

# Householder Delegated Report



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## A. Application Details

<b>Application No.</b>	24/00374/F
<b>Site Address</b>	The Beeches, Heyford Road, Steeple Aston, Bicester, OX25 4SN
<b>Proposal</b>	Refurbishments, extensions & alterations to the existing dwelling, including new & replacement single storey rear extensions, proposed two-storey side extension to replace existing swimming pool wing, and proposed first floor front gable extension and enlarged dormer windows, along with a proposed replacement garage building and associated landscaping.
<b>Amended Plans</b>	The application relates to the submission of revised plans received on (08.04.2024) at 08:59hrs reference "23003-PL003-A". The revised plan amends the first-floor plan by reverting the previously proposed bedroom 6 to its existing use as a bathroom and as a non-habitable room to avoid the overlooking and loss of privacy to the adjacent neighbour at The Woodlands. The assessment and determination of this application is based on the amended plans.

## B. How the Application is Assessed

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The assessment below has taken into account all relevant policies within the development plan along with the material considerations related to the proposal.

## C. Relevant Planning Policy Documents and Considerations

### Development Plan

- [Cherwell Local Plan 2011-2031 Part 1](#) (CLP 2015)
- [Cherwell Local Plan 1996](#) (CLP 1996)
- [Mid-Cherwell Neighbourhood Plan](#) (MCNP)

### Material Considerations

- [National Planning Policy Framework](#) (NPPF)
- [Planning Practice Guidance](#) (PPG)
- [Supplementary Planning Guidance and Documents](#)
- [CDC Residential Design Guide 2018](#)
- [Cherwell Home Extensions and Alterations Design Guide \(2007\)](#)
- Site Constraints
- Planning History
- Neighbour/Consultation Responses

## D. Constraints and Relevant Planning History

<b>Constraints</b>	<ul style="list-style-type: none"> <li>• Trees</li> <li>• Ecology</li> <li>• Archaeology</li> </ul>
<b>Site history</b>	<p><b>Application: 03/00075/F</b> Permitted 29 May 2003</p> <p>Change of use of land to garden, dining room extension, enclosed swimming pool outbuilding and construction of a narrow gauge railway.</p> <p><b>Application: 03/01943/F</b> Permitted 31 October 2003</p> <p>Erection of a station pavilion and tractor shed</p> <p><b>Application: 05/00840/F</b> Permitted 17 June 2005</p> <p>Single storey rear extension.</p>
<b>Pre-application advice</b>	None sought.

## E. Summary of Responses

Below is a summary of the 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.

<b>Consultees</b>	<p>Steeple Aston PC - Consulted on (15.02.2024); no comments received.</p> <p>Arboriculture (CDC) – No objections subject to condition on existing trees to be retained</p> <p>Archaeology (OCC) - No Thank you for consulting us in connection with this application. The site is in an area of archaeological interest; however, the proposals will have limited new below ground impacts, and therefore, there are no archaeological constraints to this scheme.</p> <p>Building Control (CDC) - The proposals will require a Building Regulations application and the fire strategy will need to reflect the guidance in Approved Document B</p> <p>Ecology (CDC) – (Original comments) The holding statement provided with the application states that a preliminary ecological appraisal (PEA) will be submitted. I cannot see that a PEA has been uploaded yet. Once this has been uploaded, please let me know so that I can review.</p> <p>(18/03/2024) - No objections subject a biodiversity enhancement plan including bird/bat bricks and log piles, protection of existing trees to be retained, all vegetation clearance, if external lighting is to be installed; it should follow the BCT guidelines for lighting for developments and informative on bats and badgers.</p> <p>Mid Cherwell Neighbourhood Forum - Consulted on (15.02.2024); no comments received.</p>
<b>Neighbours</b>	No comments have been raised by third parties.

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## F. Appraisal of Application

In order to be acceptable, the application needs to be assessed against the following topics:

**Impact on Character of Host Dwelling and Surrounding Area** –Policies: ESD15 (CLP 2015); C28, C30 (CLP 1996); CDC Residential Design Guide (2018); Cherwell Home Extensions and Alterations Design Guide (2007), NPPF;

The NPPF explains that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. The importance of **high-quality** responsive design also forms a central component of the policies of the development plan and local guidance.

Therefore, to be supported development proposals should meet the following design tests:	Y / N / NA
a) Does the development use external <b>materials to match</b> those on the existing dwelling?	<b>Y</b>
b) Is the <b>design in keeping</b> (use of similar style windows and architectural detailing, fencing/walling) with the host dwelling and the surrounding area?	<b>Y</b>
c) Is the development <b>in scale</b> with the existing dwelling, its curtilage and the character of the street scene?	<b>Y</b>
d) Is the extension <b>subservient</b> to the existing dwelling?	<b>Y</b>
e) For two storey side extensions, does the development <b>avoid a terracing effect</b> ?	<b>Y</b>
f) Is the development <b>consistent</b> with the <b>CDC Residential Design Guide 2018 and Cherwell Home Extensions and Alterations Design Guide (2007)</b> ?	<b>Y</b>

*Comments (if any): The proposed extensions are significant in scale. However, the existing dwelling is set well back from the highway positioned to the rear of The Woodlands and Orchard, which are also well set back from Heyford Road, and the proposal would not be readily visible from the public realm. The development mostly retains the existing footprint, with the significant part of the proposed extension at the first-floor level and to the rear of the existing dwelling. The materials would generally match the existing dwelling and are considered acceptable. Notwithstanding its significant scale, given its form, massing, design and detailing, it is considered that the proposal is well designed, would be in keeping with the character of the dwelling and would not have an impact so significant that warrants refusal of the application. The garage proposed replaces an existing garage in a similar location and given its scale, positioning and design, along with its proposed materials, it is not considered to have a significant impact. It would be in keeping with the site and its locality.*

Impact On Residential Amenity – Policies: ESD15 (CLP 2015); C30 (CLP 1996); CDC Residential Design Guide (2018), Cherwell Home Extensions and Alterations Design Guide (2007); NPPF	Y / N / NA
a) Does the proposed development <b>comply with the separation guidelines</b> of the CDC Residential Design Guide (2018) and Cherwell Home Extensions and Alterations Design Guide (2007)?	<b>Y</b>
b) Would the proposed development result in an <b>acceptable garden size</b> along with suitable <b>amenity and utility space</b> ?	<b>N/A</b>
c) Would the development <b>dominate</b> or have an <b>overbearing</b> impact upon any neighbouring garden or property?	<b>N</b>
d) Would the development result in an adverse degree of <b>overshadowing</b> or <b>loss of light</b> to a neighbouring property?	<b>N</b>

e) Would the development result in an adverse degree of <b>overlooking</b> to the any neighbouring residents	<b>N</b>
f) Would the development provide an <b>acceptable standard of living conditions for future occupiers</b> , including noise, privacy, daylight, outlook, air quality etc?	<b>Y</b>
g) Would the development adversely affect neighbouring non-domestic uses?	<b>N</b>
<i>Comments (if any): The proposals have the potential to impact on the approved new dwelling to the north, The Woodlands. However, following the amended first-floor plan which reverts the previously proposed bedroom 6 to its existing use as a bathroom and as a non-habitable room to avoid the overlooking and loss of privacy to the adjacent neighbour at The Woodlands, it is considered that the proposed development would not have any significant adverse impact on the residential amenities of the adjacent neighbour either through loss of privacy, light or outlook or through an imposing form of development. Given the spatial relationship and distances involved, the proposal would not adversely affect the amenities of the neighbouring dwelling to the east, Hillside. The proposed garage replaces an existing garage and would be set back from the adjacent neighbour than the existing garage. Although taller in height than the existing garage with an office within its roofspace, given its scale, design and spatial relationship with its closest neighbour at The Woodlands and the other neighbours in its vicinity, it not considered to have an adverse impact.</i>	

<b>Impact on Highway Safety – Policies: ESD15 (CLP 2015); NPPF</b>	<b>Y / N / NA</b>
a) Does the number of parking spaces, as a result of the development, comply with the OCC parking standard?	<b>Y</b>
b) If the parking area is to be altered, does the proposed <b>construction accord</b> with the OCC standard?	<b>N/A</b>
c) Does any new <b>access</b> proposed meet highway standing advice/OCC response (width, visibility splays etc)?	<b>N/A</b>
<i>Comments (if any):</i>	

<b>Impact on Archaeology - Policies: ESD15 (CLP 2015); NPPF</b>	
The site is known for archaeology or has the potential to impact on archaeology	
<b><u>Understanding the Impact</u></b>	<b>Y / N / NA</b>
a) Has the <b>application</b> submission <b>demonstrated</b> through a <b>proportionate</b> but thorough and systematic <b>heritage assessment</b> the <b>significance</b> of the archaeology that is present?	<b>N/A</b>
b) If so, is the assessment <b>sufficient</b> so as to understand the potential impact of the proposal on the significance of the asset?	<b>N/A</b>
<i>Comments (if any):</i>	
<b><u>Assessment of Harm and any Benefits</u></b>	<b>Y / N / NA</b>
Developments affecting archaeology will only be <b>permitted where they meet the following tests:</b>	
c) Has OCC Archaeology been consulted on the application?	<b>Y</b>
d) Did the consultation response advise that the development would <b>not have a harmful impact</b> on the archaeological features at the site?	<b>N/A</b>
e) If yes, have <b>conditions</b> been suggested to be imposed on any approval?	<b>N/A</b>
<i>Comments (if any): OCC Archaeology have confirmed that the site is in an area of archaeological interest, but that the proposals would have limited new below ground impacts, and therefore there are no archaeological constraints to this scheme.</i>	

Impact on Trees/Hedges / Landscaping – Policies: ESD10, ESD11, ESD13, ESD15 (CLP 2015) NPPF	Y / N / NA
a) if there are <b>mature trees</b> with a <b>high amenity value</b> that the proposed development is adjacent to or in <b>the Root Protection Area</b> of, will the development result in adverse harm to the tree or its loss?	N
b) Is the tree in a <b>conservation area</b> or protected by a <b>Tree Preservation Order (TPO)</b> ?	N
c) Do the <b>benefits</b> of the development <b>outweigh</b> the <b>loss</b> of the <b>tree</b> ?	N/A
d) Do any trees need to be potentially <b>protected</b> by a <b>TPO</b> ?	N
e) Would the development result in the <b>loss of landscaping/important hedgerows</b> that would help <b>screen/soften</b> the development/ <b>lessen the impact to neighbouring properties</b> ?	N
f) Does the development propose <b>appropriate landscaping</b> to help <b>screen</b> or <b>soften</b> the development?	N/A
g) Have you <b>proposed</b> any <b>conditions</b> to secure the <b>retention</b> or <b>protection</b> of trees of or planting of any trees/hedges/landscaping?	Y
<i>Comments (if any): The Council's Arboricultural Officer has responded to the application advising that the submitted AIA/TPP informs that the proposal does not require any trees to be removed, the site is not within a CA, with no trees subject to TPO and recommends a condition to ensure the trees on the site are protected throughout the development.</i>	

Impact On Ecology <sup>1</sup> – Policies: ESD10, ESD13, ESD15 (CLP 2015), NPPF	Y / N / NA
a) Does the site or proposed development <b>possess/impact</b> on any of the features where <b>protected species</b> are likely to be present (assessed against <u>Natural England's standing advice</u> ) and <u>where species are likely to be found</u> ?	Y
b) If Y, has a <b>protected species survey</b> been <b>submitted</b> ?	Y
c) If Y, Does the survey show a detailed consideration of ecological <b>impacts</b> , wildlife <b>mitigation</b> and the <b>creation, restoration</b> and <b>enhancement</b> of wildlife corridors to preserve and enhance <b>biodiversity</b> in accordance with the <b>standing advice</b> ?	Y
<i>Having considered Natural England's Standing Advice, the response of the Council's Ecology Officer and taking account the results of the survey, the proposal is considered acceptable in ecology terms subject to the conditions recommended by the Ecology Officer. These conditions relate to a biodiversity enhancement plan including bird/bat bricks and log piles, protection of existing trees to be retained, all vegetation clearance, if external lighting is to be installed; it should follow the BCT guidelines for lighting for developments and informative on bats and badgers.</i>	

## G. Conclusion

Given its siting, scale and design, I consider that the proposed development would be sympathetic to its context, would not adversely affect the character or appearance of the area or the living conditions of neighbouring occupiers, and would preserve the character and appearance and significance of the conservation area. The proposal would be acceptable in highway safety terms. The proposal therefore accords with the policies and considerations as set out at section F above.

## H. 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 not be carried out otherwise than in complete accordance with drawing titled "23003-L01-", "23003-L02-", "23003-PL001-", "23003-PL002-", "23003-PL003-A", "23003-PL004-", "23003-PL005-", "23003-PL006-" and "23003-PL007-"

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area, the significance of the Conservation Area and the living conditions of neighbouring residents and to comply with 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.

3. Except where clearly otherwise stated in the plans listed in Condition 2 of this permission, the materials, detailing and finishes to be used externally for the development hereby permitted, including windows and doors in addition to walls and roof, shall match in terms of colour, type, texture and design those used on the existing building and shall be retained as such thereafter.

Reason: Given its scale, and to deliver on the architectural quality of the proposed development, 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. Notwithstanding the details submitted, the development shall be constructed using traditional eaves and verge details with no fascias or barge boards.

Reason: Given its scale, and to deliver on the architectural quality of the proposed development, 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. All rooflights shall be of a design which, when installed, does not project forward of the general roof surface, that is, they shall fit flush with the plane of the roof into which they inserted, and shall be retained as such thereafter.

Reason: Given the scale and siting of the garage, to deliver on the architectural quality of the proposed 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.

6. No development shall take place until the existing tree(s) to be retained have been protected in accordance with the approved Tree Protection Plan Venners Arboriculture TREE SURVEY REPORT, IMPACT APPRAISAL & TREE PROTECTION DETAILS- Appendix 4 TPP unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and / or demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. Notwithstanding the details submitted, all removal of vegetation (including trees) should be undertaken outside of nesting bird season (March-August inclusive) unless the site is first checked by an ecologist immediately prior to vegetation removal.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. The development shall not be occupied unless and until the first floor windows in the northern and eastern elevations of the development shown in the plans listed in Condition 2 of this planning permission to serve bathrooms and/or en suites have been obscurely glazed using manufactured obscure glass that is impenetrable to sight (Level 3 or above only and not an applied adhesive film) and shall be permanently retained as such thereafter. The said windows shall also be fixed shut and non-opening unless those parts which can be opened are more than 1.7 metres above the floor of the space or room in which they are installed or in accordance with an alternative scheme which shall have first been submitted to and approved in writing by the local planning authority and shall be permanently retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. A method statement for enhancing the biodiversity for birds, bats and other species including log piles shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The biodiversity enhancement measures approved shall be carried out prior to the first occupation of the development in accordance with the approved details and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Notwithstanding the submitted details, no additional external lighting shall be installed on the building or within the site unless otherwise approved in writing by the Local Planning Authority.

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.

11. The garage and home office hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as The Beeches, Heyford Road, Steeple Aston, Bicester, OX25 4SN and shall at no time form a separate planning unit or be sold, leased or used separately from the aforesaid dwelling.

Reason – Because a new dwelling in this location would not be acceptable in principle and would result in an unsustainable form of development and would be out of keeping with the character of the area and in the interests of residential amenity and in the interests of highway safety and to comply with Policies BSC1, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## I. Authorisation

<b>Case Officer:</b>	<b>Michael Sackey</b>	<b>Date:</b>	<b>09.04.2024</b>
<b>Authorising Officer:</b>	<b>Nathanael Stock</b>	<b>Date:</b>	09.04.2024



Notes	
1	<p><b>Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006)</b> states that “every public authority must, in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.</p> <p>Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in <b>Conservation of Habitats and Species Regulations 2017</b>. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of <b>the EC Habitats Directive</b> which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.</p> <p><b>Under Regulation 43 of the Conservation Regulations 2017</b> it is a criminal offence to cause harm to a EPS and/or their habitats which includes damage or destruction of a breeding site or resting place. However, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:</p> <ol style="list-style-type: none"> <li>1) Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature?</li> <li>2) Is there any satisfactory alternative?</li> <li>3) Is there adequate compensation being provided to maintain the favourable conservation status of the species?</li> </ol> <p>In order for the local planning authority to discharge its legal duty under the Conservation Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing to authority has to consider itself the 3 derogation tests above.</p> <p>In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.</p> <p><b>Bats:</b> The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during implementation of this permission works must stop and advice must be sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.</p> <p><b>Badgers:</b> The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (&gt;200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must</p>