

**Land North West Of Fabis House  
Rattlecombe Road  
Shenington**

**18/01114/F**

**Applicant:** The Magpie Partnership Ltd

**Proposal:** Conversion of barn to form new dwelling

**Ward:** Cropredy, Sibfords And Wroxtton

**Councillors:** Cllr George Reynolds  
Cllr Douglas Webb  
Cllr Phil Chapman

**Reason for Referral:** Application called in by Ward Councillor

**Expiry Date:** 23 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Refuse

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

The application is reported to the Planning Committee, as it has been called in by Councillor Reynolds.

#### **Proposal**

Planning permission is sought to convert and extend the building to form a single dwelling house

#### **Consultations**

- Shenington with Alkerton Parish Council have raised objections to the application.
- CDC Conservation has raised objections to the application.

Four letters of objection have been received.

#### **Planning Policy**

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issues arising from the application are:

- Principle of development
- Design, and impact on the character of the area and impact on designated heritage assets
- Residential amenity
- Highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposals are unacceptable, as the development would cause harm to the significance of the listed building and the character and appearance of the conservation area.

## RECOMMENDATION – REFUSE PERMISSION

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

### MAIN REPORT

#### 1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is nearly fully constructed, whilst 'Barn A', the dilapidated barn attached to 'Longworth' has yet to have works commence.
- 1.2. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

#### 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1.5 storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1 and ½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabi's House. A 1.8m timber fence would be erected approximately 1.1m away from the dining room of 'Longworth', the neighbouring Grade II listed building.

#### 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02183/F	Conversion and extension of existing buildings to form 2 dwellings	Application Refused
16/02184/LB	Conversion and extension of existing building to form a single dwelling	Application Refused
17/01201/F	Conversion and extension of existing buildings to form 2 dwellings - revised scheme of 16/02183/F	Application Permitted

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. An application for minor alterations to Barn B is also currently under consideration (18/01098/F). A listed building application has been submitted alongside this application (18/01115/LB).

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to this proposal.

#### **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 09.08.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Four letters of objection have been received. The comments raised by third parties are summarised as follows:
- There were no historic openings onto Rattlecombe Road with the exception of the doorway.
  - The proposed openings onto Rattlecombe Road would cause harm to the character and appearance of the conservation area.
  - The 1.8m timber fence in close proximity to Longworth would cause harm to the listed building and the amenities of the occupiers.
  - The openings on the rear elevation of the building will be in close proximity to Longworth.
  - The timber fence and wall that it continues into would obstruct a Right of Way.
  - The boundary wall has been demolished and rebuilt at a higher height without any planning consent (not included in this 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects**. The windows on the front should remain as slits. Changing the windows would have a harmful impact on the building and conservation area. The fence in close proximity to Longworth would cause harm to the amenities of the occupiers of the dwelling.

### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition relating to parking and manoeuvring details.

### NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections**.
- 6.5. CONSERVATION: **Objects**. The fenestration on the front and rear elevations would be harmful to the character and appearance of the conservation area and the significance of the listed building.
- 6.6. ECOLOGY: No comments received.

## 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)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversions within settlements
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extension Guidance (2007)
- Shenington with Alkerton Conservation Area Appraisal (2009)

## 8. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity
- Highway safety

#### Principle of development

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).
- 8.5. The principle of residential development in Shenington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Shenington is recognised as a Category C village in the Cherwell Local Plan 2011 – 2031 Part 1. Category C villages are considered the least sustainable settlements in the District's rural areas to accommodate growth and therefore residential development will be restricted to the conversion of non-residential buildings and infilling.
- 8.6. The application for the conversion of the buildings to two dwellings was approved under 17/01201/F and 17/01202/LB. This consent has been implemented and the conversion and extensions to Barn B have nearly been completed. Given that this consent has been implemented, the principle of development is considered to be acceptable, subject to other material considerations discussed below.

#### Design, impact on the character of the area and heritage assets

- 8.7. 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.

- 8.8. 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. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.9. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 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, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.11. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth, so is curtilage listed.
- 8.12. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme had a 1 and ½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 8.13. The present application proposes a number of changes to the approved scheme. Some of these changes are considered to be an improvement on the approved scheme, such as the reduction in the overall ridge height of the building and the continuation of the 1½ storey element to the north-east, which would respect the traditional form of the building.
- 8.14. There are a number of areas of concern, to which the Conservation Officer, parish council and neighbours have all objected. The fenestration on the Rattlecombe Road frontage of the approved scheme had a very simple design, with three arrow slit windows and a window in the then single storey element, with timber cladding below.
- 8.15. The scheme now seeks to make use of the existing door opening onto Rattlecombe Road to form a full height, obscurely glazed window, two small arrow slit windows at a high level on the western side of the 1½ storey element and in the eastern part of the building, a window is proposed at ground floor level, with a timber shutter above and a conservation rooflight in the roof slope.
- 8.16. The alterations to the fenestration on the Rattlecombe Road frontage would cause demonstrable harm to the significance of the listed building and the character and appearance of the designated conservation area. It is recognised that the

application seeks to utilise existing openings. However, it is unlikely that the full height obscurely glazed window would traditionally have been a full height window. It is likely that this would have been a doorway of a regular height. The cumulative impact of the untraditional full height windows serving the bathrooms, the window with the timber shutter directly above and the rooflight in the front roof slope would result in a more domestic and cluttered elevation that would move away from the simple, more traditional design of building that was previously approved.

- 8.17. Two rooflights were included on the rear roof slope of the approved scheme. In paragraph 8.19 of the case officer's report for the approved scheme (17/01201/F), it was stated that '*rooflights are not considered to be a traditional feature on a converted agricultural building*'. However, it was considered these were acceptable as they were located on the rear roof slope. The inclusion of a rooflight on the front roof slope would be significantly more harmful to both the significance of the listed building and the appearance of the conservation area and is not a traditional feature on a converted agricultural building.
- 8.18. The full height opening serving the bathrooms of the development would be obscurely glazed and would face out onto the public domain. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that '*new development proposals should be configured to create clearly defined active public frontages*'. A large, obscurely glazed opening facing out onto the public domain is considered to be poor design and would fail to meet the requirements of the above policy. Obscurely glazed windows should be kept to a minimum and located in areas that do not address the public domain.
- 8.19. Turning to the fenestration on the rear of the dwelling, the approved scheme had a large barn door style opening roughly in the middle of the 1½ storey element of the scheme. The current scheme proposes that the existing barn door opening is utilised to make the full height glazed opening, instead of creating a new opening in the middle of the building. In terms of the retention of historic fabric, this element of the scheme is considered to be an improvement on the approved scheme as this would have required the existing opening to be infilled and a new opening created.
- 8.20. The re-use of the opening at a high level on the west of the rear elevation is considered to be a positive element of the proposals, as is the reduction of two rooflights to one.
- 8.21. The retention and re-use of the existing opening is considered to be a benefit of the scheme. However, the proposed fenestration in this space is far too domestic for the infilling of a barn door opening. The fenestration would appear very cluttered, with a number of small windows surrounded by timber boarding. The infill of a barn door should be kept as simple as possible, with the large, open nature of the former opening retained as much as possible. The different elements proposed in this scheme would be overcomplicated and too domestic for the simple design that a converted agricultural building should have.
- 8.22. Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to a heritage asset, that harm should be weighed against the public benefits of the scheme. It is considered that the proposals would cause less than substantial harm to the heritage assets, for which there are no public benefits which outweigh this identified harm.
- 8.23. It is therefore considered that the cluttered and domestic fenestration on the front and rear elevations of the proposed development would cause less than substantial harm to the significance of the listed building for which there are no public benefits which outweigh this harm. The significance of the building derives from its simple

agricultural character. Harm would also be caused to the character and appearance of the Shenington with Alkerton Conservation Area, which has a rural and traditional appearance.

#### Residential amenity

- 8.24. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 8.25. The Cherwell Home Extension Guidance (2007) advises that where a new window is proposed, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy.
- 8.26. The current proposal sits on the same footprint as the previous application and the impact of overlooking of Fabis House to the rear is therefore still acceptable in this regard.
- 8.27. Concerns have been raised regarding the impact that the development would have on the amenities of the occupiers of Longworth, as a 1.8m high fence is proposed approximately 1.1m away from the dining room of Longworth. This element of the scheme would result in a loss of light and a loss of outlook to the property. The approved landscaping scheme under 17/00570/DISC approved a 1.8m screen; however this would have been over 3m away from the window of Longworth and still would have allowed a good level of outlook whilst providing privacy to the occupiers of the new dwelling. This is not the case under the current proposals and the amenities of the occupiers of Longworth would be impacted upon significantly by the proposals.
- 8.28. Concerns have also been raised regarding the impact that the new glazing in the barn door opening on the rear of the dwelling would have on the amenities of the occupiers of Longworth. No overlooking would be provided as a part of this, as there is a void at first storey from this glazing and the fence would provide screening to the dining room of Longworth, albeit to the detriment of their living amenities.
- 8.29. It is therefore considered that the proposals would cause demonstrable harm to the occupiers of Longworth, by reason of loss of light and loss of outlook.

#### Highway safety

- 8.30. The Highways Liaison Officer has offered no objections to the scheme, subject to a condition of further details of the parking and manoeuvring areas. The approved scheme was found to be acceptable in this regard and therefore it is considered that the development would not cause harm to the safety of the local highway network.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The principle of development is considered to be acceptable, as the previous scheme has already been implemented. Some of the alterations are considered to be beneficial to the scheme. However, the changes to the fenestration on both the front and rear elevations of the building would appear too cluttered and domestic and would cause harm to the significance of the listed building and character and appearance of the conservation area. The proposed 1.8m high timber fence being located 1.1m away from the dining room window of Longworth would cause demonstrable harm to the amenities of the occupiers of Longworth by reason of a loss of outlook and loss of light.



## 10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The fenestration of the building, including the full height obscurely glazed window, rooflight and other new openings on the elevation facing Rattlecombe Road and the fenestration in large opening on the rear elevation would appear as overly complicated and domestic features that would cause harm to the simple, agricultural appearance of the curtilage listed building and its contribution to the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the Grade II listed building Longworth. The harm caused would be *less than substantial*. However, the public benefits created by the development would not outweigh this harm. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies H21, C21, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The timber fence in close proximity to the dining room window of Longworth, would be likely to have a seriously detrimental effect on the amenities of the occupiers of these neighbouring properties by way of a loss of light and a loss of outlook. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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