

1 Canal Yard, Canal Road, Thrupp, Kidlington,  
OX5 1JZ

22/01925/F

**Case Officer:** Catherine Harker

**Recommendation:** Approve

**Applicant:** Dr Ian Wylie

**Proposal:** Replacement rear extension with smaller extension, and conversion of loft to provide additional bedroom, with internal reconfiguration and associated works, erection of post and rail fence and picket gate, extension to brick boundary wall.

**Expiry Date:** 8 September 2022



## 1. Relevant Features of the Site

The application relates to a Grade II Listed building which is one of a terrace of 3 listed cottages whose leasehold is owned by the Canal Trust.

The cottage is within a conservation area and is within the Oxford Green Belt. A public footpath passes immediately to the southwest of no. 3 Canal Yard.

The site is within flood zones 2 and 3.

Listing Entry (1988):

*Row of 3 cottages. Early C17 to left and mid/late C17 to right; C19 and C20 alterations. Coursed limestone rubble with mid C19 brick repairs and window jambs; gabled thatch roof; end and ridge stacks of stone finished in brick. 4-unit plan. 2 storeys; 5-window range. 3-window range to left has timber lintels over C19 plank door, horizontal sliding sash and 2-light casement with glazing bars; three C19 two- and 3-light iron casements with glazing bars. Taller 2-window range to right has timber lintels over central plank door and early C19 beaded 6-panelled door to left, horizontal sliding sash and C19 two- and 3-light iron casements with glazing bars. Rear outshut, heightened with mid C19 brick. Interior: No.1 to right has C18 plank doors with butterfly and strap hinges, and winder stairs to rear. No.3 to left has stop-chamfered beams. No.2 not inspected but likely to be of interest. Subsidiary features: late C17 two-storey one-bay stable to right, of limestone rubble with half-hipped plain tile roof; blocked left door above C20 door to right.*

## 2. Description of Proposed Development

All the drawings and documents included with this application are identical to those approved under 18/01787/LB & 18/01786/F, with one exception. The applicant's legal advisor has recommended that the party wall due to be taken up to the underside of the thatch in the attic (in order to establish a separate attic space over the bedroom of No.2 Canal Yard, and thereby extinguish the flying freehold) should run in a straight line, rather than an L shape across the attic, establishing a flying freehold over the stairs of No. 1 Canal Yard instead. This is because it removes the ambiguity of who is responsible for repairing the roof structure and maintaining the thatch by establishing a clear boundary of responsibility.

The proposals thus are a repeat of those already approved, and include:

The proposal is to replace the existing modern extension to the rear of No.1 Canal Yard with a smaller extension to suit the building line of the adjacent rear extensions to No.2 and 3 Canal Yard, including converting the existing loft space in No.1 Canal Yard to provide an additional bedroom with a dormer window to the rear elevation and the insertion of a new staircase to access the attic conversion and associated reconfiguration of some of the first-floor partitions. Externally, the existing boundary wall between the gardens of Nos. 1 and 2 Canal Yard will be extended to meet the reduced footprint of the replacement rear extension with the gateway realigned to suit.

I have no reason to disagree with the previous officer's assessment, made under the same policies, in 2018.

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

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

18/01787/LB & 18/01786/F –

Replacement of unsympathetic modern rear extension with smaller extension in keeping with existing outshots to adjoining cottages, erection of post and rail fence and picket gate, extension to brick boundary wall, and conversion of loft to provide additional bedroom, with internal reconfiguration and associated works.

Approved

These applications are the same as the current application, with the exception of the proposed position of one of the new stud partitions to the attic.

## 4. Response to Publicity

This application has been publicised by way of a Site Notice displayed near the site, expiring **11 August 2022**, by advertisement in the local newspaper expiring **11 August 2022** 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 **11 August 2022**.

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.

Town/Parish Council – No objections

CDC Conservation - The slight change to this application does not cause damage to the significance of the designated heritage asset. However there are a number of conditions required as not all information has been submitted that are necessary to protect the heritage asset. These are:

Prior to the commencement of works to the roof, full details of the roof design, including a method statement and section plan detailing how new fabric will sit alongside retained historic fabric, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be undertaken in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Prior to the construction of the extension hereby approved, samples of the brick and tile to be used in the construction of the walls and roof of the development shall be made available to view on site and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Prior to the commencement of works to the roof, full details of the floor strengthening works for the loft conversion shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be undertaken in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Canal Trust –

The Trust has no comments to make on the proposal. However, the property was previously owned by the Canal & River Trust (formerly British Waterways) and may be subject of restrictive covenants. The Council is requested to place the following informative on any positive decision notice.

#### Informative

1. The applicant should contact the Trust's Estates Management Team on 0303 040 4040 to ensure that any necessary consents are obtained. The Work should comply with the Trust's 'Code practice for works affecting the Trust', details of which can be found at [Undertaking works on our property and our code of practice | Canal & River Trust \(canalrivertrust.org.uk\)](https://www.canalrivertrust.org.uk/undertaking-works-on-our-property-and-our-code-of-practice)

## 6. Relevant Policy and Guidance

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

- ESD 1 – Mitigating and Adapting to Climate Change  
Seeks to incorporate suitable adaptations measures in new development to ensure that development is more resilient to climate change impacts. *See page 85 of the CLP 2031 Part 1 for full details*
- ESD 6 – Sustainable Flood Risk Management  
Requires the submission of a Flood Risk Assessment (FRA) and demonstration that developments will be safe and remain operational (where necessary), and that surface water will be managed effectively on site and that the development will not increase the flood risk elsewhere. *See page 95 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*
- ESD14 – Oxford Green Belt  
Seeks to preserve special character and setting of Oxford and prevent ribbon development, urban sprawl, the coalescence of settlements. Safeguards the countryside from urban sprawl and seeks urban regeneration by recycling derelict and other urban land. Development within the Green Belt assessed against the NPPF and PPG. New residential development will also be assessed against Policies Villages1 and Villages 3. *See page 114 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.*
- ESD16 – The Oxford Canal  
Development controlled to protect and enhance the Oxford Canal which is a green transport route, has a significant industrial heritage and is a tourist attraction/major leisure facility. Biodiversity will also be protected along the Canal. Proposals to promote transport, recreation, leisure and tourism will be supported where appropriate. *See page 122 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.*
- C29 – Appearance of development adjacent to the Oxford Canal

All new buildings and extensions and alterations to existing buildings adjacent to the Oxford Canal Development shall be designed to a high standard which complement the traditional characteristics of the waterside setting. 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

### Impact on the Green Belt

According to the NPPF, *The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: ... the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

As a general rule, an extension with a floorspace of greater than 50% of that of the original dwelling, is considered to be disproportionate.

The replacement extension would be smaller than existing, and the dormer would not add floor space, and negligible volume to the house. As such the proposals would reduce the overall footprint and would improve the openness of the Oxford Green Belt.

Conclusion: Acceptable

### Design and impact on the listed building and character of the area

The existing rear extension appears to have been added some time in the late 80s or early 90s, and is clearly of modern construction. It adds nothing to the historic significance of the house.

The brick and clay tile extension proposed would be more sympathetic to the listed building in terms of size, scale, form and materials, than the existing modern rendered extension, and is considered to enhance the listed building.

The dormer would result in a small loss of historic fabric, but this would be minimal, and is considered to be acceptable as it allow the conversion of the loft space which in turn allows the restoration of the roof, which is in a poor state of repair with some unconventional repair works which are not sympathetic to the historic significance of the listed building.

In terms of size and design, and dormer would be very sympathetic to the listed building, being small and designed to match the existing tiny dormer to the front of the terrace.

The interior alteration of the attic wall compared to the application approved in 2018 is so minor that it would not affect the historic significance of the listed building. There are currently no walls or other subdivisions of the attic space, so the change in position of the internal walls proposed compared to the previous application would not affect the significance of the listed building.

On balance it is considered that the proposals would result in less than significant harm to the roof fabric, which is justified by the benefit of restoring the roof, and would enhance the rear elevation by replacing the extension with a more sympathetic one, and the overall result would be an enhancement of the listed building which outweighs the loss of a small amount of historic fabric to the roof.

The proposed post and rail fence is an appropriate form of boundary treatment in this rural location, and the picket gate would match the existing gates at 2 and 3 Canal Yard which is positive.

The Conservation Officer has no objections to the proposals, but suggested several conditions. These are the same as those imposed on the original application, and it is reasonable to re-iterate them on this new approval.

The alterations would not be noticeable from the public land to the front of the terrace, nor from the footpath to the south, and would not affect the conservation area or visual amenity of the area.

Conclusion: Acceptable

### **Residential amenity**

The dormer window would overlook the applicant's own garden, and would not significantly affect the privacy of the adjacent cottages.

The extension would be smaller and have less impact on the light and outlook of no. 2 than the existing extension.

It is considered that the proposals would not result in harm to residential amenity.

Conclusion: acceptable

### **Highway safety**

The proposals would add one extra bedroom, increasing from 2 -3 beds. However this would not significantly intensify the use of the site, and would not significantly affect Highways safety or convenience.

Conclusion: Acceptable

### **Flood Risk**

No.1 Canal Yard is located in Flood Zone 3. The Flood Risk assessment submitted as part of the Design and Access Statement states that the property was last flooded in 2007 when the River Cherwell burst its banks but has not been flooded again since new flood defences were installed further upstream. This Planning and Listed Building Consent Application relates to the proposed construction of a replacement rear extension, a new dormer in the thatched roof and other internal

alterations to No.1 Canal Yard. Since the total roof area of the building is reduced by these proposals, and floor levels will be no lower than existing, it is considered that there is no increase in the risk of flooding to the property or neighbours.

Conclusion: Acceptable

### **Protected species**

Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy ESD10 echoes Government guidance, requiring 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.

The Ecology Officer commented on the previous scheme and did not consider the submission of a protected species survey to be necessary. Further, she was unable to identify potential ecological enhancements. Conditions have been recommended with regard to lighting and storage of materials in accordance with local and national planning policies regarding biodiversity described above, as was done in the previously approved application.

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

The proposals would not harm the significance of the listed building, the character or appearance of the conservation or street scene, would not harm residential amenity or Highways safety or convenience or biodiversity. It would enhance the openness of the Green Belt, by reducing the bulk and footprint of the building.

The only amendment since the same proposal was approved in 2018 is to the position of a proposed stud wall, and this is considered to be a very minor alterations to the proposals.

The appraisal above, which is informed by the policy and guidance set out in section 6, does not identify any material planning issues which compromise the acceptability of this application. 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 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: Location and block plans, proposed drawings 21184(PL)113A, 21184(PL)114A, 21184(PL)115A, 21184(PL)116A and the Flood Risk Assessment and the Design and Access and Heritage Statement submitted with the application.

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.

3. Prior to the erection of the gate, gateposts and the post and rail fence, full details including colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected and maintained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development 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. Prior to the construction of the extension hereby approved, samples of the brick and tile to be used in the construction of the walls and roof of the development shall be made available to view on site and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development 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 construction work shall take place on site outside of daylight hours.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. No materials shall be stored within 8 metres of a watercourse.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### Informatives

The freehold of the site is owned by the Canal and River Trust. The applicant/developer is advised that the consent of the Trust will be required for the works proposed. For further details and advice on this matter please contact David Faull Estates Surveyor ([David.faul@canalrivertrust.org.uk](mailto:David.faul@canalrivertrust.org.uk)).

Case Officer: Catherine Harker

DATE: 07/09/22

Checked By: Paul Ihringer

DATE: 7/9/22

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