

**Site Address: Land south of Greenacre  
adj to South Side Steeple Aston**

**14/01434/F**

**Ward: The Astons and Heyfords**

**District Councillor: Cllrs Kerford-Byrnes and  
Macnamara**

**Case Officer: Shona King**

**Recommendation: Approval**

**Applicant: Mr Ellis and Ms Carlisle**

**Application Description: Dwelling with garage and access**

**Committee Referral: Member Request**

**Committee Date: 19 February 2015**

**1. Site Description and Proposed Development**

1.1 The application site is located within the village of Steeple Aston. It is currently a vacant, overgrown piece of former garden land on the southern side of South Side with a track bounding the site to the east and a dwelling to the south. A public footpath runs along the western and southern boundary. There is a natural stone wall along the northern boundary with South Side and along the eastern boundary with the track. The site is elevated from South Side and slopes sharply up towards the south.

1.2 The application site is within the setting of the Conservation Area and several listed buildings. The Conservation Area boundary runs along the northern and eastern boundaries of the site.

1.3 Consent is sought for the erection of a two storey dwelling and vehicular access into the site. The application has been amended omitting a detached garage and further amended by a plan received on 3<sup>rd</sup> February which:

1. Reduces ground level to lower the dwelling level into the site by a further 300mm
2. Adds a false chimney to the other gable end to balance the appearance
3. Indicates amenity areas on site ie: Courtyard / terraces - lower & upper / pathways / grass areas / rockery / herb garden / bins area
4. Indicates in the background of the front elevation the adjacent stone garage and large shed at higher level above the site

These amendments have been submitted to seek to overcome concerns expressed by the Conservation Officer, Parish Council and objectors.

The Parish Council has been sent a copy of the amended plan.

1.4 The application was deferred from the 22 January Committee for a Member Site Visit.

**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 November 2014.

26 letters have been received in response to the original and amended plans. The following issues were raised:

- Highway safety
- Scale of dwelling
- Size of plot
- Character of area
- Impact on the Conservation Area and listed buildings

- Impact on visual amenities of the area
- Impact on the footpath
- Fenestration
- Overlooking
- Overbearing
- Loss of light
- Accuracy of plans and planning statement
- Loss of stone building and walling
- Timescale for re-consultation
- Impact on wildlife
- Supportive of development if sympathetic to the surrounding area
- Development needed to serve the needs of residents
- Re-use of land reduces number of greenfield sites

### 3. Consultations

3.1 Steeple Aston Parish Council (original plans): This application gives rise to a number of concerns, such that Steeple Aston Parish Council wishes to object to the granting of planning permission.

#### 1. Context

The site abuts the village Conservation Area, separated by the low stone wall fronting the site – the wall itself being the boundary. As the site is fully visible from South Side and all the listed and other properties close by, we consider that the impact of the proposal should be considered as if it is in the Conservation Area. The siting of the house so close to the road and in a location where there has traditionally been no development, means that its introduction will have a very significant impact on the views up, down and across South Side. If any scheme were to be permitted here, the site context demands that it be designed with the utmost sensitivity to the Conservation Area, which we consider this proposal has not achieved. We would ask that the comments of the Council's conservation team are sought.

#### 2. Scale

We believe that one of the main reasons for the incompatibility with the Conservation area is the size of the house in relation to its tight site. It would appear that the applicants wish to have a three-bedroom property here, which has required a rear extension of some size. One effect of this is to eliminate any chance of having private outdoor space, which for a family house seems most unfortunate. If any scheme were to be permitted, we would wish to see a more modest cottage-like dwelling, probably of two bedrooms, and without the two-storey rear extension. Additionally, we believe that the impact on the Conservation area would be lessened if such a smaller property was to be sited further to the west of the site than envisaged for the property in the present plans.

#### 3. Impact on Listed Building

We would also seek the views of the Conservation Officer on the impact of the proposal on the Grade II listed building Radley Cottage, directly opposite the planned dwelling. The ground floor level of Radley Cottage is, in common with other houses of C17th origin, set down below the current road level. The proposed dwelling directly opposite has, on the other hand, its ground floor about one metre above the road level. This will not only result in severe overlooking of windows opposite, but also will have an unfortunate effect on the setting of the listed building. We consider that, if the proposals were to be permitted, the dwelling could be set lower on the site, and designed in such a way that it does not damage the setting of the listed building opposite. This also support the view expressed earlier that a modest cottage-like dwelling would be much more appropriate.

#### 4. Design

While attempts have been made to make the front elevation of the proposed house “fit in”, the rear and side elevations bear no relation to the traditional building forms in the village. Here the window shapes and proportions are quite wrong for the context, the approach to design being more appropriate for a one-off house on an isolated site, or a modern suburban estate. We therefore object to the inappropriate design of the house. The design guidelines in the Conservation Area Appraisal document support this view, referring as they do to the need for “high quality design” and to the careful use of appropriate materials. In particular, we would want to see stonework of uncoursed rubble, window shapes and forms similar to those in nearby properties, and other sympathetic detailing.

#### 5. Road safety.

The speed of traffic on South Side has been a source of concern over the last few years, and the Parish Council has discussed the problem on several occasions. At the September meeting, before this application was received, it was agreed to request Oxfordshire CC to install a counter to establish the number of vehicles exceeding 30mph, so that an approach can be made to Thames Valley Police to establish a SpeedAware campaign. The planning application has prompted a number of householders in South Side to make representations to the Parish Council about the possible adverse impact of vehicles serving the new house on road safety, because of its location at a narrowing of the road, close to the well-used farm track up to Seven Springs, from which access to South Side is quite difficult.

With reference to Development Control Advice Note 15, it would appear that this scheme will not comply with the guidance: the application drawings show splay lengths for the new access of 38m and 39m, whereas we understand that 60m is required on each side. We also suspect that the gradient of the proposed driveway will be steeper than the 8% recommended. These non-compliances, whilst not very serious in themselves, could, in our view, create a potential road safety hazard to add to the concerns already expressed.

### 3.2 Steeple Aston Parish Council (amended plans):

The Parish Council responded with its comments on the initial application in September 2014, objecting to it on various grounds. Since that time, amendments have been made to the proposals, and many of the 15 local residents who also objected to this application have responded to the revised scheme. Now that consideration of the application has been deferred to the February meeting of CDC's Planning Committee, and the officers' report recommending acceptance has been published, it seems appropriate for the Parish Council to submit its further comments on the scheme, as matters now stand.

The Parish Council is very disappointed in the officers' recommendation to approve this application. As a result, the Planning Committee will need a strong list of good reasons to overturn that recommendation and refuse the application. We believe that the following list of incontrovertible facts (in **bold** in the text) can be relied on, unlike some of the unsubstantiated opinions expressed in the officers' report. That report unfortunately omits or distorts a number of important facts that are material planning considerations.

#### 1. CONSERVATION.

- *Policy document:* The village Conservation Area Appraisal document was reviewed by the Council just last year and approved as policy last April. **There is no mention whatsoever of this important policy document in Section 4 of the report called Relevant National and Local Policy and Guidance.** If it had been mentioned, several quotations from paragraphs in the Appraisal

could have been included which would demonstrate the importance that Cherwell District Council places on safeguarding the character of the village, including of course references to South Side. This omission is serious, and colours the whole report.

The Parish Council met with Bob Duxbury in January 2015 to express its concern that a number of planning decisions over the last year or so have, in our view, not reflected the spirit of the Conservation Area Appraisal. We expressed the hope that this application would be a turning-point for more careful decision-making. The officers' report unfortunately suggests otherwise.

- *Inadequate application process:* There are several aspects of good practice that are missing from this application. **First – there was no attempt by the applicant to hold a preapplication discussion with officers. Second – there is no heritage impact statement**, which in our view should have been a requirement in this case. **Third- the initial set of drawings submitted were inaccurate, lacking in detail, and failed to show the street context of their proposed house. The revised submission was limited to one drawing, which still omits important information such as proposed levels.**
- *Proximity to road:* The historic street pattern of South Side is that of a virtually continuous run of C18th houses on the north side – the left side in the attached photograph and sketch – whilst the south side of the street has individual houses set some way apart, and because of the significant embankment on this side they are also set well back from the street and slightly higher up. **The report fails to mention that the frontage of the proposed house is much closer to the road, well out of alignment with existing houses.** That is a consequence of attempting to develop this very small site, which is perhaps better described as part of the road embankment.
- *Visual stop:* Because of this **it would block the view of the rest of the street to visitors entering the village from the west, creating a visual stop where at present a historic vista down the whole length of South Side opens up. It is therefore a fact that the house would change the character of this historic street and the Conservation Area.** The officers' report fails to mention this, and wrongly concludes that there will be no significant effect.
- *Vernacular empathy:* Paragraph 2.1 of the officers' report lists 14 issues raised by objectors. It omits to mention a fifteenth, however, that was previously raised by the PC, and by many others – namely the inappropriate design of the proposed house. **The design fails to acknowledge the vernacular characteristics of nearby typical village houses, especially the placing and shape of windows and their glazing arrangements, the symmetrical arrangement of chimney stacks, and the absence of gable end windows.** These attributes are major contributors to the character of the village, and one of the main reasons why Cherwell designated the Conservation Area in the first place. To suggest, as the report does, that the proposed design is perfectly acceptable, demonstrates once again a lack of interest in, not to mention an apparent lack of expertise about, what makes historic villages special.
- *Chimney stacks:* **there are 22 houses with symmetrical stacks, one on each gable, in South Side alone. These key elements of the traditional house form are found in many Oxfordshire villages. Importantly, the C18th house immediately facing the site is of the traditional symmetrical**

**form. The proposed house will have a stack on one gable end only.** The report find this assymetry not to be a problem on the grounds that the village already has some houses with only one gable stack. In fact all of these were constructed in the last 30 years. Two wrongs do not make a right. The proposed house will impact adversely on the Conservation Area.

- *Gable end windows:* As the Council's Conservation Officer has also noted, **historic village houses do not generally have windows in their gable ends – the proposed house has three in each end**, of differing proportions and random arrangement, and they will be very visible. It would look quite wrong in this historic context and damage the Conservation Area.
- Thousands of houses like this, with just a cursory nod to the vernacular, are being built on modern estates in Cherwell and elsewhere. That approach is wrong in a Conservation Area.
- *Effect on listed buildings:* There are two Grade 2 listed buildings close by on the north side of the street (our previous comments incorrectly referred to Radley Cottage as also being listed). **The setting of these listed buildings will be damaged by proximity to such an unsympathetic design as that proposed.**
- *Over-development.* The house, as proposed, has no usable garden and only a small overshadowed patio at the back. **The house has been squeezed on to this difficult and inadequate site, which has resulted in over-development and will result in a very suboptimal dwelling.** It can not be good policy for Cherwell DC to promote construction of a house of this scale on such a small area of embankment, which can not properly be described as a “site” at all. The phrase “over-development” is sometimes misused to make a point. Here it is an accurate description.
- To conclude this section: Para 133 of the National Planning Policy Framework says “*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss....*” We believe that we have demonstrated that this proposal will cause substantial harm to our designated heritage asset, namely the Conservation Area. The Council could refuse it on these grounds alone. But there are further important issues:

## 2. HIGHWAYS.

- *Highway Authority concerns:* The officers' report refers to the comments of the Highway Authority, Oxfordshire County Council. **The report unaccountably fails to mention that their initial response to CDC on 21st October 2014 was one of considerable concern about the scheme:**  
*“ I am not at all sure that this proposal works. The principle concern being the parking/turning provision. I am also not sure that the true impact of the access into the site is shown. It may not be feasible for the whole of the area to be lowered as appears to be shown. If this is not what is intended then there is a lack of explanation as to how the ground will be retained.*

*With regards to the parking it has to be noted that the area will be really confined so the areas provided will not be enough to adequately accommodate parking and turning space. It would be better to have a more modest dwelling which would enable the parking provision to be less than is shown. I also consider that it may be beneficial to locate the access at the western extremity of the site. Although this may depend on whether the*

*building can be removed.*

*I would also advise that they obtain a speed test for passing vehicles, especially those travelling uphill from the left.*

*Based on this submission without significant changes my formal recommendation is likely to be one of refusal but there would appear however to be room to progress this proposal given time. Could they be persuaded to withdraw this particular proposal to allow further discussion to take place and for more investigation to be carried out?"*

- In our view, the revised scheme does not justify the Authority's apparent complete change of heart following this initial response. We consider that if a refusal of this application came to appeal, the Highway Authority would have some difficulty in explaining why it did not pursue its proposal that speed tests be carried out on South Side,
- *Sight line danger:* South Side is at its narrowest point opposite the site, just where a wellused farm track joins the road. **We have assessed the number of vehicle movements on the farm track as between 50 and 60 a day.** South Side is the village's main thoroughfare, and buses, for example, regularly have to pass parked vehicles opposite the site by travelling on the wrong side of the road. Tractors and other vehicles emerging from the farm track, with very poor sight lines, edge out to see if anyone is coming. There have been several accidents, and many near misses, as a result. **The creation of a new vehicle access to this site, close to the busy farm track, together with the worsening of vision caused by the location and scale of the new house, is going to make accidents even more likely.**
- *Speeding:* To make matters worse, **there is a speeding problem on South Side.** Well before this proposal was submitted for planning approval last year, the Parish Council approached Oxfordshire County councillors to ask for help with traffic-calming. We also met with the police at the end of 2014 to discuss involvement with the SpeedAware Scheme, and progress on this is in hand.
- The Parish Council's initial objection did not rule out any possibility of building on this site. **Most people in the village are not against development per se.** However, now that we have studied the traffic issues more carefully, we doubt that this difficult site could accommodate even a single-storey cottage successfully without compromising road safety. In addition: **The revised drawing shows four steps shown up from the street, and a steeply-sloping ramp up to the parking area. These raise questions of accessibility for people with disabilities, an issue which the officer's report does not address.**

### 3. PRIVACY AND LOSS OF SUNLIGHT.

- There are three houses directly affected by the proposal: Radley Cottage directly opposite the site, Garden Cottage on the other side of the farm track, and Dene Approach behind and above the site.
- *Loss of privacy:* **The applicants clearly realise that their proposed house will overlook these houses, and compromise their privacy.** The revised scheme submitted in November now has obscured glass in windows on both front and side elevations, and has reduced the size of rear-facing windows. The obscured glass will do nothing to improve the appearance of the new house. Surely there must be something fundamentally wrong with a scheme that needs obscured windows from the outset? On the front elevation! It is perhaps unsurprising that **the officers' report completely fails to mention**

**this requirement.** The report does claim, however, that Radley Cottage's loss of privacy is acceptable on the grounds that passers-by can already catch glimpses through ground floor windows. The Parish Council is of the view that to equate passers-by with a permanent vantage point only 40 feet away and directly opposite is disingenuous.

- Obscured glass is only proposed for the upper floor windows, despite the fact that **the ground floor windows of the new house would also have a view into the bedrooms on the first floor of Radley Cottage. That is because the old cottage is set down below the level of the road (not at the same level of the road as the report wrongly says), whilst the new house is on a platform above the road.** To correct this problem officers would have to require that all the windows on the front elevation of the new house be obscured – surely a defensible reason for refusal.
- *More loss of privacy:* **The proposed changes to fenestration on the rear elevation do not stop overlooking of bedrooms in Dene Approach.**
- *Loss of sunlight:* **Contrary to the claims made in the officers' report, Radley Cottage will suffer a significant loss of sunlight.** The position and elevation of the proposed house, directly to the south of and somewhat above the cottage, will put it in shadow, ensuring that it will lose a very significant proportion of its sunlight, particularly in the winter when the sun is low in the sky. We have photographs taken in December to prove this point.
- *More loss of sunlight:* Garden Cottage has some west-facing windows that will also lose evening sunlight as a result of the construction of this house.

In conclusion, may we remind the Council that this Conservation Area, so recently reviewed and readopted as official Council policy – even if it is ignored by some officers – stands for something important in the village and in Cherwell District. We believe that it needs far more recognition and consideration than it has received in the officers' report. In addition, we believe we have provided the strong list of good reasons that are required to refuse this application.

3.3 Steeple Aston Parish Council (amended plans 3/2/15): So far as we can tell, there are three changes that attempt to address issues raised by objectors:

Firstly, a second chimney stack has been added. We note that it is of course a false stack which, when seen from the east, would become obvious because of the centrally-placed window below it in the gable end. Cosmetic changes such as this, whilst superficially welcome, do not address our criticism that the non-traditional form of the house is inappropriate to the Conservation Area. Traditional houses with symmetrical chimney stacks draw their character from their simple honest form. It could be argued that the addition of a "dishonest" chimney here, without any reconsideration of the other important elements of local vernacular architecture, actually increases the damage done by this scheme to the Conservation Area.

Secondly, the embankment behind the house has been landscaped, presumably to address the criticism that there is no usable outside space. We would point out that the embankment will remain unusable to anyone with a disability.

Thirdly, existing buildings behind the site have now been indicated. We note, however, that the opportunity has not been taken to show the all-important relationship to Radley Cottage in a cross-section of the road, presumably because this would only emphasise the problems of overlooking and loss of sunlight.

Finally, we note that although the plan shows the front boundary wall retained, it is

missing from the front elevation. In addition, the rear boundary wall is shown sloping markedly down to the west. If you check the levels shown on the survey drawing submitted with the original application, you will see that the wall is more or less level. This discrepancy highlights a concern that the position of the house above the road may not be correctly shown on the drawings. May we suggest that you ask the applicants to provide accurate levels information on the proposals drawing?

The Parish Council remains of the view that this proposal should be refused, as most of the issues raised in our submission of 26th January 2015 have not been addressed by this revision

### **Cherwell District Council Consultees**

- 3.4 Conservation Officer (original plans): This site is on the boundary of the Steeple Aston Conservation Area. The proposed development could affect the setting of a number of heritage assets including the conservation area itself and a number of grade two listed buildings (Grange Cottage, Staithe Cottage). The development would also involve the demolition of a section of a historic stone boundary wall.

While it may be possible to build a house on this site without unduly affecting heritage assets, I am concerned about the scale and design proposed. I would consider a more symmetrical design of the front façade to be more in keeping with the character of the immediate vicinity on South Side – this would mean the removal of the utility out-shut, re-ordering of the windows, two chimneys etc. Similarly, gables in the area tend to have little or no fenestration whereas the proposed design includes a relatively large amount of fenestration. Both gable ends would be quite visible from the conservation area travelling up and down South Side.

The windows proposed on the drawings are oak but I would consider that painted timber joinery would be more appropriate than varnished/oiled oak. Similarly, metal rainwater goods would be more appropriate than the proposed uPVC.

I would suggest that a revised design for a smaller, more sympathetic house that would be more suitable for this site. If, however, you are minded to approve I would suggest the following conditions:

- Joinery details at 1:20 including elevations, sections and colour/finish details to be approved. Trickle vents would not be appropriate and provision for adequate ventilation should be made by other means at the design stage.
- Slate sample to be approved.
- Sample panel of stonework to be approved.
- Lime mortar to be used in construction and pointing of stonework.
- Design details of boundary walls and entrances to be approved.

- 3.5 Conservation Officer (amended plans): Unfortunately the revised drawings don't appear to address any of my concerns. I would still consider the proposed development to be harmful to the setting of both the conservation area and near-by listed buildings.

### **Oxfordshire County Council Consultees**

- 3.6 Highways Liaison Officer: No objections subject to construction of the vehicular and pedestrian access to specification, construction and retention of parking and manoeuvring areas and protection of visibility splays.

NB

- 1) The vision splay is shown above the proposed walls this is not acceptable. The walls should be set back
- 2) The boundary must reflect the extent of public highway if there is any doubt contact OCC Lands and Records



3.7 Archaeologist: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

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

##### 4.1 Development Plan Policy

###### Adopted Cherwell Local Plan (Saved Policies)

- H13: Category 1 Settlement
- C27: Development in villages to respect historic settlement pattern
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

##### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Submission Local Plan (January 2014) (SLP)

SLP has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination reconvened on 9<sup>th</sup> December 2014. 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.

- Villages 1: Village Categorisation
- Policy ESD16: Character of the Built Environment

Steeple Aston Conservation Area Appraisal

#### **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Principle of the development
- Impact on the visual amenities of the area and setting of the Conservation Area and nearby listed buildings
- Highway safety
- Impact on wildlife

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

5.2 Steeple Aston is a Category 1 settlement as designated by Policy H13 of the Adopted

Cherwell Local Plan. This Policy restricts development to infilling, minor development comprising small groups of dwellings within the built-up area of the settlement and conversions.

- 5.3 Policy Villages 1 of the Submission Local Plan categorises Steeple Aston as a Category A settlement where minor development, infilling and conversions are appropriate within the built-up limits of the settlement. The Proposed Main Modifications to the Submission Local Plan (August 2014) do not change this position.
- 5.4 The NPPF indicates that the Adopted Cherwell Local Plan 1996 is considered to be out of date as it was adopted prior to 2004, however it also advises that due weight should also be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 The NPPF states at para 49 “that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. The Council cannot currently demonstrate that it has a five year housing land supply, however the development of an additional house would not have a significant impact on the overall housing land supply figure.
- 5.6 The development does not comply with the infilling or conversion requirement of either the adopted Cherwell Local Plan or the Submission Local Plan however it would in my opinion comply with minor development within the built-up limits of the settlement, being surrounded on three sides by development, and having been previously garden land, and therefore it complies with the adopted and emerging Cherwell Housing Policies.
- 5.7 Paragraph 14 of the NPPF states that where the development plan is out-of-date permission should be granted unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted
- 5.8 The development is bounded on three sides by dwellings (south, east and on the northern side of South Side) and is within the built-up limits of the settlement. The other impacts of the development are discussed in more detail below however it is considered that the development will not result in significant detriment to the visual amenities of the area or setting of the Conservation Area and nearby listed buildings nor will it result in significant detriment to the living amenities of the neighbouring properties or highway safety.
- 5.9 Therefore it is considered that there should be a presumption in favour of the development.

#### **Impact on the visual amenities of the area and setting of the Conservation Area and nearby listed buildings**

- 5.10 The proposed development is considered to be of an acceptable design in this location abutting the Conservation Area. It is to be constructed from natural stone with a 40 degree pitched roof and a 6m wide gable span. The footprint of the building has been reduced following discussions with officers. The length has been reduced by approximately 1m and the rear projection reduced by approximately 0.5m. Whilst the utility out-shut has been retained on the amended plans it is set well back from

the front elevation and it will not in my opinion make the front elevation unbalanced. Two chimneys are now proposed by the applicant, one a false chimney, to seek to address the concerns of the Conservation Officer. This assists in making the front elevation appear more symmetrical but, as the Parish Council points out, when viewed from the eastern elevation the chimney is in line with the window in the gable below and it therefore reads as a false chimney. The windows in the gables are set back from the roadside and given the land levels they will not be particularly prominent in the street scene. There are other examples of fenestration in the gable ends of properties in the immediate vicinity, for example The Garden Cottage to the east, and whilst the windows are not as large as those proposed they are more prominently located, facing South Side.

- 5.11 Whilst it is an open site currently it is bounded to the east and south by dwellings and it is well related to built form. In my opinion it will not appear as an isolated dwelling but will be viewed in the context of the surrounding development. The land immediately to the west however is considered to be an important gap in the street scene which adds to the loose knit character of the village.
- 5.12 The site is elevated above South Side and the land rises to the south. The proposed dwelling will be positioned above the highway and whilst the properties on the opposite side of the road are positioned at a slightly lower level than the highway the dwellings to the south and east of the site are at a significantly higher level. It will be necessary to impose a condition on any permission to ensure that the finished ground floor level is as low as viably possible. Therefore in my opinion the dwelling will not appear out of keeping with the surroundings. Also in my opinion it will not appear overbearing and dominant in the street scene due to the other dwellings on the southern side of South Side.
- 5.13 The small stone outbuilding on the site is to be demolished; whilst it is old it is not considered to be of such historic interest to warrant its protection and therefore retention. The stone boundary walls are to be retained and repaired apart from the section to create the access. The height of the wall within the visibility splay will not be able to be more than 0.6m high. The Parish Council has commented on the fact that the boundary wall has not been shown on the revised elevations it is however shown on the floor plan and it is recommended that a condition requiring its retention be attached to any approval.
- 5.14 The Parish Council has commented that there has been a failure to report design as an issue that has been raised in the representations. Design concerns have been listed above as scale, character of the area, impact on the Conservation Area and listed buildings, impact on the visual amenities of the area and fenestration
- 5.15 The Conservation Area Appraisal has been considered in the formulation of the recommendation. The site is excluded from the Conservation Area but it is considered that regard has been given to the vernacular characteristics of this part of Steeple Aston in the design of the dwelling (in terms of the relationship with South Side, narrow gable spans, the proposed materials and the retention of the boundary wall) and the character and appearance of the setting of the Conservation Area.
- 5.16 Given the foregoing it is not considered that the design and scale of the proposed dwelling will result in harm to the setting of the Conservation Area. The proposed development is considered to preserve the setting of the adjacent Conservation Area and nearby listed buildings.

**Impact on the living amenities of neighbouring properties**

- 5.17 The proposed dwelling due to its position, orientation and the land levels will not in my opinion result in any unacceptable overshadowing of nearby dwellings and whilst it is to the south of the properties on the northern side of South Side it will not result in

any significant loss of light to the habitable room windows of those properties. Given the distance between the new dwelling, Radley Cottage and the other dwellings on the northern side of South Side it is not considered that it will overly dominate the outlook from those properties to an unacceptable extent, even with the elevation above the highway and the height of the proposed dwelling.

- 5.18 The dwelling has been designed so as to minimise overlooking of the neighbouring properties. The distances between habitable room windows will meet the Council's informal space standards. The properties opposite the dwelling can be currently overlooked by passing pedestrians on the pavement and occupiers of vehicles using the highway.
- 5.19 The Parish Council has referred to the loss of sunlight to the properties adjacent to the site. There will be a loss of sunlight at particular times of the day and year however it is not considered that the loss of sunlight that will be experienced is so significant to warrant refusal of the application. The loss of daylight to habitable rooms will be even less significant given the relationship between the dwellings and their orientation.
- 5.20 The Parish Council has also referred to loss of privacy to Radley Cottage from overlooking of the windows in the front elevation. The Council does not have any guidance on distances between habitable room windows on front elevations because of the issue raised in the report. It is possible for passers by to stand on the public highway and gain views into windows where they are close to the footway. It would be difficult to sustain a reason for refusal based on overlooking from the windows in the proposed dwelling into any of the windows in the front elevation of Radley Cottage. The first floor windows of the proposed property serve a landing and an ensuite. These are non-habitable rooms so overlooking is not considered to be an issue. The ground floor windows in this elevation serve a hall and cloakroom, non-habitable rooms, and a living room. The position of the living room window is directly opposite a vehicular access between Radley Cottage and Greenacre and as such any overlooking that could occur into the front windows of Radley Cottage is at an angle at a distance of approximately 11m.
- 5.21 Overlooking from the proposed rear windows into those of Dene Approach to the south of the application site has also been raised as an issue. Due to the angles between the windows and the difference in the land levels the level of overlooking would not be such that a reason for refusal could be sustained. There is also a public footpath that runs along the southern boundary of the site between the proposed property and Dene Approach.

#### **Highway safety**

- 5.22 The Highway Authority is satisfied that the development will not result in any significant harm to highway safety. The application has been amended to omit a garage on the site and to reduce the footprint of the building which increases the parking and turning area for vehicles. Conditions are recommended regarding the construction of the proposed access the layout and construction of the parking/manoeuvring area and the protection of visibility splays.
- 5.23 The Parish Council has raised concerns regarding how the Highway Authority has changed their original likely recommendation of refusal to one of approval subject to conditions. The consultation response to which the Parish Council refers states that without "significant changes the formal recommendation is likely to be one of refusal". The Highway Authority did have discussions with the applicant's agent and the agent was able to amend the application in a manner that enabled the concerns of the Highway Authority to be overcome.

#### **Other Matters**

5.24 The Parish Council has also raised concern that the issue of disabled access has not been taken into consideration. The design and access statement accompanying the application states that there will be level thresholds to external doors, wide internal doorways, a cloakroom on the ground floor and sufficient accommodation to enable a person to live on the ground floor. Vehicular access into the site from the highway is possible.

#### **Impact on wildlife**

5.25 Whilst the potential presence of protected species being present on the site has been raised in representations there are no records held by the Thames Valley Environmental Record Centre of protected species on or near this site.

5.26 The NPPF requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109).

5.27 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

5.28 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”

5.29 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”

5.30 Under this Section local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

5.31 Planning Practice Guidance states that local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is a reasonable likelihood of a protected species being present and affected by development. In this instance as there are no formal records of protected species being present on the site an ecological survey was not considered to be necessary.

- 5.32 Planning Notes are recommended advising the applicant of the legal requirement to protect certain wild plants and animals.

### **Engagement**

- 5.33 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 as discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.

### **Conclusion**

- 5.34 The development is within the built-up limits of the settlement and is considered to comply with the adopted and emerging housing policies. It is also considered that the development will not result in significant detriment to the visual amenities of the area or setting of the Conservation Area and nearby listed buildings nor will it result in significant detriment to the living amenities of the neighbouring properties or highway safety.

## **6. Recommendation**

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

1. 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms site plan and drawing numbered 14:3603:3a

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 Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural 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 building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The roof of the development hereby approved shall be covered with natural blue/black slates.

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 to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure 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.

6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

7. Except to allow for the means of vehicular access and vision splays, the existing natural stone wall along the northern and eastern boundaries of the site shall be retained and maintained at the existing height of not less than 1 metre.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

9. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

10. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

11. Notwithstanding the provisions of Classes A to E (inc.) 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(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), 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 of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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 dwelling 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 of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. Trickle vents would not be appropriate within the windows and provision for adequate ventilation should be made by other means at the design stage
2. The vision splay is shown to include the proposed walls this is not acceptable. The walls should be set back within the site to avoid the vision splays.
3. The boundary must reflect the extent of public highway if there is any doubt contact OCC Lands and Records
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
5. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the



Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

**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 discussions have been undertaken to secure amendments to ensure that an appropriate form of development has been arrived at.