

Householder Delegated Report



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

A. Application Details

Application No.	24/03191/F
Site Address	1 Sycamore Close, Sibford Gower, Oxfordshire, OX15 5SB
Proposal	Single storey rear extension with associated internal and external works
Amended Plans	Revised drawings received on 28/01/2025 at 19:56hrs that added rooflights to the roof slopes of north and south elevations

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	Protected Species Buffer (Pipistrelle Bat species)
Site history	14/01124/F. Proposed rooflights to south elevation. Permitted.
Pre-application advice	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.

Consultees	Sibford Gower Parish Council – no comments or objections received Building Control (CDC) - building regulation application is required Environmental Health (CDC) – no comments on the application
Neighbours	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 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

Comments (if any):

The proposed extension would be situated to the rear (east) of the application dwelling, would be set down in height and would be predominantly built on the same footprint to the existing conservatory. It would not be visible from the public realm and its materials would match those of the existing dwelling.

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
<p><i>Comments (if any):</i></p> <p><i>Given that the proposal would be of a similar depth to the existing conservatory and the distance to neighbouring properties is c.12m from the common boundary with the northern neighbour (Temple Lodge) and c.11m away from the southern neighbour (2 Sycamore Close) and the fact that something similar could be constructed under the property's permitted development rights it is considered that the proposal would not adversely impact on neighbouring properties by way of loss of light, outlook or privacy or through an imposing or overbearing form of development and is acceptable in this regard.</i></p>	

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?	NA
c) Does any new access proposed meet highway standing advice/OCC response (width, visibility splays etc)?	NA
<i>Comments (if any): The proposal would have no effect on the existing parking provision or on local highway safety.</i>	

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	Y / N / NA
Within a conservation area , proposals for development including alteration, extensions and change of use will normally be permitted where they meet the following tests:	
a) the development would respect the character and appearance of the area in terms of, scale, form, massing, design, materials and detailing ; and	NA
b) preserve or enhance the significance of the Conservation Area and/or its setting; and	NA
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.	NA
e) The proposal is in accordance with the Conservation Area Appraisal	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	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-no harm
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?	N
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?	N
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
Comments (if any): <i>The application dwelling is just outside of the Conservation Area – bounded to the rear (east). Having regard to its scale, siting, proposed materials it is not considered that the proposal would result in harm to the character or appearance of the Conservation Area. Also, regard is had what could be constructed under the property's PD rights.</i>	

Impact on Flooding and Drainage in Flood Zone 1- Policies: ESD6 (CLP 2015); NPPF	Y / N / NA
a) Is the site subject to other sources , and forms, of flooding and/or where other bodies have indicated that there may be drainage problems , such as risk of surface water drainage ?	N
b) If, Y have you added a condition requiring details of surface water drainage ?	NA
Comments (if any): <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 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) ?	N
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 ?	N
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?	N
Comments (if any):	

Impact On Ecology ¹ – 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> ?	
b) If Y, has a protected species survey been submitted ?	
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 ?	
<p><i>Comments (if any):</i> <i>The proposed development is in the vicinity of protected species buffer for common pipistrelle and although it is unlikely that the protected species would be present (given lack of works to the main roof and the nature of the existing structure); however, as a precautionary measure, an informative note would be attached to the decision notice so the applicant knows how to proceed should any be found during development.</i> <i>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></p>	

G. Conclusion

Due to 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, 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 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, Location/Block and Site Plans (P/24/260/001) and the drawings numbered P/24/260/004 (Proposed Elevations/Floor Plans) and P/24/260/005 Rev A (Proposed Elevations/Roof Plan)

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. The materials to be used externally for the walls and roof of the development 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 in accordance 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:	Iwona Gogut	Date:	29/01/2025
Authorising Officer:	Nathanael Stock	Date:	29.01.2025

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>