

**Site Address: Heath Bar, Sibford Gower,  
Banbury**

**14/00892/F**

**Ward:** Sibford

**District Councillor:** Cllr Reynolds

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Mr Jonathan Blackwell

**Application Description:** Retrospective: Variation to approved planning consent 13/01552/F

**Committee Referral:** Member  
Request – Cllr Reynolds

**Committee Date:** 7<sup>th</sup> August 2014

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

- 1.1 The application site comprises of a dwelling (barn conversion) and garage located in a field on the B4035. Existing hedgerows are along all the field boundaries with some existing mature trees.
- 1.2 The application seeks retrospective consent for amendments to the previously approved garage. The amendments allow for a larger home office space to the ground floor and bedroom accommodation in the roof space. The amendments include the insertion of windows and roof lights.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 30th July 2014.

1 letter have been received (Both electronic and paper copies of the same correspondence were received). The following issues were raised:

- Neighbouring property is overlooked by the development
- The garage is angled directly towards the neighbouring property
- The addition of the roof lights and gable end makes it look less like a garage and more site a residential building
- The original application makes reference to bat roasts in the loft space – how does this impact on the bats
- The unauthorised bedroom accommodation looks like bed and breakfast accommodation

## **3. Consultations**

- 3.1 Sibford Gower Parish Council: No objections

### **Cherwell District Council Consultees**

- 3.2 Ecology Officer: The alterations to the garage to convert the upper floor to living space have already been made, but the applicants bat consultant has confirmed that provision for roosting bats has been incorporated into the new layout. Therefore I have no further comments to make on this application.

### **Oxfordshire County Council Consultees**

- 3.3 Highways Liaison Officer:

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

### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C13: Area of High Landscape Value
- C28: Layout, design and external appearance of new development

### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

## **5. Appraisal**

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

- Relevant Planning History
- Principle of the development
- Visual Amenity
- Neighbouring Amenity
- Highway safety
- Ecology

#### **Relevant Planning History**

5.2 12/00141/F: Conversion of barn to dwelling (approved)

5.3 13/00865/F: Alterations/extensions to approved garage, landscaping and driveway (withdrawn)

5.4 13/01552/F: Resubmission of 13/00865/F – Alterations/extension to approved garage 12/00141/F.

#### **Principle of the development**

5.5 When the original barn conversion was permitted (12/00141/F) discussion during the application process concluded that a small garage was the most appropriate solution to deal with on-site parking arrangements and to also provide a solution for bat mitigation measures (Ecology issues are dealt with later in the report).

5.6 Application 13/01552/F granted consent for the extension of the garage to provide a biomass boiler and home office. These elements were considered to contribute to the sustainability of the site due to the proposed energy production method and the reduced travel associated with working from home. It was made clear that this was only allowed because consent had been previously granted for a garage on the site.

5.7 This application now seeks to increase the size of the office accommodation (the biomass boiler appears to be omitted from the scheme) and provide two bedrooms in the loft space.

- 5.8 It should be noted that the use of the loft space for ancillary accommodation and the internal changes to the office space do not require planning permission. It is only the external changes in terms of the additional windows and roof lights that require consent.
- 5.9 A neighbour has raised concerns about the potential use of the bedrooms for bed and breakfast accommodation. The applicants have not made any suggestion of this, however, although we can condition that the accommodation remains ancillary, a certain amount of ancillary accommodation can be let on a bed and breakfast basis without the need for planning permission.
- 5.10 The home office is still considered to be a sustainable use on the site and the additional ancillary accommodation is considered an appropriate use for an outbuilding. Therefore, the principle of the development is considered to be acceptable.

### **Visual Amenity**

- 5.11 Application 13/01552/F has established the overall size of the garage and this remains unchanged. The key amendments to the external appearance of the building include the insertion of 6 rooflights, a window in the gable end, an increase in the amount of glazing to the office section, the re-orientation of the garage entrance to the gable end, and the insertion of timber garage doors.
- 5.12 The rooflights are small and have a balanced appearance due to the spacing. Due to their locations on the side elevations, they will not be particularly visible from longer distance views. Furthermore, these are becoming more common in out buildings in rural areas. The additional glazing to the office would appear discrete due to its location.
- 5.13 The changes to the gable end are likely to have the most impact. The orientation of the garage doors on the gable end is not normally encouraged; however, the introduction of garage doors (as opposed to the previously approved open garage) reduces the visual impact of this change. The window on the upper floor is elongated giving it an appearance of a wide slit or door, similar to a door into a hay loft.
- 5.14 Although these changes would not normally be encouraged in this type of building, I do not consider them so harmful as to warrant a reason for refusal that could be successfully defended at appeal.
- 5.15 The overall bulk and size of the garage has not been increased from the previously approved scheme and the external alterations are not considered to cause significant harm in terms of visual amenity and impact on the wider landscape. Therefore the proposal complies with government guidance contained within the National Planning Policy Framework and Policies C13 and C28 of the adopted Cherwell Local Plan.

### **Neighbouring Amenity**

- 5.16 A neighbour has expressed concerns regarding overlooking due to the additional upper floor windows. Having considered the concerns, your officers believe that although there might be a perception of overlooking, the considerable distance between the two properties would prevent the development from resulting in harmful overlooking.
- 5.17 The development would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework.

## **Ecology**

- 5.18 The original proposal for the garage included ecological mitigation in the form of a bat loft. The Council's Ecologist has confirmed that even with the conversion of the loft space, adequate ecological mitigation has been incorporated within the garage and therefore does not recommend any further conditions.

## **Engagement**

- 5.19 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

## **6. Recommendation**

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

1. The car parking area within the garage shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

2. The building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any trade, industry, business or other use whatsoever.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. Condition 2 does not prohibit the use of the home office provided it is used solely by the occupant(s) on the dwellinghouse on the site. If it is necessary for other employees to use the office or for a frequent number of customers to visit the site on a daily basis, it may require a Change of Use application.

### **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 having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.