

# Householder Delegated Report



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## A. Application Details

<b>Application No.</b>	24/02949/F
<b>Site Address</b>	Birch Hill, Burdrop, Oxfordshire, OX15 5RQ
<b>Proposal</b>	Replacement of windows and doors. Insertion of door and ramped access to south elevation. Insertion of Photovoltaic (PV) solar panels to east west and south elevations. Insertion of sun tubes to east and west elevations. Remove existing chimney.

## 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

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

<b>Constraints</b>	<ul style="list-style-type: none"><li>• Swift Hotspots</li><li>• Birds Nests in Buildings</li></ul>
<b>Site history</b>	<b>08/02363/F</b> - Side extension. Refused

	<p><b>09/00427/F</b> - Side extension to provide additional residential accommodation. Permitted</p> <p><b>11/01866/F</b> – Side extension. Permitted</p> <p><b>20/01929/CLUP</b> - Certificate of Lawfulness of Proposed Development for a thermally efficient, low energy dwelling that suits the owner's needs without needing to build a carbon costly extension. The proposed works subtly update the exterior of the building whilst ensuring that it is still in keeping with the surrounding buildings. Refused</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>Sibford Gower Parish Council – no comments or objections received</p> <p>Building Control (CDC) – no comments received</p>
<b>Neighbours</b>	No objections raised by neighbours.

## 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 <b>materials to match</b> those on the existing dwelling?	Y
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?	Y
c) Is the development <b>in scale</b> with the existing dwelling, its curtilage and the character of the street scene?	Y
d) Is the extension <b>subservient</b> to the existing dwelling?	Y
e) For two storey side extensions, does the development <b>avoid a terracing effect</b> ?	NA
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> ?	Y

*Comments (if any):*

*The application seeks planning permission to replace existing white uPVC windows and doors with new aluminium clad timber, triple glazed windows and doors. While a slightly different style is proposed, given the age of the dwelling and that in the surrounding area there are various examples of windows and doors it is not considered that this element of the proposal would cause harm to the existing character and appearance of the locality. In addition, the property's permitted development rights are intact, and the proposal could be carried out without the need for planning permission.*

*The proposed insertion of door and ramped access would be located to the side (south) elevation of the dwelling and would replace some of the existing grassed open side garden and would be adjacent to the already existing paved area to the west. The proposed ramped access would be visible from the public domain and might somewhat alter the character of the area; however, given a) the size of the plot the building is situated on b) property being located in the cul-de-sac area, and that c) the ramp would be set back from the highway (and as such would not appear overly dominant within the street scene), it is considered that this element would not adversely affect the character or appearance of the area and is therefore acceptable in this regard.*

*The proposed photovoltaic (PV) solar panels, that would be located to the east, west and south roof slopes of the application dwelling and garage, would be visible from the public domain and would have an impact on the character and appearance of the area. That said, given, the proposed panels would be installed flush within the roof structure (and as such would blend in more with the existing roof and remain more unobtrusive) and would not result in any increase in massing or bulk of the building, it is considered that the proposal would not appear demonstrably harmful within the street scene and therefore acceptable. In addition, regard is had what could be installed under the property permitted development rights ('the fallback position') in this case.*

*The proposed sun tubes to the east and west roof slopes of the dwelling are considered to be acceptable on the basis that they would constitute permitted development.*

*The application also proposes removal of existing chimney, which is regrettable, but it could be removed without the need for planning permission and as such is considered acceptable.*

*Therefore, overall, for the reasons set out above, neither the proposed replacement of windows and doors, or insertion of door and ramped access to the south, or installation of solar panels to the east, west and south roof slopes of the dwelling, or the proposed sun tubes and removal of existing chimney would have detrimental impact on the character or appearance of the area.*

<b>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</b>	<b>Y / N / NA</b>
a) Does the proposed development <b>comply with the separation guidelines</b> of the Cherwell 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>Y</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?	Y
g) Would the development adversely affect neighbouring non-domestic uses?	N
<i>Comments (if any):</i>	
<i>Given the nature of the proposed development, it is considered that the proposals would not have a significant impact on the amenities of neighbouring residents.</i>	

<b>Impact on Highway Safety – Policies: ESD15 (CLP 2015); NPPF</b>		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 <b>construction accord</b> with the OCC standard?		NA
c) Does any new <b>access</b> proposed meet highway standing advice/OCC response (width, visibility splays etc)?		NA
<i>Comments (if any): The proposed development would have no impact on highway safety.</i>		

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

**Comments (if any):**

The application site is just outside of the Conservaton Area. Having regard to its scale and nature, the proposals would not result in harm to the character or appearance of the Sibford Gower with Burdrop Conservation Area.

Impact on Flooding and Drainage in Flood Zone 1- Policies: ESD6 (CLP 2015); NPPF	Y / N / NA
a) Is the site <b>subject to other sources</b> , and forms, <b>of flooding</b> and/or where other <b>bodies have indicated</b> that there may be <b>drainage problems</b> , such as risk of <b>surface water drainage</b> ?	N
b) If, Y have you added a <b>condition</b> requiring details of <b>surface water drainage</b> ?	NA
<b>Comments (if any):</b> As the site is in Flood Zone 1 the proposal has no implications in this regard.	

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> ?	NA
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</b> of <b>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?	NA
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?	N
<b>Comments (if any):</b>	

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> ?	N
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> ?	NA
<b>Comments (if any):</b>  <p>The proposal is in a swift hotspot and an area of birds’ nests in buildings and there is a small potential for protected species to be present around the windows. Therefore, an informative note is attached to the decision notice so the applicant knows how to proceed should any be found during development. Having considered Natural England’s Standing Advice and taking account of the site constraints it is considered that no formal survey is required and the absence of which does not result in a reason to withhold permission.</p>	

## G. Conclusion

Giving 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 residents, and 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 attached 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 information contained within the application form, Design & Access Statement, Site Location Plan (1:1250) and the following approved plans: Proposed Block/Site Plan (dwg no CHO-164 P05 rev P2), Proposed GF Plan (dwg no CHO-164 P01 rev P3), Proposed Roof Plan (dwg no CHO-164 P02 rev P2), Proposed Elevations 1 (dwg no CHO-164 P03 rev P3) and Proposed Sections 1 (dwg no CHO-164 P04 rev P2)

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 and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

## I. Authorisation

<b>Case Officer:</b>	Iwona Gogut	<b>Date:</b>	16.12.24
<b>Authorising Officer:</b>	Nathanael Stock	<b>Date:</b>	18.12.2024

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>