

**2 South View
Church Road
Ardley
Bicester
Oxfordshire
OX27 7NR**

12/01353/OUT

Ward: Caversfield

District Councillor: Jon O'Neill

Case Officer: Graham Wyatt

Recommendation: Approval

Applicant: Mr John Allen & Mrs Sarah Cox

Application Description: OUTLINE – 1 No. two bedroom dwelling.

Committee Referral: At the request of Cllr. O'Neill

1. Site Description & Proposal

- 1.1 This application site forms part of the garden area of 2 Church Road in Ardley. The dwelling benefits from a large garden that extends to both the rear and side of the property. The site has a single access for vehicles which are parked to the front of the site. An existing wall forms the boundary to the front. The land is laid to grass and lies between the existing house and the adjoining property at Millen Cottage. The site lies within the Ardley Conservation Area. St. Mary's church which is listed grade II* lies to the east of the site, behind Church House and Tithe Cottage.
- 1.2 The proposal seeks to erect a two bedroom dwelling on the land. The application is in outline form with only access, layout and scale for consideration. Landscaping and appearance are reserved for future consideration. The plans supplied indicate that the scale of the building will be two storey.

2. Application Publicity & Comments

- 2.1 The application has been advertised by way of a site notice, an advertisement in the local press and neighbour notification letters. The final date for comment was 2nd November 2012. Eight letters of objection have been received (although five of these are from the owners of Millen Cottage) commenting on the following material planning considerations:
 - Impact on Ardley Conservation Area;
 - Overbearing development on Millen Cottage;
 - Loss of light to rooms and garden of Millen Cottage;
 - Impact on the character and appearance of the area;
 - Overlooking to Millen Cottage;
 - Parking and highway matters;
 - Incomplete plans;
 - Contrary to policy C23 of the Adopted Cherwell Local Plan 1996
- 2.2 Other matters such as the Part Wall Act 1996 and the loss of views are not material planning considerations.

3. Consultations

- 3.1 **Ardley Parish Council** – Object. The proposed application is not in keeping with dwellings in a Conservation Area. Restricted turning provided for vehicles in driveway. Not appropriate due to proximity to neighbouring properties - space should be protected. Limited parking and the additional increased road parking - the road does not have the capacity to allow any additional parking or turning.
- 3.2 **English Heritage** – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Oxfordshire County Council Consultees

- 3.2 **OCC Highways** – No objection subject to conditions
- 3.3 **OCC Archaeologist** – No objection subject to conditions.
- 3.4 **OCC Drainage** – No objection subject to conditions.

Cherwell District Council Consultees

- 3.5 **Conservation Officer** – I still have grave concerns over this application. I appreciate that an outline application is to establish a principle for development and that although materials, massing and height of the proposed building should be established, the application cannot be refused on design grounds.

Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H12: New housing in rural areas
H14: Category 2 settlements
C28: Layout, design and external appearance of new development
C30: Design of new residential development
C33: Protection of important gaps of undeveloped land

South East Plan 2009

CC6: Sustainable communities and character of the environment
H5: Housing design and density
T4: Parking
BE1: Management for an urban renaissance
BE6: Management of the historic environment

4.2 Other Material Policy and Guidance

The National Planning Policy Framework March 2012

5. Appraisal

- 5.1 The area is generally rural in character with dwellings arranged in a linear manner along Ardley Road. To the rear (north and north east) of the site is land that is part of the church and paddock land within the ownership of Herbley House. To the south west (opposite) of the site are further dwellings that are set back. The proposal seeks to erect a single detached dwelling at the site, with private garden areas and parking. The site forms part of the garden area to 2 Church Road and is currently laid to grass. To the east lies Millen Cottage and to the west is 2 Church Road which is a semi-detached dwelling.
- 5.2 The application is outline with scale, access and siting for consideration only. Matters concerning appearance and landscaping are reserved for future consideration. The dwelling would be sited between Millen Cottage and 2 Church Road. The scale of the building would be 2 storey comprising a two bedroom dwelling. The indicative drawings show that the appearance of the dwelling would be similar to that of Millen Cottage. The ground floor would provide a kitchen, lounge and cloak room. On the first floor would be 2 bedrooms and a bathroom. Indicative dormer windows are shown on the front elevation, again matching Millen Cottage. Parking and turning areas are provided to the front of the site utilising the existing access. Private garden areas are provided to the rear of the dwellings.
- 5.3 The proposed dwelling would be sited 7.6m back from the road and would each measure 4.7m (w) x 10.5m (d) x 7.2m (to ridge) and 4.2m (to eaves). Parking spaces would be provided for each unit with a turning area within the site. The existing access would be used for both 2 Church Road and the new dwelling.
- 5.4 As the site lies within the Ardley Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement in relation to the consideration and determination of planning applications which affect Conservation Areas, that special attention should be paid to the desirability that the character or appearance of the Conservation Area should be preserved or enhanced.

Policy Position

- 5.5 In establishing the acceptability of the principle of the erection of a dwelling in this location regard should be paid to Government guidance contained within the NPPF – Delivering a wide choice of high quality homes, Policy H5 of the South East Plan 2009 and saved Policy H14 of the adopted Cherwell Local Plan.
- 5.6 Government guidance requires housing applications to be considered in the context of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural, built and historic environment.
- 5.7 Policy H5 of the South East Plan 2009 seeks to raise the quality of new housing and reduce its environmental impact.
- 5.8 Ardley is identified as a category 2 settlement under saved policy H14 of the Adopted Cherwell Local Plan 1996. Category 2 settlements are generally the smaller villages with a lesser range of services available, although some potential still exists within them for limited residential growth. Policy H14 restricts new residential development to:
 - i. conversions that accord with policy H21 and;
 - ii. infilling;

- iii. other small scale development that can be shown to secure significant environmental improvement within the settlement.

- 5.9 The proposal would fall within the definition of infilling, where infilling is defined as a small gap in an otherwise continuous built up frontage that is suitable for one or two dwellings. H14 will therefore permit the construction of houses in small gaps in a village street where environmentally acceptable.
- 5.10 However, the intention behind saved H14 is not to permit the erosion of all gaps within a settlement as many spaces in village streets are important to their character and cannot be filled without detriment to their environmental quality. This is particularly the case in a loose-knit settlement pattern where spaces can be as important as the buildings.
- 5.11 Saved Policy C33 of the Adopted Cherwell Local Plan 1996 expects development to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure, maintaining the proper setting for a listed building or protecting a view or feature of recognised amenity or historical value. In addition, the supporting text of H14 recognises the importance of spaces within villages that contribute to their character.

Impact on the Conservation Area

- 5.12 The site now forms a small gap in an otherwise continuous built up frontage that is suitable for one or two dwellings and complies with policy H14. It is necessary to consider whether the development would have an unacceptable impact on the environmental quality of the area and whether the gap represents an important gap within the village and Conservation Area. The Conservation Area of Ardley was designated in 2005. It should be noted that the Conservation Area Appraisal for Ardley does not show Millen Cottage or Herbley House marked on the Conservation Area plan at page 15.
- 5.13 The applicant supplied 3D computer generated images of the streetscene containing 2 South View, the proposed dwelling and Millen Cottage. These images depict how the proposed dwelling would look in the streetscene. They also provide a view of the overall scale of the dwelling and its relationship with Millen Cottage. The images show that the dwelling would not appear cramped within the streetscene and would be similar in design to Millen Cottage with a similar height, materials, dormer windows and window details. The images provide a useful indication of what the new dwelling would look like in the streetscene and its relationship with adjoining dwellings.
- 5.14 A gap originally existed between Church House and 2 South View which was considered an important gap in the village as it afforded views towards St. Mary's church. This gap was eroded through the erection of Millen Cottage. The building is not unsubstantial and dominates this part of the village and views towards the church. Herbley House to the north west also restricts views to the church.
- 5.15 The Conservation Officer raised concerns over the proposal and objected on design (appearance) grounds and its impact on the established layout of the area. However, the appearance of the proposal is reserved for future consideration and could not be used as a reason to refuse permission. The gap that remains between Millen Cottage and 2 Church View is not an important gap within the village as views of the church are no longer possible through it. The map attached to the Conservation Area appraisal shows how the village looked before Millen Cottage and Herbley House were erected and in my opinion, the loose knit established character of the village at this point no longer remains.
- 5.16 Therefore, it is considered that the erection of a two storey dwelling between Millen Cottage and 2 South View will not have an adverse impact on the character and appearance of the

area and would not have a significant impact on, and would preserve the character of, the Conservation Area in which it is set.

- 5.17 Comments have been raised by objectors that the development would be contrary to policy C23 of the adopted Cherwell Local Plan. Policy C23 states that,

“There will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area.”

- 5.18 There is no intention to remove any walls, buildings or trees as part of this proposal. The Highway Engineer has suggested that the wall to the front is covered in landscaping which may obstruct sight lines. The landscaping would need to be removed.

Impact on Millen Cottage

- 5.19 The owners of Millen Cottage have objected to the proposal on several grounds, some of which relate to the proximity of the dwelling to them and its impact on their amenity through overlooking and overshadowing. They have also objected to the siting of the dwelling close to the shared boundary of the site.

- 5.20 The indicative drawings of the design of the proposed dwelling show windows on the first floor side elevations. The windows will serve a bathroom on the northwest elevation (facing 2 South View) and a landing on the south east elevation (facing Millen Cottage). Millen Cottage has a window on its side elevation facing the site which is obscurely glazed. The bathroom window of the proposed dwelling would be obscure glazed. The window for the landing will be clear glazed but faces an obscure glazed window. Therefore, unacceptable levels of overlooking will not occur as a result of the side windows.

- 5.21 The owners of Millen Cottage have also objected on the grounds that the proposed dwelling would overlook their rear garden and would reduce light to the garden. The rear garden to Millen Cottage faces north east and any reduction in light as a result of the dwelling will be restricted to late evening. However, Millen Cottage itself has an impact on its own garden as a result of its orientation. It is not considered that the proposed dwelling would have an unacceptable impact on the amenity afforded to the occupiers of Millen Cottage.

- 5.22 With regard to the proximity of the proposed dwelling in relation to Millen Cottage, it is proposed to site it 1495mm from the boundary at the front elevation and 1895mm to the rear elevation. The front and rear elevations are set back from Millen Cottage. It is not considered that the proposal would have an overbearing impact on Millen Cottage with Millen Cottage remaining the dominant building at this point.

Highway Safety and Parking

- 5.23 The Highway Engineer considered the proposal and raised no objection subject to conditions. Specifically the Highway Engineer reported:

“The application proposes to erect a 2-bed dwelling on garden land. The new dwelling will share the existing vehicular access for No. 2 South View. The existing access visibility splay (approx. only 2.4m x 15 metres) for drivers leaving the site is restricted by boundary vegetation etc and will need to be improved, given the proposed intensification in use of the access. Details of the proposed visibility splay for the access must be submitted for consideration and approval, to meet Manual for Streets standards. Two off-street parking spaces each are proposed for the existing and new dwelling. Parking spaces must be no less than 2.5m x 5m each, and parking

and manoeuvring areas should be clearly demonstrated on plans to ensure that vehicles do not obstruct access or manoeuvring areas for the neighbouring dwelling. A detailed car parking and turning plan is required for consideration and approval.”

5.24 Therefore, the proposal is considered acceptable with regard to parking and highway safety.

Other Matters

5.25 Concerns were raised that the plans submitted in support of the application did not show the relationship between Millen Cottage and the proposed dwelling. However, the proposed block plan (drawing 03 dated September 2012) shows where the siting of the proposed dwelling in relation to Millen Cottage.

Conclusion

5.26 Having carefully considered the development and having regard to all the representations made in relation to the application, it is considered that the proposal to erect a dwelling on land adjacent to 2 South View is acceptable. The indicative drawings present a development that is a proportionate and well designed addition to the village, that would not appear unduly prominent nor detract from the character and appearance of the existing property or wider area as a whole, including the Conservation Area.

Recommendation

Approval, subject to conditions:

6. Recommendation

Approval, subject to the following conditions:

1. That no development shall be commenced until full details of the appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

3. That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure)(England) Order 2010.

4. Except where otherwise stipulated by conditions attached to this permission, the two storey side extension only shall be carried out strictly in accordance with the following plans and documents: Drawing No. 03, 04, 05, 06, 07 and 08 all dated 21 September 2012

Reason - For the avoidance of doubt and 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 March 2012.

5. That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework March 2012.

6. That a plan showing a car-parking provision for four spaces to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in the National Planning Policy Framework March 2012 and Policy T4 of the South East Plan 2009.

7. That no surface water from the development shall be discharged onto the adjoining highway, and a scheme to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority and constructed prior to the commencement of building operations.

Reason - In the interests of highway safety and to comply with Government advice in the National Planning Policy Framework March 2012 and PPS25: Development and Flood Risk.

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 proposed development is of a design, size and style that is appropriate in its context and would not have a detrimental impact on the character and appearance of the area, the Conservation Area, the setting of listed buildings, highway safety or the amenities of adjoining occupiers. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework March 2012, saved policy H12, H14,, C28, C30 and

C33 of the Adopted Cherwell Local Plan 1996 and policy BE1, BE6, H5, T4 and CC6 of the South East Plan 2009. For the reasons given above and having regard to all other matters raised including third party representations the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.