

Case Officer: Lewis Knox

Recommendation:

Applicant: Mr and Mrs Fletcher

Proposal: Demolition of existing dwelling and erection of replacement dwelling and outbuildings

Expiry Date: 2 November 2023

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a large, detached dwelling constructed externally from ironstone. The existing dwelling is of particular architectural merit with an interesting curved design which allows the benefit of the panoramic views of the valley to the west of the site. Originally constructed as a replacement dwelling in the early 2000s it is already showing signs of degradation from poor construction and maintenance.
- 1.2. The site is located just to the north of Sibford Gower along Pound Lane and has the B4035 running just to the north. Access from Pound Lane is shared with Handywater Farm although it does benefit from a private driveway beyond the initial access.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the demolition of an existing substandard dwelling and erection of a replacement dwelling within a similar footprint.
- 2.2. The application was subject to an amended site location plan received 3.11.2023 which amended the red line to accurately depict the extent of the site (and residential use).

3. RELEVANT PLANNING HISTORY

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

Application: 06/00313/F Permitted 13 April 2006

1 No, dwelling to replace existing.

Application: 22/01576/F Permitted 17 August 2022

Removal of existing barn/shed, remodelling of front entrance, window replacement and creation of a new two-storey extension and associated soft landscaping

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

Demolition of existing dwelling and erection of replacement dwelling

- 4.2. A future planning application for the proposals could be supported subject to (1) appropriate materials being used externally in construction which are in keeping with the local character and (2) further details being provided regarding the substandard construction of the existing dwelling.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **3 October 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 **3 October 2023**.

- 5.2. The comments raised by third parties are summarised as follows:

- Scale of the replacement dwelling far exceeds the existing

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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 COUNCIL

- 6.2. **Sibford Gower Parish Council:** Raised no objections

OTHER CONSULTEES

- 6.3. **OCC Highways:** Raised no objections
- 6.4. **CDC Building Control:** Building regulations application required
- 6.5. **Landscape Services:** No comments 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
- SLE 4: Improved Transport and Connections
- BSC 2: The Effective and Efficient Use of Land
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H17: Replacement dwellings
- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

7.3. 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)

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
- Add others as appropriate/relevant

Principle of Development

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan (or other part of the statutory Development Plan) should be refused

unless other material considerations indicate otherwise (para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015. The District can currently demonstrate a 5-year supply of deliverable sites. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.

- 8.5. Within the adopted the Cherwell Local Plan 2011-2031 ('CLP 2015'), new rural housing is first directed to within the districts most sustainable settlements where in accordance with Policy Villages 1. However, the site is clearly located within the open countryside and therefore stands to be assessed against Saved Housing Policies of the CLP 1996, which allows for new isolated dwellings in certain cases, in particular H17 (Replacement dwellings) and H18 (New dwellings in the countryside).
- 8.6. Saved Policy H17 of the CLP 1996 relates to the replacement of an unfit or substandard dwelling in the countryside. Some evidence has been submitted within the application documents to demonstrate that the existing dwelling fits this criterion, mainly that due to the dwelling's substandard construction the current occupiers have suffered several health issues as a result of black mould. Having visited the site it was clear that the property is not in the best repair, and despite its relatively short life (25 years) the dwelling is beginning to show issues of degradation, on this basis it is considered that the proposal does not conflict with this particular criterion of Policy H17.
- 8.7. Saved Policy H17 allows for the replacement of dwellings subject to its proposed replacement being similar in scale and within the same curtilage and that it accords with other policies within the development plan. However, the protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted.
- 8.8. The principle of a dwelling of broadly the same siting as the existing dwelling and of not significantly greater scale – as is the case here – would be broadly consistent, and not in significant conflict, with Policy H17 of the 1996 Plan. Matters of scale and landscape impact bare relevance here regarding the proposal's acceptability in general sustainability terms i.e. against the provisions of H17. These matters, and other material considerations, are discussed in more detail below.

Design and Impact on the character of the area

- 8.9. As noted above, the replacement dwelling as proposed in this application submission would be set largely on the same footprint as the existing dwelling which it would replace albeit that the footprint would be more linear than the existing curved dwelling.
- 8.10. The existing dwelling is detached from surrounding villages or other dwellings. It is accessed via a shared access which leads to Handywater Farm although from this shared access the site does benefit from a private narrow driveway which leads to the dwelling and garage. Passers by are likely to be limited mainly to walkers and farm traffic. There are views of the building across the valley from the west and into the neighbouring West Oxfordshire District; however, the distances involved mean that the building is not readily visible in most vistas.
- 8.11. The existing dwelling is of a particularly interesting architectural quality with the curved walls lending itself to the panoramic view of the valley to the rear. Whilst it would be a shame to lose the unusually styled existing dwelling, it is in some respects showing its age and the finer detailing of the property has not been executed to the highest of standards.

- 8.12. The proposed dwelling would be set in approximately the same position as the existing dwelling and as such would be set back from the front boundary of the site. It would be further obstructed from view by the existing mature and thick vegetation to the front boundary of the property which would be retained as part of the proposals. Views from public domain would be further obscured by the existing garage outbuilding and the proposed replacement outbuilding which would be largely set in front of the new dwelling.
- 8.13. The replacement dwelling would have a slightly greater height in places than the existing dwelling, but this would have a negligible impact on the visual amenity of the area and the wider landscape. It would be of a similar scaled footprint to the approved replacement dwelling and would not appear significantly larger than the existing dwelling due to land levels and orientation. Furthermore, where the dwelling can be seen from across the valley to the west, the marginal size difference of the main dwelling would not be readily noticeable.
- 8.14. Its scale and form are considered to be acceptable and as such it would be suitable to replace the existing dwelling. The replacement dwelling would be a more modern linear design with emphasis on vertical pillars separating different sections of the dwelling and the glazing between. Alterations have been made since the pre-application, rearranging its configuration to add some visual interest. The plans associated with this application are considered to be acceptable for this location and would result in an overall improvement to the character of the area through the replacement of a substandard dwelling.
- 8.15. Officers had major concerns over the proposed use of limestone bricks in the construction of the replacement dwelling at the time of the pre-application enquiry and these concerns were communicated in our response. Limestone is a prominent material in the south of the district. Given this site's location to the north of the Cherwell District it was not considered that the proposed materials would retain or enhance the character of the locality and would not be supported. This application has taken the advice on board and has proposed a new materials palette for the site which is more in keeping with the locality.
- 8.16. The proposed limestone has been replaced by a mixture of Ironstone and reclaimed rubblestone to the elevations. Given that the dwelling as existing is an Ironstone build and therefore forms the character of the site it is a positive that this would be continued through the new construction.
- 8.17. The added use of reclaimed rubblestone would break up the Ironstone to create more visual interest to the dwelling and would accentuate the pillared design of the dwelling and would draw attention to the Ironstone structure which is to be seen as a positive design feature.
- 8.18. It is noted that the application does seek to reuse the ironstone in certain aspects of the development including the outbuildings and along the entrance wall and this is a welcomed detail within the proposals.
- 8.19. The proposals also include works to the existing outbuildings. The garage would sit on the same footprint as existing but would be improved to provide ancillary accommodation, there are no objections to this from a visual amenity point of view given the minimal external changes and the lack of views from outside of the site.
- 8.20. The other existing outbuilding would be removed and replaced with a new ironstone outbuilding set closer to the existing garage. It would be a similar scale to the existing outbuilding which it would replace but would be a more permanent

structure. Constructed from ironstone and with a scale and form similar to the neighbouring outbuilding, it is not considered that this would look out of place in this location.

- 8.21. The existing barn/garage located close to the access of the site would also be demolished and replaced with a more permanent garage structure. It is considered that the size and scale would be in keeping with the building which it would replace and as such would not have a significant impact on the character of this end of the site.
- 8.22. The barn to be replaced is constructed from corrugated metal and is dilapidated in its appearance. The new structure would be timber clad which is considered to be acceptable for an outbuilding of this type in a location which closely relates to the neighbouring farm.

Residential Amenity

- 8.23. The site is not located in close proximity to any other residential properties, with the nearest dwelling located at Handywater Farm to the north-east of the site.
- 8.24. The replacement dwelling and outbuildings would be of a scale similar to what is currently existing and as such there would not be any impact on the amenity of any nearby properties in terms of loss of light, loss of outlook or overbearing.
- 8.25. With no immediate neighbours there are no concerns regarding the levels of privacy in the locality.

Highway Safety

- 8.26. The site already benefits from an access from Pound Lane and there are no changes proposed to this access in this pre-application submission. The site also benefits from a substantial driveway and off-street parking area and this would remain sufficient for the replacement dwelling and any ancillary accommodation proposed.
- 8.27. OCC Highways were consulted on this application and raised no objections to the proposals, the access arrangements are unchanged. The vehicle movements from the site are not likely to increase significantly as a result of the proposed development, therefore it poses a minimal risk to highway safety.
- 8.28. The proposal outlines new garages for both the main dwelling and an annexe to provide up to 4 vehicle spaces. As the proposal makes use of existing land, that is likely to be used for parking, there would not be a significant increase vehicle parking on site and therefore is acceptable in this circumstance. The garages and outbuildings can also be used for cycle parking.
- 8.29. The LHA suggested a condition for a scheme for electrical charging at the site, however this is not deemed to be necessary as such charging points are a requirement of new dwellings through building regulations.

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. It is considered that the development assessed within this application, which contributes additional residential development in a location which accords with the Council's policies regarding replacement dwellings, would not cause significant harm to neighbour amenity or highway safety; and its design and scale is such that it would not significantly detrimentally impact on the visual amenities of the surrounding area, whilst providing standards of amenity which are considered acceptable.
- 9.3. As such, the proposals are considered to comply with the above-mentioned policies and the application is therefore recommended for approval as set out below.

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: Drawing No. EX GA 0050 Rev P2, PR GA 0052 Rev P1, PR GA 0500 Rev P1, PR GA 0501 Rev P1, PR GA 0502 Rev P1, PR GA 0503 Rev P1, PR GA 100 Rev P1, PR GA 1001 Rev P1, PR GA 1002 Rev P1, PR GA 1003 Rev P1, PR GA 2000 Rev P1, PR GA 2001 Rev P1, PR GA 2002 Rev P1, PR GA 2003 Rev P1, PR GA 2004 Rev P1, PR GA 2005 Rev P1, PR GA 2006 Rev P1, PR GA 2007 Rev P1, PR GA 2008 Rev P1, PR GA 2009 Rev P1, PR GA 3000 Rev P1, PR GA 3001 Rev P1, Planning Design and Access Statement August 2023, Preliminary Ecological Appraisal Report June 2023 and Nocturnal Bat Survey Report July 2023

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. No development shall commence above slab level unless and until a stone sample panel (minimum 1m² in size) has been constructed on site in natural ironstone, and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than 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.

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 natural rubblestone and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall not be laid, dressed, coursed and pointed other than 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. The garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area and to ensure the development is sustainable development in accordance with Policies BSC1, ESD1 and ESD 15 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. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Longview Pound Lane Sibford Gower OX15 5AE and shall at no time form a separate planning unit nor shall it be sold, leased, let or sub-let separately from the aforesaid dwelling.

Reason – In the interests of highway safety and because a new dwelling in this location would not be acceptable in principle and would be out of keeping with the character of the area and to comply with Policies BSC1, ESD1 and 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. No development shall commence above slab level unless and until full details of the enclosures along all boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected 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, 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.

Case Officer: Lewis Knox

DATE: 03.11.2023

Checked By: Nathanael Stock

DATE: 08.11.2023
