

**Site Address: Bradshaws Bungalow,
Steeple Aston Road, Middle Aston**

14/00552/F

Ward: The Astons & Heyfords

District Councillor: Cllr Kerford Byrnes & Cllr Macnamara

Case Officer: Caroline Roche

Recommendation: Approval

Applicant: Middle Aston House

Application Description: Demolition of existing dwelling. Erection of replacement dwelling

Committee Referral: Major (due to site area) **Committee Date:** 19 June 2014

1. Site Description and Proposed Development

1.1 The application relates to a site located off the Steeple Aston Road, to the north of Hatch End Industrial Estate and to the east of Lakeside Farm. It is just over 1 hectare in area and accommodates an existing bungalow and detached garage which sits in the eastern half of the site. The site also contains a large number of mature trees. The land levels rise up from the Steeple Aston Road resulting in the bungalow being on a slightly elevated position. The site is within an Area of High Landscape Value and a recent Tree Preservation Order has been served on a large number of the trees on the western section of the site (TPO 3/2014), there are no other significant constraints to the site.

1.2 The proposal seeks planning permission for the demolition of the existing bungalow (retaining the garage) and the construction of a new dwelling. The new dwelling sits in the same location as the existing bungalow and has a slightly larger footprint. The existing bungalow has a 'T' shaped form whereas the proposal has a simple form with one single storey projection measuring 2.2 metres in depth and a small balcony on the southern elevation. The proposed building is 4.3 metres higher than the existing bungalow but is no higher than an average 2 storey dwelling being 9 metres in height. The proposal involves no changes to the existing access and retains the remainder of the site as private garden.

Planning History

1.3 The site has a straightforward planning history which is summarised below;

CHN. 330/55 – Single storey dwelling approved (at a similar time to the poultry units on the neighbouring sites). There was no agricultural or other occupancy tie imposed on this application.

CHN. 321/84 – double garage, approved.

2. Application Publicity

2.1 The application has been advertised by way of neighbour notification letter, site notice and a press notice. The formal consultation period expired on 22 May 2014.

To date one letter has been received in relation to the application. This was a letter from the resident of Lakeside Farmhouse, to the north west of the site, and it supports the application stating that it will improve the presently neglected site.

3. Consultations (full responses can be seen on the Council's website)

3.1 Middle Aston Parish Council: No comments received to date.

Cherwell District Council Consultees

3.2 Arboricultural Officer: There are a number of significant trees on site, some of which are protected under TPO 3/2014. It is proposed that the majority of the trees are to be retained and protected during the redevelopment of the site. The only tree to be removed appears to be a dead weeping ash. As long as the trees are protected in accordance with the supplied Tree Protection Plan, I see no reason why the redevelopment of the site should not go ahead. It should have minimal impact on the trees to be retained. An arboricultural method statement should be supplied with details of site monitoring.

3.3 Ecologist:

The bat survey found evidence of a bat roost within the garage/outbuilding, which is proposed to be retained. No evidence of bats was found in the main house. Since there are no current plans to make any alterations to the outbuilding, no further surveys are required. However, should this change, any works will need to be done under licence, which will require further surveys and a mitigation scheme. Given the possibility of bats being present under weatherboarding of the main house, I would advise that the following condition is attached to any permission:

The development hereby approved shall be carried out strictly in accordance with the recommendations made in section 5 of the Initial Bat Survey report by Swift Ecology, dated 3rd March 2014, which was submitted with the application.

Oxfordshire County Council Consultees

3.4 None

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H17: Replacement dwellings

C2: Protected species

C28 Layout, design and external appearance of new development

C30 Neighbouring amenity

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination which is currently taking place. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD16: Character and appearance of the Built Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of development
- Visual impact
- Neighbour impact
- Other Issues

Principle of development

5.2 The property is outside of the built up limits of Middle Aston as such the village categorisation policies do not apply. The proposal is for a replacement dwelling and as such Policy H17 of the adopted Cherwell Local Plan is the most relevant. This policy allows for the one for one replacement of a statutorily unfit or substandard dwelling provided that the existing building is not listed, the use of a dwelling has not been abandoned and its replacement is similar in scale and within the same curtilage.

5.3 Taking each of the above criteria in turn it is agreed between the agent and the planning officer that the building is not in such a poor state of repair that it can be considered statutorily unfit, however it is substandard by way of the roof being damaged and there being significant damp problems. These issues may be a result of the age of the property, the construction methods and materials used and to some extent an element of poor or insufficient maintenance over the years. The building would require a significant amount of work to bring it up to a suitable standard.

5.4 The building is not listed and there is no particular merit in retaining the existing building as it is not of any historic or architectural significance. Although the building has not been occupied for a number of years it is not considered that the residential use has been abandoned as there is still evidence of the residential use of the property and no other alternative uses have been permitted on the site.

5.5 The policy also requires that the replacement building be of a similar scale and within the same curtilage as the existing property. It is clear from the description of the proposal in section 1.2 that the building will be of a larger scale than the existing dwelling, especially in relation to the height of the structure. However it has a similar footprint especially when you take into consideration the fact that the existing building could be significantly extended using permitted development rights. Furthermore the proposed dwelling is at the same location as the existing building. The increased scale of the building can be easily accommodated within this site as it does benefit from a large curtilage. The agent points out that the Planning Practice Guidance provides the following advice; scale relates both to the overall size and mass of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. As such it can be concluded that the space in which the new dwelling sits is sufficient to accommodate the increase in scale.

5.6 Given the above assessment it is considered that the proposal complies with the majority of the elements of Policy H17 of the adopted Cherwell Local Plan. However as the scale of the building is larger it is not completely in compliance with the policy. However it is officers opinion that there is no adverse harm arising from the development (see further considerations below) and as such it does not conflict with the purposes of the policy which seeks to protect the character of the countryside and prevent substantially larger and more conspicuous dwellings in the landscape and as such the principle of the development is considered to be acceptable.

Visual Impact

5.7 Despite the 25 metre setback and the mature trees to the front of the property the existing dwelling is clearly visible from the road, although largely only by passing vehicles and the occasional walker. This is partly due to the fact that the land levels

rise as you enter the site and the property sits on a slightly elevated position. The trees are mature and as such their canopies do little to screen the buildings within the site, although they do provide some filtering of the views into the site. The proposed building will therefore also be clearly visible from the public domain especially in light of its increased size. However just because a building is visible does not make it unacceptable. There will be no wider views of the property due to its location.

- 5.8 The proposed house is of an unusual design which has some similarities to a barn conversion. It is of a simple form and of fairly traditional proportions. Whilst the main building materials are stone with a slate roof there is a large proportion of glazing and timber boarding details. Given that the property sits in a large plot and will not be seen directly in association with any neighbouring buildings it is considered appropriate to accept the proposed form and style of property. It is considered appropriate for its rural setting. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan and guidance contained within the NPPF which requires high quality design.

Neighbour Impact

- 5.9 Given the location of the property within a large plot there is little if any potential for any adverse neighbour impact. The nearest residential property is some 100metres away and as such there will be no overlooking, or overbearing impact as a result of the proposed dwelling. As such the proposal complies with Policy C30 of the adopted Cherwell Local Plan.

Other Issues

- 5.10 Ecology – The comments of the Council's Ecologist are set out above. These conclude that there is unlikely to be any adverse impacts on protected species or features of ecological interest. This is due to the fact that the existing garage, within which there is evidence of bats is being retained and the new building will effectively replace an existing building footprint.
- 5.11 Highway safety – This is not considered to be an issue as the proposal involves a one for one replacement dwelling, albeit with an increased number of bedrooms but it utilises an existing access point and there is more than enough space to accommodate sufficient parking within the site for a property of this scale.
- 5.12 Trees – A recent Tree Preservation Order protects a large number of trees on the western half of the site. Despite the vast area that the protected trees cover it is kept free from development and the proposed building will not have an adverse impact on the trees and it is not considered that the new dwelling would result in any justification for the removal of the trees in the future. The Council's Arboriculturalist is satisfied that the trees will not be affected during the construction process if the tree protection fencing is installed in accordance with the submitted Tree Survey and mitigation report. This will be a requirement of the consent in the event of it being approved.
- 5.13 Permitted development rights – Given the high quality of the design of the new dwelling and its relatively simple form it is considered appropriate to restrict further extensions and openings through the removal of permitted development rights. This is proposed so that the Local Planning Authority retains some control over the size and design of any future extensions rather than restricting extensions due to concerns over the size of extensions in relation to the plot size or potential neighbour impact. Given that there has been a dwelling on the site since the 1950's that has not been restricted in relation to outbuildings it seems unreasonable to restrict the construction of outbuildings at this stage. Furthermore outbuildings will be restricted to an extent by existing permitted development right allowances and the Tree Preservation Order that exists to the rear of the site.

Engagement

- 5.14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen through the assessment of the application, as such there has been no communications with the applicant or agent with regard to the application. It is considered that the duty to be positive and proactive will have been discharged through the efficient and timely determination of the application.

Conclusion

- 5.15 The principle of the proposal is considered to comply with the principles of Policy H17 of the adopted Cherwell Local Plan and also the general principles of sustainable development. No adverse visual or neighbour impact is likely to arise as a result of the proposal and it therefore complies with Policies C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approval subject to;

a) 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 planning application forms, Planning Design and Access Statement produced by JPPC dated March 2014, the Tree Survey Report produced by Sarah Venners dated April 2014, Section 5 of the Initial Bat Report produced by Swift Ecology dated 3 March 2014, and the following approved plans; 14001/L001, 14001/PP010/A, 14001/PE010, 14001/PE011 and 14/001/PP030. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.
3. Prior to the commencement of the development hereby approved, samples of the slate and timber boarding to be used in the construction of a proportion of the walls and the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved. Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.
4. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on non-weathered limestone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel. Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.
5. Notwithstanding the provisions of Classes A, B, C and D of Part 1, Schedule 2

of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any new windows or openings other than those shown on the approved plans be inserted into the walls or the roof of the new dwelling, without the prior express planning consent of the Local Planning Authority. Reason – To ensure and retain the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

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 in a positive and proactive way through the efficient and timely determination of the application.