

**Manor Cottage  
Netting Street  
Hook Norton  
Banbury  
OX15 5NP**

**16/00866/F**

**Ward:** Deddington

**Ward Councillors:** Cllrs Brown, Kerford-Byrnes, and Williams

**Case Officer:** Matthew Chadwick

**Recommendation:** Approval

**Applicant:** Mr & Mrs Vince French

**Application Description:** Erection of 1 no. dwelling

**Reason for Committee Referral:** Called-in by Cllr Brown, because of concerns about conflict with the Hook Norton Neighbourhood Plan and parking

**Committee Date:** 7.7.2016

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

- 1.1 The site is located in the west of the village of Hook Norton. The site is part of the rear garden of Manor Cottage on Netting Street but would face on to Old School End to the north.
- 1.2 Planning permission is sought for the erection of one dwelling. The proposed dwelling would be constructed from natural stone under a natural slate roof, with timber framed windows. The dwelling would have a width of approximately 9.4m, a depth of 9.1m and a ridge height of 7.6m. The dwelling would be accessed from Old School End and would have a double garage located to the rear which will be constructed from stone with a tiled roof.
- 1.3 The site is located within the Hook Norton Conservation Area and a number of Protected and Notable Species have been found near the site, including the Eurasian Badger, Bullhead, Common Swift and Grass Snake. Public Footpath 253/16 runs immediately parallel to the north of the site.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of site notice and neighbour letter. The final date for comment is the 30<sup>th</sup> June 2016. To date three letters of objection have been received, which raised the following issues:
  - Increase in parking on Old School End;
  - Detract from visual appearance of the area;
  - Overlooking of neighbouring garden;
  - Impact on conservation area.
- 2.2 If additional comments are received prior to the Committee meeting, these will be reported in the Written Updates.

## **3. Consultations**

- 3.1 Consultation letters were sent out to the relevant consultees listed below on the 24<sup>th</sup> May 2016. Consultees had until the 14<sup>th</sup> June to issue their responses. At the time of writing this report, the following responses had been received.

3.2 Hook Norton Parish Council: Objects, on the following grounds:

- Policy No. HN CC1 of the Hook Norton Neighbourhood Plan states that gardens are not considered previously developed land and that re-development of gardens to provide housing is inappropriate and not supported.
- The proposed parking for 4 vehicles contravenes OCC's parking standards.

### **Cherwell District Council Consultees**

3.3 Arboriculture Officer: There are trees on and adjacent to the site, a tree survey is needed in addition to a tree protection plan in accordance with BS5837:2012.

3.4 Building Control: No comments received.

3.5 Conservation Officer: No comments received.

3.6 Ecology Officer: No comments received.

3.7 Environmental Protection Officer: No objections.

3.8 Housing Standards: No comments received.

### **Oxfordshire County Council Consultees**

3.9 Archaeological Officer: No objections.

3.10 Highways Liaison Officer: No comments received.

3.11 Rights of Way Officer: No comments received.

### **Other Consultees**

3.12 None.

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

4.1 Development Plan Policy

### Cherwell Local Plan 2011-2031 Part 1:

- PSD1: Presumption in Favour of Sustainable Development
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

### Cherwell Local Plan (Saved Policies) 1996:

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

4.2 Other Material Policy and Guidance

### National Planning Policy Framework

## Planning Practice Guidance

### Hook Norton Neighbourhood Plan 2015

#### **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Principle of Development;
- Visual Amenities including Conservation Area Impact;
- Residential Amenity;
- Highways Safety,
- Arboriculture.

#### **Principle of Development**

5.2 Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

5.3 Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015. The Hook Norton Neighbourhood Plan adopted in October 2015 also forms part of the development plan and is a material consideration in this case.

5.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

5.5 The principle of residential development in Hook Norton is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Hook Norton is recognised as a Category A village in the Cherwell Local Plan 2011 – 2031 Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. The site is within the built limits of the village, and although it is doubtful the proposal can be considered infilling, it would constitute minor development.

5.6 The Parish Council are concerned that the proposal would conflict with Policy HN-CC1 of the Hook Norton Neighbourhood Plan. Policy HN – CC 1 states that *'development which makes use of previously developed land and buildings will generally be preferred to greenfield locations. Residential gardens are not considered previously developed land and redevelopment of residential gardens to provide inappropriate housing is specifically not supported where it would result in a cramped form of development or otherwise detract from the character of the village'*.

5.7 It is the case that the proposal is for a new dwelling on garden land, to the rear of the existing dwelling fronting onto Netting Street. However Policy HN – CC 1 does not impose a presumption against all proposals for development of residential gardens for new dwellings. Rather the policy states that development on residential gardens that

would provide inappropriate development will not be supported where it would result in a cramped form of development or detract from the character of the village. As such an assessment of the relative merits of a proposal must be made, having regard to the site's context within the village and other Policies contained in the development plan.

5.8 Under Policy Villages 1, in order to assess if development is considered to be appropriate minor development it must be assessed against the following criteria:

- The size of the village and the level of service provision;
- The site's context within the existing built environment;
- Whether it is in keeping with the character and form of the village;
- Its local landscape setting;
- Careful consideration of the appropriate scale of development, particularly in Category B villages.

5.9 The design merits of the proposal and its relationship to the existing pattern of development is considered in more detail below. In terms of the size of the village, Hook Norton is one of the larger Category A settlements, and is considered to be a sustainable location for minor residential development comprising one additional dwelling within its built up limits. The development on the application site may be acceptable in principle, but this is subject to the proposal not causing adverse harm to the character and appearance of the area, neighbour amenity and highways safety. These issues are discussed below.

#### **Visual Amenities including Conservation Area Impact**

5.10 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

5.11 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. New housing development should be compatible with the appearance, character and scale of existing development in the vicinity.

5.12 Policy ESD15 of the Cherwell Local Plan Part 1 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.*" It also emphasises the importance of conserving and sustaining designated heritage assets, such as Conservation Areas, in line with the Policies and guidance contained at Section 12 of the NPPF.

5.13 The proposed dwelling would be located on the edge of the Hook Norton Conservation Area, though would not be clearly visible from within the Conservation Area when viewed from Netting Street. Rather the dwelling would be accessed from Old School End and the design of the proposed dwelling reflects the character of development on Old School End, rather than Netting Street.

5.14 The dwelling would be constructed from materials that would match those used elsewhere on the existing dwellings on Old School End and the form of the building would follow the form of a number of dwellings on the road, with an 'L' shaped design. The dwelling would be of a similar scale to the existing dwellings in the vicinity and would occupy a plot not dissimilar in size to other properties on Old School End. Parking would be located to the rear of the dwelling, and so would not dominate the frontage

with space for soft landscaping to the front. As such in terms of its form, layout and design the dwelling would clearly relate more to the modern development on Old School End as opposed to the historic development along Netting Street, and is not considered to be an inappropriate or cramped form of development.

- 5.15 Currently, there is one dwelling on the south side of Old School End, Number 11. This proposed dwelling would be the first new dwelling on this side of the road. The proposed dwelling would be separated from 11 Old School End by a distance of approximately 30m. The dwellings would be separated by the rear gardens of The Old Police House and The Nook on Netting Street. Despite this distance, the proposed dwelling would not appear isolated due to the domestic landscaping on the south side of Old School End and the close relationship it would have with the dwellings on the north side of the road. It would also not appear as a prominent or harmful incursion into the more open and rural views that exist to the west of the site and which make a positive contribution to the character and appearance of the Conservation Area, as viewed from Old School End.
- 5.16 The development is considered to be acceptable in its impact on the visual amenities of the locality with no undue harm to the character and appearance of the Conservation Area.

### **Residential Amenity**

- 5.17 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 5.18 Concerns have been raised by neighbours regarding potential overlooking caused by the new dwelling. The dwelling would face out onto the blank elevation of 8 Old School End and thus it is considered that it would have no impact on the residential amenity of the properties of Old School End. The garden of The Old Police House would extend the length of the eastern boundary of the application site, but the proposed dwelling would be located approximately 40m from the rear wall of The Old Police House and thus would not have a detrimental impact in terms of loss of privacy, outlook or an overbearing impact on the occupiers of this dwelling. The dwelling would have a window in the eastern elevation which faces the garden of The Old Police House, though this serves a bathroom and so it can be conditioned that this window is obscurely glazed in order to prevent direct overlooking of this garden. There are windows on the first floor on the rear elevation and thus a small amount of overlooking may result on the garden of The Old School House, but given the distances involved and the length of the garden to The Old School House, this is considered to be a fairly typical relationship in a residential area and would not be a reason to refuse planning permission.

### **Highways Safety**

- 5.19 The Highways Liaison Officer has not commented on this application. The proposed dwelling would have a double garage located to the rear, with a gravel drive and turning area created to the side and the rear of the house. Hook Norton Parish Council has objected, stating that the 4 parking spaces contravene OCC's parking standards. These comments are noted, however it is considered that the parking and turning area supplied for the dwelling is suitable for the scale of development, with a double garage that would be located to the rear, which would not create a dominance of parking or hardstanding to the front.
- 5.20 The proposals would not have an impact on highway safety or cause any access issues and therefore it is considered that the proposal would not have a detrimental impact on Highway Safety in accordance with Government guidance contained within the National Planning Policy Framework.

## **Arboriculture**

- 5.21 There are a number of existing trees located on the site which would be affected by the development. Cherwell District Council's Arboricultural Officer has not objected to the development, but has asked for a tree survey and a tree protection plan to be submitted and it is considered that these can be dealt with via a planning condition. Although it is likely that some existing vegetation would be lost, this can be kept to a minimum and as previously noted the open, verdant and rural character of the land extending to the west of the application site would not be affected, with no undue harm to the Conservation Area. There is sufficient space for planting to the front of the dwelling, and new planting can be secured by way of a landscaping condition.

## **Engagement**

- 5.22 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.

## **Conclusion**

- 5.23 The proposal for a single dwelling is considered acceptable in principle with the built up limits of a category A village. The dwelling is considered to be of a design, scale and style that is sympathetic to the context of the development. The proposal would also not have an adverse impact on the neighbour amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. Overall the proposals would have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

## **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 development shall be carried out strictly in accordance with the following plans and documents: Application Forms and Drawing Numbers: FRE/16/01 A and FRE/16/02 A.

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 Hornton stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shown on the approved plans to be constructed in stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure the satisfactory appearance of the completed development

and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the roofs 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 the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development an arboricultural survey and method statement, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, 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 survey recommendations and method statement.

Reason - In the interests of identifying and retaining important trees on the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development, full details of the doors and windows hereby approved, including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds 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 ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- (d) details of means of enclosure along the boundaries of and within the site.

Thereafter the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Notwithstanding the provisions of Classes A to D (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, the approved dwelling shall not be enlarged or extended 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 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 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) Order 2015 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.