

Householder Delegated Report



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

A. Application Details

Application No.	24/01879/F
Site Address	North Arms Inn, Mills Lane, Wroxton, Oxfordshire, OX15 6PY
Proposal	Single storey kitchen extension; new and restored stone boundary walls
Amended Plans	Amended Plans received that reduce the height of the wall to Church Street and a boundary wall between the site and the neighbouring property, The Old Laundry.

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 <ul style="list-style-type: none">• Cherwell Local Plan 2011-2031 Part 1 (CLP 2015)• Cherwell Local Plan 1996 (CLP 1996)	Material Considerations <ul style="list-style-type: none">• National Planning Policy Framework (NPPF)• Planning Practice Guidance (PPG)• Supplementary Planning Guidance and Documents• Conservation Area Appraisal• Cherwell Residential Design Guide 2018• Cherwell Home Extensions and Alterations Design Guide (2007)• Site Constraints• Planning History• Neighbour/Consultation Responses
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D. Constraints and Relevant Planning History

Constraints	<ul style="list-style-type: none">• Conservation area• Listed building
Site history	22/03307/F - Change of use from public house to one dwelling (associated with approval 22/00256/F), internal and external alterations with Conversion of existing

	<p>outbuilding to ground floor garage with first floor ancillary accommodation – Approved</p> <p>22/00256/F - Change of use from public house to single residential dwelling – Approved.</p> <p>24/01880/LB - Single storey kitchen extension; new and restored stone boundary walls – Pending Consideration</p>
Pre-application advice	<p>23/03359/PREAPP – single storey glazed extension to former WC block</p> <p>Revised submission was considered to be acceptable in terms of the design, but windows/door openings needed revising. Limited neighbour impact and impact on the character of the area considered to be acceptable.</p>

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.

Consultees	<ol style="list-style-type: none"> 1. Clerk to Wroxton and Balscote PC – No response received regarding 24/01879/F but no objections to application 24/01880/LB 2. Conservation (CDC) – Original comments – Extension: The outline support at preapp was based on the extension being big enough for a table. The current proposal is longer than the preapp version by approximately 600mm. The proposed storage units look awkward running down the long side as it meets the kitchen units, the units to the gable would be neater on their own. <p>Condition: Sample walling Sample slate to match Welsh on side extension, blue clay ridge to match Rooflight detail – top hung fitted between the rafter Eaves detail including junction with existing extension/junction with boundary – avoiding a 'dead cat' space. Verge detail Joinery details for windows, include depth of recess, lintol detail and threshold RWGs to be black metal (detail to be shown on eaves details) – we also need details of how rainwater will be disposed to the west side of the extension. Detail of structural opening to be formed in existing extension</p> <p>Walls: They have added in increasing the height of the wall on the boundaries, can we have more information on the impact for the neighbouring properties, when I visited site there was site hoarding and the gate was blocked off. The 850mm wall to the east is to be increased to 2.4m – I can't see existing and proposed elevations?</p> <p>The wall to the south is to be increased to 1800 – how would this compare with the opposite wall – in terms of hierarchy, Wroxton Abbey should take precedence? 1800 would make the proposed door very short, a similar door has a frame and people would need to duck under this. I have no objection to it being raised to the same height as the adjacent wall – the gate should be no higher than the coping, this likely means there will be no frame to the top. At Tadmarton a wall was increased in height locally, to allow a useable door in the wall, I can't find a similar Wroxton precedent.</p>
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	<p>We need more information and if acceptable will need joinery details for the gate, including ironmongery/sample for the walling, quoins to opening, and coping.</p> <p>3. Conservation (CDC) – Final comments - Supports the amendments. Please refer back to suggested conditions</p>
Neighbours	<p>There have been 0 letters of objection</p> <p>There have been 0 letters of support</p>

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

The proposed extension is considered to be of a scale and design appropriate to the listed building and will preserve the character and appearance of the Conservation Area.

The proposals for raising the height of boundary walls have been amended. The wall to Church Street has been reduced in height from the originally proposed height due to the conflict with the hierarchy of the boundary walls in the area. It is considered that the boundary wall to Wroxton College (Grade 1 listed building) should take precedence. The height of part of the boundary wall between the site and The Old Laundry has also been reduced from the original submission. Officers were concerned about the overbearing impact of this on the living amenities of the neighbouring property.

Impact on Residential Amenity – Policies: ESD15 (CLP 2015); C30 (CLP 1996); Cherwell Residential Design Guide (2018), Cherwell Home Extensions and Alterations Design Guide (2007); NPPF	Y / N / NA
a) Does the proposed development comply with the separation guidelines of the Cherwell Residential Design Guide (2018) and Cherwell Home Extensions and Alterations Design Guide (2007)?	Y
b) Would the proposed development result in an acceptable garden size along with suitable amenity and utility space ?	Y

c) Would the development dominate or have an overbearing impact upon any neighbouring garden or property?	N
d) Would the development result in an adverse degree of overshadowing or loss of light to a neighbouring property?	N
e) Would the development result in an adverse degree of overlooking to the any neighbouring residents	N
f) Would the development provide an acceptable standard of living conditions for future occupiers , including noise, privacy, daylight, outlook, air quality etc?	Y
g) Would the development adversely affect neighbouring non-domestic uses?	N
The proposed extension is not considered to adversely affect the living amenities of the neighbouring property to the west due to the height and scale of the extension. No windows are proposed in the western elevation that would result in any additional overlooking of that property.	

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

Impact on Listed Building and/or its Setting - Policy: ESD15 (CLP 2015) and policies C18, C21 (CLP 1996), NPPF	Y / N / NA
Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.	
Assessment of the Impact	Y / N / NA
Proposals to alter or extend a listed building or development within its setting will be permitted where they meet the following tests :	
a) The proposal contributes to the preservation of the building and is not detrimental to its significance and would not result in the loss of any historic fabric	Y
b) The proposal is of an appropriate scale, form, massing and design and uses appropriate materials and methods of construction which are compatible with the character and construction of the listed building	Y
c) The proposal has regard to the historic layout of the listed building and other internal features of significance	Y
d) The proposal preserves the setting of the listed building	Y
Assessment of Harm and any Benefits	Y / N / NA
Having assessed the impact of the development above, assess below the level of harm being caused by the development	
e) The proposed development would result in no harm to the listed building and/or its setting	Y
f) The proposed development considered to result in less than substantial harm to the significance of the listed building and/or its setting?	NA
g) The less than substantial harm identified (such as loss of historic fabric or modest extensions or to its setting) would be outweighed by the public benefits of the proposal	NA

h) The proposed development is considered to result in substantial harm to the significance of the listed building and/or its setting?	NA
i) If substantial harm would be caused, has it been demonstrated that this is necessary to achieve substantial public benefits that outweigh harm or loss , or that the tests and considerations in the NPPF have been met?	NA
The development will not result in detriment to either the setting of the host building or the adjacent listed buildings	

Impact on Conservation Area and/or Its Setting - Policies: ESD15 (CLP 20151); C28, C30 (CLP 1996); Conservation Area Appraisal; NPPF	
Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.	
Assessment of the Impact Within a conservation area , proposals for development including alteration, extensions and change of use will normally be permitted where they meet the following tests:	Y / N / NA
a) the development would respect the character and appearance of the area in terms of, scale, form, massing, design, materials and detailing ; and	Y
b) preserve or enhance the significance of the Conservation Area and/or its setting; and	Y
c) in the case of an intensification of use the proposal would be in scale with and not harm the established character of the area .	NA
d) The proposal would not result in the loss of attractive buildings, walls, trees, hedges, open spaces and other features of importance to the significance of the area.	Y
e) The proposal is in accordance with the Conservation Area Appraisal	Y
Assessment of Harm and any Benefits Having assessed the impact of the development above, assess below the level of harm being caused by the development	Y / N / NA
f) The proposed development would result in no harm to the significance of the conservation area and any views into or out of it?	Y
g) The proposed development would result in less than substantial harm to the significance of the conservation area and any views into or out of it?	NA
h) The less than substantial harm to the conservation area or any views into or out of it caused by the development would be outweighed by the public benefits of the proposal?	NA
i) The proposed development is considered to result in substantial harm to the significance of the Conservation Area and/or its setting?	NA
j) If substantial harm will be caused, has it been demonstrated that this is necessary to achieve substantial public benefits that outweigh harm or loss , or that the tests and considerations in the NPPF have been met?	NA
The development will preserve the character and appearance of the Conservation Area	

Impact on Trees/Hedges / Landscaping – Policies: ESD10, ESD11, ESD13, ESD15 (CLP 2015) NPPF	Y / N / NA
a) if there are mature trees with a high amenity value that the proposed development is adjacent to or in the Root Protection Area of, will the development result in adverse harm to the tree or its loss?	N
b) Is the tree in a conservation area or protected by a Tree Preservation Order (TPO) ?	NA
c) Do the benefits of the development outweigh the loss of the tree ?	NA

d) Do any trees need to be potentially protected by a TPO ?	NA
e) Would the development result in the loss of landscaping/important hedgerows that would help screen/soften the development/ lessen the impact to neighbouring properties ?	N
f) Does the development propose appropriate landscaping to help screen or soften the development?	NA
g) Have you proposed any conditions to secure the retention or protection of trees of or planting of any trees/hedges/landscaping?	NA

Impact On Ecology¹ – Policies: ESD10, ESD13, ESD15 (CLP 2015), NPPF	Y / N / NA
a) Does the site or proposed development possess/impact on any of the features where protected species are likely to be present (assessed against <u>Natural England's standing advice</u>) and <u>where species are likely to be found</u> ?	N
b) If Y, has a protected species survey been submitted ?	NA
c) If Y, Does the survey show a detailed consideration of ecological impacts , wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity in accordance with the standing advice ?	NA
Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and their existence on the site is unlikely. As such no formal survey is required and the absence of which this does not result in a reason to withhold permission.	

G. Conclusion

Due to its siting, scale and design I consider that the proposed development would be sympathetic to the context of the development, would be compatible with the appearance, character, layout, scale and design of existing dwellings in the area, and would provide adequate standards of amenity and privacy for existing and/or proposed residents. 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

The application is recommended for **APPROVAL** subject to the conditions and reasons set out on the decision notice.

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 forms and documents and the following plans:

22070 SLP 20, 22070 P20A, P21, P22, and P23A

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. Prior to the commencement of the extension hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone to match the stonework on the existing building], which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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 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. Prior to the commencement of the extension hereby approved above slab level a sample of the slate and ridge tile to be used in the covering of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority. The slate shall match the Welsh slate and the ridge tile shall match the blue clay ridge on the existing side extension. Thereafter, the roof of the development shall be constructed in strict accordance with the approved samples.

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 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 rooflight hereby approved shall not be installed unless and until full details of the rooflight is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development 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. Prior to the commencement of the extension above slab level full details of the eaves and verges including the junction with the existing extension/junction with boundary and details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. All rainwater goods shall be black metal. Thereafter, the extension shall be constructed in strict accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development 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.

7. Prior to the commencement of the extension above slab level, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development 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.

8. Prior to the commencement of the extension above slab level details of how rainwater will be disposed of to the western elevation of the extension shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure the satisfactory appearance of the completed development 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.

9. Prior to the raising of the height of the boundary walls samples of the stone quoins and coping to be used in the boundary walls and details of the shall be submitted to and approved in writing by the Local Planning Authority. The stone shall be laid dressed and coursed to match the stone in the existing walls. Thereafter the development shall be carried out in accordance with the approved samples.

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 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.

10. Prior to the raising of the height of the boundary wall to Church Street full details of the gate hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development 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.

I. Authorisation			
Case Officer:	Shona King	Date:	02 10 2024
Authorising Officer:	Paul Ihringer	Date:	4/10/24

Notes	
1	<p>Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) 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 Conservation of Habitats and Species Regulations 2017. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of the EC Habitats Directive 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>Under Regulation 43 of the Conservation Regulations 2017 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"> 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? 2) Is there any satisfactory alternative? 3) Is there adequate compensation being provided to maintain the favourable conservation status of the species? <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>