

# Householder Delegated Report



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

## A. Application Details

<b>Application No.</b>	24/02978/F
<b>Site Address</b>	Cubbs Cottage, Burdrop, Oxfordshire, OX15 5RL
<b>Proposal</b>	Demolition of existing mono pitched roof over utility and demolition of existing single storey north bay window. Erection of new single storey extension and raising height of existing stone boundary wall

## 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>• <a href="#">Supplementary Planning Guidance and Documents</a></li><li>• <a href="#">Conservation Area Appraisal</a></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>• Sibford Gower with Burdrop Conservation Area</li><li>• Listed building to the west (Burdrop Farmhouse)</li><li>• Birds Nests in Buildings</li><li>• Swift Hotspots</li></ul>
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<b>Site history</b>	<b>01/00124/F</b> - Single storey side extension. New dormer window and alterations to existing dormers, as amended by letter received 31.01.01. Permitted  <b>03/02183/F</b> - Erection of three bay open carport. Permitted
<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>	Sibford Gower Parish Council – no comments or objections received  Building Control (CDC) – no comments received  Environmental Health (CDC) – no comments on the proposal regarding noise, air quality, contaminated land or light. Odour: General observation, any appliance that is installed must comply with Building Regulations 2010 - APPROVED DOCUMENT. J. Combustion appliances and fuel storage systems.
<b>Neighbours</b>	Beecroft House – Support the application.

## 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.

<b>Therefore, to be supported development proposals should meet the following design tests:</b>	<b>Y / N / NA</b>
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>NA</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 extension would replace an existing single storey side extension, an outbuilding, and the ground floor level of a two-storey element including a single storey bay window to the rear, but given the retention of the first floor element above part of the existing single storey side extension the proposed development would essentially appear as a wrap-around extension. The proposed side element would measure c.2.4m wide (same as existing) and c.8m in depth and form a ground floor office, WC and boot room. The proposed rear element of the extension would be c. 5.9m (w) x c. 3.9m (d) and extend north and west into the garden, and as a result would increase the overall footprint of the existing garden room. The proposed flat roof would replace an existing lean-to roofed structure (east) as well as the bay window (north).*

*Despite its footprint, the extension would be subservient in scale and externally facing materials (render) would match the existing dwelling. The proposed full height glazing panels (ultra slim powder coated aluminium profile frames finished in Anthracite Grey) would be modern in their appearance but help to minimise the bulk or heaviness of the extension and are considered acceptable in visual terms.*

*Due to the position of the dwelling, the proposed development would be visible from the public realm in multiple viewpoints (from the south, from the east, and from the public footpath) and its single storey form would be in stark contrast to the character of the existing dwelling. Unlike the dwellings on the eastern side of Hawks Lane, the site is within the designated Sibford Gower with Burdrop Conservation Area. However, given its subservient scale, its slim roof profile, and that the original building itself is finished with render ('to either protect poor quality construction or materials or to 'modernise' the property' as stated in the Conservation Area Appraisal) it is considered on balance that a more contemporary structure can be accommodated here without resulting in significant or demonstrable harm to the conservation area.*

*The plans also include replacement of all existing windows. This was not included in the description of development in the application form and has therefore not formed part of this application or the officer's assessment.*

*The application also proposes raising the height of existing stone boundary wall to the site's eastern boundary with Hawks Lane but also including part of the north boundary. The existing wall measures between c.0.8 m to c.1.2m (depending on the ground level it sits on) and the proposal is to increase it to c. 1.7m (lowest level) to c. 2.2m (highest level), i.e. generally an increase of 1.0m. The stone walls are a key and significant feature in the locality that define the visual character of the street scene. Although the height of the wall would increase to over 2m (in some areas), which is a significant and somewhat visually imposing height, officers consider that provided the wall is constructed/finished in the same style and character as the existing stone wall it would not adversely affect the character of the area. It is proposed that the wall is constructed in natural stone to match the existing but with traditional cock and hen stone capping. However, this type of capping is not a common feature of the locality, and it is therefore considered reasonable and necessary that a condition is imposed for a softer capping, that is more appropriate to the local street scene as well as a condition of how the stone wall would be constructed. The taller wall would also help to mitigate the visual impact of the proposed extension.*

*Overall, based on the above and subject to conditions, the proposed scheme is therefore considered an acceptable addition to the host dwelling that would not adversely affect the character or appearance of the conservation area.*

**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 <b>comply with the separation guidelines</b> 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 <b>acceptable garden size</b> along with suitable <b>amenity and utility space</b> ?	Y
c) Would the development <b>dominate</b> or have an <b>overbearing</b> impact upon any neighbouring garden or property?	N
d) Would the development result in an adverse degree of <b>overshadowing</b> or <b>loss of light</b> to a neighbouring property?	N
e) Would the development result in an adverse degree of <b>overlooking</b> to the any neighbouring residents	N
f) Would the development provide an <b>acceptable standard of living conditions for future occupiers</b> , including noise, privacy, daylight, outlook, air quality etc?	N
g) Would the development adversely affect neighbouring non-domestic uses?	N
<i>Comments (if any):</i>  <i>Given its scale and siting, and the distances to neighbouring properties, the proposed development would not adversely affect the amenities of neighbouring residents either through loss of light, outlook or privacy or through an imposing or overbearing form of development.</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?	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 proposal does not change the parking provision for the dwelling, and therefore is acceptable in highway safety terms.</i>	

<b>Impact on Listed Building and/or its Setting - Policy: ESD15 (CLP 2015) and policies C18, C21 (CLP 1996), NPPF</b>	
<b>Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990</b> 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.	
<b>Assessment of the Impact</b> Proposals to <b>alter or extend</b> a <b>listed building</b> or development within its setting <b>will be permitted</b> where they <b>meet</b> the following <b>tests</b> :	<b>Y / N / NA</b>
a) The proposal contributes to the <b>preservation</b> of the building and is <b>not detrimental</b> to its significance and would not result in the loss of any historic fabric	NA
b) The proposal is of an <b>appropriate scale, form, massing and design</b> and <b>uses appropriate materials</b> and methods of <b>construction</b> which are <b>compatible</b> with the <b>character and construction</b> of the <b>listed building</b>	NA
c) The proposal has <b>regard</b> to the <b>historic layout</b> of the listed building and other <b>internal features of significance</b>	NA
d) The proposal <b>preserves the setting of the listed building</b>	Y

<b>Assessment of Harm and any Benefits</b> Having assessed the impact of the development above, assess below the <b>level of harm</b> being caused by the development	<b>Y / N / NA</b>
e) The proposed development would result in no harm to the listed building and/or its setting	<b>Y-no harm</b>
f) The proposed development considered to result in <b>less than substantial harm</b> to the significance of the listed building and/or its setting?	<b>Y-no harm</b>
g) The <b>less than substantial harm</b> identified (such as loss of historic fabric or modest extensions or to its setting) would be outweighed by the <b>public benefits</b> of the proposal	<b>NA</b>
h) The proposed development is considered to result in <b>substantial harm</b> to the significance of the listed building and/or its setting?	<b>N</b>
i) If <b>substantial harm</b> would 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?	<b>NA</b>
<b>Comments (if any):</b> <i>Having regard to its scale and siting, and subject to appropriate materials, it is considered that the proposal would not cause harm to the significance of the Grade II listed buildings located to the west or south-east of the site through change to their setting.</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> 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>	<b>Y / N / NA</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	<b>Y</b>
b) <b>preserve or enhance the significance</b> of the Conservation Area and/or its setting; and	<b>Y</b>
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 area.	<b>Y-no harm</b>
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.	<b>Y</b>
e) The proposal is in <b>accordance</b> with the <b>Conservation Area Appraisal</b>	<b>Y</b>
<b>Assessment of Harm and any Benefits</b> Having assessed the impact of the development above, assess below the <b>level of harm</b> being caused by the development	<b>Y / N / NA</b>
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?	<b>Y-no harm</b>
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?	<b>N</b>
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?	<b>NA</b>
i) The proposed development is considered to result in <b>substantial harm</b> to the significance of the Conservation Area and/or its setting?	<b>N</b>
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?	<b>NA</b>
<b>Comments (if any):</b> <i>Having regard to its scale, siting and design, and subject to conditions, the proposed development would not cause harm to the significance of the designated Conservation Area.</i>	

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> <i>As the site is in Flood Zone 1 the proposal has no implications in this regard.</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 the <b>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?	N
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> ?	N
b) If Y, has a <b>protected species survey</b> been <b>submitted</b> ?	NA
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> <i>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. 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.</i>	

## 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, or cause harm to the character or appearance of the designated 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

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 and Access Statement and the drawings numbered 7346-06 ('Proposed Location Plans') and 7346-05 ('Proposed').

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 Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the external walls of the extension hereby permitted shall match in terms of colour, type and texture those used on the existing building and shall be retained as such thereafter.

Reason - 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 Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the details submitted, no development shall commence in respect of the existing stone boundary wall including any alteration to it unless and until a schedule of materials, specification and finishes for the stone wall and capping has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details and shall be retained as such thereafter.

Reason - 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 Policies C28 and C30 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>	16.12.2024
<b>Authorising Officer:</b>	Nathanael Stock	<b>Date:</b>	20.12.2024



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>