a sample panel being constructed, could not be said to be demonstrably harmful to the character and appearance of the area. There are examples of light render nearby, and in this context the dwelling would not appear too dissimilar.

- 8.15. Similarly, and for the same reasons as set out above, artificial stone slates are considered on fine balance acceptable in this in this instance, subject to a condition that a sample is provided. The applicant's agent states that Cardinal slates would be used, which are a reputable brand. Subject to the provision of this or a similar high-quality artificial stone slate, this can be accepted.
- 8.16. Overall, therefore, the proposal is considered acceptable in design and visual terms, compliant with local and national policy.

Residential amenity

- 8.17. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should: *always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings*. 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*.
- 8.18. 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.
- 8.19. The dwelling is located between two other residential properties. The proposed dwelling would have windows on the first floor on both side elevations. These windows would be secondary windows to the rooms they serve and can be conditioned to be obscurely glazed.

Highway safety

- 8.20. Policy ESD15 of the CLP 2015 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*.
- 8.21. The LHA has raised no objections but have commented that the proposed gate at the entrance to the site is located too close to the highway, requesting a condition be attached to receive further details of a gate in a re-positioned location.
- 8.22. The LHA has also requested that cycle parking facilities are provided. A condition can be attached for further details to be received.
- 8.23. Overall, given the lack of highway objection and given matters can be resolved via condition, the proposals are acceptable in highway safety terms.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. There is little or no public benefit to the proposal. However, the proposed development is acceptable in principle, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. Subject to conditions, the proposal would preserve the character and appearance of the Conservation Area and would not adversely affect residential amenity. The proposal would thus comply Local Plan Policy, most relevant saved Policies C28 and C30 CLP 1996, Policies Villages 1 and ESD15 of the CLP 2015 and the relevant paragraphs of the Framework.

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 form and the following plans and documents:

- 253 03 100 – Site Location Plan
- 253_03_300 – Proposed Site Plan
- 253 04 300 – Proposed Elevations 1
- 253_04_301 – Proposed Elevations 2
- 253 03 304 – Proposed Basement Plan
- 253_03_301 – Proposed Ground Floor Plan
- 253_03_302 – Proposed First Floor Plan
- 253_03_303 – Proposed Roof Plan
- 253_05_300 – Proposed Sections

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area 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.

3. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in lime-washed rubble stone, and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area 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.

4. No development shall commence above slab level unless and until samples of the artificial stone slates to be used in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area 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.

5. Prior to the first occupation of the development hereby approved the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drw No. 253_03_300) 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. The parking and manoeuvring area shall be retained and maintained as such thereafter and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details submitted, the development shall not be occupied unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include details of the hard surface areas, including pavements, pedestrian areas, crossing points and steps and details of all means of enclosure and other boundary treatments and an alternative detail for the entrance gate, to be at least 5 metres from the highway. The development shall be carried out in strict accordance with the approved landscaping scheme prior to the first occupation of the development and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and in the interests of highway safety 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 first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, the first floor windows (Bedroom 3 and Bedroom 4) in the east elevation of the dwelling shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass (at least Level 3 only) that complies with the current British Standard and shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply 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.

9. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or

without modification), the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To ensure and retain the satisfactory appearance of the completed development and to safeguard the character and appearance of the Conservation Area and the amenity of adjacent neighbours, and to comply with Policy ESD15 of Cherwell Local Plan 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: 14th July 2021

Checked By: Nathanael Stock

DATE: 14.07.2021
