

Householder Delegated Report



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

A. Application Details

Application No.	25/00888/F
Site Address	Birch Hill, Burdrop, Oxfordshire, OX15 5RQ
Proposal	Demolition of existing rendered brick annexe/outbuilding and erection of new annexe for accommodation for carer, in same location

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• 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">• Swift Hotspots• Birds Nests in Buildings
Site history	<p>08/02363/F - Side extension. Refused</p> <p>09/00427/F - Side extension to provide additional residential accommodation. Permitted</p>

	<p>11/01866/F – Side extension. Permitted</p> <p>20/01929/CLUP - 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> <p>24/02949/F - 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 suntubes to east and west elevations. Remove existing chimney. Permitted</p>
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	<p>Sibford Gower Parish Council – no objection or comments received</p> <p>Building Control (CDC) - the work is subject to the Building Regulations and will require an application be submitted to a Building Control Body.</p> <p>Ecology (CDC) - low ecological value for nesting birds and roosting bats; BEMP condition has been recommended to show location of bird or bat box as an enhancement.</p>
Neighbours	No objections or comments 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?	N
b) Is the design in keeping (use of similar style windows and architectural detailing, fencing/walling) with the host dwelling and the surrounding area?	N

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?	NA
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
<p><i>Comments (if any):</i></p> <p><i>The proposed outbuilding would be single storey in height and would measure c. 6.8m wide x c. 6m deep (at its most projecting element -south) and form a kitchen/lounge area, bedroom and shower room. It would feature a flat roof with an overall height of approximately 2.9m. The proposed structure would be sited to the side (north) of the host dwelling and the garage and would replace the existing annexe that occupies relatively smaller footprint.</i></p> <p><i>To accommodate the proposed development, a section of the existing garden wall (west), which runs at an angle, would be demolished and the western elevation of the outbuilding would be constructed in its place maintaining the established garden boundary.</i></p> <p><i>Due to the site unusual position – elevated above the street through Burdrop, with a significant change in levels between the main road and the property’s access road/ ground floor level - the proposed outbuilding would be prominently visible from the public domain. However, given its modest scale relative to the main dwelling, it would not appear overly dominant within the street scene, and the proposed materials (natural timber cladding, aluclad timber windows, PPC aluminium fascia and cappings) that are typical and commonly associated with outbuilding, it is considered that the proposed development would not adversely affect the character or appearance of the area and is therefore, acceptable in this regard.</i></p>	

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>Having regards to its scale, siting, and the spatial relationship with the neighbouring properties, it is considered that the proposed development would not have a significant impact on the amenity of neighbouring residents, either through loss of light, outlook, privacy, or overbearing. However, to protect the use of the annexe, it is reasonable and necessary to condition the use of the building so that the building remains ancillary to the host dwelling.</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 proposed development would not affect existing parking arrangements at the site</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	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 .	Y
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	
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	
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 site is just outside of the Conservation Area. Having regard to its scale, siting and proposed materials, the proposal is not considered to cause harm to the character or appearance of the Sibford Gower with Burdrop Conservation Area.</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?	N
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 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 ?	N
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
Comments (if any): <i>The CDC Ecology Officer has been consulted on the proposed development and advised that the annex/outbuilding appears to have low ecological value for nesting birds and roosting bats; Nonetheless, it is recommended that an informative be attached to any planning permission. Furthermore, the Officer has recommended that a biodiversity enhancement scheme be conditioned to ensure a gain for biodiversity is achieved from the proposal.</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 heritage assets or ecological interests 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, Site Location Plan (1:1250) and the drawings numbered: CHO-164 P105 P1 (Proposed Block/Site Plan), CHO-164 P101 P1 (Proposed GF Plan), CHO-164 P102 P1 (Proposed Roof Plan), CHO-164 P103 P1 (Proposed Elevations), CHO-164 P104 P1 (Proposed Section) and Design & Access Statement.

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 the living conditions of neighbouring occupiers and to comply with Policy ESD 15 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 annexe building hereby approved shall not be used for purposes other than those ancillary or incidental to the use of the dwelling currently known as Birch Hill, Burdrop, OX15 5RQ and shall not be sold, leased or used separately from the dwelling and shall at no time form a separate planning unit nor shall it be used for any trade, industry or other use whatsoever.

Reason – To safeguard the character and appearance of the area and the living conditions of existing and future occupiers, and in the interests of highway safety, and in the interests of sustainable development, and because of the basis on which the current application has been submitted, and in order 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 comply with Government guidance contained within the National Planning Policy Framework.

4. No development shall commence above slab level until a method statement for enhancing biodiversity on site, including provisions for bat and bird boxes has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

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.

Informative:

Nesting Birds

Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Bats

Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore, all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

I. Authorisation

Case Officer:	Iwona Gogut	Date:	23/06/2025
Authorising Officer:	Nathanael Stock	Date:	23.06.2025

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>