

Case Officer: Victoria Barrett

Recommendation: Refuse

Applicant: Mr & Mrs N & D Perry

Proposal: Alterations and two storey extension to form enlarged dwellinghouse

Ward: Fringford & Heyfords

District Councillors: Cllr Ian Corkin, Cllr James Macnamara, Cllr Barry Wood

Report type: Delegated

1. Application Site & Proposed Development

- 1.1 The application site is located at the western edge of the built up limit of Kirtlington. The site is bound by neighbours at the north, east and south, with Crowcastle Lane to the west. It has two forms of access, one from Crowcastle Lane (understood to be the access predominantly used by the applicants) and the other from Park Close. There are records of protected species in the vicinity and a Public Right of Way passes the site. There is a silver birch within the site to the front of the dwelling, along with two other smaller trees, and a willow and two other smaller trees (a holly and a conifer) in the rear garden.
- 1.2 The application seeks planning permission for alterations and a two storey extension to form an enlarged dwellinghouse. The proposal uses the majority of the external walls of the existing dwelling, which would be clad at ground floor level in natural Cotswold stone, as well as some of the internal walls. One existing opening to the front elevation and one existing opening to the rear elevation would be retained; others would be altered. The proposal is to remove the existing roof structure and add a second storey to the dwelling, along with a two-storey side extension (5.7m width) and a single storey rear extension (squaring off the rear of the dwelling, with a depth ranging from 4.0m to approx. 7.0m).

2. Background

- 1.3 The application was validated in January; the plans were then assessed in more detail by the case officer and considered to represent the erection of replacement dwelling; the application was subsequently made invalid. A non-validation appeal was then lodged by the applicant. The Council then decided it should validate the application, and subsequently the appeal was converted to a non-determination appeal.
- 1.4 Planning Committee would therefore need to agree a resolution rather than make a determination. The decision which the Committee resolves it would have made will then be forwarded to the Planning Inspector.
- 1.5 Within the application submission a fall-back position has been presented with regard to what may be erected under the property's permitted development rights. However, the application to which this fall back position relates (16/00652/CLUP) has been refused. Therefore that fall-back position does not exist.

3. Relevant Planning History

04/01556/OUT - Erection of 1 No. chalet bungalow – PER
05/01017/F - Erection of detached garage/carport (as amended by additional information received 02/11/05) - PER
07/00614/OUT - Outline - Erection of 1 no. three bedroom chalet bungalow - NPW
07/02598/F - 1 no. three bedroom chalet bungalow (as amended by plans received 25/01/08) - PER
16/00652/CLUP - Certificate of Lawfulness of Proposed Development for erection of a single storey side and two storey rear extension and roof alterations - REF

4. Publicity

The application was publicised by way of neighbour notification letters (x3), a publication in the Bicester Advertiser on 9.06.16 and a notice displayed near to the site. The final date for comment was 30.06.16; one third party comment was received and is summarised below.

- Effect of the proposal on the neighbours sunlight, privacy and amenity
- The height and flat façade will affect the sunlight
- The balcony would affect privacy
- The fall back would have far less impact

5. Response to Consultation

Parish/ Town Council:

Kidlington Parish Council – objects to the application for the following reasons:

1. The Parish Council supports the comments submitted by Mr Hugh Crisp on behalf of the Crisp family on 8th February. It is considered that any development over and above that allowed in line with permitted development rights would, given the proximity of Silver Birch Cottage, be an over development of the site.
2. Mr Crisp has not objected to the modernist aesthetic of the proposals. There is some concern in the Parish Council about the modern style, but more particularly in this regard there is concern about the impact of the style and scale in relation to Mill Lane and the existing properties. The existing houses at this part of the settlement edge here are all on a small scale, and stylistically are in keeping with each other.
3. Public views and mutual privacy / amenity – the views from Mill Lane should be afforded greater consideration, given the importance of this lane as part of the Oxfordshire Way.

The Parish Council would also like to think that the amenity of users of the nearby allotments should be considered – the allotments will be overlooked from the first floor of Sundown in a way which may not be entirely welcome. The reverse may also be true – allotment users may have views into the first floor windows (day-time living accommodation) in a way which has not been entirely anticipated.

4. The Parish Council would still be interested to see the original footprint of the existing property overlaid on the proposals, in order to be able to assess whether there would be any adverse impact on the trees from deeper foundations (needed to support two storeys as opposed to one), as the silver birch to the west and the willow to the east do not benefit from TPO's.

Cherwell District Council:

Design – No comments received

Ecology – No comments received

Oxfordshire County Council:

Local Highway Authority – no objections subject to conditions

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. 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)

Planning Practice Guidance (NPPG)

7. Appraisal

Having regard to its siting and to the size of the plot, the current proposals would have little or no impact on local highway safety. Therefore, the key issues for consideration in this case are the proposal’s impact on the character and appearance of the area, and the living conditions of neighbouring residents.

Impact on the character and appearance of the area

- 6.1 The existing dwelling (Sundown) has a single storey, with an eaves height of 2.6m, ridge height of 5.4m, and is of simple form with a 30 degree roof pitch, left to right roof ridge, three chimneys, and central front door with rooms to either side. The resultant dwelling would have a height of approx. 5.8m, exceeding the overall height of the existing bungalow by approx. 0.4m.
- 6.2 The proposal would result in a flat-roofed, two-storey dwelling, of modernist form and design ethos.
- 6.3 Sundown is the fifth on the northern approach to the village. Three of the other four are single storey dwellings, while Crowcastle is a traditional, thatched dwelling with

a single storey eaves and first floor rooms served by eye brow dormers in the roof. The next two dwellings to the south of the site are single storey. Beyond those there are four, two storey dwellings (starting with 20 Park Close). The next four dwellings immediately to the east of the site are also single storey, followed by a two storey dwelling (10 Park Close).

- 6.4 Dwellings are detached, set in reasonably spacious plots amongst trees of various sizes. The west side of Crowcastle Lane finds the village's allotments, which means this side of the road remains predominantly open.
- 6.5 The character of this northern entrance to the village is therefore formed by single storey dwellings.
- 6.6 Other than the thatched dwelling Crowcastle and the Studio immediately to its north, Sundown is the one which is sited closest to the road and along with its immediate neighbour (Silver Birch Cottage) is relatively visually prominent. Three of the four, two storey dwellings to the south are set further away from the road than the application dwelling. The fourth two-storey dwelling is at a distance of over 40 metres from Sundown.
- 6.7 Against this context, the proposals would have a very significant visual impact and result in a highly conspicuous, two-storey dwelling, the scale of which would be at odds with the pattern of development on this northern approach into the village. The proposal's stark, modernist form would serve to draw attention to the dwelling and exacerbate this impact.
- 6.8 Overall, by reason of its scale, form and siting, the current proposals are considered to result in significant and demonstrable harm to the character and appearance of the local area, and to be in conflict with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the Framework on design, in particular paragraphs 57, 58 and 61.
- 6.9 It is important to note, however, that the proposal's modernist form is considered not, by itself, to be a sound reason for refusing this application. Paragraph 60 of the Framework is clear that planning decisions should not attempt to impose architectural styles or particular tastes. Rather, the issue here is the two-storey nature of the proposal in this particular position close to the plot's road frontage, the impact of which is exacerbated by the modernist form. In addition, the proposed externally facing materials do not form part of officers' concerns; in particular the use of locally sourced natural stone would be a positive attribute of the proposals, though it would not satisfactorily mitigate the identified harm.

Impact on residential amenity

- 6.10 By reason of its siting it would not materially affect neighbours to the east or south, or users of the allotment. The one neighbour discernibly affected by the current proposal is Silver Birch Cottage to the north. However, the proposal would comply with the 45 degree rule with regard to the neighbour's nearest windows, would not adversely affect the neighbour through loss of outlook or privacy (no northern facing first floor windows are proposed) and is considered not to cause undue loss of light. The proposal is therefore considered to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 in this regard, although this lack of harm to residential amenity does not outweigh the harm to visual amenity identified above.

Looking for solutions

- 6.10 Consideration has been given to potential solutions. If the dwelling currently proposed was set significantly further eastward and southward into the site it would not have the same impact on the visual amenity of the locality. This alternative siting would have more impact on the amenities of Nos. 5 and 6. However, No. 5 is set to the south and would not be affected by light. The dwelling could be sited so as to avoid significant impact to that neighbour's outlook while also mitigating the current proposal's demonstrably harmful visual impact. The dwelling could also be sited further eastward without causing undue harm to No. 6 through overbearing development or loss of privacy, though care would need to be taken with placement of openings.

8. Conclusion

- 8.1 The current proposal would not adversely affect the amenities of neighbouring residents or allotments users or local highway safety. However, by reason of its scale, form and siting, the proposal would cause significant and demonstrable harm to the character and appearance of the area, and therefore fails to accord with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the Framework on design, in particular paragraphs 57, 58 and 61.

- 9. Recommendation – that Planning Committee resolves that had the application been before them for determination they would have refused the planning application for the following reason:**

By reason of its scale, form and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and therefore fails to accord with saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, along with chapter 7 of the National Planning Policy Framework on design, in particular paragraphs 57, 58 and 61.

Case Officer: Nathanael Stock

DATED: 25 July 2016