

**Land To Rear Of 1 And 2 Langford Park Cottages
London Road Bicester**

20/01195/F

Case Officer: George Smith

Applicant: Stuart Newynskyj & Alan Tucker

Proposal: Demolition of existing garage and erection of 2no single storey dwellings at the rear of 1, 2 & 3 Langford park cottages - (Re-submission of 19/02416/F)

Ward: Bicester South And Ambrosden

Councillors: Councillor Nick Cotter
Councillor Dan Sames
Councillor Lucinda Wing

Reason for Referral: Called in by Councillor Sames for the following reasons: Sustainable development with worthwhile benefits

Expiry Date: 20 July 2020

Committee Date: 16 July 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The proposal is for two single-storey dwellings located on existing garden land of 1-3 Langford Park Cottages. The proposal seeks access via the side of 1 Langford Park Cottages, thus requiring the demolition of the existing garage for this property.

Consultations

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

- Bicester Town Council, CDC Environmental Health

OCC Highways have **objected** to the application.

No third-party correspondence has been received.

Planning Policy and Constraints

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

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

1. Adverse effect on the character and appearance of the locality
2. Highway safety; access and parking arrangements

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 formed of the far section of the rear garden land of 1-3 Langford Park Cottages. Langford Park Cottages are a row of 3 terraced houses located towards the south of Bicester, accessed off London Road via an unadopted track. 1-2 Langford Park Cottages are post-war era dwellings, whereas 3 Langford Park Cottages is an addition to the former semi-detached block within the last 3 years. The existing dwellings make up half of a cluster of dwellings, with the Victorian era dwellings to the northeast named 1-2 Langford Cottages, and a dwelling erected within the last 3 years, 'The Still', located to the south of these which fronts onto London Road. To the east and south of the site runs the A41 (Boundary Way), and a belt of vegetation.

2. CONSTRAINTS

- 2.1. There are several notable species located near the site. The site is located entirely within Flood Zone 1, but near to areas within Flood Zones 2 and 3 (north).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicants seek planning permission for the erection of two semi-detached, single-storey dwellings on this site. The dwellings would be accessed off London Road, onto the unadopted track and then via a new driveway created down the side of 1 Langford Park Cottages. The dwellings would then be orientated facing eastwards, with private gardens located to the rear (west). Each dwelling would be made-up of 2 bedrooms, with separate kitchen, lounge and bathrooms.
- 3.2. The dwellings would be built to a ridge height of approximately 5.9m and an eaves height of approximately 2.4m.
- 3.3. The dwellings would have a relatively contemporary appearance, similar in style to 'The Still'. The construction would be in timber boarding with a rendered lower section and under a grey tiled roof. A separate double garage to the east of the dwelling would match this style.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. Approved new dwelling at 3 Langford Park Cottages, ref: 17/00826/F
- 4.3. Approved new dwelling at The Still, refs: 17/00886/F and 17/02446/F

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. **19/00160/PREAPP** - Proposed 2no single storey dwellings and associated access, Parking, garaging and removal of ex. Garage outbuilding.
- 5.3. Whilst elevation drawings were not provided at this stage, the applicant was advised that the scheme submitted would fail to represent acceptable development. It was advised that harm would be caused to the character and appearance of the of the area and resulting in an overdevelopment of the site, also failing to relate well to the existing built form.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site 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 **16 June 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. BICESTER TOWN COUNCIL: **No objections**

OTHER CONSULTEES

- 7.3. CDC ENVIRONMENTAL HEALTH: **No objections** – however a noise survey should be provided prior to commencement, to demonstrate that habitable rooms shall be sufficiently insulated for noise reduction. Dwellings should also be provided with EV charging points.
- 7.4. OCC HIGHWAYS: **Objection** - due to the access and parking arrangement. The Highway Officer considers that the access track and the junction with London Road is not suitable for intensification of vehicle movements in its current form. The Officer states that the width of the access does not allow for vehicles to pass when meeting leading to reversing manoeuvres, with this likelihood to materially increase as a result of the proposed development. Reversing vehicles would pose a significant safety risk to pedestrians and cyclists using this route, which is only likely to increase due to the Langford Park and Graven Hill developments. The Highway Officer also suggests that the parking arrangement would likely lead to overspill parking on the lane, particularly with visitors.

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)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC2 – Effective Use of Land and Housing Density
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- 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 Control

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

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
- Residential amenity
- Highway safety

Principle of Development

Policy context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

- 9.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government’s view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12).
- 9.5. Cherwell District Council can demonstrate a 3-year supply of housing. The Written Ministerial Statement of 12th September 2018 states that relevant and important policies for determining the application may be considered out of date only where a 3-year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.6. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury. The policies relating to rural housing growth are therefore more restrained.

Assessment

- 9.7. There is no specific policy governing the principle of housing development in Bicester, but the overall strategy of the Cherwell Local Plan is to focus the bulk of the proposed growth in and around Bicester and Banbury, whilst limiting growth in rural areas and directing it towards larger and more sustainable villages, also aiming to strictly control development in open countryside. Thus, the principle of development, in general sustainability terms, is acceptable. However, the overall acceptability of the proposal is subject to other considerations such as the impact of the proposal on the visual amenity of the site and surrounding area, the living conditions of neighbours, and highway safety. These matters are discussed in more detail below.

Design and impact on the character of the area

Policy context

- 9.8. 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.
- 9.9. 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.
- 9.10. 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.”* This policy goes on to say that development proposals should reinforce local distinctiveness and positively contribute to an areas character, whilst also respecting *“the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings”*.

Assessment

- 9.11. The site lies within a part of Bicester that embodies a sparser built form, with the site bounded to the south and east by extensive tree cover and the A41. The proposed dwellings would be visible in glimpsed views from the A41, but given the speed of vehicular movement and direction of travel they would not be easily read.
- 9.12. The existing cluster of 6 dwellings appears detached from any other housing development in the immediate area and are in a somewhat peculiar location, being channelled by the A41 to the south and the B4100 (London Road) to the north. The majority of dwellings in the cluster (except for The Still from London Road) are not readily visible from either road, and it is only when on the unadopted track that the remaining 5 are readily visible. Two dwellings have been constructed on this site within the past 3 years, both directly addressing London Road or the unadopted track.
- 9.13. The proposed dwellings can be described as 'backland' development due to their siting in the rear gardens behind two rows of dwellings. Such development is generally resisted due to the lack of frontage and inharmonious placement set behind other dwellings. The NPPF (at para 70) also supports LPAs seeking to resist such development.
- 9.14. The proposed dwellings subject to this application would be out of keeping with this prevailing character in having no active road frontage. The site would be accessed via a narrow track to the side of 1 Langford Park Cottages and the development would be visible as a result, the access and track, the new garaging and the presence of additional parked cars drawing attention to the presence of the dwellings.
- 9.15. While backland development is not always necessarily harmful, in this instance the proposal would result in a cramped form of development and overdevelopment of this wider site.
- 9.16. Turning to the appearance and scale of the dwellings, there is considered to be a conflict in this regard. It is recognised that there is a varied style of dwelling in this immediate area. However, the proposed dwellings would be significantly set down from the prevailing two-storey pattern. Whilst this would help to mask any substantive views of the dwellings from outside of the site, from within the site their set-down would draw attention to the site's constrained nature. Any dwellings here should be two-storey, to create an increased height to follow the general pattern of this cluster. However, if they were two-storey scale this would lead to increased neighbour amenity impacts, likely through overlooking and over-domination. As such, this conflict draws attention to the unsuitability of this site for further residential development and an overall over-development of this site and wider cluster of dwellings.
- 9.17. The dwellings are thus considered to appear contrived and cramped when viewed from the unadopted track to the north, failing to relate well to the existing pattern or scale of the existing residential development in this locality, appearing awkward and out of place. This harm to the wider pattern of development is considered significant and demonstrable.
- 9.18. When considered in isolation and notwithstanding the harm caused in other respects, the design and architectural detailing of the dwellings is considered appropriate to this context.

Conclusion

9.19. For the reasons outlined above, the proposal is considered to cause significant and demonstrable harm to the character and appearance of the locality. The proposal therefore fails to comply with Policy ESD15 of the CLP 2031, saved Policies C28 and C30 of the CLP 1996 and relevant paragraphs of the NPPF, particularly Chapter 12 focussing on securing well-designed places.

Residential amenity

9.20. 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'.

9.21. Despite the proposed gardens being located in close proximity to the busy A41, which would create some noise irritation, the site is already used as residential garden. Therefore, it is not considered that a refusal reason could be sustained at appeal on this basis.

9.22. The dwelling at 3 Langford Park Cottages to the north-east is located approximately 14m from the boundary of the nearest proposed dwelling. However, the orientation of these dwellings and this separation distance is considered not to create harmful overlooking.

9.23. Furthermore, given the single storey nature of the dwellings, they would not introduce any impacts on neighbours by way of loss of light, outlook, loss of privacy or over-domination onto adjacent neighbours.

9.24. Overall, the current proposal is considered acceptable in terms of impact on the amenity of existing and future occupiers and in accord with the policies identified in para 9.20 in this regard.

Highway safety

9.25. 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.

9.26. The Local Highway Authority has objected to the proposal as submitted, citing that the lane is not suitable for further intensification, particularly as vehicles cannot pass each other when entering or leaving the site, with this impact particularly harmful on cycle and pedestrian users of the lane, which has recently increased and will continue to increase due to the development at Graven Hill which is linked to Bicester by a path under the A41 and past this development. The Officer also has concern with the parking arrangement, stating that the 1 parking space for future dwellings is not suitable, particularly as it would lead to visitor overspill parking. The garages are also labelled as being for No's 1 and 2 Langford Park Cottages, which would be a vastly impractical arrangement as the new dwellings parking would block these in.

9.27. Overall, the proposal is considered unacceptable on highway safety matters, not achieving sufficient off-road parking for future residents whilst also creating a potentially hazardous arrangement for pedestrians and cyclists. The proposal

therefore fails to comply with Policies ESD15 of the CLP 2031 and relevant paragraphs of the NPPF in this regard.

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. Significant weight is attached to this benefit, through the benefit is minor given the quantum of development. 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. The general principle of development in Bicester is acceptable in geographical sustainability terms and the Council's housing strategy, and the proposal would not adversely affect the amenity of neighbours.
- 10.4. However, for the reasons set out in this report, by virtue of their siting, the proposed development would result in cause be out of keeping with the form and character of the area and would result in a cramped form of development and general overdevelopment of the wider site. The scale of the dwellings, being at single-storey level, would be incompatible with the overall character of this wider cluster, thus further emphasising the contrived nature of the development. Furthermore, the development is considered detrimental to pedestrians and cyclists using the local highway network, by virtue of an intensification of an inadequate junction and increased likelihood of overspill parking on this lane.
- 10.5. The significant and demonstrable harm identified is not outweighed by the limited public benefits of the proposal.
- 10.6. The proposal is therefore contrary to the provisions of Policies ESD15, saved Policies C28 and C30 of the CLP 1996 and relevant paragraphs of the NPPF, and permission should be refused for the reason set out below.

10. RECOMMENDATION

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

REASONS FOR REFUSAL

1. By reason of its siting and scale, the proposal would appear contrived and fail to relate well to the existing built development, resulting in an overdevelopment of the site and significant and demonstrable harm to the character and appearance of the area. The proposal is therefore in direct conflict with the provisions and aims of Saved Policy C30 of the Cherwell Local Plan 1996 ESD 15 of the Cherwell Local Plan 2011- 2031 Part 1 and government guidance contained within the National Planning Policy Framework.
2. By reason of the access and parking arrangements, the proposal would fail to provide a safe development for pedestrians and cyclists using the local highway network. Through the intensification of an inadequate junction, the proposal would create an increasingly hazardous arrangement for pedestrians and cyclists through vehicles reversing on this lane. Furthermore, the proposed parking arrangement would fail to provide sufficient parking for future occupiers or visitors of these residents, leading to overspill parking on this lane to the further detriment of users of the local highway network. The proposal is therefore in direct conflict with the provisions and aims of Policy ESD 15 of the Cherwell Local Plan 2011- 2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899