

Case Officer: Emma Whitley

Applicant: Mr Adrian White

Proposal: Conversion / extension of garage to form 1-bed single storey dwelling - resubmission of 21/00790/F

Ward: Bicester West

Councillors: Cllr Broad, Cllr Sibley and Cllr Webster

Reason for Referral: Called in by Councillor Les Sibley for the following reasons:

- Impact of the proposed development on the character and appearance of the area
- The design and visual impact of the building on the street scene and neighbouring properties
- The impact the proposed development on the private amenities of the neighbouring property at no34 Orchard Way
- The on-off site vehicle movements and visibility splays

Expiry Date: 14 January 2022

Committee Date: 13 January 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site relates to the detached garage of No. 32 Orchard Way. The existing building is single storey in scale and is constructed from red brick with a plain tiled roof. The host dwelling (32 Orchard Way) is a semi-detached dwelling constructed from red brick with off-white render and uPVC fenestration under a plain tiled roof. The dwelling and associated garage are stepped back from the road by approximately 11m and are screened by well-established hedgerows and trees. The immediate vicinity is characterised by similarly designed semi-detached and terraced dwellings.

2. CONSTRAINTS

2.1. The application site is not listed nor is it situated within proximity to any listed buildings or within a designated conservation area. There are no additional site constraints considered relevant to this proposal.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission to extend and convert the existing garage to create a 1-bed single storey dwelling. The application differs from a previous proposal (reference 21/00790/F) as this proposal is single storey. The applicant has confirmed that construction materials would match those of 32 Orchard Way and that six off-street parking spaces would be provided as part of the proposals (an increase of two spaces).

4. RELEVANT PLANNING HISTORY

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

73/00219/NE

Construction of two-storey extension to form garage with bedrooms above
Application Permitted

15/00352/F

New 3 bedroom detached dwelling
Application Withdrawn

16/00140/F

Erection of 1 No three bedroom semi-detached dwelling - re-submission of
15/00352/F
Application Refused

17/00397/F

Two storey side extension
Application Refused

18/01794/F

Convert 1no five bedroom semi-detached dwelling into 2no dwellings - 1 three
bedroom and 1 two bedroom
Application Permitted

21/00790/F

Demolition of existing garage. Erection of 2 storey end of terrace dwelling
Application Withdrawn

4.2. Application number 15/00352/F was withdrawn as the case officer had advised the application was likely to be refused on grounds that the impact on the street scene and neighbour amenity were seen as too harmful.

4.3. Application number 16/00140/F was refused due to the harmful affect the proposal would have on the character of the area as a result of its cramped and incongruous appearance, in particular the terracing affect in comparison to the established semi-detached built-form of the area. It was also deemed to have an overbearing effect on the neighbouring property.

4.4. Application number 17/00397/F was refused due to the harmful affect the proposal would have on the established built form of the area, by virtue of the increased width, lack of subservience and resulting appearance of the terrace. It was also deemed to have an overbearing effect on the neighbouring property. This application was subsequently dismissed at appeal with the Inspector agreeing with the LPA that the proposal would result in harm to character and appearance and living conditions of neighbouring occupiers.

4.5. The 2018 permission was considered acceptable in sustainability terms, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. Further, it would not adversely affect residential amenity or highway safety. The applicant has confirmed that this permission is no longer extant as the existing dwelling remains a single dwelling unit.

4.6. Application number 21/00790/F was withdrawn following discussions with the previous case officer.

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 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 November 2021**.

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

- Detrimental harm to highway safety
- Garage should be retained in order to provide additional off-street parking
- Existing dwelling 6-bed HMO
- With 18/01794/F permitted for separation to two dwellings (2-bed and 3-bed), this proposal would add a third property on the application site
- Proposal close to neighbouring property (No. 34)
- Existing bin storage on public footpath
- Detrimental impact on neighbouring residential amenity
- Plans inaccurate
- Position of front door not in-keeping
- Prevent access to existing bike store for No. 32
- Creation of terrace not in-keeping
- Existing dwelling not maintained

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

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: **Object** on the grounds of over-development; inappropriate development of site; adverse impact on character and appearance of streetscene; parking and highway safety concerns; waste disposal concerns; too close to neighbouring property; no EV charging points.

CONSULTEES

7.3. ARBORICULTURE (CDC): **Objection**. Comments: No arboriculture assessment provided, which would address Officer concerns with regards to tree removal and tree retention.

7.4. ENVIRONMENTAL HEALTH (CDC): **No objections**, subject to conditions relating to contaminated land and EV charging infrastructure.

7.5. LOCAL HIGHWAYS AUTHORITY (OCC): **No objections** subject to standard conditions in respect of parking and turning provision and EV charging infrastructure.

- 7.6. HOUSING STANDARDS: **No objections. Comments:** Inner room requires means of escape, sui generis planning permission required if occupied by more than 6 people, HMO license would need to be varied upon completion of proposed works.

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 2015)

- PSD1 – Presumption in favour of sustainable development
- BSC2 – The effective and efficient use of land - brownfield land and housing density
- SLE4 – Improved transport and connections
- BSC2 – Effective use of land and housing density
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- 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)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)

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
- Trees
- Neighbour comments

Principle of Development

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate

otherwise. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how these should be applied.

- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This 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.
- 9.4. Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 states that applying the presumption to decision-making means:
- approving development proposals that accord with up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 9.5. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'. Cherwell's position on five-year housing land supply has recently been reviewed by officers for the emerging 2021 Annual Monitoring Report (AMR) which is to be presented to the Council's Executive on 10 January 2022. Despite a strong record of delivery since 2015, the draft AMR presents a 3.8 year supply position for 2021-2026 and 3.5 years for the period 2022-2027 (the latter being effective from 1 April 2022). This compares to the 4.7 year housing land supply for the period 2021-2026 reported in the 2020 AMR. According to the draft AMR, an additional 1,864 homes would need to be shown to be deliverable within the current 2021-2026 five-year period to achieve a five year supply as required by the NPPF.
- 9.6. However, paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. In February 2021, the primacy of development plans in the planning system was reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes, but it does not render grants of planning permission automatic.
- 9.7. The provision of additional housing is a material consideration that weighs in favour of a proposals that have the potential of increasing the Districts housing supply and therefore help to address the current shortfall. However, any development proposal would continue to be assessed against the policies of the Development Plan.

- 9.8. There are no adopted Local Plan policies specifically restricting housing development within Bicester. The CLP 2015 states that housing growth will be directed towards the urban areas of Banbury and Bicester. Paragraph B88 states: *“By focussing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”*.
- 9.9. The application site is positioned within the built-up limits of Bicester in close proximity of the town centre and has good access to public transport links, local shops and amenities. It is therefore considered to be in a sustainable urban location, which in principle is suitable for residential development. Policy BSC2 also encourages the efficient use of land in sustainable locations, which weighs in favour of the proposal. Further, the emphasis of the NPPF is very much on the efficient use of land, providing a good mix of house types and on creating new dwellings in sustainable locations.
- 9.10. Thus, the overall principle of development, in sustainability terms, is not opposed. However, the acceptability of the proposal is subject to other considerations such as the impact of the proposal on both the visual amenity of the site and surrounding area, impact on neighbours and highway safety.

Design, and impact on the character of the area

- 9.11. The current proposal is for an attached dwelling that has been designed to face onto Orchard Way and would align with the front elevation of the existing dwelling. Further, construction materials appear to match the existing dwelling. In order to ensure this is the case, a condition has been recommended to require materials to match.
- 9.12. Section 4.8 of the Cherwell Residential Design Guide SPD relates to Density. It advises that to ensure that land across the district is used in an economical manner, Policy BSC 2 of the Local Plan requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (dph), and that efficiency for the use of land can be increased through the use of bespoke house types which can make best use of awkward plots
- 9.13. Redevelopment within existing residential areas is a means of increasing density within the most sustainable locations in the District. However, for such development to be seen as acceptable it needs to demonstrate compliance with Policy ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996.
- 9.14. ESD15 requires development to be designed to improve the quality and appearance of an area and the way it functions, support the efficient use of land and infrastructure, through appropriate mix and density/development intensity; and contribute positively to an area's character and identity by reinforcing local distinctiveness, respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. It also advises that development should be designed to integrate with existing streets. Policy C28 of the CLP 1996 requires new development to be sympathetic to the character of the urban context of that development, and Policy C30 of the CLP 1996 requires that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.16. The character of the surrounding street scene is typified by two storey semi-detached dwellings. Many have been extended at 2 two storey level to extend up to the side boundaries of the plots. As was highlighted in the Inspectors dismissal of the previous application reference 17/00397/F, although number 32 sits on a wider plot than others in the area, the Inspector concluded that the (then) proposed two storey addition would have created an unacceptable terracing effect, unbalancing the host building.

- 9.17. By contrast, given the reduced scale of the development, the dwelling now proposed would appear subservient by way of roof ridge and eaves height. It would have the appearance of a single storey side extension, particularly as the entrance is to the side.
- 9.18. Officers note concerns regarding the creation of a terraced from the existing semi-detached dwellings. However, as detailed above, the single storey form of the proposal is considered to adequately address this concern.
- 9.19. It is acknowledged that the proposal would compromise access to the existing waste storage to the rear of the host dwelling. However, an area for bin storage has been identified within proposed plans that could be adequately screened. It is the arrangement to the front of the site with the significant parking area and arrangements for bin storage which would provide the biggest visual clues that the plot had been subdivided. This area would also be more visible within the street scene as the existing landscaping to the front of the site would need to be removed to accommodate the required car parking and bin storage. Within the surrounding street scene, on-plot parking provision the front of properties is common and many have extended their hardstanding across what would have been the front garden. Tall planting is uncommon and therefore the loss of the existing vegetation would not undermine the existing character of the area to an unacceptable degree.

Residential amenity

- 9.20. The proposal would not breach the informal 45-degree line with regards to 34 Orchard Way. Further, given that positioning and scale of the proposal, limited overshadowing and loss of light would occur to the habitable rooms of this neighbour. With the proposal being single storey, loss of privacy would be limited with regards to this neighbour, particularly given the existing boundary treatments. Officers note the neighbours' concern with regards to overlooking from the side entrance door to the proposal, however this would largely be screened by the boundary treatments and no other windows are proposed to the side elevation towards this neighbour. The impact to this neighbour is therefore considered to be minimal.
- 9.21. Some shadowing and loss of light would occur to the existing dwelling of 32 Orchard Way; however, this would largely be in the late afternoon and is not considered so severe to warrant a refusal in this regard. Limited harm would result with regards to loss of privacy given the single storey scale of this proposal.
- 9.22. Overall, the proposals are not considered to result in a detrimental impact on the amenities of the attached neighbour or any other neighbouring property by way of loss of light and outlook. The proposal therefore complies with saved Policies C30 of the CLP 1996 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Highway safety

- 9.23. The proposal includes the provision of six off-street parking spaces to be provided within the existing hard standing, which according to existing plans, is an increase of two off-street parking spaces. However, the Local Highways Officer noted that due to existing vegetation, the existing parking provision shown on the plans is incorrect.
- 9.24. Notwithstanding this inaccuracy, the Local Highways Officer provided no objections, stating that three additional parking spaces would effectively be provided so with the increase of an additional bedroom at the site, on-street parking should be reduced, subject to the standard parking and turning provision condition. The majority of the comments received from the neighbours identified concerns regarding parking at the site and as such, officers consider that this proposal would be of some benefit in this

regard in order to be able to provide better parking provision at the site and within the immediate area.

- 9.25. The Local Highways Authority and the Council's Environmental Protection Officer both requested that EV charging points be provided on the site. Given that there are no other provisions for renewable energy within the proposals, a condition has been recommended to require EV charging infrastructure to be provided.
- 9.26. The proposal therefore complies with Policies ESD5 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Trees

- 9.27. The Council's Arboricultural Officer has raised concerns regarding the impact on existing trees to the front of the existing property. This vegetation would need to be removed in order to accommodate the car parking and bin storage arrangements necessary to service both the proposed dwelling and the existing 32 Orchard Way.
- 9.28. Policy ESD10 of the CLP 2015 states that the protection of trees will be encouraged, with an aim to increase the number of trees in the District. This policy also seeks to ensure proposals for development achieve a net gain in biodiversity through either protecting existing resources, or by creating new ones. In order to offset the loss of the vegetation to the front of the property, it is therefore considered necessary to impose a condition to require a landscaping scheme that will secure compensatory planting in the area to the rear of both the proposed dwelling and 32 Orchard Way.
- 9.29. The TPO'd tree to the rear of the site would be unaffected by the proposed works.

Neighbour comments

- 9.30. Comments relating to the existing dwelling operating as a 6-bed HMO are noted, however planning permission is not necessarily required for an HMO of this size. The remaining neighbour comments have been addressed within the report.

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. The proposed development is located in a sustainable location within an existing residential area of Bicester. The introduction of the hard landscaping to the frontage to facilitate the required car parking and bin storage, in combination with the loss of existing vegetation, will have a small degree of detrimental impact. However, this is considered to be acceptable given the prevailing character of the surrounding area. Planning weight is also given to the fact that this limited visual harm is created to facilitate the provision of an additional dwelling that will help to address the current housing shortfall in the district.
- 10.3. Further, the dwelling would not result in detrimental harm to residential amenity or highway safety. The proposal therefore complies saved Policies C28 and C30 of the CLP 1996 and ESD15 of the CLP 2015.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

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: Site Location Plan, Block Plan and Drawing Numbers 01998/21/10 (Proposed Elevations) and 01998/21/11 (Proposed Plan).

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. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the adjoining building, number 32 Orchard Way, Bicester.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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. Prior to the first use of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 01998/21/11 – Proposed Plan) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The parking and manoeuvring areas shall be retained as such thereafter and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities, to serve the dwelling hereby permitted, shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

6. Prior to the commencement of works above slab level in respect of the development the development hereby approved, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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.

7. The dwelling hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

Reason: To maximise opportunities for sustainable transport modes and to comply with Policies SLE 4, ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use of the dwelling hereby approved, full details of the bin storage area(s) to serve both the dwelling hereby permitted and 32 Orchard Way, Bicester shall be submitted to and approved in writing by the Local Planning Authority. The agreed bin storage area(s) shall be fully installed prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the dwelling hereby approved, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the

Local Planning Authority.

Reason - Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework