

Case Officer: Lewis Knox

Applicant: Mrs Carmen Griffiths

Proposal: Conversion of garage to habitable accommodation

Ward: Kidlington West

Councillors: Cllr Conrad Copeland and Cllr Katherine Tyson

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 21 April 2020

Committee Date: 21 May 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The proposal is for the conversion of an existing garage at the application site to form habitable accommodation. The development would include the filling in of the existing garage door with natural stone to match the existing dwelling and insertion of a new window to match the other windows on the dwelling.

Consultations

No consultees have raised **objections** to the application:

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

- OCC Highways

No consultees returned comments specifically **in support** of the application:

No letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The application site is set within the designated Kidlington – Church Street Conservation Area and is within close proximity of a number of listed buildings.

Part of the site is within a flood zone 2 however the area subject to the application is outside of Flood Zone 2

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:

- Design, and impact on the character of the area and Conservation Area
- Residential Amenity
- Highway Safety

The report examines the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

1. Time Limit
2. Complete compliance with approved plans
3. Match Stonework

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 consists of a two storey link-detached dwelling located in a residential area of Kidlington to the north east of the town centre. The dwelling is constructed from natural stone elevations, uPVC windows and doors under a plain tile roof. The application dwelling is attached to the neighbouring 104 Church Street by the western elevation of the attached garage. This is the only dwelling which the site shares a boundary with.
- 1.2. The site is accessed from the eastern side of Church Street, the site shares a driveway with the neighbour and the driveway is gravelled and is bound at the entrance by natural stone walls. There are other Grade II Listed Buildings to the south of the site and the Grade II* St Mary's Church to the west.
- 1.3. There is a garden to the rear with mature vegetation and trees to the boundaries. There are no significant ground level changes across the site.

2. CONSTRAINTS

- 2.1. The application site is within the designated Kidlington – Church Street Conservation Area and is in relatively close proximity to a number of Grade II listed buildings and the Grade II* St Mary's Church.
- 2.2. There is a Public Right of Way (Route Code: 265/7/10 Route Number: 7) running to the south of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the conversion of an existing garage at the application site to form habitable accommodation. The development would include the filling in of the existing garage door with natural stone to match the existing dwelling and insertion of a new window to match the other windows on the dwelling.

4. RELEVANT PLANNING HISTORY

- 4.1. The dwellings were allowed at appeal (Ref: CHS.578/84). The conditions attached to the appeal decision removed permitted development rights for extensions or external alterations.

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 **19 March 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. KIDLINGTON PARISH COUNCIL: **No comments received**

CONSULTEES

- 7.3. OCC HIGHWAYS: **no objections**

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)

- 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

8.3. 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)
- Kidlington – Church Street Conservation Area Appraisal (May 2009)

9. APPRAISAL

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

- Design, and impact on the character of the area and Conservation Area
- Residential amenity
- Highway Safety

Design, and impact on the character of the area and Conservation Area

Legislative and policy context

9.2. 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.*

9.3. 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 streetscene.*

Assessment

9.4. The filling in of the garage entrance would be achieved by using natural stone and a uPVC window which would complement the existing dwelling. would therefore have minimal impact on the character of the area as it would retain the existing character of the streetscene and wider Conservation area. The closest listed building is Mortons Alms House to the south of the site, whilst the proposed development would face southwards towards the listed building the views would be obscured by mature vegetation separating the properties and given the materials to match there would not be any impact on the setting of this listed building.

9.5. The overall footprint of the application dwelling would remain the same as no external extensions are proposal, the dwelling would therefore not appear any more dominant within the streetscene or Conservation Area. Therefore, given the minor nature of the proposed works and their relationship with the immediate built environment, it is considered that the development would have no impact on the settings of the nearby listed buildings.

- 9.6. The proposal is therefore considered not to adversely impact on the visual amenity of the area and would result in no harm to the Kidlington Church Street Conservation Area or the settings of any of the surrounding listed buildings and therefore accords with the test set out in Chapter 16 of the NPPF, Policy ESD15 of the CLP 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

Residential Amenity

Policy context

- 9.7. 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*.
- 9.8. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed alterations to houses, including guidance on assessing the impact on neighbours.

Assessment

- 9.9. The newly formed habitable space and associated window would face across the parking and manoeuvring area in the locality and would not face any near neighbour. It is therefore considered that the development would not have any detrimental impact on the levels of privacy within the locality and would be acceptable in this respect.
- 9.10. It is therefore considered that the development would not impact on the residential amenity of neighbouring residents and would therefore accord with Policy ESD15 of the CLP 2031 Part 1 and would be acceptable in this respect.

Highway Safety

Policy Context

- 9.11. 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*.

Assessment

- 9.12. The application dwelling and its attached neighbour share a relatively large driveway on which there is ample space for multiple vehicles to be parked off-street.
- 9.13. As at least two parking spaces would remain, and this is considered sufficient for a dwelling of this size and in this location. Oxfordshire County Council highways also raised no objections to the proposal. The proposal is therefore considered not to cause demonstrable harm in terms of highway safety.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be appropriate

development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing Number 983:01, 983:02 and the application form submitted with the application.

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.

Natural Stone to Match Existing

3. The natural stone to be used to fill in the garage entrance 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 development is constructed and finished in materials which are in harmony with the building materials used in the locality 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.