

**Case Officer:** Gemma Magnuson

**Applicant:** Mr & Mrs M Wilson

**Proposal:** Ground and first floor extensions

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

**Reason for Referral:** Called in by Councillor Douglas Webb on grounds of public interest

**Expiry Date:** 12 November 2019

**Committee Date:** 18 December 2019

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

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The proposed development would consist of ground and first floor extensions upon the western facing principal elevation of the dwelling, to create two storey accommodation with kitchen at ground floor level and en suite bedroom at first floor level. This would effectively involve the replacement of an existing garden room structure that projects from the western facing elevation at present. The ground level would also be partially reduced.

#### **Consultations**

Amended plans were received on 22 November 2019. The re-consultation period has not expired at the time of writing. The comments referred to in this report are based on the originally submitted plans. Any consultation responses received after the finalisation of the report will be reported as late representations.

The following consultees have raised **objections** to the application:

- Shenington with Alkerton Parish Council

The following consultees have raised **no objections** to the application:

- Historic England, OCC Archaeology, CDC Conservation, CDC Ecology

14 letters of objection have been received and 3 letters of support have been received at the time of writing.

#### **Planning Policy and Constraints**

Alkerton House is a Grade II listed building and lies within the designated Conservation Area. Other Grade II listed buildings are situated to the north and south of the site. The site is also within an area of archaeological interest, and the Northern Valleys Conservation Target Area.

The application has also been assessed against the relevant policies in the NPPF, the

adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

## **Conclusion**

The key issues arising from the application details are:

- Principle of Development
- Design, and impact on the character of the area, including heritage impact
- Residential amenity
- Ecology impact

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**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 relates to Alkerton House, a detached Grade II listed dwelling situated central to the village of Alkerton, within the designated Conservation Area.
- 1.2. Alkerton House was designated as a listed building on 20 September 1988, when the building description was for identification purposes only (as was usual at the date of listing) and does not give an indication of significance. The Conservation Officer has summarised the historic significance of the building to be a large, handsome property which may have been a manor house for Bret Goodwin, Lord of Epwell Manor. A significant amount of historic fabric remains, particularly upon external elevations in the form of window and door features, including stone mullions and hood moulds. The building also has a dual elevation, with one facing onto Well Lane, but with the principal elevation facing out towards the countryside to the west of the village.
- 1.3. The Shenington and Alkerton Conservation Area Appraisal describes Alkerton House as one of the oldest in the Parish, bearing a datestone of AD 1415. It is understood that the dwelling was partially rebuilt at the end of the 18<sup>th</sup> century, and restored in 1834. The 'L' shaped footprint is also noted. The site is within the Alkerton Character Area, where it is explained that the village has undergone little change since 1875, with no major 20<sup>th</sup> century building, and the majority of any new development comprising barn conversions. The village character is therefore retained.
- 1.4. The rear elevation of Alkerton House abuts Well Lane, with the private amenity space associated with the dwelling wrapping around both sides and the frontage of the building. The land level slopes downwards away from the frontage of the dwelling, with this slope continuing downwards, eventually culminating at the Sor Brook watercourse to the west. The land level then begins to steeply rise again up towards the village of Shenington. As a result of these levels, the principal elevations of Alkerton House is clearly visible from the Public Right of Way that runs to the south, connecting the two villages of Alkerton and Shenington.

- 1.5. The existing building is constructed with natural ironstone walls. The main roof of the dwelling is covered using a decorative red and blue fish scale tile pattern, whilst later additions are roofed with slate. A tall stone wall marks the eastern (rear) boundaries, with the land to the west remaining largely open.
- 1.6. Dwellings in the immediate vicinity are also constructed from ironstone, with tall ironstone walls marking many of the boundaries alongside Well Lane. The Alkerton Conservation Area Appraisal notes that the buildings and boundary walls along Well Lane contain views and create an intimate streetscene. The high ironstone walls are considered to be a key feature of the area.

## **2. CONSTRAINTS**

- 2.1. Alkerton House is a Grade II listed building and lies within the designated Conservation Area. Other Grade II listed buildings are situated to the north and south of the site. The site is also within an area of archaeological interest, and the Northern Valleys Conservation Target Area.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposed development would consist of ground and first floor extensions upon the western facing principal elevation of the dwelling, to create two storey accommodation with kitchen at ground floor level and en suite bedroom at first floor level. This would effectively involve the replacement of an existing garden room structure that projects from the western facing elevation at present.
- 3.2. The initial proposals were received with the application on 27 August 2019. The scheme was then amended by plans received on 25 October 2019, and later amended a second time by plans received 22 November 2019. It is these plans, received on 22 November 2019, that form the subject of this assessment.
- 3.3. The works would involve the lowering of the existing ground level towards the west of the of the existing rear projection, and the erection of a two-storey extension with ironstone walls and clay plain tiles to match those on the main roof of the dwelling. Stone mullioned windows are proposed within the western facing elevation. Openings would be constructed using painted softwood and powder coated steel frames. Dressed stone quoins are proposed within the stonework. Rooflights would be positioned within the northern and southern facing roof slopes.
- 3.4. The total length of the extension would be 10.8 metres, measured at roof height, which is the same as that of the existing garden room. The ground level would be reduced by 80cm towards the western most element of the structure, and the highest point would reach 7.1 metres, taken from that lower land level.

## **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history directly relevant to the proposal. There is no record of an application for the existing garden room that is proposed for replacement.

## **5. PRE-APPLICATION DISCUSSIONS**

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

16/00073/PREAPP – First floor extension

- 5.2. The Case Officer advised that they had concerns regarding the impact of the extension upon the living amenities and privacy currently enjoyed at adjacent Well Cottage. It was not considered that the extensions would cause harm to the visual amenities of the area, including the Conservation Area and setting of nearby listed buildings. Suggestions were made to ensure that the extension would be more in keeping with existing dwelling.

## **6. RESPONSE TO PUBLICITY**

- 6.1. 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 **08 December 2019**. Comments received after the finalising of this report will be reported as a late representation. In total, 19 responses were received, 16 objecting to the proposal and 3 supporting the proposal. One of the objection letters was signed by 9 households, resulting in a total of 27 objections at the time of writing.
- 6.2. As a result of the amendment of the application, the neighbouring properties have been consulted a total of three times. The comments received relate to all versions of the scheme.
- 6.3. The comments raised by third parties are summarised as follows:

### Object

- Two storey building is unacceptable, only proposal that could be supported is ground floor extension
- Harm to residential amenity enjoyed by occupiers of The Well House – height, length and proximity resulting in overshadowing of windows to dwelling, overbearing to occupiers when using main sitting out areas, introduces harmful overlooking, increases sense of being overlooked including sitting out areas – sitting out area is south and west facing and enjoys good light year round. Balconied window less than 10 metres from rear sitting out area. No assessment of impact of light, and extension would breach 45 : 25 degree rising line set out in BRE guidance to assess impact of proposed additions on daylight to windows. Overwhelming and tunnel like appearance created.
- Less than substantial harm to designated heritage assets – listed building and Conservation Area – with no public benefit arising from the proposals – contrary to Policy, proposal will not be screened and will be obtrusive
- Building is not necessary
- Would fill the current gap between The Well House and Alkerton House
- No Heritage Impact Assessment or justification submitted with the application
- Harmful impact on the significance of the listed building and Conservation Area, fail to preserve the character and appearance of Conservation Area – remains largely untainted by modern development, Alkerton House probably the oldest house in the village, extension out of character with existing property

- Extension will compete with linear character of Well Lane due to its scale and location – it is not linear but at right angles to the street, appearing strikingly behind Alkerton House, set out from valley side, obscuring views of landscape, impact on view up through the village over the back of the houses where footpath first enters the village, view from Shenington towards Alkerton across valley spoiled
- Impact on views from Well Lane and public footpath to the south – Alkerton House would dominate the landscape, degrade views from Shenington, two villages have been linked for centuries, as have the communities, and to spoil the integrity in a place of outstanding beauty would be a shame, impact upon the historic setting of the two villages
- Impact on view from common land opposite the site on Well Lane across to Shenington – extension would narrow the gap significantly between the buildings and have a significant and harmful impact upon the view
- Whilst there is a historic collection of additions at the northern end of the property, these are single storey and provide only service and ancillary functions, they do not compete with status of western elevation
- The western elevation of the building is of great importance to the significance of the building, it is not the rear
- Proposal would provide a substantial and ornate structure striking forward of the principle elevation, appearing strident and in competition with existing western elevation, harming significance
- Form, layout and character of openings add further confusion, character is more appropriate to the rear of a building rather than principal elevation
- Reduction in ridge height is welcomed but it remains a long new roof slope still of a height that would appear overbearing to The Well House. Eaves level has increased despite narrowing of extension and moving slightly away from boundary.
- Only a replacement single storey structure of similar height to existing buildings would protect amenity of The Well House and not be overbearing to most used sitting out areas
- Squat roof profile at odds with proportions of principal building, sit jarringly against structure, compete visually with main historic range, equivalent of sticking a Lego structure onto a Georgian dolls' house, badly balanced, dominant and dumpy addition that is out of harmony with the elegance of the original building design and subsequent restorations, fenestration proportions are wrong, pitch and angles are in conflict
- Replacement of existing structure, that is unfortunate but diminutive in scale and polite in detail, not justification for extension of greater scale and high ornamentation
- All houses in Alkerton have always sat well in their own space, character of the village, not made up of lots of terraced cottages sitting cheek by jowell but stand alone individual houses with their own character – extension will virtually join the next door house The Well House, changing character and appearing cramped and overshadowing garden

- No deference or sympathy to concerns about intrusion, due to height, view and proximity, into the privacy of immediate neighbours thus affecting quality of life, amenity and privacy
- Comment regarding the tone of supporting statements; disapproving, hostile, adversarial, extreme, emotive and politically charged language, reference to invasion of privacy from The Well House and surveillance, chastising CDC for its permissions, sense of vengeance, inherent resentful envy, intransigence, no neighbourliness
- No view of terrace from The Well House except from the tip of a sun umbrella, blame gaming in adversarial terms. Dependant upon one's definition of 'reasonable privacy', there is no perceivable threat and case for two storey extension on these grounds are not warranted. We all have partial views of other properties in the area
- Well Cottage was previously used by domestic staff for Alkerton House – it was doubled in size in 80's, openings were in place when new owners bought Alkerton House
- Precedent does not count as criterion in planning and envy cannot provide a basis of a planning system
- Not a single villager who has lived here full-time, or any length of time, who supports application – condemned by us and Parish Council, undemocratic and extraordinary for Council to disregard such an overwhelming body of opinion, surely thoughts of village inhabitants should be given some respect in a case like this?
- Only thing applicants seem interest in is planning approval from CDC, offered consultation with applicants but these have been ignored or rejected acrimoniously by applicants
- Mr Philcox has not visited The Well House, relying on information from the Agent Mr Rockett
- No comparable effects in terms of light, sun and privacy from the extension at The Well House
- Open secret that applicants plan on leaving the village in the near future so have submitted application only to enhance value of property when they put it on the market
- Create a tension and a 'stand-off' as Case Officer for pre-app felt
- Alkerton House recently sold off its 4 bedroom annexe and an acre of garden, extraordinary that this application has now been submitted to gain back more bedrooms
- Unfair and unreasonable that the application can be granted to give more internal space to Alkerton House whilst being a detriment to so much for The Well House
- The Well House has approximately one tenth of an acre, over half of which is either north facing or parking area, the only bit of south and west facing garden, including the terrace off the sitting room and small kitchen courtyard, will be deprived of all sunshine between mid-autumn and mid-spring.

## Support

- From an architectural point of view, the proposal would be a big improvement on existing conservatory
- Extension very small in relation to existing house and would be built in a manner sensitive to main house
- Have confidence that the planners will judge clearly the merits of the application within context of planning laws and other statutory considerations
- Too often the much needed development, expansion and evolution of villages is thwarted by a misperception that the “frozen in time heritage” must be maintained – can’t see how that serves the community well not or in the future
- Modest extension would not in any way be detrimental to the views of Alkerton, revised design sits much lower than before and minimises the impact on Alkerton House and neighbouring The Well House
- Would be no more visible from The Well House than the current extension, whilst being far more aesthetically please
- Looks for be further away from The Well House than what currently exists
- Would be built from local stone, as are Alkerton House and The Well House, and its very dominant boundary wall, thus blending in to environment in a describable fashion
- Pleased at the great deal of effort of applicants to produce a design for proposal which is attractive to all

6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

7.1. 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.

7.2. Amended plans were received on 22 November 2019. The re-consultation period has not expired at the time of writing. The following comments may not, therefore, reflect the opinion of the scheme that this the subject of this report. Any consultation responses received after the finalisation of the report will be reported as late representations.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.3. SHENINGTON WITH ALKERTON PARISH COUNCIL (commenting on the accompanying 19/01737/LB): **objects** on the following grounds:

- Scale of extension too large in relation to the house
- Architectural detail of the extension conflicts with house
- Extension is very imposing when viewed from valley below the house

- Extension is not sympathetic to the Conservation Area
- Impact upon the privacy of neighbouring property

Further comments were received following the first amendment of the proposal, and whilst they acknowledged the significant changes that go a long way to address the concerns raised by the neighbouring property, but previous comments from the Parish Council that a single storey extension is more reasonable are still valid.

#### OTHER CONSULTTEES

- 7.4. HISTORIC ENGLAND: no comments.
- 7.5. NATIONAL AMENITY SOCIETIES: no response received at the time of writing.
- 7.6. OCC ARCHAEOLOGY: no archaeological constraints to the scheme.
- 7.7. CDC CONSERVATION: **no objection**. The Conservation Officer objected to the first two schemes. However, the amendments received 22 November 2019 satisfactorily address the concerns raised.
- 7.8. CDC ECOLOGY: **no objection**. Suggests conditions regarding biodiversity enhancement and the method of construction in order to avoid harm to protected species.

### **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD 13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

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

- C23 – Retention of features contributing to character or appearance of a Conservation Area
- C28 – Layout, design and external appearance of new development
- C30 – Design control

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)



- Planning Practice Guidance (PPG)
- National Design Guide (NDG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

## 9. APPRAISAL

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

- Design, and impact on the character of the area, including heritage impact
- Residential amenity
- Ecology impact

### Design, and Impact on the Character of the Area, including Heritage Impact

#### *Legislative and policy context*

- 9.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.3. The National Design Guide explains that development should respond to existing local character and identity, and that well designed new development is influenced by an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents, and the elements of place or local places that make it distinctive. This includes considering the relationships between buildings, and views, vistas and landmarks.
- 9.4. Policy ESD 15 of The Cherwell Local Plan 2011-2031 Part 1 requires development 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. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings.
- 9.5. Policy ESD 13 of the Cherwell Local Plan 2011-2031 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.6. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development. In sensitive areas, such as conservation areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

- 9.7. The site is within and affects the setting of a Conservation Area, and a Grade II listed building.
- 9.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.9. Likewise Section 66 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.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the Cherwell Local Plan 2031 Part 1 echoes this guidance.

#### *Assessment*

- 9.11. The proposed development would involve the replacement of an existing garden room that projects off the northern most element of the dwelling. The existing structure consists of a parapet style wall, against which a shallow hipped roof abuts, with the western most element of the garden room extending beyond the parapet consisting of the end of the hipped roof. The structure is largely glazed, with the exception of the parapet wall, with white timber framed openings.
- 9.12. On the other side of the parapet wall sits a stone and slate lean-to outshot. It is clear from historic plans that whilst the fabric of this element of the building has clearly been renewed at some point, the basic form of the building has remained in its historic configuration, with outshots present in this location, since 1882.
- 9.13. The existing garden room is not considered to hold any historic significance. There is no planning history relating to this structure and the circumstances behind its presence are therefore unknown. The hipped roof of the structure is out of keeping with the pitched roofs found on the remainder of the dwelling, and whilst the colouring of the openings is consistent with the openings on the principal elevation, their bulky frames and differing design to those found in the remainder of the dwelling serve to detract from the appearance of the principal elevation of this Grade II listed building.
- 9.14. The principal elevation of Alkerton House is also visible in longer range views across the valley in Shenington when walking the public right of way, and when entering the village of Alkerton along the same footpath. The white frames of the garden room currently draw attention to themselves as discordant additions to the dwelling and it is therefore considered that the loss of this structure should not be resisted.
- 9.15. As previously explained, outshots have existed to the north of the dwelling since 1882, including upon the footprint of the existing garden room. It is therefore considered that the replacement of the existing structure itself would be in-keeping with the historic form of the building.

- 9.16. The proposed extension would involve the loss of the existing parapet wall that currently divides the garden room and lean-to extension, and the northern most elevation of the replacement structure would be brought closer to the shared boundary with adjacent The Well House by 2 metres. The form and appearance of the outshots would be maintained by setting the northern facing elevation of the proposed extension back off the northern elevation of the existing lean-to in order to enable it to continue to be read as an earlier element of the building.
- 9.17. The roof ridge would be set 50cm below the ridge height of the existing two storey gable extension to the dwelling, which itself is subservient in height to the main dwelling. In order to avoid a squat appearance, and to facilitate the creation of first floor accommodation, the ground level would be partially lowered as part of the works.
- 9.18. Construction materials would match those found on the existing dwelling, and the gable coping detail would match that of the main dwelling and gable extension. The proposed openings would also be similar in style to those found within the existing dwelling.
- 9.19. It is considered that the proposed extension as amended would represent a sympathetic addition to the existing building, appearing subservient to, and in-keeping with, its host. Furthermore, it is considered that the amended proposal would constitute an enhancement to this Grade II listed building and the designated Conservation Area, through the replacement of the existing garden room with a more sympathetic structure that would not detract from the principal elevation of the existing dwelling, or longer range views from public vantage points.
- 9.20. Due to the height of the structure, the upper elements would be visible from Well Lane above the existing stone wall on the eastern boundary. Whilst the existing garden room is not visible from this viewpoint at present, due to the height of the existing stone wall it is not considered that the extension would appear overly prominent or detract from the character and appearance of the street scene in this location. The proposed development would also maintain the historic plan form of the building and the spacious curtilage is capable of accommodating a structure of this size without resulting in a cramped or overdeveloped appearance. A distance of 4.3 metres would be maintained between the position of the proposed extension and adjacent The Well House, serving to avoid these two neighbours appearing attached.
- 9.21. The proposed development as amended is therefore considered to constitute an enhancement to the character and appearance of this Grade II listed building through the replacement of the discordant garden room with an extension that would retain the historic form of the building and introducing a more sympathetic projection in this location. The development would also enhance the views of Alkerton House and the character and appearance of the designated Conservation Area from public vantage points within both Shenington and Alkerton, and would not result in significant harm to the visual amenities of the streetscene or wider landscape, in accordance with Government guidance contained within the NPPF, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

## Residential Amenity

### *Policy context*

- 9.22. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and

with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority.

### *Assessment*

- 9.23. Due to the separation distances involved, it is considered that the only neighbour with the potential to be affected by the proposed development is The Well House adjacent to the site to the north. The proposed extension would bring the northern elevation of the projection at Alkerton House closer to the shared boundary with this neighbour and increase the height above that existing.
- 9.24. The Well House is a recently extended, detached dwelling with ground, first and second floor openings facing towards the south, which is the location of the proposed extension. A small enclosed outdoor seating area has also been created adjacent to the southern elevation of The Well House that is bounded by stone walls.
- 9.25. The proposed extension would be clearly visible from all southern facing openings of the neighbouring dwelling, although due to the height of the extension in relation to first and second floor openings it is considered that only the ground floor openings and outdoor seating area are likely to be affected by the development.
- 9.26. For clarity, the loss of a pleasant view is not a material planning consideration, and whilst the outlook from the first floor openings would alter to include the roof of the proposed extension, pitching away from this neighbour, the height and separating distance is sufficient to avoid an overbearing appearance or shading of these openings.
- 9.27. Concerns regarding a loss of privacy from first floor openings are noted, although the one rooflight in the northern facing roof slope would be high level and positioned above a void reaching to the ground floor below.
- 9.28. The outdoor seating area at The Well House is currently bounded by a stone wall that increases in height as it meets the dwelling. The existing garden room structure is visible from this viewpoint and the proposed extension would bring the northern elevation closer to The Well House with an eaves height the same as the lower western hipped roof element of the garden room that extends beyond the parapet wall.
- 9.29. The overall height of the proposed extension would be 1.6 metres above the height of the existing parapet wall, this element consisting in its entirety of a pitched roof sloping away from the shared boundary. The highest point of the central pitch would be over 7 metres from the boundary. The western most element, and the most visible from the outdoor seating area, would have an eaves height matching that of the existing eaves, with a pitched roof sloping away from the boundary that extends the overall height by 3 metres, with an additional 30cm to account for the gable coping feature. All of the northern elevation would be brought closer to this neighbour than existing.
- 9.30. A ground floor opening serving a music space also faces into this outdoor seating area with views currently consisting of the surrounding wall with existing projections at Alkerton House beyond. The opening is not the only opening serving this room, with a larger openings in the western facing elevation overlooking the rear garden and countryside beyond. However, it is a southern facing opening and the concerns

raised as a result of public consultation are understood. Indeed, one of the reasons that amendments were sought during the course of the application was to reduce the impact upon this neighbour in terms of a loss of daylight and overbearing appearance.

- 9.31. The overall height of the proposed extension has now been reduced by over 1 metre, the extension has been moved a small distance to the south and the eaves height has been reduced to a height similar to the former structure, only 40cm above the height of the existing stone boundary wall at The Well House. The bulk of the structure would consist of a pitched roof that slopes away from the shared boundary, and the northern most elevation of the extension would be positioned 4.3 metres away.
- 9.32. Bearing in mind that the ground floor opening and outdoor seating area are to the side of the dwelling adjacent to existing structures at Alkerton House, that the southern facing opening is not the only opening serving the beyond room, the separating distance between the two and the overall height of the structure, it is not considered that a significant loss of amenity would result.
- 9.33. Due to the height and position of the rooflight in the northern facing roof slope, above a void, it is not considered to result in a significant loss of privacy for the neighbours at the The Well House.
- 9.34. The proposed development as amended is therefore considered to accord with Government guidance contained within the NPPF, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C30 of the Cherwell Local Plan 1996.

## Ecology Impact

### *Legislative context*

- 9.1. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.2. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.3. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.4. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be

made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 9.5. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

- 9.6. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.7. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.8. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.9. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.10. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.11. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.12. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

### *Assessment*

- 9.13. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.14. The Standing Advice sets out habitats that may have the potential for protected species. The site consists of a closely mown lawn and the building proposed for removal is in good condition and of relatively recent construction. Having considered Natural England's Standing Advice and taking account of the site constraints the Ecology Officer considers that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey has been pursued and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.15. Given the location of the site within a Conservation Target Area, a condition requiring biodiversity enhancements to be incorporated in the development has been suggested by the Ecology Officer.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 The amended proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

### CONDITIONS

#### **Time Limit**

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.

#### **Compliance with Plans**

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: Drawing No's: 16030/19/SLP1, and 16030/P01 Rev. B, 16030/P02 Rev. B, 16030/P03 Rev. B, 16030/P04 Rev. A, 16030/P05 Rev. A, 16030/P06 all received 22 November 2019

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. Prior to the commencement of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, 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 extension shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of 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 ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the insertion of any openings, including the stone mullion windows, hereby approved, full details at a scale of 1:20 including a cross-section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The openings shall not be installed



within the building other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The rooflights to be used in the development hereby permitted shall be of a design which, when installed, do not project forward of the general roof surface to which they are installed.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development above slab level, a method statement for enhancing biodiversity on site, including types and locations of any nesting/roosting provisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation of the development and shall be retained thereafter in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD 10 and 11 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, the rooflight in the northern facing roof slope shall be fixed shut and fully glazed with obscured glass (Level 3 or above) and shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 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.

## Notes

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution, all construction workers should be informed of the possibility of bats being present and their protection, floodlighting should be avoided and any roof tiles should be removed carefully by hand. Should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. Great Crested Newts (GCN) are protected by the Habitat and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended) and are also a Species of Principal importance under Section 41 of the NERC Act 2006. To avoid incidental harm to GCN on site all works should proceed with caution, construction workers should be briefed as to the possibility of GCN being present and best practice with regard to covering trenches and holes and

avoiding piles of materials which could be used as shelter and subsequently disturbed should be employed. Should any GCN be found during the course of works, all works should cease until a licensed ecologist or Natural England has been contacted for advice.

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