

**Case Officer:** Michael Sackey

**Recommendation:** Refuse

**Applicant:** Debbie Whitford

**Proposal:** Flat roofed single garage

**Expiry Date:** 18 October 2021

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## **1. Relevant Features of the Site**

- 1.1. The application relates to a detached, single storey dwelling which faces east onto White Post Road, and which lies within the built form of Bodicote. The dwelling is bounded by residential properties to the west and south and by Bodicote Village Hall to the east. The building is not a listed building, but the site is within a designated Conservation Area and adjacent to other listed buildings to the south at Yew Tree Cottage and east at Brown Thatch. The bungalow is externally faced in white painted render under a tiled roof, extended and modernised within the last 2 years following planning permission ref. 19/02168/F. The site is broadly flat but the dwelling appears to be set slightly higher than the road and slightly higher than the neighbouring dwelling to the south.

## **2. Description of Proposed Development**

- 2.1. The applicant seeks planning permission for the erection of a detached single storey flat roof garage to the front garden. The proposed flat roof garage would measure approximately 5.8m depth, 3.8m width with an overall flat roof height of 2.8m.

## **3. Relevant Planning History and Pre-Application Discussions**

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

**Application: 00/01962/TCA** Permitted 30 October 2000

Fell 3 no. Poplars and reduce crowns of 5 no. Lime trees by 30%

**Application: 00/01401/TCA** Permitted 18 August 2000

Fell Conifer trees

**Application: 02/02370/TCA** Permitted 16 December 2002

Fell one Lime tree closest to the bungalow (as amended by letter dated 16 December 2002).

**Application: 17/00334/TCA** Tree Preservation Order 31 October 2017

T1-T4 (Group Red) - Lime - Fell

**Application: 17/02442/TPO** Permitted 22 January 2018

G1 - Lime (X4) - Crown lift group by approximately 4 metres. Remove 1x lime (RED/Second tree in from the west) - Subject to TPO 36/2017

**Application: 19/02168/F** Permitted 13 January 2020

Removal of roof. Construction of new roof with bedroom accommodation

**Application: 20/00776/DISC** Permitted 18 May 2020

Discharge of condition 5 (Arboricultural Method Statement) of 19/02168/F

**Application: 20/01540/TPO** Application  
Withdrawn 29 July 2020

Limes (G1) - Crown reduction of the group of 3 lime trees by approximately 3 metres - Subject to TPO 36/2017

**Application: 20/01679/DISC** Permitted 14 July 2020

Discharge of condition 3 (roof tile & dormer windows) of 19/02168/F

#### **4. Response to Publicity**

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

Two letters received with one providing recommendations for the design of the development. The other comment raises concerns with regards to the impact of the development on the boundary fence, tree roots, listed buildings, Conservation Area, and security.

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

#### **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.

##### BODICOTE PARISH COUNCIL

Consulted on (27.09.2021); no comments received.

##### OTHER CONSULTEES

Ward Councillors (Adderbury and Bodicote) - Consulted on (13.09.2021); no comments received.

Local Highway Authority – Consulted on (27.09.2021); no comments received.

#### **6. Relevant Policy and Guidance**

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

- 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 2015 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 2015 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

7.1. The key issues for consideration in this case are:

- Design, and impact on the character of the area
- Residential amenity
- Highway Safety

### Design and Impact on the Character of the Area

7.2. The host dwelling is set back approximately 8.9 metres away from White Post Road and set approx.. 1.7m further back from the road than the east elevations of its adjacent neighbours to the north at Bodicote Village Hall and the listed, Yew Tree Cottage to the south. That said, the dwelling is in a visually prominent location adjacent to the village hall, close to listed buildings and the Wykham Lane junction.

7.3. The proposed garage would be subservient in scale to the dwelling but would be set forward of the host dwelling by approximately (2.7m) and positioned in close

proximity to the southern boundaries of the site and the neighbouring listed building at Yew Tree Cottage. The proposal would be readily visible from the public realm and would be seen in the context of both of the listed buildings at Brown Thatch and Yew tree Cottage, along White Post Road.

- 7.4. Given its scale and siting the proposed garage would be a very prominent form of development within the local area and would have a significant impact on the character and appearance of the Conservation Area and the significance of listed buildings in the vicinity through change to their setting(s).
- 7.5. Detached garages are not generally supported in locations forward of the principal dwelling, and this is particularly true of Conservation Areas and other visually sensitive locations. In this instance, the impact of the proposal is exacerbated by its form and the proposed materials.
- 7.6. By reason of its scale, siting, form and appearance, it is considered that the proposed garage would result in significant and demonstrable harm to the character and appearance of the Conservation Area and to the significance of the nearby listed buildings through change to their setting. Given the garage would not affect the fabric of the listed buildings or result in the demolition of the listed building, the identified harm is *less than substantial*. Given its siting forward of the front elevation there is no fallback position for the proposed development.
- 7.7. By reason of its scale, position and its appearance and occupying a prominent position, the proposed garage to the front of the dwelling would be out of keeping with the prevailing pattern of development in the locality. The proposal would be an incongruous addition which would result in the detriment to the visual amenity of the street scene by appearing overly prominent and would set an unwelcome precedent for the development in the local area. The development would therefore cause significant and demonstrable harm to the visual amenity of the area.
- 7.8. The proposal would therefore not accord with Policy ESD15 of the CLP 2015 and Saved Policies C28 and C30 of the CLP 1996 or with Government guidance in the NPPF which encourages and places significant weight on good design.
- 7.9. The case officer has discussed these concerns with the applicant's agent, and suggested ways to address them, either by relocating the garage to be to the side of the dwelling, or by facing the walls of the garage (with the exception of the doors) in natural stone. In the case of the latter option, there would continue to be a very significant impact on the character and appearance of the area, but officers consider on balance it would be sufficiently mitigated by the locally distinctive materials, visible in the dwelling opposite, the listed building to the south, and the walls to the front boundary of properties in the locality, which would help to integrate the awkwardly formed/massed building into its surroundings.
- 7.10. The agent advised that officers' concerns had been relayed to the applicant, but that the applicant did not wish to modify the current application as recommended by officers and would await the determination of the application.

#### Impact upon the Historic Environment

- 7.11. *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken.*
- 7.12. *Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great*

*weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*

- 7.13. For the same reasons above, the proposal would not preserve the character and appearance of the designated Bodicote Conservation Area, or the significance of the grade II listed buildings in the vicinity of the site.
- 7.14. It is relevant to consider whether the proposed garage for parking provision is essential to be provided by this structure in this location. The benefit of providing the structure also needs to be weighed against the harm identified to the significance of the listed building and to the Conservation Area. Great weight should be given to any harm to these heritage assets.
- 7.15. It has not been demonstrated that this is the only possible structure and the only location for the garage and that other locations within the site could not perform the same function. There are no public benefits to justify the need for the proposed development or in its currently proposed location.
- 7.16. By virtue of its nature, its appearance, and its location, it is considered to relate poorly to the heritage assets, and to result in an incongruous form of development that would not complement or conserve the significance of the heritage assets.
- 7.17. It is thus considered that the proposed development conflicts with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

#### Residential Amenity

- 7.18. Although the proposal would be set in close proximity to the common shared boundary with the neighbour to the south at Yew Tree Cottage, it would comply with the 45 degree rule with regards to the neighbour and would not have any significant impact on this neighbour.
- 7.19. The proposal would be well set off the boundaries of the other neighbouring properties and would also comply with the 45 degree rule. Having regard to its scale, positioning and spatial relationship with the neighbours, the proposed development would not have any significant impact either through loss of light, outlook or privacy on the neighbouring properties.
- 7.20. For these reasons, the proposal accords with retained Policy C28 of the CLP 1996 and Policy ESD15 of the CLP 2015.

#### Highway Safety

- 7.21. The Local Highway Authority was consulted during the course of the application; however, no comments have been received. The proposed garage to the front of the dwelling which can accommodate one vehicle, along with the large front garden is considered sufficient to serve the existing dwelling. The proposal is considered not to result in any adverse impact upon the local highway network from a traffic and safety point of view and is acceptable in this regard.
- 7.22. The proposal therefore accords with Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

## **8. Planning Balance and Conclusion**

The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 6 of this report because the proposed development would result in less than substantial harm to heritage assets, and there is no public benefit or other material consideration to balance or outweigh this harm, and therefore permission should be refused.

## **9. RECOMMENDATION**

That permission is refused, for the following reason:

1. The proposed development, by virtue of its scale, siting, and design, would result in a visually incongruous form of development that would appear overly prominent within the street scene, would be out of keeping within the prevailing pattern of development in the locality and would result in significant and demonstrable harm to the character and appearance of the local area and would set an unwelcome precedent in the local area. For the same reasons, the proposed development would fail to preserve the significance of the listed buildings to the east and south through change to their setting and would fail to preserve the character and appearance of the Bodicote Conservation Area. This harm, which would be *less than substantial*, is not outweighed by any public benefits. The proposed development therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the National Planning Policy Framework and Cherwell District Council's Home Extensions and Alterations Design Guide (2007).

Case Officer: Michael Sackey

DATE: 22.10.2021

Checked By: Nathanael Stock

DATE: 22.10.2021

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