

Case Officer: Gemma Magnuson **Ward(s):** Adderbury, Bloxham And Bodicote

Applicant: Mr Matthew Gaskin

Ward Member(s): Cllr Mike Bishop
Cllr Chris Heath
Cllr Nigel Randall

Proposal: Replacement of former tin (corrugated iron) garage with new stone garage.
Rebuilding modern non-local brick wall in stone to same height to match existing stone wall

Committee Date: 04.08.2016 **Recommendation:** Approve

Referred to Committee because the applicant is a close relative of an employee of the Development Management team

1. Application Site and Locality

- 1.1 6 Oxford Road is a detached dwelling situated south of the village of Adderbury. The building is not listed and no listed buildings are in close proximity. The site lies within the Adderbury Conservation Area and may be contaminated with naturally occurring arsenic, chromium and nickel. Protected and Notable Species the Eurasian Badger has been identified in the vicinity of the site.

2. Description of Proposed Development

- 2.1 The proposed development would involve the erection of a detached, pitched roof garage within the curtilage of the dwelling. The garage would replace two former garages that have been cleared from the site following their collapse in 2011 and 2015.
- 2.2 An existing brick built wall would also be replaced in stone to the same height as that existing.

3. Relevant Planning History

03/02513/F – Erection of two storey side and rear extension and single storey front extension (as amended by plans received 21.04.04) – granted with conditions

4. Response to Publicity

- 4.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment was 28 July 2016. No comments have been received at the time of writing.

5. Response to Consultation

- 5.1 Adderbury Parish Council: no objection.
- 5.2 Cherwell District Council Ecology Officer: no comments received at time of writing.

6. Relevant National and Local Planning Policy and Guidance

Development Plan Policies:

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

Other Material Planning Considerations:

National Planning Policy Framework ("the Framework") - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance ("nPPG") – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

7. Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;

Principle of Development

7.2 The application seeks consent for a domestic outbuilding in the curtilage of a dwelling and Officers therefore consider the principle of the development to be acceptable.

Design, Layout and Appearance

7.3 Government guidance contained within the Framework attaches great importance to the design of the built environment and 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.

7.4 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 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. Saved Policy C28 of the Cherwell Local Plan 1996 seeks to control new development to ensure that it is sympathetic to the character of its context.

- 7.5 The proposed garage would have a pitched roof with timber openings, local stone walls and natural slate roof, all to match those of the existing dwelling. The garage would be positioned in a similar location to the two former garages and would sit comfortably within the site without resulting in a cramped or overdeveloped appearance. The proposed wall would be constructed along the same line as that existing and to the same height, although local stone would be the construction material. It is considered that the design, layout and appearance of the development accords with Policies ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

Impact on Heritage Assets

- 7.6 Government guidance contained within the Framework states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.7 Limited views of the proposed garage would be obtainable from the public domain when viewing from the entrance to the shared access on Oxford Road. The majority of the garage would be positioned behind the front elevation of neighbour to the front 8 Oxford Road. Having regard to the nature and details of the proposals in respect of the wall, this element of the scheme would provide some demonstrable enhancement to the historic significance of this part of the designated Conservation Area.
- 7.8 For these reasons, the proposed development would not cause material harm to the historic significance of the designated Conservation Area, and indeed would provide for some enhancement, and therefore accords with Policies ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

Landscape and Visual Impact

- 7.9 As mentioned above, the majority of the proposed garage would be positioned beyond the front elevation of adjacent 8 Oxford Road, and screened from view of the public domain. The elements that would be visible will be in-keeping with their context, being constructed from traditional local construction materials, and would not detract from the visual amenities of the locality, in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

Accessibility, Highway Safety and Parking

- 7.10 Government guidance contained within The Framework requires developments to be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. The proposed garage would not impact upon existing parking arrangements at the property where at least two vehicles can be accommodated upon the existing concrete driveway. The proposal accords with Government guidance contained within the Framework.

Effect on Neighbouring Amenity

- 7.11 The proposal accords with Government guidance contained within The Framework that seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, Policy ESD 15 of the Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space and saved Policy C30 of the Cherwell Local Plan 1996 that seeks standards of amenity and privacy acceptable to the LPA.
- 7.12 The garage would be positioned in close proximity to neighbours' windows, although would not be directly across them. The Case Officer has confirmed that the ground floor opening at 8 Oxford Road serves the stairs, and the openings at 7 Oxford Road consist of a high level secondary window serving the kitchen, an obscure glazed opening serving the hallway and a small slit window serving the stairs. It must also be borne in mind that the proposed garage would replace two former garages in a similar location to that now proposed.
- 7.13 Officers are of the opinion that the proposed garage would not cause significant harm to the neighbouring properties in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within The Framework.

8. Conclusion

- 8.1 The proposed garage and boundary wall would not cause significant or demonstrable harm to the historic significance of the designated Conservation Area, nor would the proposals adversely affect residential amenity, highway safety or the visual amenities of the locality, and therefore accords with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

9. Recommendation - Approve, subject to 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement, Supplementary Information: Details, Site Location Plan, Block Plan, Drawing No's: 03/01/03/2, 03/01/05 with doors closed, 03/01/05 with doors open, wall elevations, Details A – North Doors, Detail B – Wall

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The materials to be used for the roof of the garage hereby approved shall match, in terms of colour, type and texture, those used on the existing building.

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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. The natural stone to be used on the walls of the garage shall be of the same type, texture, colour and appearance as the stone on the existing dwelling and shall be laid, dressed, coursed and pointed to match that of the existing building.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The natural stone to be used for the boundary wall shall be of the same type, texture, colour and appearance as the stone on the existing eastern boundary wall and shall be laid, dressed, coursed and pointed to match that of the existing eastern boundary wall.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

NOTES

1. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) 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 the decision has been made in an efficient and timely way.

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