

**Mallards, New Street, Deddington,  
Banbury, Oxfordshire, OX15 0SR**

**12/00732/F**

**Ward:** Deddington

**District Councillor:** Councillor O'Sullivan

**Case Officer:** Caroline Ford

**Recommendation:** Approval

**Applicant:** Mr A Morris

**Application Description:** Demolition of rear porch and derelict garden outbuildings; construction of two storey rear extension; improved access to existing parking area including covered area; fitting of satellite dish and new shed

**Committee Referral:** Member Request

## **1. Site Description and Proposed Development**

- 1.1 Mallards is an end of terrace, grade II listed stone built property with a tile roof. The property is situated on the main street through Deddington and is within the conservation area and amongst other listed buildings including the grade II\* listed Plough House next door. The site may have some archaeological potential and is also potentially contaminated; however there are no other site constraints.
- 1.2 The application seeks planning permission for the demolition of a rear porch and derelict outbuildings and it is proposed to construct a two storey rear extension, improve the access to the parking area and to cover this to create a car port, the fitting of a satellite dish and a new shed.
- 1.3 Amended plans have been received through the processing of the application to re-position the extension slightly (by 1m) further towards the centre rear of the property and the width of the extension has also been reduced by 0.55m. The window arrangement has also been re-considered. The amended plans therefore show the two storey rear extension would project 5.2m from the rear of the existing dwelling and would be 5.1m in width. The extension would be set down from the ridge of the main dwelling and so appear subservient. The work to the parking area would involve the raising of the existing stone wall forming the front boundary, the removal of part of a stone wall to the side and again raise the section of wall that would remain and to insert an oak frame to cover the parking area forming a car port type structure. To the rear garden a timber shed is proposed. The satellite dish would be installed to the side of the existing dwelling.
- 1.4 A listed building consent application accompanies this full application (12/00717/LB refers). This includes additional work in the form of internal alterations, a new roof light and the replacement of all windows to the property.
- 1.5 There is no planning history associated with this property.
- 1.6 This application is reported back to committee following its deferral at the last meeting for a formal site visit.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment was the 23<sup>rd</sup> August 2012 (the application has been advertised twice, in relation to the original and then the amended plans).

3 letters were received to the original plans. The following Issues were raised:

### Material planning comments:

Unacceptable adverse impact on the character of a listed building, on the Deddington Conservation area and on amenities of neighbouring properties

Reference made to the Conservation area appraisal

Consider proposal will not be sympathetic to the existing building as it is not in scale

Consider design and access statement is flawed – proposal will be larger and taller than extensions attached to neighbouring properties.

Extension will impinge on Plough House

Proposal would alter the pattern and erode the intrinsic character of the settlement and do nothing to protect the view.

Concern about removal of exterior sheds. Nearby sheds should not be harmed by the demolition of the corrugated shed.

Other building forms an outside toilet and its removal goes against conservation area appraisal

Affric House faces towards Mallards. Design guide suggests a distance of 14m between a habitable room window and a blank elevation and the proposal is 11-12m. All habitable room windows other than 4 window/ door openings face in this direction.

These doors and windows are main source of natural light (albeit light from the north). Light will be severely reduced by the proposal. Roof ridge will be 2m higher than Affric House (Mallards garden is 1m above Affric House)

Removal of wall to front seems to serve no purpose other than changing the street scene. Loss of this wall would go against the Conservation area appraisal to retain traditional boundary walls

Plans state that the application will provide improved disabled access.

There are existing steps throughout and the plans show there will be steps within the new building. If ground floor accommodation is needed, why is an en-suite bedroom provided at first floor? New rear doorway is positioned in such a way that it is unlikely to be easier for a disabled person

Extension does not appear to be minor or sympathetic to the dwelling  
Proposal will block sunlight and daylight currently enjoyed by Affric House and be overbearing and out of character

If approved, planners will have gone against policy and guidance.

Proposal represents overdevelopment of what is a small house and loss of a large part of a small garden

Height of extension would affect the amount of light available to the rear part of the garden of Plough House

### Non material comments:

View from Affric House will be lost

Owners of Mallards have a right of access over the bottom of the driveway of Affric House to the former barn that currently forms a parking space

4 letters have been received to the amended plans. Additional points over those outlined above are:

Intrusive in conservation area

An extension of this scale would impact by its sheer height

Immensely detrimental impact to the two neighbours either side

The matter of the boundary between Mallards and Affric House is currently under dispute. Could this decision be deferred until this issue is resolved?

Use of this parking area for two cars may involve driving close to the wall of Affric House by windows to enter this area. If car parked outwards then windows would shine into habitable room windows. Parking area roof appears to be inappropriate and there is no other feature similar to this.

No reason to demolish outside privy. That in the rear of Plough House and The Steps are still in place. These are an important part of maintaining the history of the cottages.

Accuracy of the plan for the shed questioned as this seems to suggest access will be from garden of Affric House

Extension may have been reduced but is still no sympathetic to the existing building. It is still 40% the size of the original house and far bigger than those attached to the neighbouring Plough House

Reinforce that proposal will be 13m from all habitable room windows in Affric House

Extension will be visible to owners of Quinque House to the north of the Steps

Completely out of scale for this historic parcel of land so close to listed buildings

Threatens light to a part of the neighbours small garden

Affric House will be seriously and adversely affected by this oversized and unsympathetic extension

Travesty if the wishes of the new owners are permitted completely to ignore the needs of long standing residents who have lived in friendly harmony along the street for so many years

Loss of light to garden of Plough House

### 3. Consultations

- 3.1 **Deddington Parish Council:** To the original plans, the Parish Council objected on the grounds that Affric, the neighbouring property directly faces the side and rear of Mallards with all windows facing the proposed extension. The Parish Council considers that the new two storey extension with its high roof line would cause an overbearing impact on Affric restricting light to a large proportion of the property. Part of the application is to create better access to a parking area. The Parish Council considers that the demolition of parts of the existing walls and the proposal to put a timber structure on this area would not be in keeping with the properties Grade II listed status and would be detrimental to the look of the conservation area.

To the amended plans, the Parish Council continue to object on the same grounds as set out above.

## **Cherwell District Council Consultees**

- 3.2 **Conservation Officer:** Concerns raised to the original scheme. No objection subject to conditions to the amended scheme

## **Oxfordshire County Council Consultees**

- 3.3 **Highways Liaison Officer:** No objection subject to a condition
- 3.4 **Archaeologist:** Unlikely to be any impact, planning note could be used

## **Other Consultees**

- 3.5 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

South East Plan 2009

- CC6: Sustainable communities and character of the environment
- BE1: Management for an urban renaissance
- BE6: Management of the historic environment

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

## **5. Appraisal**

- 5.1 The key issues for consideration in this application are:

- Visual amenity
- Character and significance of the conservation area
- Setting of the listed building
- Residential amenity of neighbouring properties
- Highway safety

### **Visual amenity**

- 5.2 The proposed extension is contained to the rear of the dwelling; however views would be gained from New Street when approaching from the south. The view gained would be that of the side elevation of the extension, which would appear as a traditionally designed extension and which would be constructed from natural materials including stone with a plain tile roof to match the existing. As such, it is Officer's view that limited harm to the visual amenity of the area or the character of the street scene would result by the proposed extension.

- 5.3 The design of the extension as amended is in a traditional form, with a rear projecting gable and which is slimmer in width than originally proposed and is considered to be an acceptable design for the dwelling and its grade II listed status. Where views are gained of the rear elevation, it is considered that limited harm would be caused.
- 5.4 The proposal to raise the front boundary wall is considered to be acceptable providing the stone work is laid to match the existing and this should cause limited visual harm. The car port feature would be tucked below the boundary walls; however views would be gained again from the south. This feature is considered to be an unobtrusive addition that will cause limited harm to visual amenity.
- 5.5 The satellite dish would be tucked to the rear of the dwelling and so limited views would be gained. The garden shed is proposed to be located in the corner of the garden. This building would be a standard design shed, however few views of it would be gained, it is practical for its purpose and it is not unusual to see garden sheds within residential gardens.
- 5.6 As such, the proposal is considered to cause limited harm to the existing street scene or the amenity of the wider area and is acceptable within its context. As such, the proposal is considered to comply with policy C28 of the adopted Cherwell Local Plan

**Character and significance of the Conservation Area**

- 5.7 The NPPF requires that an assessment of the impact of a development upon the character and significance of a designated heritage asset must be made. The property is within the Deddington Conservation area, which is a designated heritage asset.
- 5.8 The assessment outlined above in terms of the impact of the proposal on the visual amenity of the area is relevant here and as the proposal is considered to cause limited harm to visual amenity; it is also considered limited impact would be caused to the character of the conservation area. Policy C28 of the adopted Cherwell Local Plan requires that within a sensitive area, development will be required to be of a high standard and the use of traditional local building materials will normally be required. The NPPF advises that when determining planning applications, Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.9 In this case, the proposed extension is traditionally designed, that is acceptable within its context in a sensitive area and will respect the existing local character and distinctiveness. The materials to be used are traditional and similar to those used on the main dwelling and in Officer's view will result in a high standard of development that will make a positive contribution to the area.
- 5.10 The proposed garden shed and satellite dish similarly are not considered to cause serious harm to the significance of the conservation area. In terms of the increased height of the wall and the covered parking area, this feature would be a relatively unobtrusive addition that would not harm the significance of the conservation area.

- 5.11 Whilst this conclusion is reached, it is noted that third parties do not share this view. Where harm is identified, which is less than substantial harm, the NPPF advises that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The extension to the property does not secure its optimum viable use (as it could continue to function as a dwelling without this), however the applicant's family have personal circumstances to seek to provide additional accommodation that would work for an individual with a disability (albeit this reason is given limited weight as the personal circumstances of the current owner must be weighed against the impact of a development on the building itself) and it is Officer's view that the proposal seeks this in a sympathetic way that would cause limited harm to the conservation area as a designated heritage asset.

#### **Setting of listed buildings**

- 5.12 The NPPF also requires that an assessment is made as to the impact of a development within the setting of heritage assets and should look for opportunities for new development to enhance or better reveal their significance. In this case, an assessment as to the impact upon the character and significance of the listed building itself will be made under the accompanying listed building consent application, however the impact upon its setting as well as the setting of other nearby listed buildings, including the neighbouring grade II\* listed Plough House should be made.
- 5.13 As has been described, the design of the extension is considered to be a sympathetic addition to the dwelling itself. The extension does represent a relatively large addition, however the Conservation Officer raises no objection to the scheme in its amended form (concerns were raised to the original proposal) and as such, it is considered that the proposed extension represents an acceptable form of development to be attached to the rear of the listed building that would cause limited harm to the setting of the building and would not detract from the overall significance of the building. This conclusion is also reached in terms of the satellite dish, the garden shed and the works to the boundary wall and the covered parking area.
- 5.14 In terms of other listed buildings nearby and the grade II\* listed building immediately adjacent, given the extension is contained to the rear of the application property and it is considered to be an appropriate addition to that listed building, it is considered that overall limited harm would be caused to the significance of any of these nearby listed buildings. Similarly limited harm would be caused by the satellite dish, the garden shed, or the work to the boundary wall and parking area. It is considered that the proposal would not detract from the overall importance of any of these nearby listed properties as designated heritage assets. Whilst the proposal may not necessarily enhance or better reveal the significance of any listed building, it is concluded that it does not detract from or harm these buildings and so does not represent unacceptable development.

#### **Residential amenity of neighbouring properties**

- 5.15 The proposal does have the potential to impact upon the residential amenities currently enjoyed by the two neighbouring properties, Affric House and Plough House. Policy C30 of the adopted Cherwell Local states that design control will be exercised to ensure... (iii) that new housing development or any proposal for the extension or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.

- 5.16 In the case of Affric House, this house is orientated with its principle elevation facing north towards Mallards and its garden. As such, all windows (other than one living room window and one bedroom window, which front onto New Street and roof lights) face towards the application site. In cases where habitable room windows would face towards a blank elevation of a neighbouring property, the Council's House Extensions and Alterations Design Guide seeks a distance of 14m to prevent overshadowing. The current proposal, in its amended form, provides a distance of 13m from the side of Affric House to the side of the proposed extension. This distance clearly is 1m short of the distance the Council normally seeks to achieve, however the requirement for 14m is for guidance purposes only and therefore a balance as to whether this shorter distance can be accepted should be made.
- 5.17 The orientation of the properties is also necessary to be considered. The proposed extension would be positioned north west to Affric House and so the potential for loss of sunlight is considered to be limited. As such, the impact by over dominance and loss of daylight is the main concern. Officers recognise that the proposal would impact upon the amenity of Affric House by its proximity and scale and that this has the potential to be over bearing and to result in the loss of daylight. However, given the distances involved, which almost meet with the Council's guidance and the orientation of the properties as well as the projection of the extension of 5.2m meaning that not all windows to Affric House will be affected, it is considered on balance that the harm caused, in this case, is not so serious that a recommendation of refusal could be made and defended at appeal. The Case Officer has visited Affric House, stood in the windows of concern and is content that this conclusion is reached. This neighbour should also experience limited loss of privacy by way of the proposed extension given no windows are proposed to the side (and this can be secured by condition). The raising of the garden walls and the car port, will stand closer to this neighbour, however given they would be directly in front of the existing gable end of the property, it is considered that the impact caused by this would be not significantly worse than the existing situation. The satellite dish and new garden shed should not impact upon the amenity of this neighbour.
- 5.18 In terms of Plough House, this neighbour stands to the north of Mallards meaning the extension would be to the south east. This neighbour has windows at first floor which are understood to not serve habitable rooms and in any event, due to the distance of the extension away from the shared boundary with this neighbour (4m) and taking a 45° line, to which the extension is unlikely to encroach into, it is considered that the proposal is unlikely to cause such serious harm to the residential amenity of this neighbour by way of loss of light or loss of privacy that a recommendation of refusal could be made. No windows are proposed at the side facing towards this neighbour (again, which can be secured by condition) and as such the proposal is unlikely to cause a serious loss of privacy to this neighbour. This neighbour is also unlikely to experience any undue harm by way of any other elements of the proposal.
- 5.19 Given the above assessment, it is considered that the proposal results in a level of amenity and privacy that is acceptable to the Local Planning Authority and as such the proposal complies with policy C30 of the adopted Cherwell Local Plan.

#### **Highway safety**

- 5.20 The proposal adds an additional bedroom, however the changes to the parking area means that off road parking is provided and as such the proposal is

considered acceptable in highway safety terms. The Highway Authority raises no objections subject to a condition which has been recommended.

### **Other matters**

- 5.21 The land is within an area of potential archaeological interest and the County Archaeologist has commented that the proposals do not appear to affect any presently known archaeological sites, however known archaeological finds have been recorded nearby and so the potential should be borne in mind by the applicant. A planning note has been recommended in relation to this matter. The land has the potential to be contaminated, however given the limited extent of the work proposed, it is considered the impact is likely to be limited and a planning note has been recommended in relation to this matter.
- 5.22 The comments of the third parties and the Parish Council are noted and have largely been addressed within this appraisal or the accompanying listed building application. The proposal is for an extension to an existing residential dwelling and given other extensions are attached to neighbouring properties (albeit of different scales), it is not considered that the proposal will affect the settlement pattern. The comments in terms of the works to the wall are noted and the amended plans address these concerns and those of the Conservation Officer. It is not considered that the proposal represents an over development of the plot given the dwelling will still benefit from a reasonably sized rear garden. The comments in terms of the ownership of the land and the boundaries between Mallards and Affric House are not material to the consideration of the planning application and the decision cannot be delayed as the grant of planning permission does not override any other civil rights either party may benefit from. The use of the parking area does not change from the current use that could occur (and there is the possibility of just one further car using this area) and so it is not considered that this will cause demonstrably greater harm than existing. The plan of the shed does appear to be incorrect and so an amended plan to correct this can be requested. Whilst the comments in terms of disability access are noted, this is not the reason the application is considered acceptable as the Council must give consideration to the future of the building rather than the personal circumstances of the current owner.

### **Conclusion**

- 5.23 As has been demonstrated within this appraisal, the proposal is considered to be an acceptable form of development that will cause limited harm to visual amenity, the character and significance of the conservation area and the setting of the listed buildings and highway safety. The proposal is recognised to impact upon the residential amenity of the neighbouring properties, however the assessment has demonstrated that this level of impact is to an acceptable level that is not so serious that the proposal could be recommended for refusal and this decision defended at appeal. As such, the proposal complies with the above mentioned policies and is recommended for approval as set out below.

## **6. Recommendation**

**Approval**, subject to the following conditions:

1. That 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.

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: application forms, design and access statement, schedule of works, photographs and amended drawing numbers 32.11 B 'Existing and proposed elevations, floor plans, section and site plans', 32.11B 'Proposed timber outhouse' and 32.11A 'Improved access to parking area and removal of outhouse' all received in the department on the 16 July 2012 with agent's letter of the same date.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with The National Planning Policy Framework.

3. That the external walls of the extension and the raised boundary walls to the side of the dwelling surrounding the covered parking area shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed in accordance with a sample panel (minimum 1m<sup>2</sup> in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and/or on the adjoining building and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

4. That samples of the tiles to be used in the covering of the roof of the extension shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

5. That full design details of the windows, doors (which shall be timber) and roof lights (the roof lights shall be conservation grade), including details of the elevations, glazing and a cross section at a scale of 1:20 and an indication of the colour/ finish shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

6. That full design details of the roof to the covered parking area shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

7. That the revised parking area shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government advice in The National Planning Policy Framework.

8. That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the side (north west and south east) elevations of the extension without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the adjoining dwellings and prevent overlooking in accordance with Policy C30 of the adopted Cherwell Local Plan.

#### **Planning Notes**

1. O1 – Archaeology
2. ZZ – Contaminated Land
3. S1 – Post permission changes
4. T1 – Third party interests

#### **SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and preserves the significance of the conservation area heritage asset and the setting of nearby listed buildings. Additionally the impact upon the residential amenity of neighbouring properties is considered to be to an acceptable level. The proposal also raises no highway safety implications. As such the proposal is in accordance with The National Planning Policy Framework – March 2012, Policies CC6, BE1 and BE6 of The South East Plan and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.