

Case Officer: Sarfaraz Khan**Recommendation:****Applicant:** Mr Ryan Breslin**Proposal:** RETROSPECTIVE - Two storey detached replacement dwelling, with semi-basement**Expiry Date:** 6 December 2021**Extension of Time:**

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.

2.2. The proposals are a revised scheme of that approved under planning application reference: 21/01437/F and incorporate changes granted under a subsequent non-material amendment application (21/02568/NMA) granted on the 10th of September 2021.

2.3. The main difference between the previous applications and current application is that the current application adds a single storey element to the rear (northern) elevation, the majority of which would have a depth of 4.0m (the exception being a roof overhang) and which would ordinarily therefore comprise 'permitted development'; however, the permitted development rights of the property were removed under Condition 9 attached to planning permission 21/01437/F. The proposed single storey rear extension would have a footprint of 42m² and has a split height of 3.7m and 3.4m, a depth of 4.9 metres at the deepest point just below the roof and a width of 9.45 metres. It consists predominantly of a glazed structure with a flat roof. However, the eastern flank wall and a small part of the northern wall comprises a solid structure to match the extant replacement dwelling scheme.

2.4. Other changes are proposed including large fascia boards to all elevations, amended fenestration to all four elevations and one additional rooflight to the eastern elevation.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: 20/02952/CLUE

Permitted

19 January 2021

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

Application: 21/00291/PREAPP Response Sent 19 March 2021

Replacement dwelling. Detached 1.5 storey building with semi basement at front.

Application: 21/01437/F Permitted 14 July 2021

Two storey detached replacement dwelling with semi basement

Application: 21/02568/NMA Permitted 10 September 2021

Increase extent of basement, from semi basement to full basement (proposed as non-material amendment to 21/01437/F)

Application: 21/03277/DISC

Discharge of Conditions 3 (stone sample panel) and 4 (slate sample) of 21/01437/F

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:

- the principle of a replacement dwelling in this location is considered acceptable;
- Subject to conditions, it is considered that the development would not cause harm to residential amenity or highway safety;
- the design of the proposed dwelling is not locally distinctive and this would need to be amended in a future planning application;
- Locally distinctive materials would need to be used and the dwelling should have the design of a house reflective of its north Oxfordshire context and
- Any future planning application for proposals that satisfactorily address the concerns set out above would be considered favourably.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **30 November 2021**, by advertisement in the local newspaper expiring **11 November 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **30 November 2021**.

5.2. No comments have been raised by third parties.

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

- 6.1. Sibford Gower Parish Council – No comments or objections.

OTHER CONSULTEES

- 6.2. CDC Environmental Health – No comments received.
- 6.3. OCC Highways – No comments received.
- 6.4. CDC Ecology – No comments received.
- 6.5. Thames Water – No objections.
- 6.6. CDC Arboriculture – No objections subject to a condition requiring the submission of an arboricultural report in line with BS5837 to include arboricultural Impact assessment plan; tree protection plan and arboricultural method statement.
- 6.7. Ward Councillors – No comments or objections received.

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)

- PSD1: 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
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

7.1. 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)
- EU Habitats Directive
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)

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
- Ecology
- Drainage & Flood Risk
- Trees and
- Highway Safety

Principle of the development

8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996'). The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan.

8.3. 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, but is not able to demonstrate a 5-year supply of housing – its housing land supply position is presently 3.8-years, 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. Since the Council cannot presently demonstrate a five-year supply of land for housing, reduced weight is also afforded to these policies.

- 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 for residential development at the site has been well established as a result of the former approval on site and accords with Policies ESD1 and Villages 1 of the CLP 2015 and the NPPF. Sibford Gower is classed as a Category A village in the CLP 2015 at which appropriate minor development, infilling and conversions are permissible. Infill is defined in the local plan as a small gap in an otherwise continuous built-up frontage. 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, impact on public and highway safety, ecological and arboricultural impacts, flooding impacts and environmental and other sustainability issues. These issues are discussed below.

Design and impact on the character of the area

- 8.6. Policy ESD15 of the CLP 2015 states that: “New development proposals should:
- Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.
 - Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”
- 8.7. Saved Policy C28 of the CLP 1996 states that control over all new development will be exercised to ensure that standards the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the rural context of that development. Saved Policy C30 of the CLP 1996 states that new housing developments should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Developments should respond to local character and reflect the identity of local surroundings and materials. It is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.
- 8.9. 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.
- 8.10. The proposed dwelling is substantially the same in scale and form as that approved under 21/01437/F. The proposed changes to the fenestration of the dwelling are considered not to have a significant bearing on the proposal’s impact on the visual amenity of the area, neither would the additional single storey element proposed to the rear.

- 8.11. The submitted drawings show deep and very prominent fascias on all elevations, which does have a significant bearing on the appearance of the dwelling and its visual impact. Such detailing is not traditional or locally distinctive, and does not accord with the requirements for new dwellings as set out in the Cherwell Residential Design Guide. A condition would need to be imposed on any permission given to preclude the use of fascias and bargeboards.
- 8.12. The dwelling was previously approved to be externally faced in lime-washed natural stone. It is not a material or finish that is used in the locality and would hide distinctive local natural ironstone. Planning officers have had discussions with the applicant about the use of lime washing, with the applicant advising officers that they are not as keen on its use as they were at the time of the first application, and that they are considering the use of alternative facing materials. The applicant has suggested the use of a Cotswolds stone but this would not be in keeping with the prevailing palette of traditional and locally distinctive materials. As such, officers have suggested that the dwelling be faced in (unwashed) natural ironstone, at least the front elevation and returns around the front corners. The front elevation of the dwelling would be the most visually prominent element of the dwelling, especially given the unusual and asymmetric roof form and more contemporary fenestration. As such, a condition would be imposed on any permission given to provide the applicant and officers the necessary flexibility to agree an alternative palette of externally facing materials, e.g. (but not limited to) the colour of the render.

Impact on Neighbour Amenity

- 8.13. Saved Policy C30 of the CLP 1996 requires that new developments provide standards of amenity and privacy acceptable to the local planning authority. Policy ESD15 of the CLP 2015 states that new development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.14. The impact of the proposed dwelling house upon neighbour amenity has already been assessed under planning application (Application Reference: 21/01437/F). The proposed changes to fenestration are considered not to have a significant bearing on the proposal's impact on the living conditions of neighbouring residents nor, given its scale, form and location relative to the neighbours, would the proposed single storey rear element.

Car Parking and Highway Safety

- 8.15. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.16. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- safe and suitable access to the site can be achieved for all users;
 - and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.17. Policy ESD15 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.*

- 8.18. The impact of the proposed dwelling house upon public and highway safety has already been assessed under planning application (Application Reference: 21/01437/F) and the proposed changes would not have a bearing on the proposal's impact on public and highway safety.
- 8.19. The local highway authority (LHA) has not commented upon the current application. However, in the previous application (Application Reference: 21/01437/F), the LHA raised no objections but 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. The LHA also requested the provision of covered and secured cycle storage and these conditions have also been attached to the current application.
- 8.20. Overall, the proposed single storey rear extension is likely to have minimal adverse impact in terms of public and highway safety.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. 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:

- 011 Rev C – Site Location Plan
- 010 – Rev C Site Plan
- 253 03 201 Rev P2– Existing Ground Floor Plan
- 004 Rev D – Proposed North Elevation
- 005 Rev D – Proposed East Elevation

- 006 Rev D – Proposed South Elevation
- 007 Rev D – Proposed West Elevation
- 008 Rev C – Section AA
- 009 Rev C – Section BB
- 012 Rev C - 3D View 1
- 013 Rev C - 3D View 2
- 014 Rev C - 3D View 3
- 015 Rev C - 3D View 4
- 016 Rev C - 3D View 5
- 017 Rev C - 3D View 6
- 018 Rev C - 3D View 7
- 001 Rev D – Proposed Basement Plan
- 002 Rev D – Proposed Ground Floor Plan
- 003 Rev D – 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. Notwithstanding the details submitted, no development shall commence above slab level unless and until a schedule of materials to be used on all external elevations of the approved dwelling has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details 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 a stone sample panel (minimum 1m² in size) has been constructed on site in limewashed 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.

5. 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.

6. Notwithstanding the details submitted, the development shall be constructed using traditional eaves and verge details with no fascias or barge boards.

Reason: To ensure that the completed development is in keeping with and safeguards 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.

7. 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. 010 – Rev C Site Plan) 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.

8. 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.

9. 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.

10. 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.

11. 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: Sarfaraz Khan

DATE:

Checked By: Nathanael Stock

DATE: 21.01.2022
