

**Case Officer:** Nat Stock

**Applicant:** Mr John Tibbetts

**Proposal:** Single storey reduced level extension to existing bungalow, with associated landscaping

**Ward:** Adderbury, Bloxham and Bodicote

**Councillors:** Councillor Hingley, Councillor Nell, Councillor Pattenden

**Reason for Referral:** Referred by Assistant Director Planning and Development because of its controversy

**Expiry Date:** 10 January 2023

**Committee Date:** 15 June 2023

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is an irregular parcel of land set between Queens Street to the west and Kings Road to the east, within Bloxham village. Within the site, adjacent to the southern boundary, is an existing single storey linear dwelling finished in red brick under a slate roof which is known as 'The Bungalow'. The western end of the dwelling is attached to the neighbouring property 'Camrose'. The house is set at a slightly lower level than its garden to the north but other the site is relatively level.
- 1.2. The site is bound by a combination of stone walling and relatively high leylandii hedging, except for the southern boundary which is delineated by fencing and a low brick wall. Access to the site is gained from Queens Street, between the properties known as Owens and Camrose.
- 1.3. The site is surrounded by other dwellings, including Camrose to the south west, Owens and Bayfield to the west, Church View to the north, Quince Cottage to the north east, Apple Tree and Orchard Cottage to the east and Rossili House to the south east. The surrounding land is relatively level.

**2. CONSTRAINTS**

- 2.1. The following constraints apply to the site:
- 2.2. The site lies within Bloxham Conservation Area;
- 2.3. Orchard Cottage to the east of the site is a Grade II listed building. Further Grade II listed buildings are present on Queen Street and Kings Road;
- 2.4. The site has minor groundwater vulnerability (aquifers);
- 2.5. More than 30% of homes are at or above the Radon Action Level;
- 2.6. The site lies within Bloxham Neighbourhood Plan Area.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposed development primarily comprises two single storey extensions to the existing bungalow; a sunken extension to the north and a small extension to the east.
- 3.2. The main extension to the north comprises a central curved element, sunken into the ground by 0.8m relative to the floor level of the existing bungalow (between 1.36m and 2.11m below existing ground level). This part of the extension has expansive glazing to its south west elevation which faces into a sunken courtyard. The walls are finished in ironstone and the roof is laid in dark grey standing seam metal.
- 3.3. To the north west of the curved part of the extension is a triple garage, also sunken relative to the existing ground level and finished with a flat roof laid in grass. Access to the garage is via a sloped grass vehicle ramp. The grass flat roof over the garage extends around the north of the curved part of the extension and over a further sunken projection to the north east housing a WC, utility and store/plant room.
- 3.4. The north extension is connected to the existing bungalow by a linking structure comprising mostly glazed walls with ironstone supports and a standing seam roof. The floor level of the linking structure is the same as the existing bungalow; internal steps and a ramp lead down into the north extension.
- 3.5. The smaller eastern extension continues the linear form of the existing bungalow to form an enlarged bedroom suite. The existing bungalow is proposed to be internally reconfigured to provide sleeping accommodation, with living accommodation provided within the northern extension. It is also proposed to clad the exterior of the existing bungalow (which is brick) in ironstone, reconfigure the roof profile and mount solar panels on the south roof slope of the existing bungalow. The access to the site remains unchanged.
- 3.6. The designs have been amended during the course of the application to reduce the footprint of the northern extension, pulling it further away from the northern and eastern boundaries. The red line boundary has also been reduced around the access.

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

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. **00/02395/F** - Demolition of existing bungalow, construction of 9 No. three and four bedroom houses with associated new access and garaging and requiring the felling of trees, including a flowering cherry, within a Conservation Area – REFUSED and DISMISSED AT APPEAL
- 4.3. The appeal was dismissed for three reasons: harm to the conservation area; harm to the setting of Orchard Cottage and the detrimental impact on the highway.
- 4.4. **10/00551/F** - Construction of replacement dwelling and two new dwellings. Alterations to vehicular accesses to Queens Street and Kings Road, Bloxham. ALLOWED ON APPEAL. The sole reason for refusal related to highway safety.
- 4.5. **12/00087/F** - Variation of condition 14 of 10/00551/F – PERMITTED
- 4.6. **12/01477/F** - Variation of condition 2 of 10/00551/F - Replace approved drawing B4/TE/14 for Plot 2 with drawings E08(BR)-05a and 6b – PERMITTED
- 4.7. **13/00885/F** - Variation of Condition 2 of 10/00551/F - Condition to be varied to replace approved drawing B4/TE/15 for Plot 3 with drawings E08(BR)-07a, 08b and 10a – PERMITTED

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. **22/00882/PREAPP:** This enquiry concerned two proposals, either to extend the existing bungalow or build a new dwelling on the site with the existing bungalow forming an ancillary structure.
- 5.3. Officers advised that whilst the principle of either development would be acceptable it was unlikely either would be supported due to the impact on the Conservation Area.
- 5.4. **22/02164/PREAPP:** This enquiry proposed a sunken extension to the existing property. Officers acknowledged this was a positive change and would result in a much reduced visual impact but noted that the relationship between the extension and surrounding boundary treatments would be key. Due to the lack of detailed plans, Officers were unable to offer a firm view on the acceptability of the scheme.

## 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 **13 December 2022**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:
- 6.3. 23 letters of objection covering the following matters:
  - Harm to the character of the area
  - Harm to the Conservation Area
  - Overdevelopment of the site
  - Development in residential gardens is contrary to the Bloxham Neighbourhood Plan
  - Light pollution from large areas of glass
  - Loss of traditional orchard space
  - Access encroaches on neighbouring property
  - Impact on residential amenity
  - Impact on stability of existing boundary walls
  - Harm to setting of adjacent listed buildings
  - Impact on biodiversity and habitats
  - Impact on neighbours during construction
- 6.4. 1 letter of comment raising the following points

- Incorrect presentation of boundaries
- Impact on biodiversity
- Proposal undermines design intention of original development of the former Bungalow site
- Inappropriate materials
- Impact during construction
- Proposal doesn't comply with neighbourhood plan

6.5. 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 COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BLOXHAM PARISH COUNCIL: **Objection** –

- Proposal materially harms the living conditions of neighbouring residents because it is too close to the boundary line. There will be loss of light and privacy.
- Proposal detracts from the character and appearance of the area because it is not in keeping with the other properties in the street
- Impact on stability of the neighbouring walls along the boundary
- Loss of greenspace.
- Proposal does not contribute to the rural character of the village because it is over development
- Over development of the site and does not retain undeveloped gap which is important in preserving the character of a loss knit settlement structure.
- If the LPA is minded to approve the application a Traffic Management Plan should be provided to mitigate the impact on neighbours during the building work.

### OTHER CONSULTEES

7.3. CDC LAND DRAINAGE: Drainage/Flood risk – no comments

7.4. OCC ARCHAEOLOGY: Recommends archaeology investigations are secured by condition.

7.5. OCC HIGHWAYS: No objections – proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience.

7.6. CDC Environmental Protection:

*Noise:* No comments

*Contaminated Land:* No comments

*Air Quality:* No comments

*Odour:* No comments

*Light:* No comments

7.7. CDC BUILDING CONTROL: A Building Regulations application will be required. If building within 3 metres of a public sewer, or within 1 metre of a public lateral drain, you will need to obtain a Build-Over Agreement with the relevant sewerage undertaker.

7.8. CDC CONSERVATION:

7.9. *Significance:* Within a conservation area with a grade II Listed cottage adjacent to the site at the rear. Significance of the site is its location and the contribution it makes to the setting of the Listed Building, Orchard Cottage and the 'Historic Residential' character area of the Bloxham Conservation area.

7.10. *Appraisal:* Site is located in the centre of the historic residential character area in Bloxham. Characteristics of the area include relatively modest dwellings that site adjacent to the road with gardens to the rear.

7.11. Proposed building is not traditional; however, the site is mostly enclosed and as the building is to be sunken the impact and prominence will be reduced. Views to St Mary's Church will be preserved. Design has large amount of glazing which would cause light emissions, but as this is a domestic property, this is not believed to be a reason to resist the proposals. Based on the plans there are concerns that the building will sit higher than the boundary wall and it is suggested that the extension should remain below the height of boundary structures. Concern over whether hedge to east would remain and impact on boundary structures given proximity of proposals. More information on boundary treatments is needed. Concern over scale of proposals, suggest building footprint be reduced. More soft landscaping recommended.

7.12. Overall proposals not considered to harm the significance of nearby listed buildings but some harm may arise to the character of the conservation area.

7.13. *Comments:* May be some harm to the significance of the heritage assets but this could be reduced or mitigated if the building is reduced in size, the landscaping rethought, boundary treatments clarified and the building height confirmed.

7.14. *Conditions:* Materials, levels, landscaping, boundary treatments, doors and windows, control of outbuildings.

## **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)
- SLE4 (Improved transport and connections)
- BSC2 (Effective use of land and housing density)
- ESD1 (Mitigating and adapting to climate change)
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3 (Sustainable construction)
- ESD5 (Renewable energy)
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- 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)

- C18 (Development proposals affecting a listed building)
- C23 (Retention of features contributing to character or appearance of a conservation area)
- C28 (Layout and Design of new development)
- C30 (Design Control)
- C33 (Protection of important gaps of undeveloped land)

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- BL2 – Sustainable housing and size of developments
- BL3 – Connectivity
- BL4 – Parking
- BL5 – Parking
- BL6 – Adaptation to climate change
- BL7 – Flooding
- BL9 – Residential amenity
- BL10 – Conservation Area
- BL11 – Rural Character
- BL12 – Importance of space and key street scenes and views

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Bloxham Conservation Area Appraisal May 2007
- Bloxham Conservation Area Appraisal Draft February 2020
- Cherwell Residential Design Guide SPD

- Home Extensions and Alterations Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## 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 heritage assets
- Heritage impact
- Residential amenity
- Highway impact
- Flooding and drainage
- Ecology impact

### Principle of Development

9.2. Policy Villages 1 of the Cherwell Local Plan 2015 (‘CLP 2015’) explains that Bloxham is a Category A village where minor development, infilling and conversions are acceptable.

9.3. The site comprises an existing dwelling and its curtilage set within the built-up limits of Bloxham. The proposal is to extend the existing dwelling and as such there is no change of use of the land. Given the general presumption in favour of development within existing settlements, Officers consider the principle of extending the existing dwelling to be acceptable.

### Design, and impact on the character of the area, including heritage assets

#### *Policy Context*

9.4. Policy ESD15 of the CLP 2015 explains that ‘*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*’.

9.5. Policy ESD15 also guides new development that affects the historic environment and heritage assets. It requires new development to ‘*conserve, sustain and enhance designated and non-designated heritage assets*’. This includes respecting the traditional pattern of routes, spaces, blocks, plots and enclosures along with the form, scale and massing of buildings. The NPPF explains that heritage assets, including Conservation Areas, are an irreplaceable resource. Paragraph 199 states that ‘*great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)*’.

9.6. Saved policy C33 of the Cherwell Local Plan 1996 (‘CLP 1996’) explains that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

- 9.7. Policy BL10 of the Bloxham Neighbourhood Plan ('NP') requires that proposals with the Conservation Area preserve or enhance the character of the area and take account of the 2007 Conservation Area Appraisal.
- 9.8. Policy BL11 of the NP encourages all development to respect the local character and historic and nature assets of the area. The design and materials chosen should preserve or enhance the rural heritage, landscape and sense of place. In particular new development should relate in scale, massing and layout to neighbouring properties, reflect local distinctiveness and preserve existing areas of open space.
- 9.9. Policy BL12 of the NP notes that development on residential gardens will not usually be permitted.
- 9.10. As the site is within a Conservation Area and is within the setting of a listed building (Orchard Cottage) the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) applies. Section 72(1) 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.*
- 9.11. Section 66 of the same Act states that: *In considering whether to grant planning, permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.12. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 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.* Policy ESD15 of the CLP 2015 echo this guidance.

#### *Site Context*

- 9.13. The application site lies within Bloxham Conservation Area. The Conservation Area Appraisal for Bloxham (2007) ('CAA') identifies the site as lying in the Historic Residential Character Area. The CAA explains that this character area is defined by its winding narrow streets, strong building line and residential land use. The majority of houses are detached and set within their own grounds. Most buildings are two stories high and finished in ironstone.
- 9.14. The CAA (2007) highlights the importance of views from Queen Street over the site towards the Church. The site is not, however, identified as important open space or referenced in the 'trees, hedges, verges, open spaces' section of the CAA (11.7). The draft Conservation Area Appraisal (2020) notes that the northern end of Queens Street retains its character as an edge of rural settlement despite being surrounded by 20th century housing. The draft also highlights the importance of views of the Church spire across the site, as per the 2007 CAA.
- 9.15. The application site occupies a back land position between Queens Street to the west and Kings Road to the east. It is surrounded by residential properties and their gardens with the only connection between the site and the public highway being the narrow drive to the west, leading onto Queen Street. The site is enclosed by a combination of high stone walling, fencing and hedging.



- 9.16. The position and enclosure of the site limits public views into the site with the main view being from the west, up the access drive. From this position the existing entrance gates and stone boundary walling can be seen, along with the roof and gable of the existing bungalow. The Church spire is visible in the background along with the roofs of properties along Kings Road. When the access gates are open a limited view into the site is possible. To the south of the access point are a pair of modern houses designed in the local vernacular whilst to the north is an older ironstone cottage. Further north along Queen Street there is a view south over the site between the properties known as Bayfield and Church View. However, this view is limited by the garage to Church View and existing vegetation.
- 9.17. Due to the position of properties along Kings Road and their boundary walls, there are no public views of the site from Kings Road, though there would be views from the first floor of the properties along the west side of the road. Neighbouring properties on Queen Street also have views into the site from their upper windows.
- 9.18. Within the 2000 planning appeal (00/02395/F) for 9 dwellings the Inspector noted that *'it is clear that this is an undeveloped site; there is no vehicular access to it, and no roofs appear over the surrounding boundary walls and hedges. Its presence as an undeveloped space adds to the distinctive texture of the village'*.
- 9.19. This context has changed to moderate degree with the construction of The Bungalow and its associated access, however when considering the application for The Bungalow (10/00551/F) the Case Officer noted that the property would not appear as developing the site and the Inspector considering the appeal for that application did not raise any concerns on this point.
- 9.20. To the east of the site is Orchard Cottage, a grade II listed dwelling finished in ironstone rubble under a thatched roof fronting Kings Road.

#### *Assessment*

- 9.21. Though it is an independent dwelling, the existing bungalow, by virtue of its single storey scale and brick finish, appears as a modest outbuilding associated with Camrose which fronts the highway. It is also inconspicuous in the street scene given it is set back from the highway and presents a short gable elevation to the road. As a result of these features, the case officer for the original planning application for the bungalow noted that the bungalow would not appear as overdevelopment of the site.
- 9.22. The proposed extensions to the bungalow represent substantial additions. The existing property has a footprint of approximately 193 sq m whilst the proposed extensions have a footprint of approximately 375 sq m. The total site area, excluding the access, is 1,475 sq m. This means that at present 13% of the site is covered in buildings and the proposal would increase that to 38%.
- 9.23. To mitigate concern expressed by Officers at pre-application stage over the potential for harm to the Conservation Area the majority of the north extension is proposed to be sunk into the ground with the intention that it sits lower than the surrounding boundary treatments and therefore would not be visible from the public realm.
- 9.24. Relative to existing ground levels the main part of the extension would be between 1.27m and 2.1m below the existing ground levels on site. The existing boundary treatments around the property vary in height but are generally around 2m in height (except for the leylandii hedge). Based on the cross sections provided by the Architect, the extension would sit below the height of the northern boundary wall and fence and would not therefore be visible from the public realm or private gardens. It would be visible from first floor windows.

- 9.25. Compared to the western boundary wall, the garage would be substantially below the height of the wall but the ridge of the curved part of the extension just exceeds the top of the northern part of this wall. However, at this point the main extension is set into the site therefore any view of the ridge would be very slight, if possible at all from the public realm.
- 9.26. The western boundary wall falls gently towards the site entrance potentially exposing more the proposed extension roof however at the same time the extension curves away from the western boundary. Queen Street sits at a slightly lower level than the application site meaning that views towards the site are angled slightly upward. This reduces visibility into the site, however it may still be possible to glimpse parts of the roof of the extension. Despite being lower than the main extension, by virtue of its alignment with the site entrance the most visible part of the extension would be the linking structure connecting it to the existing bungalow, particularly when the entrance gates are open.
- 9.27. From the south there are no public views into the site, with the existing bungalow effectively screening the new extension. Similarly, from the east, the existing properties along Kings Road screen the site from the public realm and the cross sections indicate that the main extension would not exceed the height of the existing boundary fence, though the smaller eastern extension would be visible from neighbouring gardens.
- 9.28. The CAA identifies that the view across the site from Queen Street towards the Church spire is important to the Conservation Area. Given the sunken design of the main extension, Officers are satisfied that these views would be retained and would be unaffected by the proposals.
- 9.29. Considerable concern has been expressed by residents over the proposal and its impact on the Conservation Area. Officers agree that the scheme represents a significant redevelopment of the site and that this is a sensitive site within the Conservation Area given its size, position and previous uses. The site is not, though, subject to any specific designation within the Conservation Area, it is not identified as important open space and none of the trees or vegetation are marked as being important. There is also no public access to the site and, as described above, very limited views into the site are available from public viewpoints. It appears widely accepted that the land was previously an orchard; however, it is now a maintained private residential garden. In Officers' view, aside from the views afforded of the Church the value of the site to the Conservation Area centres on the separation it provides between buildings which gives a lower density feel to the locality. It is also apparent that residents value the verdant nature of the site.
- 9.30. The sunken nature of the proposed northern extension would largely maintain the open character of the site when viewed from Queen Street. Whilst Officers acknowledge that small parts of the roof may be visible, the dark grey finish of the roof covering, combined with the minimal amount that would be visible, would ensure the building does not catch the eye. The extensive glazing proposed on the curved part of the main extension would not be visible from the highway. The linking structure would be more visible as discussed above, but this would be seen in the context of the existing bungalow and Officers do not consider this would be harmful to the character of the area.
- 9.31. Officers acknowledge that a significant proportion of the garden would be built on and the Bloxham Neighbourhood Plan resists developing gardens (policy BL12). However, it remains that the majority would not be covered by buildings and the extension would be well screened from the public realm. In the absence of visual

harm, Officers do not consider it would be reasonable to recommend refusal on this policy conflict.

- 9.32. It is indicated that new landscaping would be included as part of the scheme, including individual trees and hedges within and around the site. Landscaping cannot be relied upon to make an unacceptable scheme acceptable but can help to soften the impact of new development. Officers consider that landscaping of the site would help to maintain the verdant character of the site prized by residents; however, the submitted landscaping scheme has not been updated following amendments to the scheme and lacks sufficient detail. As such, a landscaping scheme and maintenance plan are recommended to be required by planning condition.
- 9.33. Concern has been raised over light spillage from the new glazing. There is potential for light spillage from the glazing; however, the overhang of the roof would limit upward light spillage. Given the area is residential and there is sporadic street lighting on Queen Street and Kings Road, Officers do not consider the degree of light spillage would be harmful. External lighting could have a more significant effect and therefore a condition requiring details of all external lighting is recommended.
- 9.34. Turning to the design of the main extension, the use of a curved form, standing seam roof covering, extensive glazing and grass roof combine to give the scheme a contemporary appearance. This contrasts with the surrounding vernacular properties; however, there is no particular requirement that new development must be vernacular, only that it must be sensitive to the local character of the area.
- 9.35. In this regard the single storey nature of the extension is considered appropriate given two storey properties typically front the highway and lower ancillary structures are generally set to the rear. This ensures the general pattern of development in the area is maintained.
- 9.36. The curved form of the extension is not a typical feature of the area but would be well screened from the public realm and therefore wouldn't be harmful to the character of the area. Similarly, the extensive glazing is mostly screened and the grass roof wouldn't be visible. The standing seam roof would be glimpsed from Queen Street, particularly in views up the driveway, and this is not a material seen elsewhere in the locality. The smooth finish and uniform seams contrast with the texture of traditional slate or tile roofs; however, the colour is similar to a slate roof. As such, whilst the material would not be to everyone's taste, Officers consider the material complements the traditional materials in the locality when used in a more secluded site such as this. The use of ironstone for the walls provides a clear link with the traditional properties in the area. Conditions are, however, recommended to secure material samples and details to ensure the final materials are suitable for the area.
- 9.37. With regard to the reprofiling of the existing bungalow roof, the ridge would increase in height by 150mm and the roof would continue to be finished in slate. As such officers do not consider this would harm the character of the area. Whilst the roof would be asymmetrical this would not be apparent from the public realm. The addition of solar panels to the roof is a significant addition, but as these are on the southern roof slope, the existing properties to the south (Camrose and Springtime) screen views from the public realm.
- 9.38. Turning to the smaller eastern extension, this continues the linear form of the existing bungalow and is well screened from the public realm. As such, and given it utilises the existing form of the bungalow, Officers do not consider this element would result in any harm to the character or appearance of the area.

- 9.39. Recladding the existing bungalow in ironstone slightly changes the subservient relationship between the property and Camrose but, given the material is common in the Conservation Area and is seen on other outbuildings, Officers do not consider this change to be harmful.
- 9.40. There would be significant amounts of excavation required to construct the extensions and some of the excavations would be in close proximity of boundary walls that make a contribution to the character and appearance of the Conservation Area. In order to ensure the walls are protected during construction Officers consider it is proportionate to impose a condition requiring details how the walls would be protected.
- 9.41. With regard to the impact of the proposals on the setting of nearby listed buildings, Officers consider the only building that may be affected is Orchard Cottage. There are other listed buildings in the vicinity; however, given the separation distances and intervening built form, these are not considered to be affected. In respect of Orchard Cottage, Officers consider the residential setting of the building, its relationship with other properties on Kings Road and the spaces around the property all contribute to its significance as an example of traditional buildings in the area.
- 9.42. Given the low form of the proposed extensions and the continued residential land use of the site, Officers do not consider that the significance of Orchard Cottage would be harmed by the proposals.

#### *Conclusion*

- 9.43. The proposal is an unusual scheme on a sensitive site. That said, Officers are of the view that the sunken nature of the proposed building maintains the important views of the Church and avoids the site appearing overdeveloped when viewed from the public realm. Subject to conditions relating to materials, lighting, landscaping and protection of the existing boundary walls, Officers do not consider the scheme would harm the character and appearance of the Conservation Area or the harm the significance of the adjacent listed building.

#### Residential Amenity

##### *Policy Context*

- 9.44. Policy ESD15 of the CLP 2015 requires new development to deliver '*high quality safe, attractive, durable and healthy places to live and work in*' and to '*Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*'.
- 9.45. Paragraph 185 of the NPPF requires development to be appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 9.46. Policy BL9 of the NP requires that proposals ensure the living conditions of neighbouring residents are not materially harmed, amongst other amenity considerations.

##### *Assessment*

- 9.47. The site comprises an existing dwelling and its curtilage. The proposal would not change the residential use of the site but would involve the addition of two extensions onto the site. The site is surrounded by residential properties and their gardens.

- 9.48. The larger northern extension is mostly sunken into the ground (the exception is the linking structure) and as such Officers do not consider the physical form of the building would be overbearing on any neighbouring resident or result in any loss of light.
- 9.49. In respect of privacy, as the proposal is mostly sunken and is only a single storey, the proposed windows would not give rise to any unacceptable loss of privacy for neighbouring residents. Any intervisibility between the proposed windows and existing properties is little different to any existing ground level views from the garden of the bungalow.
- 9.50. In respect of the reprofiling of the roof to the existing bungalow, the small increase in ridge height (150mm) is considered not to adversely affect the amenities of Camrose, particularly as it is to the north of that property. Similarly, by virtue of the scale of the eastern extension and its relationship with surrounding properties, Officers do not consider this would unacceptably harm the amenities of any existing residents.
- 9.51. Significant concern has been raised by residents over the impact of the construction of the extensions. These concerns are understandable, particularly given the extent of excavations that will be necessary; however, the application could not be refused on this issue. Instead, it is recommended a Construction Management Plan is required by planning condition to control, amongst other matters, the hours of work and measures to control dust emissions.

#### *Conclusion*

- 9.52. Officers are satisfied that the proposed extensions will not adversely affect the amenities of any neighbouring residents however it is recommended that a condition be imposed to secure a Construction Management Plan to control the impact of the construction phase on nearby residents.

#### Highway Impact

#### *Policy Context*

- 9.53. Saved policy TR7 of the CLP 1996 resists development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads. Paragraph 111 of the NPPF notes that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.
- 9.54. Policy BL6 of the NP requires dwellings with three or more bedrooms to have at least two parking spaces on plot in addition to 0.5 visitor spaces per dwelling. Garages should be well related to the properties and be sized to accommodate modern cars. Policy BL5 resists proposals that reduce off street parking to existing dwellings unless sufficient parking is retained.

#### *Assessment*

- 9.55. The site comprises an existing two bedroom dwelling with a single garage and generous driveway with sufficient space for several cars. Though the proposed development would significantly enlarge the existing property, it would remain a single dwelling and only gain one bedroom. No changes to the existing access are proposed however the existing driveway would be reconfigured and a new triple garage built.
- 9.56. OCC Highways have not objected to the scheme advising that it is unlikely to have a detrimental impact on the highway. Given the number of dwellings on the site would

not change and the scheme includes ample parking, Officers have no reason to disagree with OCC Highway's position.

- 9.57. It is, however, noted that the existing access is narrow, and Queen Street is also a narrow road with limited on street parking. In this context the construction phase of the proposed extension has the potential to cause significant disruption to the public highway. This is not a reason the application could be refused; all construction activities involve a degree of disruption. However, it is necessary for this to be carefully managed. Officers therefore consider it reasonable to require details of contractor parking, delivery arrangements, road sweeping and vehicle cleaning measures as part of the Construction Management Plan to be required by planning condition, as explained above.
- 9.58. Officers also note that concern has been raised by a member of the public over previous changes made to the highway in connection with the original construction of the bungalow. This matter is not considered relevant to the current application as no changes are proposed or required to the site access as part of this planning application.

#### *Conclusion*

- 9.59. The proposed development is considered unlikely to have a significant detrimental impact on the highway and therefore no objection to the scheme is raised on highway grounds. It is however necessary to control the impacts of the construction phase on Queen Street by requiring relevant information through a Construction Management Plan condition.

#### Ecology Impact

#### *Legislative context*

- 9.60. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.61. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.62. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.63. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be

made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.64. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.65. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.66. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.67. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.68. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.69. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.70. The Planning Practice Guidance on Protected Species and Development states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

9.71. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.72. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well-managed, closely mown lawn with fencing, stone walls and established conifer hedges to the boundaries. There are several trees within the site that would be removed and the existing roof to the bungalow would be replaced. The existing roof is however modern and contains no obvious crevices for bats to occupy whilst the trees are modest fruit trees and conifers.

9.73. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

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

10.1. The proposal is considered acceptable in principle and though it represents a significant extension to the existing building this has not been found to cause harm to the character, appearance and significance of the Conservation Area or the nearby listed building, subject to recommended planning conditions. There are no residential amenity concerns, highway safety issues or ecological constraints. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission is recommended to be granted.

## **11. 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

1. The development hereby permitted shall be begun before the expiration of three years from 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.

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

5349/MAP A – OS Map

5349/01 – Survey Drawing Site Plan

5349/02 – Survey Drawing Floor Plans

5349/03 – Survey Drawing Elevations

5349/20P – Scheme Drawing Proposed Plans

5349/21J – Scheme Drawing Proposed Site Plan

5349/22H – Scheme Drawing Proposed Elevations

5349/23/A – Scheme Drawing Proposed Elevations

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and in the interests of local highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a) The parking of vehicles of site operatives and visitors;
  - b) The routing of HGVs to and from the site;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) The erection and maintenance of security hoarding;
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g) Measures to control the emission of dust and dirt during construction;
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

6. Full details of the construction and planting of the green roof on the extension, together with details of the maintenance programme that ensures the delivery and long term maintenance of the roofs shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the buildings above slab level. The green roofs shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: To ensure the delivery of green infrastructure and biodiversity gain in accordance with Government guidance contained within the National Planning Policy Framework.

7. A schedule of materials and finishes to be used in the external walls, windows, doors and roof of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall not be carried out other than in full accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to safeguard the character and appearance of the area and 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.

8. No development shall commence above slab level until a stone sample panel (minimum 1 metre squared in size) has been constructed on site and inspected and approved in writing by the Local Planning Authority. Thereafter, where indicated on the approved drawings the external walls of the dwellings, garages (where applicable) and the boundary walls shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter. The sample panel shall be constructed in a position

that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and the significance of heritage assets 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.

9. A scheme for landscaping the site shall be provided 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,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

(d) details of all new and existing boundary treatments, including their height and materials.

Such details shall be provided prior to the development progressing above ground floor slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

The development shall be carried out in strict accordance with the approved landscaping scheme. The hard landscape elements of the scheme shall be carried out 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 well planned development and visual amenity and to accord 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.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the extension 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, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

11. Details of the external lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area 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 advice in The National Planning Policy Framework.

12. Prior to any excavations on site a method statement explained how the existing stone boundary walls will be protected from damage during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme at all times.

Reason: To safeguard the preservation and retention of the existing historic boundary walls to comply with Saved Policy C23 of the Cherwell Local Plan 1996 and Government guidance contained within the Section 16 of the National Planning Policy Framework.

#### INFORMATIVE

1. The applicant is reminded of their responsibilities in respect of protected species and that the granting of planning permission does not discharge those responsibilities.

CASE OFFICER: Nat Stock