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|------------------------------------|----------------------------------------------------|-----------------------|-------------------|-----------------------------|
| <b>Application</b><br>09/00414/OBL | <b>No:</b>                                         | <b>Ward:</b><br>North | <b>Kidlington</b> | <b>Date Valid: 01/04/09</b> |
| <b>Applicant:</b>                  | Mr. N. Lyzba                                       |                       |                   |                             |
| <b>Site Address:</b>               | The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE |                       |                   |                             |

**Proposal:** Modification of CHS.416/92 to allow the use of the Gate Lodge as a self contained dwelling house.

## 1. Site Description and Proposal

- 1.1 The proposal seeks to retain the use of The Gate Lodge as a separate unit of accommodation. The building is a small 2 storey building constructed of stone under a tiled roof. The unit shares an access with The Coach House to the rear. Separate parking and garden areas are provided for the unit. The site lies within a conservation area and adjacent to a listed building.
- 1.2 The proposal seeks to vary a legal agreement that restricted the use of the Gate Lodge as separate unit of accommodation.

## 2. Application Publicity

- 2.1 The application has been advertised by way neighbour letters and a site notice. The final date for comment was 06/05/2009
- 2.2 No letters of objection/support received.

## 3. Consultations

- 3.1 **Kidlington Parish Council** – No objections

## 4. Relevant Planning Policies

- 4.1 Policies of the Development Plan are not relevant as this application seeks to vary a legal agreement.

## 5. Appraisal

- 5.1 The application site has been the subject of a lengthy and varied planning history. Planning permission was granted on appeal to allow the conversion and extension of the building to form a 3 bed dwelling in 1984 (CHS.429/84). This permission was subsequently renewed in 1990 under application CHS.407/90.
- 5.2 In 1993 planning permission was granted for a new dwelling (now The Coach

House) to be erected towards the rear of the application site (CHS.416.92). This application was the subject of a s106 agreement that the applicant entered into revoking the previous permission (CHS.407.90) for the conversion of application building. A further application to amend the design of the approved house was granted permission in 1995 (95/01009/F) and the s106 was amended to include the new permission.

- 5.3 From the report to application CHS.416/92 the Case Officer stated that The Vicarage is the only grade II\* building in Kidlington and therefore should be afforded special protection. The subdivision of the curtilages to form plots for the new house (The Coach House and The Gate Lodge) would have a detrimental impact on the setting of the listed building and only one permission should be implemented. As a result, the applicant agreed to revoke the permission to convert The Gate Lodge into a separate dwelling. The s106 agreement did however, allow the continued use of The Gate Lodge as ancillary accommodation to The Coach House.
- 5.4 The Gate Lodge was therefore converted, though not extended, as ancillary accommodation and was subsequently issued with a Certificate of Lawfulness for use as such in 1997 (97/00934/CLUP). A further Certificate was issued in 2002 (02/00050/CLUP) confirming that The Gate Lodge was within the same curtilage as The Coach House and could be used for any purpose incidental to the enjoyment of the occupiers of The Coach House.
- 5.5 In October 2008 the LPA was alerted to the occupation of The Gate Lodge by persons not known by the applicant and that the building was being used as a separate independent dwelling and not ancillary accommodation. The applicant confirmed that this was indeed the case and was made aware of the restrictions concerning its use. The applicant has therefore applied, retrospectively, for the use of the building as a separate, self contained unit of accommodation.
- 5.6 The applicant site shares its access with The Coach House. However, the building sits forward of the main dwelling and has a separate, self contained garden area and parking areas. The main issue to be considered is whether the separation of the application site as a separate dwelling would have a detrimental impact on the setting of the listed building, The Vicarage.
- 5.7 The access to the site is landscaped and quite separate from The Vicarage. Landscaping is also present at the site and around the garden areas. The Conservation Officer has considered the proposal and does not raise an objection on the impact of the development on the setting of the listed building, nor the Conservation Area.
- 5.8 With this in mind, despite the rather lengthy planning history of the site, and the original reasons for revoking a permission, the proposal is not considered to impact on the setting of the listed building to an unacceptable degree. Given the separation distances from each other (The Gate Lodge and the 2 dwellings) at 20 – 30 metres, it is not considered that the proposal would have a detrimental impact on the amenities of occupiers of The Coach House or The Vicarage. Moreover, it has to be borne in mind that The Gate Lodge can be used as a separate unit of accommodation (providing it is ancillary to the main house) without the need for further permissions from the LPA.

- 5.9 Planning application 09/00413/F has recently been approved for the retention of the building as a separate unit of accommodation. This was approved at delegated level. This separate application only relates to the legal agreement tied to the building.
- 5.10 Overall, it is considered that the application is acceptable for the above reasons and the current obligation restricting its use as a separate dwelling be removed.

## **6. Recommendation**

**That the application be referred to the Head of Legal and Democratic Services to vary the agreement to allow the continued use of The Gate Lodge as a self contained dwellinghouse.**

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