

**Case Officer:** Catherine Harker

**Recommendation:** Approve

**Applicant:** Mr Kirkman

**Proposal:** Internal and external alterations to an existing detached dwelling including Internal layout changes, remodelling of the front entrance porch, new dormer windows to front of main house, conversion of existing attached barn to an annex/studio and construction of a new detached garage/workshop and site landscaping

**Expiry Date:** 12 July 2023



## 1. Relevant Features of the Site

The site is partially within Flood Zones 2 and 3, although none of the buildings are within the area at risk of flooding.

The building is a hodgepodge of materials and building styles, with no real clear overwhelming character. The building was a dwelling until converted to a restaurant (Rigiletto) in 1984, and was then converted back to a dwelling earlier this year.

Various alterations were made during its time as a restaurant, but these were not cohesive in design, but merely contrived alterations to achieve particular ends, such as managers flats, new reception area etc. These alterations have led to the house having 2 entrances – the original porch entrance to the east elevation, and another to the south.

Due to its previous use as a restaurant, the site has parking for at least 9 cars. The site is set well back from the road, behind soft planting.

## 2. Description of Proposed Development

It is proposed to make various alterations to tidy the site and create a slightly more cohesive design. This would include changes to the porch, new dormer windows and some changes to the cladding and render of the building. Convert the barn area previously used for storage and restaurant offices to a granny annex and construct a new detached garage workshop. Changes to the layout of the driveway.

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

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

23/00299/MA56 – Conversion from restaurant to dwelling – Prior Approval Not Required

22/02011/PREAPP – conversion of restaurant to dwelling

The applicant was notified that the principle of converting the restaurant to a dwelling was sound.

### 4. Response to Publicity

This application has been publicised by way of a Site Notice displayed near the site, expiring **29 June 2023**, 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 **14 July 2023**.

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 comments received

OCC Highways – No objections.

The dimensions of the extended access road are consistent with the dimensions of the existing access road. The proposed construction of the garage and workshop is sufficient for the storage of vehicles and cycles.

Overall, this proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience. Therefore, OCC do not object to the granting of planning permission.

### 6. Relevant Policy and Guidance

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

- 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 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*
- 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.*

#### 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

### Principle

The annexe proposed is intended for the applicant's father in law and is not proposed as a separate dwelling. This is acceptable in planning terms, but a condition to ensure that it cannot be let or sold separately will be imposed.

### Design and impact on character of the area

The alterations to the barn to form an annexe would involve installing and re-installing doors and windows, and re-cladding the building. The building would retain its rural agricultural character and would remain subservient in size and appearance to the main dwelling.

The cladding would continue around the side of the dwelling, covering the (very) artificial stone to the existing single storey extension.

Whilst timber cladding is not usually considered an acceptable addition to dwellings in the district, the barn is already timber clad, and whilst the dwelling is not, the new cladding to the south and west elevations would not be visible from the road to the north.

The dormers on the east elevation are reasonably small, and subservient to the dwelling. The design is not ideal, since they would rise straight up from the wall, rather than being set within the roofslope, which has a somewhat incongruous

appearance. However, due to their orientation, facing east, compared to the road to the north, and the screening and speed of the road, it is considered that they would not be noticeable from the road and would not harm the visual amenity of the area.

The louvre window between the 2 dormers would be slightly incongruous in design, but again would not be readily visible from the road and would not harm the visual amenity of the area.

The porch would be reasonably subservient to the dwelling and would not harm the dwelling compared to the existing porch.

The existing flat roofed extension behind (to the west) the conservatory, would have a higher parapet wall, so that it forms a better visual link between the conservatory and single storey pent roof extension to the west. It is considered that this minor alteration would improve the character of the building by combining these currently disparate elements.

A small, terraced area is proposed around the conservatory, which would not significantly alter the appearance of the dwelling and would not harm the visual amenity of the area.

Some minor alterations are proposed to the existing fenestration, such as reinstating a window on the north elevation and changing a window to the door on the south elevation, but these are not considered to harm visual amenity.

The proposed garage would be approx. 7m x 12m x 6m high. This is quite large, but it would still be subservient to the much larger sprawling dwelling, and would not be readily visible from the road, being screened by the host dwelling, attached barn and neighbouring buildings. It would not harm the visual amenity of the street scene.

The alterations to the driveway would not harm the visual amenity of the area.

The applicant has plans to install solar panels to the roof of the annex and garage, which would not require planning permission, and is considered acceptable in visual terms.

Conclusion: Acceptable

### **Residential amenity**

A window would be re-instated in the north elevation, facing toward a neighbours' lawn. However, this would be obscure glazed, and would not significantly increase overlooking compared to the existing windows on this elevation.

The existing window to the master bedroom would be converted to a door, accessing onto the flat roof with parapet wall around. The western most edge of this terrace would be around 20m from the boundary with the neighbour to the west, Rectory Farmhouse, whose boundary is marked by a wall and high dense hedge, with trees within the garden. It is considered that the distance and screening would mean that the terrace would not result in a significant loss of privacy to the house or garden of Rectory Farmhouse.

The proposed garage would be adjacent to the boundary with Rectory farmhouse, but would be 22m from the house, and would not result in a significant loss of light or outlook to the house. The rooflights would face the sky and would not result in significant overlooking.

The new windows and doors to the annex would face onto the applicant's own yard and would not affect the privacy of the neighbours.

Conclusion: Acceptable

### **Highway safety**

The alterations to the driveway are proposed to try to emphasise the original front of the house, and to encourage delivery drivers etc to knock on the correct door. They would not change the access or parking for the site, and OCC Highways has no objections to the alterations proposed.

Conclusion: Acceptable

### **Flood Risk**

Part of the site is within flood risk areas 2 and 3, and the applicant has submitted a comprehensive Flood Risk Assessment. However, the house, annexe and proposed garage/workshop would not be within the areas at risk of flooding. The mitigation measures are still recommended, and the FRA has been included in the plan condition.

Conclusion: Acceptable

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

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 flood risk assessment, and the following approved plans: Location and proposed site plans, proposed drawings 2305 115A, 2305 116, 2305 117, 2305 121, 2305 122, 2305 123 and 2305 125.

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. The barn annex hereby approved shall be occupied solely in conjunction with and ancillary or incidental to Stoney Brook House and shall not be sold, leased or occupied as a separate unit of accommodation.

Reason – To ensure that the accommodation hereby approved may not be changed to a dwelling or business separate to the host dwelling, without the required amenities for such a use, in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2031 and Government guidance contained within the National Planning Policy Framework

Case Officer: Catherine Harker

DATE: 11/07/23

Checked By: Paul Ihringer

DATE: 12/7/23

---