

Case Officer: Wayne Campbell

Recommendation: Approve

Applicant: Mr Henry Squire

Proposal: Demolition of the existing dwellinghouse and the erection of a replacement dwellinghouse

Expiry Date: 16 September 2021

1. Relevant Features of the Site

CONA2 - Conservation Area, Name: Steeple Aston - Distance: 0
CONA2 - Conservation Area, Name: Rousham, Lower Heyford and Upper Heyford - Distance: 42.83
PUBF - Public Right of Way, Route Code: 364/6/10, Status: Footpath - Distance: 1.89
RADO - Radon, Percentage Chance: Percentage of homes at or above the Action Level (Class 6) Greater than 30% - Distance: 0
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ARSE - Naturally Elevated Arsenic, Ranking: LOW - Distance: 0
ARSE - Naturally Elevated Arsenic, Ranking: LOW - Distance: 0
CONT - Potentially Contaminated Land, Description: 50 metre buffer of Potentially Contaminated Land - Distance: 0
CONT - Potentially Contaminated Land, Description: Potentially Contaminated Land - Distance: 47.77
NDP - Neighbourhood Development Plan, Neighbourhood Area: Mid Cherwell, Status: Successful Referendum, March 2019 ' forms part of the Development Plan for Cherwell District, Details: Neighbourhood Plan Area, Policy Number: N/A - Distance: 0
NDP - Neighbourhood Development Plan, Neighbourhood Area: Mid Cherwell, Status: Successful Referendum, March 2019 ' forms part of the Development Plan for Cherwell District, Details: Settlement Area, Policy Number: PD1 - Settlement Area - Steeple Aston - Distance: 0
BMVL - Best and Most Versatile Land, Category: 5 - Distance: 0
AQUI - Aquifer, Details: Groundwater Vulnerability (Aquifers) - MINOR - Distance: 0
ARCH - Archaeological Alert Area, Designation ID: DOX16887, Description: Steeple Aston historic core, Priority: Medium - Distance: 0
NERC - NERC Act S41 Habitats, Information: Traditional Orchards - Distance: 0
POND - Pond Mapping, Detail: Standing water - eutrophic - Distance: 244.86
POND - Pond Mapping, Detail: Standing water - eutrophic - Distance: 63.96
WTUT - Water Utility Company, Water Utility: Thames Water - Distance: 0
AIRW - Windfarm Development, Development Consultation: Consult NATS On ANY Windfarm Development (All District) - Distance: 0
AIRS - London Oxford Airport Development Height Safeguarding Zone, Development Consultation: London Oxford Airport - All Development Exceeding 45 M - Distance: 0

2. Description of Proposed Development

This application seeks planning permission for the demolition of the existing building and the reconstruction of a new dwelling on essentially the same footprint. The

proposal also includes areas of extension to the footprint as well as extension in height to elements of the new dwelling.

3. Relevant Planning History and Pre-Application Discussions

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

11/00115/CAC: Demolition in part of existing main house and outbuildings. Application Withdrawn

11/00114/F: Demolition in part of existing main house and outbuildings and the erection of a new residential dwelling. Application Withdrawn

21/00311/PREAPP: Refurbishment of retained residential property, part demolition of the same property and proposed extension to create a single-family home with more suitable living and recreational space.

Advice provided in the pre-application was that the principle of development was considered acceptable, given that the development involves extensions to the existing dwelling and would be contained within the existing residential use of the site. The extensions to the dwelling were considered not cause harm to the character and appearance of the conservation area. However, more thought should be given to the proposed landscaping scheme and the proposed swimming pool which appeared as an extension of the domestication of the site further to the south. The ground floor bedroom would need to be amended to protect the amenities of future occupiers and more information is required to ensure that the development would not cause harm to the safety of the highway network.

4. Response to Publicity

This application has been publicised by way of a site notice, press advert, letters to neighbouring properties, consultations with Parish Council and statutory consultees.

The final date for comments was **7 October 2021**, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows:

Cedar Court, Water Lane: supports the application. Stating that upgrading uses the space and style well and retains the character of the current building whilst tidying it up and no doubt making the interior etc. much better.

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.

STEEPLE ASTON PARISH CLERK: **No objections**

OCC HIGHWAY ENGINEERS: **No objection**

CDC CONSERVATION OFFICER: **Objection**. The proposed development would lead to less than substantial harm to the character and appearance of the

conservation area, but total loss to the non-designated heritage asset of Wincot. There is no public benefit to outweigh this harm.

OCC ARCHAEOLOGY: **No objections.**

OCC HIGHWAYS: **No objections.**

CDC TREE OFFICER: **No objections** subject to conditions.

6. Relevant Policy and Guidance

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE 4 – Improved Transport and Connections
- ESD 1 – Mitigating and Adapting to Climate Change
- ESD 5 – Renewable Energy
- ESD 6 – Sustainable Flood Risk Management
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment.

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

- C23 -Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, Design and External Appearance of New Development
- C30 – Design of New Residential Development

Neighbourhood Development Plan Mid Cherwell

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PH6: Parking Facilities for Existing Dwellings

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 and on heritage assets

This application seeks planning permission for the re-development of this site with a new dwelling. The new dwelling would be sited on a similar footprint to that of the existing, albeit there would be several changes / extensions to the dwelling which would change the character and appearance of the dwelling to the existing. In terms of the level of change the applicant has confirmed that the floor area of the existing dwelling is 338sqm while the total floor area of the new dwelling would be 602sqm with the pool house covering a further 35sqm.

The existing dwelling is positioned on an east-west axis at the far northern edge of the site with the front of the dwelling facing towards the south and the property's private gardens and grounds. In terms of design / appearance the existing dwelling is of a stone construction with a slate tile roof and due to the slope on the site from west to east the ridge height drops across the site in a stepped arrangement down to a single storey element at the far eastern end of the site. On the front elevation on the ground floor the existing dwelling maintains a large flat roof projection which provides an extension to the kitchen to provide a dining room. The walls of this extension are all glazed allow directs into the dining room.

This application seeks planning permission for the demolition of the existing dwelling on the site and the replacement with a new dwelling. The replacement dwelling would be located on the same alignment as the existing with the dwelling positioned along the northern edge of the site and facing towards the south and the private garden area.

Although of a similar footprint the replacement dwelling would incorporate a different design which would pick up the architectural styles and characters of the existing dwelling. There are a number of changes in the design between the existing and the proposed replacement dwelling. The first is the introduction of a two-storey front extension which is positioned at the same point as the large flat roof ground floor extension on the existing dwelling. The latter does little to enhance the appearance of the front elevation, and although resulting in a greater mass at this point in the façade the two-storey extension would not appear out of place nor to the detriment of the character of the area. The introduction of a gable on the front would also not appear out of context in that the existing front has a smaller two-storey gable projection further along the front elevation.

A second key difference between existing and proposed is the change in height of the dwelling on the site. The replacement dwelling would maintain a step-down in height above that of the existing ridge line. This step up would be formed by the creation of a second-floor section over the western projection but due to the changes in levels along this section of the site the step up would not appear at the same height to that on the main part of the dwelling. As such the step down would still be visible and would read as such the difference between the existing and the proposed is that the step would at two storeys rather than the current single storey. This change although noticeable when compared to the existing is not considered to the detriment of the area. There would be a regular pattern of fenestration across the two-storey elements both at ground and first floor levels. This regular pattern although different to the, somewhat random, series of windows in the current elevation would give the building a more formal appearance. This is not necessarily objectionable, particularly given that the building is set back from the main highway so would not be visible from the public realm.

A single storey flat roofed link section would connect the main dwelling with the replacement barn which would be extended forward into the site from that of the existing barn. The link would essentially provide an additional area of floor space to allow for a games room while the extended barn would allow for the provision of a re-located kitchen/dining room and living room for the main house. This link section although a new feature on the house would be low level in terms of height due to the flat roof design while the extended barn would project into the private garden space and although higher than the existing detached wooden barn would not appear out of place on the site.

The final part of the proposal is for the provision of a surface level swimming pool along with a pool house to be located within an area of lawn to the front of the dwelling. The area of the swimming pool is the private garden area for the dwelling

and is maintained as a flat lawn with a number of small trees and hedgerow around the boundary. The proposal is for the surface level pool to be built which will be positioned on a north – south alignment. Although this would result in further development projecting forward of the main dwelling, and outside of the residential curtilage of the dwelling, the visual impact of this element would be minimal and would not adversely impact on the character or appearance of the area.

The pre-app proposals included more development outside of the residential curtilage than is now proposed. The Council's advice was:

"Of more concern is the proposed soft and hard landscaping scheme. A natural swimming pool is proposed, alongside a pool house and other landscaping features. The proposed landscaping scheme would see the residential use spreading further to the south and this would result in a domestication of undeveloped, rural land that contributes to the character and appearance of the area. Further thought should be given to this in proposals put forward in any future planning application to ensure that residential uses remain close to the dwelling itself and that this use of land does not spread significantly further to the south."

It is considered that the current proposals have successfully addressed the Council's concerns in this respect. Given this large area of land is outside of the residential curtilage of the dwelling, any further development in this part of the site would require separate permission.

Concern has been expressed by the Conservation Officer that the existing dwelling makes a positive contribution to the character of the area and that the proposed development would result in total loss of a non-designated heritage asset, and that the proposal 'rebuild' the cottage would result in harm to the character and appearance of the conservation area. In terms of the environmental impact, one might reasonably consider that there does not appear to be anything intrinsically wrong with the existing building and the proposal to rebuild ignores the issue of the existing embodied carbon in the existing building; an issue which has been raised recently by both the Royal Institute of British Architects and Historic England.

In response to this concern, the applicant states that the buildings on the site have been extended over the years and have lost some of their original character with the large modern flat roof extension from the kitchen doing little to enhance the character. The eastern wing also has a later extension which has none of the character of the original buildings. The applicant also contends that the existing dwelling internally is small and, apart from the kitchen space, dark, with very few windows and does not cater for the needs of the large family. Restricted access is due to the large number of changes in level throughout the house and in particular the very steep stair to the first floor in the main cottage, making it difficult for the elder members of the family to use the house.

As advised by the Conservation Officer, the existing dwelling may be considered a non-designated heritage asset, although it is noted the dwelling is not highlighted in the Conservation Area appraisal as being one of the buildings which makes a positive contribution. Paragraph 203 of the NPPF highlights that *the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Given the location of the dwelling, its relative lack of visibility, and the issues highlighted by the applicant, in terms of light, layout and build standards, it is

considered on balance that its demolition would not result in harm to the conservation area such that would warrant refusal of the application and given that the building is not a listed building it is afforded no special protection of itself.

The proposed dwelling would not be clearly visible from the public highway and relative to the existing dwelling is not considered to result in demonstrable harm to the character or appearance of the Conservation Area.

Notwithstanding the issue over the increase in scale of the new build compared to that of the old, the change in main material is of a concern. As highlighted above the main material of the existing build is of natural ironstone which has a distinctive character and appearance, while limestone has a different, lighter appearance. Although the village has a mix of ironstone and limestone, as outlined above the existing building is recognised as a non-designated asset and makes a positive contribution towards the character of the conservation area. The acceptability of the replacement dwelling in natural ironstone is an on balance decision; if it were replaced in a limestone dwelling then the view of the local planning authority is that the demolition of the existing dwelling would not be justified and there would be insufficient reminder of the original dwelling in the development.

As such, although on balance the loss of the existing building is considered acceptable, this is based on the use of ironstone to minimise the change in and harm to the character of this part of the Conservation Area.

Residential amenity

The existing dwelling on the site is located within its own grounds and although there is an existing dwelling located alongside the western boundary the position of the application property to the shared boundary of this neighbouring property is approximately 20 m and 25 m between the sides of the two dwellings. In addition to this the neighbouring property is located on a higher position to that of the application property due to the way the land levels slope down across the application site. The rear elevation of the existing property, and that of the replacement dwelling, is marked by the northern boundary to the site. The area of land to the north of the application site and as such to the north of the dwelling is an area of public allotment land. For these reasons, it is considered that the proposed dwelling would not have any adverse impact on the neighbouring property.

Highway safety

Access to the site would be maintained as the existing single driveway off Cow Lane. However, to minimise the disruption to local people with site traffic and to facilitate the ease of vehicles manoeuvring into the site it is proposed to remove two trees from the boundary edge and clear some planting to allow a vehicle to enter directly into the site without having to make a difficult turn. Vehicles would enter and exit the site this way and drive across the lawn to be away from other houses. Once the works are complete new semi-mature trees would be planted to revert the entrance back to a similar condition and the existing single width access driveway will be the main and only access into the site.

In considering the access arrangements the local highway authority that its main concern during the pre-application enquiry was the impact of construction traffic and the need for a Construction Traffic Management Plan, which has been submitted. The proposal to route the access along the South Side only is considered acceptable for a 12m HGV as this is a bus route. Larger agricultural vehicles are also able to use this route. The enlarged opening and temporary haul road would enable HGVs to turn within the site and exit forwards. It is also noted that the CTMP

submitted in support of this application states “*The proposed works will be delivered within the highway boundary and within land controlled by the applicant.*” However, it can be seen in the Indicative Construction Access Arrangement drawing (Appendix C) that HGVs will need to cross a small area of the road that is not adopted public highway or in the red/blue line area. This is an ownership matter which the applicant will need to ensure that they have the right of access over this land. Notwithstanding, it is considered that the proposal in terms of highway arrangements is acceptable and would not result in any adverse impact on the public highway.

Neighbour comments

One comment of support for the application has been received from a neighbouring property and no letters / comments of objections have been received. There are no issues raised which require separate analysis or response at this point in the report.

8. Planning Balance and Conclusion

For the reasons set out in this report, the principle of the replacement dwelling is considered acceptable, would not adversely affect the visual amenity of the locality and, notwithstanding the objection from the Conservation Officer on the grounds that the demolition of the existing dwelling would result in the loss of a non-designated heritage asset, would preserve the character and appearance of the Conservation Area. The proposal would not adversely affect local highway safety or the living conditions of neighbouring residents.

There are no other objections raised on this application and 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 hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans reference 20064 Sqp Zz Zz Dr A PL121 Rev P1, 20064 Sqp Zz 01 Dr A PL123 Rev P1, 20064 Sqp Zz Rf Dr A PL 124 Rev P1, 20064 Sqp Zz Zz Dr A PL220 Rev P1, 20064 Sqp Zz Zz Dr A PL 221 Rev P1, 20064 Sqp Zz Zz Dr A PL002 Rev P1, 20064 Sqp Zz Zz Dr A PL320 Rev P1, 20064 Sqp Zz Zz Dr A PL321 Rev P1, 20064 Sqp Zz Zz Dr A PL001 Rev P1, received 08/07/2021 and plan reference 20064 Sqp ZZ 00 Dr A PL122 Rev P2 received 23/07/2021 and Ecological Appraisal by Aspect Ecology dated 30/06/2021, Arboricultural Impact Assessment by Aspect Arboriculture dated 01/07/2021, Construction Traffic Management Plan by Mewies Engineering Consultants dated July 2021, received 08/07/2021 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. No development shall commence above slab level unless and until samples of the slates (including ridge tiles) to be used in the covering of the roof of the dwelling 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 the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets and 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.

4. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural ironstone to match the stonework on the existing building and has been inspected and approved in writing by the Local Planning Authority. The sample panel shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract. 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 the significance of heritage assets 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. Notwithstanding the information submitted, prior to the installation of any new doors, windows or rooflights within the development hereby approved full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors, windows and rooflights shall be installed within the building in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the conservation area and the significance of the heritage asset 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 in the National Planning Policy Framework.

6. No development shall commence above slab level unless and until full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To preserve the character and appearance of the conservation area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

7. No development shall commence above slab level unless and until a scheme for

landscaping the site has been provided to and approved in writing by the Local Planning Authority which shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, to include trees to replace those removed to form the construction access
- (b) details of the hard landscaping including hard surface areas, pavements, and pedestrian areas,
- (c) details of boundary treatments.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to safeguard the significance of the Conservation 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.

8. Prior to the commencement of any works a plan detailing the proposed parking provision for construction workers vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision) shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be laid out and maintained as such during the construction period. Within a period not more than 6 months following the completion of the dwelling the access road/parking/turning areas used in association with the construction of the dwelling shall be removed and the land made good in accordance with a landscaping scheme which shall have first been submitted and approved in the writing by the local planning authority.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street parking/turning/unloading of construction vehicles and to safeguard the character and appearance of the Conservation Area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in Section 12 of the National Planning Policy Framework.

9. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework

10. The development hereby permitted shall not be carried out other than in accordance with the recommendations set out in the Ecology Appraisal of Wincote, Cow Lane, Steeple Aston by Aspect Ecology dated 30/06/2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Section 15 of the National Planning Policy Framework.

11. Notwithstanding the provisions of Classes A-E (inc) of Part 1 of 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) the approved dwelling shall not be extended without the grant of further specific planning permission from the Local Planning Authority.

Reason: Taking into account the sensitivity of the site and that this is an on-balance decision and given the scale and design of the dwelling and to safeguard the character and appearance of the area and the significance of the Conservation Area and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework

Case Officer: Wayne Campbell

DATE: 28/10/2021

Checked By: Nathanael Stock

DATE: 29.10.2021
