

**The Old Forge
Mixbury
Brackley
NN13 5RR**

17/01482/F

Case Officer: Michael Sackey

Recommendation: Refusal

Applicant: Mr Mark Bairstow

Proposal: Two storey extension to side elevation adjoining south facing gable end to improve living accommodation (particularly upstairs); dormer windows to front and rear elevations as per existing building; additional windows and doors to ground and first floor - re-submission of 17/00966/F

Ward: Fringford and Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for referral: This application has been referred by a Ward Councillor - Councillor Wood

Expiry Date: 5 September 2017

Extension of Time: 28 September 2017

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a former metal worker's building which was converted to a dwelling and later extended. The building, which faces west on to Main Street is constructed of stone with brick detailing, and has a tiled roof. There are no changes in the levels across the site that would significantly affect the application assessment. The site is bounded by residential properties to the north. The site is within the designated Mixbury Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for a two storey side extension to the dwelling, conversion of the detached garage to habitable accommodation, and the insertion of additional windows and doors at ground and first floor level.
- 2.2. The proposed side extension would measure approximately 4.9m depth, 4.8m width with an overall roof height of 6.1m, sloping down to an eaves height of 3.5m.

3. RELEVANT PLANNING HISTORY

- 3.1. Consent was originally granted in 1978 (ref. 78/00076/S) for conversion of the old barn to a bungalow (plus detached garage). Further consent for a revised scheme was granted in 1986 (86/00091/S). Under both consents the property's permitted development rights were removed with regard to extensions.
- 3.2. In addition, the following planning history is directly relevant to the proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>	<u>Date</u>
98/00841/F	Addition of 1 dormer window to the south face of the roof and 3 roof lights to the north face of the roof	Application Permitted	23.07.1998
05/01524/F	Porch and two storey side extension.	Application Permitted	22.03.2006
17/00966/F	Two storey side extension, dormer windows to front and rear and additional windows and doors to ground and first floor.	Application Withdrawn	06.07.2017

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Closed</u>
16/00044/PREAPP	Pre-application enquiry - New five bedroom dwelling	04.04.2016
17/00047/PREAPP	Pre-Application Enquiry - Two storey extension to side elevation of house	22.05.2017

- 4.2. With regard to the latter, the Council's advice was:
- 4.3. Notwithstanding the lack of harm likely in respect of neighbours or footpaths, for the reasons set out above we would not be able to support a future application for the proposal on the grounds of its impact on visual amenity and the character and appearance of the Conservation Area. I would encourage you to consider alternatives and would be happy to discuss the same with you further.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24.08.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Two letters received supporting the application.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. No comments received. Consulted on 24.07.2017.

OTHER CONSULTEES

- 6.3. Conservation - The scheme was discussed at a pre-application meeting prior to the submission of the earlier application and I summarise the points I made at this time.

- The Old Forge is a former industrial building which has been converted to domestic use. A condition was put on the original planning consent restricting permitted development rights on extensions on the building – presumably in attempt to retain the character of the building.
- The Old Forge is part of the Model Village of Mixbury and retains the same materials / aesthetic. It is however different to the other buildings in the settlement in that it originally had an industrial / agricultural appearance. It needs to retain this distinction.
- The Old Forge is located in a key area at the gateway into the conservation area of Mixbury and therefore any development is particularly sensitive.
- The proposed extension is very large, very domestic in appearance and in a key location to the frontage of the property. The extension in its current proposed form is considered to cause harm to the character and appearance of the Mixbury Conservation Area.
- It is possible that there may be alternative means of extending the building (as discussed on site), but this would depend on detailing.
- The garage building offers a potential for extension – as it is itself a modern structure – but any new development would need to respect the outbuilding form and the sensitive location.

My principle concern is with the two storey element of the building which is overly domestic. The suggestions I made on site involved the provision of a single storey link to the existing garage building, although this itself could be remodelled to provide a larger footprint / higher ridge providing it retained the simplicity of form and the relationship with the existing property.

I would recommend that the current application be refused but that further pre-application discussions are entered into with an architect present.

- 6.4. Local Highways Officer - No objections. There is particular concern with regards to the footpath diversion. You are referred to the response made with regards to this aspect of the proposal.
- 6.5. Rights of Way - Mixbury Public Footpath 9 (303/9) runs to the South of the property between the existing house and garage. The proposed extension would obstruct the footpath and a Town and Country Planning Act diversion of the footpath would therefore be required to enable the development to take place. Your legal team would have to take the diversion forward but there is no information to indicate whether the applicant has been liaising with them. I have therefore copied them into this email. I would not object to a diversion provided that a suitable diversion route can be agreed.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Mixbury Conservation Area Appraisal

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Design, and impact on the character of the Conservation Area
- Residential amenity
- Highway safety/parking provision

Design and Impact on the Character of the Conservation Area (Undesignated Heritage asset)

- 8.2. Paragraph 56 of the NPPF makes clear that: *the Government attaches great importance to the design of the built environment*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings*.
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene*.
- 8.4. Any proposed development or extensions must respect the scale, design, proportions and materials of the surrounding architecture to strengthen the cohesion of the street scene. It is crucial that the scale and diversity of the surrounding

architecture is respected and that an imaginative and high quality design is employed.

- 8.5. The proposed development would be of significant scale in relation to the existing dwelling but particularly in relation to the original building.
- 8.6. Given its position and that of the site, the proposal would be readily visible from the highway and public realm, and would have a significant visual impact.
- 8.7. The proposed development is also located at the southern gateway into Mixbury and therefore lies in a particularly prominent and sensitive area. This area is one of the key views into the village and indeed is described in the Mixbury Conservation Area appraisal. The original building is considered a positive contributor to the character and appearance of the Conservation Area.
- 8.8. It is considered that the provision of a large two storey extension in this area would fundamentally alter the character of the dwelling and in doing so would have a substantial impact on the visual amenity of the locality and on the character of Mixbury as one approaches and enters the village.
- 8.9. It is notable that the property's permitted development rights have been restricted with regards to extensions. The condition was imposed on the original planning consent restricting permitted development rights on extensions in an attempt to retain the character of the original building.
- 8.10. The existing two-storey extension projects very slightly from the front elevation of the original building but given its form and siting its impact on the significance of the original forge building is not greatly diminished. The scale and position of the current proposal, extending the extension, draws attention to the cumulative extension in a way which does not happen at present. Individually and cumulatively the extension would detract markedly from the character and setting of the original building.
- 8.11. In summary, by virtue of its scale, form and massing, the proposal results in a bulky and visually obtrusive form of development that demonstrably harms the character of the existing dwelling and the character and appearance of the Conservation Area.
- 8.12. The application is therefore contrary to Government guidance contained in the Framework, and retained Policies C28 and C30 in the Cherwell Local Plan 1996 and Policy ESD15 in the Cherwell Local Plan 2011-2031 Part 1.
- 8.13. For the reasons set out above, it is considered critical for any extension of the building here to be set down in height to single storey level and to respect and be harmonious with the scale, form and proportions of the original building.
- 8.14. It is understood that planning permission was previously granted for a smaller extension in this location (05/01524/F). However, this permission has lapsed and is not extant. In addition it was permitted under a different planning / heritage policy background. Since this date the National Planning Policy Framework and Cherwell Local Plan 2011-2031 have both been adopted, and there have been high court decisions reminding decision makers of the need to give great weight to the preservation of the character and significance of heritage assets.
- 8.15. The building's design includes elements which in isolation are acceptable, e.g. the use of natural stone and brick to the walls and slate tiles to the roof. However, by reason of its scale and form, the proposed development is considered neither to

complement nor enhance the character of the building or its setting through sensitive high quality design.

Residential Amenity

- 8.16. Paragraph 17 of the NPPF includes, as a core planning principle, a requirement that planning should: *always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 8.17. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 8.18. The proposed development would be well set off the boundaries of the adjacent neighbours and would comply with the 45 degree rule with regards to its neighbours. Having regard to its scale and positioning the proposal is considered not to have a significant impact on the neighbours either through loss of light or loss outlook or overlooking. The proposal would thus accord with retained Policy C28 of the Cherwell Local Plan and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

Highway and pedestrian safety

- 8.19. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.20. The local Highways Authority has raised no objections to the current application subject to Conditions to provide full specification details including construction, layout, surfacing and drainage of the turning area and four parking spaces within the curtilage of the site, prior to the commencement of the development.
- 8.21. The proposal would require the diversion of a footpath, but there are considered to be no objections in principle to this taking place.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposal is acceptable in terms of residential amenity and highway safety. However, for the reasons set out in this report, the proposal would cause significant and demonstrable harm to the visual amenity of the local area and to the character and appearance of the building and that of the Mixbury Conservation Area. There are no other material considerations that outweigh the conflict and the harm caused, and therefore permission should be refused.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposed development, by virtue of its scale, form and massing, would relate poorly to the existing dwelling, resulting in a visually incongruous form of development that would demonstrably detract from its character and appearance, resulting in significant and demonstrable harm to the visual amenity of the locality and failing to preserve the character or appearance of the Conservation Area. The proposal would thus be contrary to Government guidance contained within the National Planning Policy Framework, retained Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the Cherwell District Council Home Extensions and Alterations design guide (March 2007).

Case Officer: Michael Sackey

DATE: 05.09.2017
