

**Case Officer:** Sarah Greenall

**Recommendation:** Refuse

**Applicant:** Mr Ryan Breslin

**Proposal:** Erection of a double garage to the front of the dwelling to allow for overnight parking spaces (resubmission of 22/00332/F)

**Expiry Date:** 24 August 2022



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

The application relates to a large parcel of land that is currently under construction for a replacement two storey dwelling. The site is not located within the Sibford Gower with Burdrop Conservation Area; however, it is located to the edge of the Conservation Area and forms part of the setting of the conservation area.

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

Planning permissions is sought for the erection of a double garage to the front of the dwelling to allow for overnight parking spaces. The application is a re-submission of a previously refused scheme (ref: 22/00332/F). The building would have a mono-pitched roof design with the tallest section measuring approximately 3.4 metres in height dropping to approximately 2.7 metres. It would be finished with stone walls and a green roof and would be located to the front of the dwelling towards the south west corner of the site.

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

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

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

**Application: 21/03450/F** Permitted 6 December 2021

RETROSPECTIVE - Two storey detached replacement dwelling, with semi-basement

**Application: 22/00332/F** Refused 30 March 2022

Erection of a double garage to the front of the dwelling to allow for overnight parking spaces

The previous 2022 application was refused on the grounds that the proposed garage would result in a visually incongruous form of development that would adversely affect the character and appearance of the area and would result in harm to the significance of heritage asset through the change that would occur to its setting.

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

This application has been publicised by way of a Site Notice displayed near the site, expiring **12 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 **12 August 2022**.

The comments raised by third parties are summarised as follows:

- One comment generally supporting development but concerns that the garage would be used for additional accommodation
- Proposed plans do not overcome the previous reason for refusal
- Site is adjacent to the conservation area
- Out of keeping with local context and negative impact on streetscene and general openness

## 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.

Sibford Gower Parish Council: Objection on the grounds that it would be out of character with the urban grain previously referenced which does not identify built features in a front garden, it would have an impact on the streetscene by reducing the general sense of openness, and concern it would be extended or used for additional accommodation in the future.

Environmental Health (CDC): No comments to make with regards to the application.

Archaeology (OCC): No objections.

Local Highways Authority (OCC): no objections.

## 6. Relevant Policy and Guidance

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

- PSD1 – Presumption in favour of Sustainable Development  
*See page 36 of the CLP 2015 for full details.*
- SLE 4 – Improved Transport and Connections  
Requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. *See page 55 of the CLP 2015 for full details*
- 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 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)

- C23 -Retention of features contributing to character or appearance of a conservation area  
There is a presumption in favour of retaining buildings trees, walls and other features that make a positive contribution to the character and appearance of a conservation area. *See page 117 of the CLP 1996 for full details*
- C28 – Layout, Design and External Appearance of New Development

New development required to have standards of layout, design and external appearance sympathetic to the character of the urban or rural context of that development. See page 120 of the CLP 1996 for full details.

- C30 – Design of New Residential Development  
Development should be compatible to the scale of the existing dwelling, its curtilage and the character of the street scene. Development should also provide acceptable standards of amenity and privacy. See page 120 of the CLP 1996 for full details.

#### Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

## 7. Appraisal

### Design and impact on character of the area

While the site is not located within the Conservation Area, it is immediately adjacent – the latter does run directly along the western boundary of the site and continues along to the south. As such, the site is considered to contribute to the setting of the conservation area.

The area is characterised by properties being set significantly back from the road with large front gardens to the front. It has a staggered line of building frontages which looks to have influenced the design and placement of the main dwelling previously approved. The area particularly benefits from a sense of openness which is considered to be an attractive feature of this area of the village and adjoining conservation area.

It is noted that there are no other significant built features within the front garden of properties within this area of the village, and as such the proposed scale and location of the garage is considered not to be in keeping with the character of the area, nor would it preserve or contribute positively to the setting of the surrounding conservation area.

Further to this, a previous appeal for a car port in the front garden of a close by property within this area of the village was dismissed in 2008 (APP/C3105/A/08/2080351) as it was considered to be out of keeping with and compromise the areas general sense of openness and would cease to be in harmony with the open adjoining conservation area.

While it is acknowledged that the design of the garage has been amended since the previous submission (ref: 22/00332/F) with a reduction in the overall height of the building, which allows it to be better screened from the front boundary, the garage would still be visible and apparent from the public domain, especially when viewed from the west of the site. It is therefore not considered that the amendments overcome the issues outlined in the previous application.

#### Conclusion:

It is considered that, by reason of its scale and siting, the proposal would result in a visually incongruous form of development that would adversely affect the character and appearance of the area and would result in harm to the significance of heritage asset through the change that would occur to its setting.

### **Residential amenity**

The generous size of the plots in this area would result in the proposed garage being set significantly away from any surrounding properties. As such, it is not considered there would be any detrimental impacts on the light, outlook or privacy amenity of any surrounding occupiers.

Conclusion:

The proposals are considered acceptable in this regard.

### **Highway safety**

The access to the site would remain unchanged and the proposal would allow an adequate number of car parking spaces within the proposed garage for a property of this size. It is therefore not considered the proposals would result in any detrimental impacts on the local highway network in highway safety terms.

Conclusion:

The proposals are considered acceptable in this regard.

### **Neighbour comments**

It is noted that some of the concerns raised were with regards to the ongoing construction of the site, which is not a material planning consideration. Further to this, it is noted that concern was also raised about the possibility of moving or extending the garage at a later date. Planning permission would, however, be required for this and it would be assessed accordingly were plans to be submitted in the future.

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

For the reasons set out above, the proposal would result adversely affect the character and appearance of the area and the significance of the adjacent heritage asset through change to its setting. The proposal is thus contrary to Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996.

In the absence of any material considerations to outweigh this harm, the proposals are not considered to be sustainable development and, in accordance with Paragraph 11 of the NPPF, planning permission should be refused.

## **9. RECOMMENDATION**

That permission is refused, for the following reason(s):

1. By reason of its scale and siting the proposed garage would result in a visually incongruous form of development that would adversely affect the character and appearance of the area and would result in harm to the significance of heritage asset through the change that would occur to its setting. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Sarah Greenall

DATE:

Checked By: Nathanael Stock

DATE: 20.08.2022

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