

Case Officer: Lewis Knox

Applicant: Mr and Mrs Mackaness

Proposal: Attic conversion with associated rooflights and gable windows. New rooflights to master bedroom

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Called in by Cllr Webb as to whether the assessment of the impact of the proposed development on the character and appearance of the North Newington Conservation Area, and the historic character of the converted original threshing barn and stable is appropriate.

Expiry Date: 8 December 2021

Committee Date: 13 January 2021

SUMMARY OF RECOMMENDATION: REFUSE PERMISSION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a group of converted barns on the edge of the village of North Newington. The barns are of stone construction under a slate roof with timber windows and doors. There are residential properties immediately to the west and the site looks over open countryside to the east.

2. CONSTRAINTS

- 2.1. The site is not a listed building but does sit within the North Newington Conservation Area and Historic Village Core. A public right of way runs adjacent to the property (ref. footpath 315/1). The site may have some archaeological potential and the land has the potential to be contaminated with naturally occurring arsenic, chromium and nickel.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks permission for the conversion of the attic which would include the associated insertion of rooflights and gable windows to create a habitable space.
- 3.2. The proposals also include the insertion of new rooflights to the existing master bedroom.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
96/01132/F
Conversion of existing redundant stone barn and courtyard to residential use
Permitted

- 4.2. Application reference 96/01132/F granted permission for the conversion of the barns to residential use. However, Condition 7 of that permission restricted permitted development rights for the insertion of new openings within the converted barn. The reason given for the restrictive conditions was to enable the Local Planning Authority to retain control over the development of the site in order to safeguard the amenities of the occupants of the neighbouring properties.

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, expiring **15 November 2021**, by advertisement in the local newspaper expiring **11 November 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **1 December 2021**
- 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. NORTH NEWINGTON PARISH COUNCIL: No objections

CONSULTEES

- 7.3. CDC CONSERVATION: **Object**

The main issue is the effect of the proposal on the character and appearance of the North Newington Conservation Area, having particular regard to the historic character of the converted original threshing barn and stable within a landscape setting with archaeological interest.

The original form of the farm courtyard is clearly discernible and the use of original openings and limited additional openings combine to respect the simple form of the former threshing barn, the addition of the large opening to the former stable wing has changed the understanding of this building but has attempted to use the language of traditional farm buildings. The grouping of farm buildings continues to make a positive contribution to the rural character of the village at the interface between the village and the landscape setting.

The NPPF defines a heritage asset to include a building that has a degree of significance meriting consideration in planning decisions because of its heritage interest and the PPG advises that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. The retention of the original characteristics convey the historic form and function of the former threshing barn and stable, it possesses local interest and aesthetic value as part of Cherwell's agricultural heritage. This is still a barn conversion, converted under our saved policies and guidance on barns and it is

important that we continue to resist any proposals that would erode the character of the barn and conservation area.

The design approach would not align with the Cherwell's Design Guide for the Conversion of Farm Buildings (2002): 'the character of a barn is derived from its original function as a working agricultural building, and therefore every effort should be made to retain the original simplicity of scale and form and to alter as little as possible externally and internally'. Non-designated heritage assets of local importance are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' (NPPF Par 189). Saved Policy C28 and ESD13 also expect development to respect and enhance local landscape character which forms part of the setting of the conservation area. The design of proposals are also expected to enhance a conservation area. I would not support this proposal as the cumulative changes are considered to harm the character and appearance of the Conservation Area and erode the significance of the non-designated heritage asset.

- 7.4. CDC BUILDING CONTROL: **No objections** - Building control application required. Bedrooms should have a protected escape route

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)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of Buildings in the Countryside
- 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)
- CDC Home Extensions and Alterations Design Guide (2007)
- North Newington Conservation Area Appraisal (2014)
- Cherwell District Council's Design Guide for the Conversion of Farm Buildings (2002)

9. APPRAISAL

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

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

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

Policy Context

- 9.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, 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.
- 9.3. The NPPF also advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.4. Policy ESD15 of the CLP 2031 Part 1 states that development should '*Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*'.
- 9.5. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 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 as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscape.
- 9.6. Saved Policy H19 of the CLP 1996 is particularly relevant in terms of local plan policy, though the conversion has already been approved and completed, conditions included on the original permission removed the permitted development rights for the insertion of new openings to ensure the LPA retained control over the character of the dwelling and so that the agricultural origins and appearance of the converted barn could be retained. The policy does also provide background on the details which are considered at the time of conversion. This policy indicates that proposals for the conversion of a rural building whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:
- i. The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;
 - ii. The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building;
 - iii. The proposal would not harm the special character and interest of a building of architectural or historic significance;
 - iv. The proposal meets the requirements of the other policies in the plan.

- 9.7. Cherwell District Council's Design Guide for the conversion of farm buildings contains guidance on what alterations to traditional farm buildings can be made whilst retaining the original character of the buildings. The guidance states that existing openings should be retained and used as a priority when finding new means of admitting light to the property. Any new openings should be kept to a minimum. Rooflights should relate to the scale of the building and should only be considered after non-obtrusive windows in the gable ends.

Assessment

- 9.8. The main issue is the effect of the proposal on the character and appearance of the North Newington Conservation Area, having particular regard to the historic character of the converted original threshing barn and stable. A Conservation Area is defined by the NPPF as a designated heritage asset.
- 9.9. The grouping of farm buildings continues to make a positive contribution to the rural character of the village at the interface between the village and the landscape setting.
- 9.10. The proposed additional rooflights would be located within the existing roof slope of the application dwelling and would be readily visible from the public domain and would have an impact on the character and appearance of the North Newington Conservation Area and would be readily visible from the public right of way running along the northern boundary of the site.
- 9.11. It is noted that a further opening to the northern gable was permitted under Ref: 15/00039/F, with the Planning Officer concluding that whilst the opening would have an impact to the character and appearance of the barn, it would retain an agricultural appearance.
- 9.12. The existing three rooflights to the northern side are set relatively low within the roofslope and as such their impact on the character of the property when viewed from outside of the site is relatively minimal, leaving much of the roof plane untouched.
- 9.13. The proposed development would result in a further four rooflights to this side and would be set much higher in the roofslope making them more noticeable and prominent within the Conservation Area and from the public right of way than the existing rooflights which are set lower and are somewhat obscured from wider views by surrounding buildings.
- 9.14. Similar to the northern elevation there are an additional two rooflights proposed to the southern roofslope of the application dwelling. They would also be set higher in the roofslope. As such would have a similarly harmful impact to the character and appearance of the property, locality and Conservation Area as those proposed to the northern elevation.
- 9.15. The additional rooflights would be visible from public rights of way and would be more dominant when the interior is artificially illuminated, detracting from the setting of the Conservation Area.
- 9.16. These additions are considered to be an over proliferation of openings to this roof and would diminish the original agricultural look and feel of the property. The number of rooflights would appear overly domestic and would not respect the original character of the barns which has been retained through their conversion.
- 9.17. The proposed flush planar glass rooflights to the eastern elevation of the property are considered to cause further harm to the character of the converted barn. The openings would overlap the bottom of the roofslope onto the elevation below. These types of windows, which would interrupt the original eaves of the barn, are considered to be

an incongruous and alien feature and would be to the detriment of the character and appearance of the North Newington Conservation Area and the agricultural origins of the converted barns.

- 9.18. This element of the proposal would introduce an overtly modern intervention designed to contrast with the traditional detailing of the farm facing onto open countryside and would be visible from public rights of way and would be more dominant when the interior is artificially illuminated, detracting from the setting of the Conservation Area.
- 9.19. The additional window to the eastern gable end would also cause harm to the original agricultural character of the barn and to the character and appearance of the Conservation Area. It is the officer's opinion that the converted barn is already at the limit of the number of openings which would be appropriate for this kind of dwelling without causing demonstrable harm to the farm buildings and wider Conservation Area.
- 9.20. Any benefits to the proposed development are suggested in the supporting Design and Access Statement to be related to sustainability. Specifically, electricity saving through increased natural light, and solar gain heat from the windows reducing the need for excess additional heating. These benefits would very small in scale and mostly appreciated only by the occupants of the property. As such they are considered to represent very minimal public benefits. The proposed development is not required to ensure the future use or protection of the building and as such there is no justification for the harm which would be caused to the character of the converted barn.

Conclusion

- 9.21. The newly proposed openings are considered to go beyond what is generally acceptable for a barn conversion and would result in an over proliferation of these kinds of openings causing harm to and diminishing the original agricultural character of the property. As a result, it is considered that the development would have a negative impact on the converted barns and the character and appearance of the area representing 'less than substantial' harm to the designated heritage asset of the North Newington Conservation Area. The very minimal public benefits represented by the sustainability gains of the proposed works would not be sufficient to outweigh this 'less than substantial' harm caused when viewed from the public domain most notably the nearby public right of way where clear views of the property are possible.
- 9.22. The proposal is considered to not be acceptable in design terms and would conflict with Policy ESD15 of the CLP 2015, saved Policies H19, C28 and C30 of the CLP 1996, Council guidance contained within the Conversion of Farm Buildings (2002) and Government guidance contained in the NPPF.

Residential Amenity

Legislative and policy context

- 9.23. 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 Part 1 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.

Assessment

- 9.24. None of the proposed openings would face towards any neighbouring dwelling and as such would not impact on the levels of privacy within the locality.

- 9.25. The development does not seek to enlarge the scale of the dwelling and so there would not be any impact on the amenities of the occupants of nearby dwellings in terms of loss of light, loss of outlook or overbearing.

Conclusion

- 9.26. The proposals would be acceptable in neighbouring amenity terms and accord with Policy ESD15 of the CLP 2031 Part 1, saved Policies C28 and C30 of the CLP 1996 and Government guidance contained in the NPPF.

Highway Safety

Legislative context

- 9.27. The NPPF states that, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.28. The conversion of the attic space would result in a further two bedrooms at the dwelling taking the overall number to six.
- 9.29. The property benefits from a large, gravelled parking area to the northern side of the site which has sufficient space to accommodate the parking needs of a dwelling of this size and as such it is not considered that there would be any impact on the safety of the local highway network as a result of the development.

Conclusion

- 9.30. The proposals would be acceptable in highway safety terms and accord with Policy ESD15 of the CLP 2031 Part 1 and Government guidance contained in the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal fails to comply with the relevant Development Plan policies and guidance listed at section 8 of this report because it would result in an incongruous and overly domestic form of development through the over proliferation of openings to the converted barn which would cause demonstrable harm to the character and appearance of the former agricultural buildings. The very minimal public benefits represented by the sustainability gains of the proposed works would not be sufficient to outweigh this 'less than substantial' harm caused to the North Newington Conservation Area. The development would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H19, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
- 10.2. There are no other material considerations that outweigh this conflict and the harm caused, and therefore permission should be refused.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASON SET OUT BELOW

1. The proposed new openings by virtue of their layout, form and positioning within the roofslope would result in an incongruous and overly domestic form of development that is not in keeping with the traditional agricultural character of the converted barn and would fail to sympathetically integrate into the built environment or reinforce local distinctiveness. The proposals are also considered to cause less than substantial harm to the character and appearance of the North Newington Conservation Area. The minimal public benefits identified are insufficient to outweigh this harm to this designated heritage asset. The proposal therefore fails to comply with saved Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies H19, C28 and C30 of the Cherwell Local Plan 1996; and Government guidance contained within the National Planning Policy Framework.