

**Case Officer:** George Smith

**Applicant:** Deddington Housing Association

**Proposal:** Erection of two dwellings (Re-submission of 19/01308/F)

**Ward:** Deddington

**Councillors:** Councillor Hugo Brown  
Councillor Mike Kerford-Byrnes  
Councillor Bryn Williams

**Reason for Referral:** Called in by Councillor Williams on the grounds that the proposal's public benefits outweigh any possible harm to heritage assets

**Expiry Date:** 17 February 2020

**Committee Date:** 13 February 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

The applicant seeks planning consent for the erection of two semi-detached dwellings, located to the rear of 5 existing dwellings at Holly Tree Cottages.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- Deddington Parish Council, OCC Highways, CDC Ecology, CDC Arboriculture

No third-party representations have been received, either in objection or support.

#### **Planning Policy and Constraints**

The application site is within the Deddington Conservation Area, near several listed buildings. The Swift has been identified as a notable species in the immediate area.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. Siting in relation to adjacent dwellings, resulting in harm to Conservation Area and unacceptable minor development within Deddington.

2. Harm to amenity of existing and future occupiers of 1-5 Holly Tree Cottages and future occupiers of application dwellings.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in the north of Deddington, forming a corner plot adjacent to Banbury Road and Earls Lane. The site is presently comprised of five bungalows (with accommodation in the roof space), known as Holly Tree Cottages. 1-2 Holly Tree Cottages are semi-detached, facing onto Earls Lane, whilst 3-5 Holly Tree Cottages are a row of dwellings fronting onto Banbury Road, set behind a stone boundary wall (approx. 2m in height). The boundary wall runs around most of the site, but for a vehicular access on Earls Lane which provides access the dwellings. The existing dwellings are externally faced in stone under a concrete tiled roof. The shared garden of the properties is well landscaped and features a number of smaller trees and vegetation.
- 1.2. The wider site is shared with the Holly Tree Club building, a community facility that appears as a converted barn. Access to this facility is from the south on Horsefair and also provides parking for users of the club. There are several large trees located in the wider Holly Tree site, particularly adjacent to Horsefair.
- 1.3. The application site is located opposite Deddington Primary School, which is on the northern side of Earls Lane. Most other buildings in the immediate vicinity are residential dwellings. However, the Deddington Arms Hotel and other village amenities and retailers are located further to the south-east on Horsefair and Market Place.

### **2. CONSTRAINTS**

- 2.1. The application site is within the Deddington Conservation Area. There are several Listed Buildings located in this part of the village, with Whittawyers (Grade II – listed as Manchip House), Horsefair Cottage (Grade II) and Beeches (Grade II) located in closest proximity to the site. The Swift has been identified as a protected and notable specie located in proximity to the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The applicant seeks planning consent for the erection of a further pair of semi-detached dwellings, similar in style and appearance to the adjacent dwellings within the site. The externally facing materials would be natural stone under a plain concrete tile roof. The dwellings would have a combined width of 18m and a depth of 6.5m. The height to ridge would be 6.35m. There are 4 trees also proposed to be removed in order to accommodate the dwellings.
- 3.2. Deddington Housing Association (DHA), as the applicant, states that there is a need for the dwellings for people in the community. The DHA is a local charity which seeks to provide accommodation for the elderly, disabled, those in financial difficulty or those in necessitous circumstances.

- 3.3. Whilst the drawings suggest that the entrance into the site from Horsefair is to be widened, it is not clear to Officers what the extent of this would be, i.e. how much of the Conservation Area wall is intended to be removed. However, the description of development does not include any alteration to the wall or widening of the access, and therefore this element does not form part of the Council's assessment.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. **19/01308/F** – Erection of two affordable dwellings – Application Withdrawn
- 4.3. The above application was withdrawn following Officers advising the applicant that it was likely to be refused.

#### **5. PRE-APPLICATION DISCUSSIONS**

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

#### **6. RESPONSE TO PUBLICITY**

- 6.1. 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 **6 January 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

#### **7. RESPONSE TO CONSULTATION**

- 7.1. 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

- 7.2. DEDDINGTON PARISH COUNCIL: **No objections**

##### WARD COUNCILLORS

- 7.3. COUNCILLOR BRYN WILLIAMS: **Comments** – *“The proposed development incorporates a design concept which is totally appropriate for its location, has provided more than adequate amenity space, will not result in a loss of privacy to existing occupiers and will preserve and enhance the character and appearance of this part of the Conservation Area”.*
- 7.4. Furthermore, the Councillor stated that, *“Importantly the 2 new dwellings will also make a small but nevertheless significant contribution to the District's affordable housing requirement and will provide affordable accommodation for local elderly people within easy walking distance of the village's facilities”.*
- 7.5. The Councillor adds, *“The above are public benefits which outweigh any possible “less than substantial harm” to the significance of a designated heritage asset, i.e. the Deddington Conservation Area and are valid planning reasons for calling in the application to be determined by Members of the Planning Committee”.*

## CONSULTEES

- 7.6. OCC HIGHWAYS: **No objections** – as the site is located in a relatively sustainable location within acceptable walking and cycling distances and adjacent to bus stop. The Officer requests conditions attached relating to car and cycle parking provision, and for the site access to be kept free from obstruction.
- 7.7. CDC ECOLOGY: **No objections** – subject to conditions, including; a biodiversity enhancement plan and for works to be timed to avoid the bird nesting season.
- 7.8. CDC ARBORICULTURE: **No objections** – subject to conditions relating to the retainment of trees that are not otherwise being removed, and for mitigation measures to be carried out in accordance with the submitted AMS and Tree Protection Plan.
- 7.9. STRATEGIC HOUSING: **Comments** – neither objecting nor supporting the proposal, given that no ‘affordable’ dwellings are proposed. Comments are provided in full below:
- 7.10. *“Firstly, the use of the technical terminology 'affordable housing' and 'housing association' in the Planning Application caused some initial mix-up in the requirements of what the council would ask for from the applicant, as well as the standards of compliance which the units would be required to meet, since those terms carry significant and specific importance within the field in which we operate.*
- 7.11. *With regards to the applicant advising us of the status of Deddington Housing Association being a charitable Almshouse and the tenure of the proposed units being privately owned dwellings by said charitable Almshouse, we are no longer required to provide a statutory consultation response on this application, although I note that there were few comments raised in the most recent correspondence, so I will use this opportunity to address these here.*
- 7.12. *We welcome the increased availability of sub-market level rented units in the district, but as stated above, these housing units now would fallout outside of our remit and therefore the previously mentioned obligation to meet minimum size standards of the units would no longer be enforceable. The same is true of the obligation to provide two car parking bays per unit – these comments can now effectively be disregarded as they are no longer obligated to be met”.*

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment

- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD (2018)
- Deddington Conservation Area Appraisal (2012)

### **9. APPRAISAL**

#### 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area (including Deddington Conservation Area)
- Residential amenity
- Highway safety
- Ecology impact

#### Principle of Development

#### 9.2. *Policy Context*

9.3. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.

9.4. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015, and has a sufficient housing land supply.

9.5. The principle of residential development in Deddington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Deddington is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.

9.6. The proposal constitutes minor development as defined in Paragraph C.264 of the Cherwell Local Plan 2011 – 2031 Part 1.

9.7. In assessing whether proposals constitute acceptable 'minor development', regard will be had for the following criteria:

- The size of the village and level of service provision
- The site's context within the existing built environment
- Whether it is in keeping with the character and form of the village
- Its local landscape setting
- Careful consideration as to the appropriate scale of development

#### *Assessment*

9.8. The applicant sets out that the two proposed dwellings would provide accommodation for the elderly, disabled and those in financial difficulty or those in necessitous circumstances. Your Officers do not contest that Deddington Housing Association (DHA) provides a service to the local community, with opportunities for local people with additional needs or requirements to continue living in the village.

9.9. However, the DHA is not currently a registered provider of social housing. The status of DHA is as a charitable Almshouse, with the tenure of the proposed units being privately owned dwellings by said charitable Almshouse. Therefore, there is no route for the Council to control occupation of the dwellings through planning conditions or obligations i.e. the Council cannot require them to be Affordable Dwellings and they cannot be assessed on this basis. In planning terms, they would be private, market-led dwellings. Permission would run with the land rather than the applicant. Therefore, there would be no control over these dwellings at Holly Tree Cottages being sold off privately. In this scenario, the public benefit justification put forward in this case (i.e. provision of a home to a local person in need) would cease to exist.

9.10. Furthermore, 30 affordable dwellings (both rented and shared housing) were approved at northern edge of Deddington as part of the 85-dwelling scheme (13/00301/OUT and 14/02111/REM). The applicant has not provided any justification to demonstrate there is a shortfall of affordable dwellings in Deddington. So that, even if the proposal had been put forward by a Registered Provider, the benefit of affordable housing provision in this location would be tempered by the recent provision of 30 affordable dwellings in the village.

#### *Conclusion*

9.11. The proposed dwellings could be acceptable in principle in terms of the Council's housing strategy. Overall acceptability is subject to the proposal not causing significant or demonstrable harm to the character and appearance of the area, neighbour amenity or highways safety or any harm to heritage assets. These issues are discussed below.

9.12. Design and impact on the character of the area (including the Deddington Conservation Area)

#### *Policy context*

9.13. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 9.14. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.15. Policy ESD15 of the CLP 2031 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.”*
- 9.16. The site is within the Deddington Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.17. Conservation Areas are designated heritage assets. Paragraph 193 of the NPPF states 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”.*
- 9.18. Paragraph 194 adds: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.19. The Deddington Conservation Area Appraisal (2012) has regard for the Holly Tree Club site. It reads: *“On the opposite side of the road is a continuous wall line, created by the merging of walls which surround Holly Tree Club House (two metres) and Victoria House (three metres); the trees within the former contribute to the character of this area and help to emphasis the important position here as gateway to the conservation area”.*

#### *Appraisal*

- 9.20. The scale, design and materials of the dwellings is proportionate with the surroundings, being similar in appearance to the Holly Tree Cottages.
- 9.21. The proposed new dwellings would sit behind the building line of the existing cottages and facing inwards into the courtyard area.
- 9.22. Officers consider that the siting of the dwelling in relation to the wider street scene results in a poor pattern of development that would not respect the existing built form in this area of Deddington, occupying a “backland” relationship with 1-5 Holly Tree Cottages, not readily visible from the public domain.
- 9.23. The dwellings would not be readily visible from the public domain or in key views within the Deddington Conservation Area and as such do not cause any harm to the appearance of the heritage asset. However, their siting would have a detrimental impact on the overriding linear character and pattern within the conservation area and thus cause harm to its character, whereby the “backland” development pattern is not a prevailing feature in the Deddington Conservation Area designation.
- 9.24. Furthermore, the siting of the dwellings on a portion of residential garden afforded to 1-5 Holly Tree Cottages, together with its proximity to these dwellings, leads your Officers to the conclusion that the proposal would also result in an overdevelopment

of the site and a cramped form of development in this context, not befitting of the more spacious plots in the vicinity of the site and consequently the character and appearance of Deddington.

### *Conclusion*

- 9.25. Overall and for the reasons set out above, the proposed dwellings would be sited as to cause harm to the overall character of the area in the context of the designated Deddington Conservation Area heritage asset and not in keeping with the character and form of the village. The harm to the Conservation Area is considered less than substantial, significantly and demonstrably outweighing the limited public benefits of the proposal. The proposal would therefore fail to comply with Policies ESD15 and Villages 1 of the CLP 2031, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF.

### Residential amenity

#### *Policy context*

- 9.26. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.
- 9.27. The Cherwell Residential Design Guide SPD (2018) sets out guidelines for decision-making with regard to amenity space. The SPD states that a minimum distance of 22m back to back between properties must be maintained, which is to protect against harmful overlooking and loss of privacy. Furthermore, a minimum distance of 14m is required from a rear elevation to a two-storey side gable (i.e. typically a windowless elevation), which is to guard against over-domination and shadowing.

#### *Appraisal*

- 9.28. The dwellings are proposed to be built on land which is currently used as the shared residential garden of 1-5 Holly Tree Cottages. The gardens are pleasant and provide a welcome, open green space for existing residents, whilst being afforded sunlight for most of the day due to its southern orientation.
- 9.29. The distance from the principal windows of the proposed dwellings to the principal windows of Nos 1-2 Holly Tree Cottages would be c.14.8m. This separation distance would be insufficient for future residents in terms of protecting the privacy of the existing and proposed properties. The acute angle of 3-5 Holly Tree Cottages in relation to the new dwellings means that mutual overlooking would also occur here. 4 Holly Tree Cottages is located only c.8m from Unit 2 and, with no boundaries proposed to divide the properties, residents of these properties would be able to clearly see into each other's living space. Similarly, Unit 2 and 3 Holly Tree Cottages are located c.12m from one another and therefore harm would also be caused to the prospective owners of each property in this case. Given the angle and proximity of the dwellings to 5 Holly Tree Cottages, Officers consider that, whilst some mutual overlooking may be possible, this particular impact would not be so harmful as to warrant a refusal of the application.
- 9.30. Overall, therefore, if this application was granted then harm would be caused to existing and future residents. The future occupiers would be the greatest occupants



affected, in that harmful overlooking would occur from at least 4 of the existing properties within the site.

- 9.31. Officers note that the applicant contests the 22m guideline, pointing towards examples in the Conservation Area where dwellings front onto each other across roads and this distance is less. However, the relationship in this case is not across the public realm, and therefore not similar or equivalent to the example mentioned.
- 9.32. It is especially important to observe the 22m guideline in cases where the relationship is between existing and proposed dwellings – which is the case here, as opposed to where the relationships in question are between two proposed dwellings.
- 9.33. In addition, the loss of a portion of shared garden space for the existing dwellings, would result in harm to the amenities of those neighbours. The garden, whilst being shared between 5 dwellings, currently provides a reasonable level of amenity for occupiers with views out to the tree line and open land to the south. The proposed dwelling would result in a reduction of the shared amenity space available, whilst also removing pleasant trees, restricting views to the south and blocking out sunlight to a large part of the remaining useable garden space.
- 9.34. In the context of the rural setting and in this part of the village, most plots have relatively generous amenity space for residents. To have 7 privately rented dwellings with a shared amenity space smaller than many other individual properties falls below the standards of what can be reasonably expected in this locale.
- 9.35. Furthermore, the applicant has stated that landscaping measures have already been put in place due to the Holly Tree Club allowing for many unknown people and visitors to enter and look directly into the property at any time of the day i.e. those setting up the market early in the morning and those using the Club later on at night. This point raised by the applicant demonstrates adding further dwellings to the same situation would increase the cumulative amenity impact, and therefore counts against the proposal.
- 9.36. Even if the dwellings were to be let as ‘affordable dwellings’, there is no reason for the LPA to accept amenity standards that are lower than what can be expected of standard market housing. The LPA has a responsibility to make sure it does not permit residential development the future occupiers of which would not benefit from adequate levels of amenity, which would be the case here.

### *Conclusion*

- 9.37. Overall, for the reasons set out above, the proposal is considered to result in demonstrable harm to future and existing occupiers of the Holly Tree Cottages, and therefore is contrary to Policy ESD15 of the CLP 2031, saved Policy C30 of the CLP 1996 and relevant paragraphs of the NPPF.

### Highway safety

#### *Policy context*

- 9.38. 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.*

### *Appraisal*

- 9.39. The Local Highway Authority (LHA) raises no objections to the proposal, subject to conditions relating to the provision cycle and vehicular parking and for no obstruction to the access. Officers see no reason to disagree with this assessment and agree that conditions can be attached to any consent in line with the LHA recommendations.

#### *Conclusion*

- 9.40. The proposal therefore complies with Policy ESD15 of the CLP 2031 and relevant paragraphs of the NPPF on matters of highway safety and parking provision.

#### Ecological impact

#### *Policy context*

- 9.41. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 9.42. Paragraph 170 of the NPPF states that: “The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent networks that are more resilient to current or future pressures”. This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1, which states that “a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources”.

#### *Appraisal*

- 9.43. The Swift is identified as a protected and notable specie in the vicinity of the site, whilst 4 trees are proposed to be removed. The Council’s Ecologist has commented on the application, raising no objection. The Ecologist requests conditions for a biodiversity enhancement scheme and for works to take place outside of the bird nesting season. Given the ecological constraints identified, these conditions are considered wholly reasonable and should be attached to any consent given. There are no other concerns in relation to ecology.

#### *Conclusion*

- 9.44. Overall, the proposal is considered acceptable with regard to ecological impact, compliant with Policy ESD15 of the CLP 2031 and relevant paragraphs of the NPPF.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2. In terms of public benefits, the proposal would bring some social benefits including a positive but minor contribution to the District's housing supply. New development also commonly brings economic benefits including providing some construction opportunities, but the economic benefits would be temporary and relatively minor and should not be overemphasised.
- 10.3. Whilst the applicant intends to market these dwellings as 'affordable housing', DHA is not a registered provider and therefore the Council cannot give any weight to this, nor control the occupation of the dwellings by way of planning condition. The dwellings therefore must be assessed as private, market dwellings.
- 10.4. The general principle of minor development within the village of Deddington is acceptable in purely sustainability terms, whereby the proposal would contribute to the supply of housing in this rural settlement.
- 10.5. However, for the reasons set out in this report, the proposal is considered to result in significant and demonstrable harm to the living conditions of the existing and future occupiers of Holly Tree Cottages and the future occupiers of the application dwellings. The dwellings are also sited as to cause harm to the character of the Deddington Conservation Area, occupying a plot behind the traditional building line, whilst resulting in a cramped form and general overdevelopment of the Holly Tree Cottages site. The significant and demonstrable harm identified is not outweighed by the limited public benefits of the proposal. By virtue of their siting and relationship with surrounding dwellings, the dwellings would also not result in acceptable minor development within Deddington.
- 10.6. The proposal is therefore contrary to the provisions of Policies ESD15, Villages 1 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and relevant paragraphs of the NPPF, and permission should be refused for the reasons set out below.

## 11. RECOMMENDATION

RECOMMENDATION - **REFUSAL** FOR THE REASONS SET OUT BELOW

### REASONS FOR REFUSAL

1. By reason of its siting, would fail to relate well to the existing built development and would result in unacceptable harm to the character of the Deddington Conservation Area. This harm, which would be 'less than substantial', would significantly and demonstrably outweigh the limited public benefits arising from this proposal. The proposal would therefore not represent acceptable minor development in a Category A village and would not result in sustainable development. The proposal is therefore in direct conflict with the provisions and aims of Saved Policy C30 of the Cherwell Local Plan 1996, policies Villages 1, ESD 15 of the Cherwell Local Plan 2011- 2031 Part 1 and government guidance contained within the National Planning Policy Framework and is unacceptable in principle.
2. By virtue of its siting and proximity to adjacent to dwellings 1-5 Holly Tree Cottages, the proposal would result in mutual overlooking between the existing dwellings and the proposed development and would therefore not protect the privacy or overall enjoyment of the future and existing occupiers of said dwellings. In addition, the proposed shared amenity area would not provide an acceptable level of residential amenity for future occupiers of the proposed or adjacent dwellings. The proposal would therefore result in a significantly and demonstrably harmful impact to the future occupiers of the proposed development and the

existing residents. The proposal is therefore in direct conflict with the provisions and aims of Saved Policy C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011- 2031 Part 1 and government guidance contained within the National Planning Policy Framework.

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