

Case Officer: John Cosgrove

Recommendation: Approve

Applicant: Mr John Sutcliffe

Proposal: Erection of a clear glass veranda to the rear of dwelling, open at the front and one side, abutting the conservatory

Expiry Date: 21 July 2021

1. Relevant Features of the Site

The application site is located on the North side of Springfield Road, and contains a semi-detached dwelling constructed from brick and benefiting from a two-storey side extension. The dwelling is situated on a generous plot and is screened from its neighbour to the West by a substantial hedge, and close boarded fence. There are dwelling to the East and West of the plot and open land to the north and south of the site, a public right of way Caversfield Footpath 1 across the site adjacent to its Western and northern boundaries. A Protected Species (Common Swifts) have been identified in the vicinity of the site. The site is not within a Conservation Area and does not contain or impact on the setting of any Listed Buildings. There are no other relevant planning constraints.

2. Description of Proposed Development

The application proposes the erection of a clear glass veranda to the rear of dwelling, open at the front and one side, abutting the conservatory. The proposed canopy would have a mono pitched form and would be fixed to the rear wall of the host dwelling and supported by two aluminium stanchions. The proposed canopy would measure 3 metres deep, 4.8 metres wide at eaves height and 6 metres wide to its top. The canopy would be a maximum of 3.02 metres high with an eaves height of 2.15 metres and would feature metal rain water goods.

3. Relevant Planning History and Pre-Application Discussions

The following Planning History and Pre-Application discussions are considered relevant to the current proposal.

02/01106/F – Proposed 2 storey side extension – Permitted: 18/07/2002.

4. Response to Publicity

This application has been publicised by way of a site notice an advertisement in a local newspaper and by letters sent to neighbouring properties.

The final date for comments was **1 July 2021**, although comments received after this date and before finalising this report have also been taken into account.

No comments have been raised by third parties.

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.

Caversfield Parish Council: No response.

CDC Building Control: The proposed canopy is exempt from the Building Regulations.

Ramblers Association: No Response.

OCC Rights of Way: The definitive line of Caversfield Footpath 1 runs through the red line of the site, as shown on the map below. The proposed development is unlikely to impact upon the legal line of the footpath, however the applicant should be aware of it and ensure it is not obstructed.

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.*
- **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)

- **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)

7. Appraisal

Design and impact on character of the area

The proposed development would be modest in scale and would not extend beyond either the existing conservatory or the flank elevation of the dwelling. The proposal would not be visible from the neighbouring properties or from public realm to the front of the site, while the proposal would be visible from the adjacent footpath, due to its modest scale, largely transparent materials and the fact that it would integrate well with the host dwelling it is not considered that the proposed development would have any adverse impacts on the character and appearance of the host dwelling or the wider area and the proposal is considered acceptable in design terms. Therefore, having regard to the above no objections are raised with regard to the design elements of Policies: ESD15, C28 or C30.

Residential amenity

The proposed development would have a positive impact on the amenity of the current and any future occupants of the host dwelling. Due to its modest scale and positioning within the plot and in relation to the neighbouring dwellings it is not considered that the proposal would have any adverse impacts on the amenity of any neighbouring properties and therefore no objections are raised with regard to the amenity elements of Policies: ESD15, C28 or C30.

Highway safety

Due to its nature and modest scale the proposal would not have any adverse impacts on parking or highway safety. While a public footpath crosses the site, the line of this footpath is separated from the garden area by an existing fence. The OCC Public Rights of Way Officer has stated that the proposed development would be acceptable and has requested that an informative regarding the public right of way be added to any permission granted. Having regard to the above the proposed development is considered acceptable in highway terms and therefore no objections are raised with regard to parking, highway safety or impact on a public right of way.

Ecology

While it is noted that a protected Species (Common Swifts) Have been identified in the area, due to the modest scale of the proposed development and the fact that the dwelling is of relatively modern construction and that the development would not impact on the eaves or roof space of the dwelling it is not considered that the the proposal would have any adverse impacts on the habitat of any protected species and therefore no objections are raised with regard to the provisions of Policy: ESD10.

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 development would accord with the provisions of

the relevant Development Plan policies and the proposal is therefore considered to represent sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, it is recommended that planning permission should therefore be granted on this occasion.

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: TQRQM21134220921760, Entitled: Location Plan, Dated: 14 May 2021 and received by the Local Planning Authority on the 17/05/2021.

Drawing No: TQRQM21124201355583, Entitled: Veranda Open Plan to Rear and Side, Dated: 04 May 2021, and received by the Local Planning Authority on the 17/05/2021.

Drawing Entitled: Existing (Rear Elevation), Undated, and received by the Local Planning Authority on the 26/05/2021.

Drawing Entitled: Existing and proposed plan (Roof), Undated, and received by the Local Planning Authority on the 26/05/2021.

Drawing Entitled: Proposed (Rear Elevation), Undated, and received by the Local Planning Authority on the 26/05/2021.

Drawing Entitled: Section and details, Undated, and received by the Local Planning Authority on the 26/05/2021

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.

Informative:

1. Public Rights of Way: i). Correct route of public rights of way: Note that it is the responsibility of the developer to ensure that their application takes account of the legally recorded route and width of any public rights of way as recorded in the definitive map and statement. This may differ from the line walked on the ground.

The Definitive Map and Statement is available online at www.oxfordshire.gov.uk/definitivemap.

ii). Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

iii). Route alterations. The development should be designed and implemented to fit in with the existing public rights of way network. No changes to the public right of

way's legally recorded direction or width must be made without first securing appropriate temporary or permanent diversion through separate legal process. Alterations to surface, signing or structures shall not be made without prior written permission by Oxfordshire County Council. Note that there are legal mechanisms to change PRoW when it is essential to enable a development to take place. But these mechanisms have their own process and timescales and should be initiated as early as possible – usually through the local planning authority.

iv). Gates / right of way: Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way. No new gates should be placed across the Public Right of Way.

v). Vehicle access (construction): No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use.

vi). Vehicle access (Occupation): No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team. Reason: To ensure the public right of way remains available and convenient for public use

vii). Improvements to routes: Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. This may include upgrades to some footpaths to enable cycling or horse riding and better access for commuters or people with lower agility. Proposed improvements should be discussed and agreed with Oxfordshire County Council

Case Officer: John Cosgrove

DATE: 20/07/2021

Checked By: Paul Ihringer

DATE: 21/7/21
