

Elm Tree House
Church Lane
Wendlebury
OX25 2PN

19/01005/F

Case Officer: Sarah Greenall

Recommendation: Approve

Applicant: Mr Jason Williams

Proposal: Internal and external alterations to the house and garage

Expiry Date: 25 July 2019

Extension of Time: 7 August 2019

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a two-storey detached dwelling located centrally within the village of Wendlebury and is accessed directly from Church Lane. Elm Tree House was Grade II listed in the 1950's and is constructed from course limestone rubble with some wooden lintels under a Stones-field slate tiled roof. The dwelling benefits from a driveway to the side of the house that leads to a detached garage that is partially attached to the neighbouring property, The Laurels. The surrounding area comprises a mixture of detached, semi-detached and terraced properties finished in a mixture of materials including red brick, render, stone and Bradstone. To the south east of the site there is also The Red Lion public house.
- 1.2. The house itself is Grade II listed with a number of other Grade II listed buildings, including the Red Lion, within close proximity. The building is not located within a designated conservation area. However, it is located within Flood Zones 2 and 3. There are no further site constraints directly relevant to this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for internal and external alterations to the house and garage. The proposed internal alterations do not require planning permission. The proposed external works to the property include replacing two windows on the rear elevation with timber French doors, a new gabled canopy style porch over front door that leads to the newly created hallway, the existing entrance hall and service area would be turned into an orangery to create a dining room by increasing the height of the wall on the eastern side of the house with a new façade to the orangery, and alterations to the garage that have previously been approved involving creating and blocking up openings to the rear and raising the height of the roof.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

14/01591/F: Alterations to house and garage, retrospective swimming pool, satellite dish and shed. *Application permitted.*

14/01592/LB: Alterations to house and garage, retrospective swimming pool, satellite dish and shed. *Application permitted.*

15/00972/F: Extension to raise pitch of existing garage roof. *Application permitted.*

15/00975/LB: Extension to raise pitch of existing garage roof. *Application permitted.*

19/01006/LB: Internal and external alterations to the house and garage. *Pending consideration.*

3.2. The proposed alterations to the garage were previously given permission in the applications referenced 15/00972/F and 15/00975/LB.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **19 July 2019**, although comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- Concern was raised over the fact the garage would be attached to the wall of the neighbouring property. This however is a party wall issue, and therefore is not a material planning consideration and will not be assessed as part of this application.
- There was also comment made with regards to the 2015 permission not being commenced and the plans indicating a spiral staircase, however as this application is reapplying for 2015 application and the staircase will remain unaltered it is not considered to be an issue for this application.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. WENDLEBURY PARISH COUNCIL: **No comments** received at the time of writing this report.

OTHER CONSULTEES

6.3. ARBORICULTURE (CDC): **No objections** subject to a working method statement/tree protection plan detailing how adjacent vegetation will be protected.

6.4. BUILDING CONTROL (CDC): **No objections** and confirmed a building regulations application would be required.

6.5. CONSERVATION (CDC): **No objections** subject to conditions.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Design, and impact on the Listed Building and the character of the area
- Residential amenity
- Highway safety/parking provision
- Trees

Design and Impact on the significance of the Listed Building and the Character of the Area

- 8.2. Paragraph 124 of the NPPF states that: ‘*Good design is a key aspect of sustainable development*’ and that it ‘*creates better places in which to live and work*’. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.*

- 8.4. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall 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.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.5. Paragraph 193 of the NPPF directs that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.6. The proposed external works include alterations to a number of windows to provide doors, which would result in the need to widen the existing openings. There is, however, evidence that these openings have been altered previously and the Conservation Officer has therefore advised that this would not cause further harm to the significance of the listed building.
- 8.7. A timber canopy porch is proposed to the front of the building, which would be located above the main entrance door. Photographic evidence shows a similar canopy was previously erected in this location. The Conservation Officer considers that the installation of a canopy would not cause harm to the fabric of the building and that its design would complement that character of the house.
- 8.8. The proposals also include the alteration of the existing utility area to create a garden room. Concerns were raised about the visual appearance of this due to the roof lantern that would be visible above the proposed parapet. Amended plans have been received that now include a flat roof lantern which would not be visible. This is welcomed as it is considered that it would maintain the appearance of the building from the important front elevation, as well as ensuring the proposal does not harm the character of the surrounding area due to its prominence in the streetscene. Most of the fabric to be removed in this area of the building is modern fabric however there is one internal wall to be removed that is believed to be a historic wall to a pigsty that was located here historically. This wall although historic fabric is not considered to contribute to the significance of the building and the Conservation Officer advises that therefore on balance its removal would be appropriate in heritage terms.
- 8.9. Finally, the proposals include alterations to the garage. This is a largely modern construction and consent has previously been granted to alter this area in the 2015 applications. Therefore, these works are considered to be acceptable.
- 8.10. For the above reasons, it is therefore considered that the proposal is acceptable in terms of design and impact on the character of the area. The proposed works would also not harm the historic significance of the listed building, and thus accords with Government guidance contained within the NPPF, Policy ESD15 in the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996.

Residential Amenity

- 8.11. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users.* This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that

new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*

- 8.12. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 8.13. The neighbours to the east of the site, The Laurels, are attached to the garage which is proposed to be altered by increasing the height of the pitched roof. The closest section of the side elevation of this neighbour has no windows however there is a window located further forwards on the gable end side section. Given the orientation of the properties and the fact the roof will only be raised by approximately 0.8 metres it is, however, unlikely there would be any detrimental impacts on light, outlook or privacy. The rear elevation of this neighbour only has a flue that is close to the boundary with the closest window being set away. As this is the case, and the fact they also benefit from a single storey rear extension of a similar height to the level the flat roof section to the rear of the pitched section of the garage would be increased to, it is therefore unlikely there would be any detrimental impacts on light, outlook or privacy. It should also be noted that the same extension was previously approved in 2015; however, the permission has now lapsed.
- 8.14. The openings created on the rear elevation would be replacing existing windows, and with the closest neighbour being approximately 26 metres to the rear it is considered there would be no adverse impact on privacy in this regard.
- 8.15. The proposed orangery would involve increasing the wall of the old pig sty on the eastern side of the house. The wall which forms part of the eastern boundary would be increased in height by approximately 0.6 metres. Given the minimal height increase and the fact there is a driveway between this wall and the closest neighbour, The Laurels, it is unlikely there would be any detrimental impacts on light or outlook. While the amount of glazing on the western elevation would be increased to create an orangery, it is unlikely there would be any detrimental impacts on privacy as a result of this. The neighbours to the west of the site, Moorhouse, do have windows facing towards the development. However, given that they are just under 22 metres from the proposed development and there is a small boundary wall and vegetation between these neighbours it is unlikely impacts on privacy would be detrimental.
- 8.16. It is therefore considered that for the above reasons the proposal accords with Government guidance contained with the NPPF and saved Policy C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety/Parking Provision

- 8.17. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.* This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.*
- 8.18. The parking provision that is currently available to the side of the property will remain unchanged. The garage would be retained with the only alterations including an increase in the height of the roof. There is parking available for three cars on the

driveway to the side of the house with additional parking available within the garage. As this is the case, it is considered there is adequate parking provision available at the property.

- 8.19. For these reasons, it is therefore considered that the development proposal would be acceptable in terms of highway safety and parking provision, thus complying with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2031 Part 1.

Trees

- 8.20. The application site has a number of large mature trees located within it. The proposals do, however, appear to retain the current footprint of both the house and the garage structure. While the Arboricultural Officer has confirmed it is not likely the adjacent vegetation/trees should pose a constraint to the proposal, it was suggested that a working method statement/tree protection plan should be submitted to ensure adjacent vegetation is protected to mitigate potential damage. Information has now been submitted and it is confirmed by the Arboricultural Officer that the works would be unlikely to damage the surrounding vegetation, and the proposed fencing should provide adequate protection to retained trees/vegetation.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 and the following approved plans: P4, P6 D, P7 C, P10 E and P13.

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 development, full details of all external windows and doors including the roof lantern 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 not be installed within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and

conserves the special character of the existing historic building 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. The natural stone to be used on the walls of the orangery and for the making good of any altered openings shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building 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.

Case Officer: Sarah Greenall

DATE: 07.08.2019

Checked By: Nathanael Stock

DATE: 08.08.2019
