

Case Officer: Rebekah Morgan

Recommendation: Approve

Applicant: Mr Stephen Quinn

Proposal: Detached garage with one bedroom Annexe in roof space for the incidental use of the property owner.

Expiry Date: 22 September 2023

1. Relevant Features of the Site

- Part of the site lies within a Grade II Registered Park and Gardens (Middleton Park - List Entry: 1001405, Registered Date: 29/10/1998).
- There are Grade II Listed Buildings within the vicinity of the site.
- The site is identified as to contain potentially contaminated land.
- The site is within 2km of a Site of Special Scientific Interest (SSSI) – Adley Trackways.
- The site is within an Archaeological Alert Area – Middleton Stoney Historic Core.
- Notable and protected species are highlighted within the constraints data.

2. Description of Proposed Development

The application seeks consent for an outbuilding measuring approximately 13m (w) x 9m (d) with an overall height of 6.1m. The floor plans show a garage and workshop area on the ground floor and residential accommodation on the first floor. The proposal includes an external staircase to access the first floor.

The drawings show the building would be finished in a combination of brick and timber cladding with a tiled roof.

3. Relevant Planning History and Pre-Application Discussions

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

06/01979/F: Resubmission of 06/01416/F - Demolition of existing dwelling and front boundary wall and erection of 1 no. new dwelling, garage block and detached swimming pool building, and new front boundary wall (as amended by revised plans received 24.04.07). APPROVED.

07/02000/F: Retrospective - Erection of new house and swimming pool enclosure (Amendments to 06/01979/F). APPROVED.

08/00816/F: Reconfiguration of rear fenestration and resiting of pool room approved under 06/01979/F & retention of front boundary wall. (as amended by drawing numbers: 0804/100A, 101A and 103A received 20/06/2008 and in accordance with drawing number 0804/102 received 26/03/2008). APPROVED.

08/02026/F: Rear extension to existing dwelling. REFUSED.

09/00508/CLUP: Certificate of Lawful Use Proposed – Conservatory to rear. APPROVED.

10/01576/F: Variation of Condition 9 of Planning Permission 08/00816/F – to keep the front wall the same. APPROVED.

11/00291/F: Side and rear extension. APPROVED.

11/00292/F: Changes to design of pool building approved under 08/00816/F and adjustment of position. APPROVED.

12/00011/NMA: Non Material Amendment to 11/00292/F – Re-siting of plant room and high level glazing of north west and south east gable. APPROVED.

4. Response to Publicity

This application has been publicised by way of a Site Notice displayed near the site, expiring **8 September 2023**, by advertisement in the local newspaper expiring **3 August 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 **8 September 2023**.

The comments raised by third parties are summarised as follows:

- Impact of construction noise and smell
- Impact of construction traffic
- Timing of construction should be limited to week days

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.

MIDDLETON STONEY PARISH COUNCIL: No objection.

HISTORIC ENGLAND: Advise to seek the views of your specialist conservation and archaeological advisers.

OCC HOGHWAYS: No objection, the proposal is unlikely to have a detrimental impact on the highway in terms of safety or convenience.

OCC ARCHAEOLOGY: No objection, subject to the conditions recommended. The site lies within an area of archaeological interest, therefore conditions are recommended to ensure archaeological monitoring and recording (watching brief) is maintained during construction.

CDC CONSERVATION OFFICER: Due to the existing screening, comprising built form, and the distance between the application site and the listed buildings, there would not be any inter-visibility between the heritage assets and the proposal and as such the setting of the listed buildings would be preserved.

CDC ENVIRONMENTAL PROTECTION: No comments on this application.

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.

- 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)

- 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.*

Mid-Cherwell Neighbourhood Plan

- PD5 – Building and Site Design
New development should be designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. See *page 35 of the Mid-Cherwell Neighbourhood Plan for full details.*
- PH6: Parking facilities for existing dwellings
Applications to alter or extend an existing dwelling that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall parking provision retained on site is satisfactory and will not exacerbate existing difficulties with on-street parking in the locality. See *page 46 of the Mid-Cherwell Neighbourhood Plan 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 and impact on heritage assets

The proposed building would be located at the end of the driveway, to the side/rear of the existing dwelling and would not be clearly visible from the public domain. The design and materials are in keeping with the other buildings on the site and therefore the proposed design of the building would fit well within the context of the site.

The main site is immediately adjacent to a Grade II Listed Park and Garden (Middleton Park). The building is proposed to be located wholly within the residential curtilage of Villiers Park House and the existing boundary wall remains unchanged,

however, a very small amount of the proposal falls within the Grade II Registered Park and Garden because its definitive boundary does not follow the existing boundary walls at the rear of the site.

The proposed building would be visible from within Middleton Park; however, it would be viewed within the context of the existing residential development and would not impact on the wider views of the Registered Parks and Garden. The building would be positioned behind an existing boundary and would not appear to encroach upon the Registered Park and Garden. To proposal would not cause harm to the Grade II Registered Park and Garden.

There are some Grade II Listed Buildings within the vicinity of the site. Due to the location of the proposed building, it would not detrimentally impact on the setting of the Listed Buildings.

The site lies within an Area of Archaeological Interest. An archaeological watching brief was carried out during the construction of the main dwelling in 2007 which recorded pits and a large amount of pottery. The County Council Archaeologist has these finds may have related to a medieval settlement and it is possible that the proposals will disturb further remains relating to the medieval settlement of Middleton Stoney. Therefore, conditions have been recommended to ensure archaeological monitoring and recording (watching brief) is maintained during construction.

Conclusion: Acceptable

Residential amenity

The proposed building would be situated at the end of the existing driveway adjacent to the boundary with the neighbouring property. The building would be positioned approximately 25m away from the neighbouring property.

The main first floor windows on the new building are in the southwest elevation facing the applicant's own garden. The northwest elevation would contain rooflights and doors that open to allow additional light (at first floor level), however with the existing boundary treatment (high hedge) and the distance between the properties, this would not result in harmful overlooking.

The neighbour has raised concerns regarding the potential disruption from building work and requested limitations of time/days of work. This is a small project and there is existing environmental health legislation that would deal with unacceptable nuisance from building work. I do not consider it necessary or reasonable to restrict working hours any further.

The proposal includes ancillary accommodation at the first-floor level. The use of this can be conditioned to ensure the accommodation is used in conjunction with the main dwelling to ensure the relationship between the ancillary accommodation and the main dwelling remains acceptable.

Conclusion: Acceptable

Highway safety

The existing property has suitable vehicular and pedestrian access. There is sufficient space within the site for the parking and manoeuvring of vehicles. The proposal provides additional garaging on the site.

The Local Highway Authority has raised no objections to the application and advised the proposal is unlikely to have a detrimental impact on the highway in terms of safety or convenience.

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 the following approved plans:

- Site Location Plan
- Drawing number VILLIERS/SITE/01 Rev A – [Block Plan]
- Drawing number VILLIERS/01 Rev A – [Floor Plans]
- Drawing number VILLIERS/02 Rev A – [Elevations]

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. A schedule of materials and finishes to be used in the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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 take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

5. Within six months of the completion of the archaeological work, carried out in accordance with the written scheme of investigation approved pursuant to condition 4, the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval, an archaeological archive report comprising a post-excavation assessment and analysis.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

6. The first floor annexe hereby approved shall be used solely as ancillary accommodation to the existing dwelling house and as such shall not be sold, leased or used as an independent dwelling unit.

Reason - In order to safeguard the character of the area and the living conditions of existing and future and neighbouring residents and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. That, notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) and its subsequent amendments, the garaging area shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway and in order to safeguard the character of the area and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Rebekah Morgan

DATE: 31/10/2023

Checked By: Paul Ihringer

DATE: 1/11/23
