

Application 09/01302/F	No:	Ward: Hook Norton	Date Valid: 21 September 2009
Applicant:	Mr & Mrs J Hamilton		
Site Address:	Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH		

Proposal: Demolish single storey bungalow and build 1 ½ storey dwelling and detached timber garage (Resubmission of 09/00642/F changed design and access.

1. Site Description and Proposal

- 1.1 Hook Norton is within an Area of High Landscape Value. The site itself sits within the Hook Norton Conservation Area whilst the proposed access on to Austin's Way falls outside of the Conservation Area boundary. The application site is an area of garden and hard standing within which is a small single storey outbuilding which has been used as an annexe to the main dwelling, Applegate to the east. The annexe is rendered with a plain concrete tile roof.
- 1.2 To the east of the site is the property Applegate that is also rendered with a plain tile roof. Applegate is a two storey property with its first floor rooms within the roof space. It has very low eaves and has a gable projection from its roof on the front elevation and a projection to the rear. This property is accessed from East End and Austin's Way but does not have any road frontage. Both the main dwelling and annexe, believed to be the original wash house to the property date from the 1920's.

Further to the east/ north-east and at a lower land level are the bungalows on Austin's Way. To the south is Crooked Cottage, a stone built listed property set in a large garden. To the west are two properties which could be described as dormer bungalows as the first floor rooms are in the roof space, these have short rear gardens and to the north-west is a property called The Chestnuts which was approved consent in 1998.

The proposal involves the demolition of the existing annexe building, which due to its size does not require Conservation Area consent for its demolition, and the construction of a new separate dwelling.

The new dwelling is proposed to be orientated the same way as Applegate and is one and half storey in height, in that the first floor rooms are in the roof space. Its ridge height is 0.5 metres lower than that of Applegate. It has two dormer windows on the front elevation which serve a bathroom and bedroom and on the rear elevation is a third dormer window and a rear projection which accommodates a study or small third bedroom. The new dwelling is proposed to be built from natural stone with a plain tile roof.

The proposal also involves the construction of a single garage and a storage shed in the corner of the plot, to the rear of South Hill View. Since the first application

and the initial submission of this application the design of the garage has been amended.

The access to the new property will be via an existing access onto Austin's Way.

Relevant Planning History

01/00345/F – Renewal of 96/00282/F. Construction of two storey extension with attic and conservatory to the south west elevation. The extension incorporated the annexe into the main house. This proposal essentially provided three storeys of accommodation with windows at second floor height on the south eastern elevation and second and third floor height on the north and south elevations. This application has now expired.

09/00642/F – Demolition of single storey bungalow and erect one and half storey dwelling and detached timber garage. Withdrawn

09/00643/F – New timber garage for use by Applegate. Approved

2. Application Publicity

2.1 The application was advertised by way of press notice, site notice and two rounds of neighbour notification letters. The final date for comment was 5 November 2009. Further consultations were sent to those residents potentially effected by the garage building as amended plans were received in relation to this building. This further consultation allowed 10 days. The final date for comment is therefore 16 November 2009.

2.2 6 letters of support have been received from neighbouring properties. The reasons for supporting the application include;

- The proposal will not have an adverse impact on the character or the appearance of the Conservation Area.
- The applicants should be taken seriously in relation to conservation matters
- The site backs onto 1960's bungalows
- The new house will be sympathetically designed
- There will be no significant increase in traffic along the un-adopted lane called workhouse lane
- Plot is adequate for the dwelling planned
- Never seen any bats around East End
- The building will enhance the plot and also compliment the surrounding properties

10 letters of objection have been received. The reasons for opposing the scheme include;

- Intensification of built landscape, impacting on environment, architectural interest, amenity for direct neighbours and safety implications for neighbours in East End
- Impact on environment, including birds, bats, insects, newts, lizards for which the grounds of Applegate are natural habitats. Bats have been identified in the area and an independent bat survey recommended that a full survey be carried out prior to planning permission being granted.
- The gardens are appropriately proportioned for such an imposing house and

are worthy of preserving for future generations within the protective remit of a conservation area.

- In place of one unique property set in attractively proportioned gardens, two disparate styles of large houses will be squeezed closely together, and the garden setting lost.
- Impact on visual amenities of neighbouring properties and cumulative impact of other extensions on neighbouring properties
- The proposal will have an adverse impact on privacy and be overbearing to neighbouring properties.
- Due to land levels difference any building of more than one storey will be disproportionately high and overbearing relative to Crooked Cottage. As a building of historic interest, Crooked Cottage should be protected from this intrusion and negative impact. There will be a noticeable loss of privacy to the private garden of Crooked Cottage by way of overlooking.
- The houses adjacent will be negatively impacted by loss of light and increased built horizon close to the boundary fence.
- East End is likely to receive excessive lorries and delivery vehicles, endangering wildlife and children, damaging the character and safety in the lane.
- If access to Austin's Way were to be enforceable, pedestrian access to East End would need to be enforced by a wall/fence gate with only a pedestrian gate onto East End. The new arrangement makes it easier for the new dwelling to use East End than the existing dwelling.
- Previous advice in relation to the original scheme seems to have been ignored
- The dormer windows have not been replaced by the roof lights as suggested
- It appears the application has been drawn up without full consideration being given to the impact of the proposed building on neighbouring properties.
- The address should reflect the main access
- The proposal does nothing to preserve or enhance the Conservation Area
- The outbuilding was the wash house built at the same time as Applegate. Both buildings date back to the 1920's and are unique in this area and as such should be preserved. This is the type of building the 20th Century Society would be interested in preserving in its entirety.
- The scale of the footprint of the proposed development is vast and is larger than the previous submission, the ridgeline has been reduced to a minimal extent and the proposed building may in fact be larger than Applegate, increasing its impact on the neighbouring properties.
- The rear projection is closer to the Chestnuts resulting in a loss of privacy and a visually overbearing impact.
- The siting of garage will spoil the visual amenity of the neighbouring properties due to its scale and position along the boundary line. Because of its size it would be subject to planning permission in its own right.
- Photomontages have been produced showing the impact of the development on South Hill View and Hyatt's Mead
- The increase in traffic movements to and from the proposed garage will impact on the adjoining private gardens
- A tree in the garden of a neighbouring property which was removed due to safety concerns may have hindered this proposal if it had been retained
- The proposal does not fully address the impact on the protected tree in relation to digging down.

- If the occupiers of Applegate were not also the developers a further letter of objection is likely to have been received as Applegate itself will become detached from the 'insular close' to which it belongs.
- A similar application for development in East End was made in 2001 and in 2007 which was refused. This has similarities to this proposal which should also be refused.
- The Conservation Area appraisal identifies this part of the village as 'insular close character area number 4'. Over urbanisation and erosion of open spaces by infill housing are listed as a threat to these areas.
- Policies EN39 and EN40 of the Non-Statutory Local Plan are relevant to this application in relation to the demolition of the annexe, and the loss of garden land and landscape features.
- References to PPS1 and PPG15 are made and it is considered that these policies have not been applied and believe the proposal directly opposes all that 'designated conservation areas' stand for.
- Cherwell District Council's interactive Plan makes relevant statements about property development in Conservation Areas;
 - Council has central role in seeking to preserve and enhance special areas
 - Section 72 of T&CPA requires special attention to be given to preservation or enhancement of designated conservation areas
 - Hook Norton is Category 1 Village and residential development is restricted to infilling – not all infill plots will be suitable for development
 - Protection of the character of the countryside will be primary objective and proposals for substantially large and more conspicuous dwellings in the landscape will be resisted
- Letters in support of the application are not directly adjoining the application site whereas letters opposing the application all adjoin the site.
- The agent's and applicant's statements in the submission are inaccurate
- Trees have already been felled prior to the applications being submitted

One other email has been received from a local resident who has set out legal obligations in relation to bats, including references to The Wildlife and Countryside Act 1981, The Countryside and Rights of way Act 2000 and Conservation (Natural Habitats) Regulation 1994, amended 2007.

A letter of clarification has been received from the applicants. The following comments were made (in summary);

- Careful consideration was given to neighbouring concerns relating to the previous application and many revisions have been made to the proposal.
- Letters of support have been received as well as letters of objection
- Applegate is surrounded on three sides by 1960's, 1970's and 1980's properties and the new build is sympathetically designed
- Applegate is situated in a concealed area and is partly bounded by a 10ft wall. The proposed dwelling will not be viewed from the public domain
- It is not necessary to fell trees to accommodate the building
- Access is already in existence
- Part of the gravel driveway will revert to garden
- The building to be replaced has been used for many purposes in the past and the access is still in regular use. It is likely that there will be less traffic

than previously experienced.

- The area of garden belonging to Crooked Cottage which will be viewed from the new build is already overlooked by Applegate and from the drive
- An earlier application to extend Applegate has not been renewed but this had three storeys and would have had a similar level of impact
- In a small way this helps meet housing policies

3. Consultations

3.1 **Hook Norton Parish Council** objects to the application as the proposal neither preserves nor enhances the character/appearance of the Conservation Area. It would be contrary to the aims and objectives of policies for the protection of the historic environment. It is in conflict with many saved local policies. D3, EN39, EN40 of the Non-statutory Cherwell Local Plan, G2 and EN4 of the Oxfordshire Structure Plan and C20, C22, C27 and C33 of the adopted Cherwell Local Plan.

- The resubmitted application is for a larger building than previously approved and is disproportionately large for the site.
- It will impact adversely on neighbouring properties due to its over bearing scale/mass
- The proposed access via Austin's Way should be reinforced by a physical impediment to vehicular access from East End
- It will have an adverse effect on the environment including the bat population
- It is not sympathetic to the adjacent listed building

3.2 The **Local Highway Authority** raises no objections subject to conditions relating to the provision/retention of parking and manoeuvring areas and access for the new dwelling only being taken from Austin's Way.

The Council's Arboricultural Officer raises no objections to the proposal subject to appropriate conditions being attached to any planning consent. In summary the following comments were made;

- The protected birch tree has a safe and useful life expectancy of 20-40 years and shows no significant defects
- The crown of the tree to the east would impinge on the proposed building by approx. 2m. Once the suggested reduction has taken place there will be a crown clearance of 0.3m.
- The crown will need to be trimmed back on a regular basis to prevent conflict with the building
- There will be ongoing issues regarding leaf and catkin drop cluttering up the gutters – gutter covers should reduce this risk
- It is not clear whether there is intended to be a pathway installed to the west of the property – details of this will need to be clarified. If this is to be installed it would encroach onto the root protection zone by an area of approx. 1.75 square metres. This is less than 5% of the total root protection area and is unlikely to have a significant impact on the rooting environment and the trees long term health.
- It would be preferable to see the RPA returned to grass to increase permeability of the soil

The **Council's Environmental Protection Officer** states that records show there is an historic mineral railway approximately 50 metres to the east. There are also historic and current unspecified works further to the east. These are unlikely to pose a significant risk to the development. The site is also underlain by the Marlstone Rock formation which is likely to contain elevated concentrations of naturally occurring arsenic. No objections are raised subject to the inclusion of planning informatives.

The **Council's Conservation Officer** states that design concerns outlined in comments from the previous application have been addressed. The ridgeline slightly reduced, dormers re0designed to be 'in keeping' with the area, over large roof lights replaced with two small ones and garage re-orientated. The footprint of the new dwelling now mimics that of Applegate and appears slightly larger as a result, while the mixture of horizontal and vertical emphasis on the south elevation still creates a rather unbalanced appearance but in general the design has been improved and simplified.

Following the receipt of the section plan the following additional comments were made;

The site section highlights the significant change in height between the ground on which the new building next to Applegate will stand and the driveway between the property and Crooked Cottage. Despite the reduced ridge line of the revised building its elevated position and its size in comparison to the existing building exaggerate its visual impact. I note that the ground level is already being reduced to the north and I suggest this is extended across the new footprint to lower the structure further and thereby mitigate the impact of the new dwelling. However I should also add that the new information does not change my overall view that the application is acceptable.

4. Relevant Planning Policies

4.1 South East Plan 2009

BE1 – Management for an urban renaissance
BE6 – Management of the historic environment

4.2 Adopted Cherwell Local Plan

H13 – Residential development in villages
C27 – Development proposals in villages to respect historic development pattern
C28 – Standards of design, layout and external appearance of new development
C30 – New housing development being compatible with appearance, character, layout, scale and density of existing dwellings and standards of amenity
C33 – Retention of important undeveloped gap of land

National Policy Documents

PPG15 – Planning and the historic environment
PPS9 – Biodiversity and Geological Conservation

5. Appraisal

- 5.1 The application stands to be assessed in relation to the principle of infill development within the village, its impact on the visual amenities of the area, including the character and appearance of the Conservation Area and setting of listed buildings, its impact on the residential amenities of neighbouring properties, highway safety and impact on protected species.

Principle of infill development

Policy H13 of the adopted Cherwell Local Plan 1996 lists Hook Norton as a Category 1 Settlement where residential development is restricted to infilling, minor development comprising of small groups of dwellings and the conversion of buildings. The supporting text of this policy describes infilling as development of a small gap in an otherwise continuous built up frontage. However Applegate is somewhat unique in that it does not benefit from any road frontage but is surrounded by other residential properties and their associated gardens. It is clear that historically other infill development has taken place in the vicinity of Applegate, for example Hyatt's Mead and South Hill View are modern additions to an otherwise traditional and historic environment and The Chestnuts is also infill development. Each of these properties will have been built on land which once belonged to other properties. It is acknowledged that the supporting text also states that many spaces should remain undeveloped but this is not elaborated on. However by referring to Policy C33 of the adopted Local Plan it can be seen that the intention is to preserve important open spaces that contribute either historically or visually to the surrounding area. Given the isolation of the site it is questionable how much this garden actually contributes to the character of the area.

This part of Hook Norton is referred to in the Conservation Area Appraisal (2007) as being within the Insular Close Character Area. Whilst over urbanisation of these areas is considered a potential threat there is no specific reference to the Applegate and its curtilage being of particular historic or visual importance.

Policy C27 of the adopted Cherwell Local Plan seeks to ensure that new development in villages preserve historic development patterns. Whilst the site is identified as being within the Insular Close Character Area there is the development pattern has been altered over the years and there is no dominant historic pattern. The area is characterised by detached dwellings set within their own gardens, often accessed off small lanes. It is considered that the proposed dwelling respects this pattern and form of development and preserves the Insular Close Character Area and therefore complies with policy C27.

Given the site characteristics it is considered that development of this site is infill development and is therefore considered to comply with policy H13 of the adopted Cherwell Local Plan. The consideration of the application therefore remains to be assessed against its visual impact, impact on neighbouring properties, highway safety and protected species.

- 5.2 Visual impact

The site itself is not easily viewed from the public domain given its position surrounded by other properties and private gardens. However long distance views can be achieved from the east, from the main road into Hook Norton. The site is on slightly higher ground than the bungalows on Austin's Way. The only close-up

public views of the proposed dwelling are likely to be from Austin's Way where glimpses of the existing dwelling can already be achieved. The bungalows on Austin's Way will screen many of the views of the proposed dwelling and it is likely that only the roof and rear projection of the proposed building will be seen from Austin's Way. The longer distance views from the main road currently provide views predominantly of Applegate, over the roof tops of the bungalows in Austin's Way whilst behind an element of tree cover the properties known as Hyatt's Mead and South Hill View can also be seen.

The proposed dwelling will be visible from the public domain but when considering the context in which it will be viewed it is not considered to cause significant harm to the visual amenities of the area or the character and appearance of the Conservation Area. Whilst it has been observed that Applegate has some historic significance the property is not listed and the design of the proposed dwelling is sympathetic to its surroundings.

There are a range of building types, ages and materials in the immediate locality. The proposal is designed to be of a similar scale to Applegate, utilising the roof space for first floor accommodation. The materials are proposed to be natural stone and plain tiles which although do not match Applegate, is more in keeping with traditional building materials used in Hook Norton.

Reference has been made to the earlier application for the proposal which was withdrawn. The detail of the submission has been amended, resulting in a more appropriate design for the site. The ridge line was reduced to be subservient to Applegate, its depth/gable width was reduced to be similar to that of Applegate and the designs of the dormer windows were revised and are now more traditional in their appearance. The result of reducing the span of the building was that there was less usable space within the roof space therefore a rear projection was added to compensate for the loss of living space.

In relation to the garage building, given its position in the north west corner of the site it will not be a prominent building from the public domain but glimpses of the roof may be achieved from Austin's Way and the main road into Hook Norton.

From the limited public views achieved of the existing building it is not easy to 'read' it in relation to the Conservation Area. Whilst it and the proposed dwelling fall within the Conservation Area its context is varied given the range of properties which surround it. Views of the property tend to have non-traditional bungalows both in the foreground and back ground. It is difficult to achieve public views of the property in relation to the neighbouring listed building.

Given the above assessment it is not considered that the proposal will cause harm to the character and appearance of the area or Conservation Area. The proposal may not enhance the Conservation Area but it is considered to preserve it. This therefore complies with Policies C28 and C30.

Impact on the setting of the listed building

The potential impact on the setting of Crooked Cottage is a relevant consideration as it is a listed property. The proposed dwelling is on higher ground than the Crooked Cottage but there is a separation distance between the closest corners of approximately 18m and there is potential for the stone garage building to be

retained thus increasing the degree of separation between the two properties. Whilst views from private land will allow for the new dwelling to be seen in association with Crooked Cottage it will be very difficult to see the new dwelling as part of the listed property's setting from any public vantage point. Crooked Cottage has a clearly defined curtilage and the proposed dwelling is approximately 12m away from the boundary. It is clear that the surroundings of the listed property will alter but it is not considered that the new dwelling will have a demonstrable level of harm on its setting. In light of this it is considered that the principles of PPG15, Policy C30 of the adopted Cherwell Local Plan and Policy BE6 of the South East Plan are complied with. It could be argued that the setting of the listed property is already compromised by the presence of Hyatt's Mead which is in fact closer to Crooked Cottage than the proposed dwelling.

Neighbour Impact

Given the fact that the application site is surrounded by residential properties there is the potential for the new dwelling to cause some harm to residential amenities. The main properties to be considered are those which share boundaries with the application site, so include Hyatt's Mead and South Hill View located to the west and south west of the site, The Chestnuts to the north of the site, Crooked Cottage to the south west of the site and the bungalows on Austin's Way. Hyatt's Mead and South Hill View both have very small rear gardens, the minimum distance from the rear of the properties to the boundary with Applegate is 5m. Both have 1.8m high fences on the boundary. The Chestnuts has a rear garden measuring over 20m in depth with a rear boundary wall of over 2m in height. Crooked Cottage itself is located to the south west of the site but its driveway and garden extend along the whole southern boundary of the application site. Each of these properties currently enjoy private views across the site and benefit from the open aspect that the area offers. Whilst private views cannot be protected through the planning process it is important to consider potential overlooking and overbearing.

The Council's informal space standards relating to overlooking and overbearing suggest that where properties have a rear elevation facing another rear elevation with habitable room windows at first floor it is desirable to achieve a minimum distance of 22m. Where the relationship is between a side and rear elevation without first floor habitable room windows a minimum distance of 14 metres should be achieved. These distances are only a guide and there are instances where shorter distances have been considered acceptable. In all respects the proposed dwelling complies with these informal space standards.

The minimum distance between a first floor habitable room in Hyatt's Mead to the blank first floor side elevation of the proposed property is 14m, this distance is longer in relation to South Hill View. The Minimum distance between the rear of The Chestnuts and the rear projection of the proposed dwelling is 31m and the distance between the most direct first floor bedroom window of Crooked Cottage to the bedroom window of the proposed dwelling is approximately 32m. Crooked Cottage does have closer first floor bedroom windows but these are at such an oblique angle overlooking would be difficult to achieve.

Overlooking is not restricted to first floor windows, it can also occur into private amenity space. In this instance the open space to the south of the proposal is garden land belonging to Crooked Cottage but this area serves as the main driveway for the property and is already overlooked by the first floor windows in

Applegate. It could be argued that this is not the most private amenity space for the property as it is also open to views from the shared access used by both Applegate and Crooked Cottage. Furthermore Crooked Cottage benefits from more private garden land to the south and west. Some overlooking may occur from the rear facing dormer window into the private amenity space of South Hill View. However the angle is oblique so this will not be direct. Furthermore if the garage is constructed as proposed this will also provide a physical barrier and may provide additional screening. The garden of The Chestnuts is screened by a high stone wall and the presence of some natural landscaping along the boundary provides additional privacy. It is not considered that the potential for new and further overlooking is sufficiently great so as to warrant recommending the application for refusal on these grounds.

Given the distances between the proposed property and The Chestnuts and the orientation of the properties I do not consider that overbearing is a significant issue. However given the short rear gardens of Hyatt's Mead and South Hill View and the lower land level of Crooked Cottage overbearing is a relevant consideration. It is acknowledged that the proposed building will result in a significant change in outlook for South Hill View, Hyatt's Mead and Crooked Cottage. However in terms of harm caused it is not considered to be significant. The proposed dwelling, being to the east of the two dormer bungalows may cause some reduction in low level morning sun but given the distances between the properties is unlikely to significantly reduce the amount of natural daylight.

In relation to Crooked Cottage the proposed property will not affect sunlight, being to the north of Crooked Cottage. As Crooked Cottage is on a lower land level there is more potential for overbearing but this occurs more readily when a new structure is close to the boundary whereas the proposal is set approximately 12m off the boundary. Furthermore the original submission showed the removal of an existing stone built garage within the grounds of Applegate. However this submission allows for the potential to retain the garage and still provide access for Applegate onto East End. Whilst the Council cannot prevent the removal of this building the potential to retain it will maintain a physical barrier between the new dwelling and Crooked Cottage.

Specifically in relation to the garage and store building, in light of its proposed position South Hill View is likely to be the most effected property. The closest elevation of South Hill View has ground floor windows serving the living room, kitchen and conservatory. At first floor is an obscurely glazed bathroom window. The garage sits in the north west corner of the site, a minimum distance of 1m of the boundary, increasing to 1.7m at its southern end, and it has a total length of 8.4m. The revisions to the garage show that its eaves will be 0.2m above the fence line. The single garage has a pitched roof, the gable of which is adjacent to the South Hill View's boundary. Its ridge is 4.5m high. However the roof of the store element slopes away from the boundary and has a ridge height of 3m, 1.2m above the fence line. The presence of the garage building will alter the view from South Hill View across the open space currently provided by the garden of Applegate and it is likely to reduce the amount of early morning sun. It may also result in some loss of light. However given the orientation of the property the garden and dwelling does not benefit from direct sunlight from the east for much of the day anyway. Therefore the level of harm caused by the construction of the garage is not significant enough to warrant a refusal.

Highway Safety

This application, compared to the previous submission, has clarified that the access for the new dwelling will be taken solely from Austin's Way and the red line plan clarifies this. The Local Highway Authority has requested that this be conditioned as they would not want to see additional traffic using the access road onto East End. Neighbouring properties have expressed concern that such a condition is not enforceable as there is no physical barrier on the southern boundary of the new dwelling. However the nature of the site and the relationship with Applegate, and the ability for its residents to already use the dual access, is such that by requiring a physical barrier on the southern boundary would not prevent the new dwelling from using the access onto East End as cars could exit from the north of the site and turn right along the driveway. However, it is understood that the access road onto East End is privately owned, as it is not adopted in its entirety. Therefore if the residents of the new dwelling did wish to use the access onto East End they would need to seek some form of private agreement between the necessary parties. Based on the above it is considered appropriate to condition the use of the access onto Austin's Way but not necessary or effective to require a physical barrier to be constructed on the southern boundary of the application site.

Impact on protected species

At the time of submission the Council's formal records did not identify this site as being constrained by protected species. However, local residents had reason to believe that bats were present in the area and commissioned a bat survey of the locality. This revealed that bats were present in the area and that there were opportunities for them to roost in nearby buildings. Concern has been expressed by residents that the demolition of the existing annexe may lead to the removal of roosts and have an adverse impact on bats in the area. In response to this concern the Council's ecologist visited the site and concluded that the building could support bats but the exterior is well-maintained and there are few if any access holes for bats to get into the roof voids or soffits from the outside. In the ecologists opinion it is very unlikely that the building would support a maternity or significant hibernation roost however there is the potential with any rural building that bats use it as a temporary or occasional roost at some time of the year but this potential is not high. However, the building which is being demolished has a volume of less than 115 cubic metres therefore does not require formal Conservation Area consent for its demolition and it is therefore outside of the control of planning legislation.

Given the fact that formal planning consent is not required to demolish the building there is no requirement for the application to be accompanied by a bat survey. The responsibility falls to the applicants to ensure that they meet the legal requirements in relation to carrying out any necessary survey work and getting the appropriate licences, if required, prior to the demolition of the building. Given the level of concern raised in relation to this matter Natural England were contacted and it was confirmed that despite the potential for bats having been brought to the Council's attention the responsibility remained with the applicant as the Council, as Local Planning Authority had no control over the removal of the building. It was however suggested that the inclusion of an appropriate planning note would demonstrate that the potential for bats had been taken into consideration and that the applicants would be reminded of their responsibility.

The construction of further buildings in the garden area of Applegate is unlikely to

cause harm to the biodiversity of the area. Much of this area is already used as hard standing and the proposal does not result in the loss of any significant or protected trees or vegetation. Residents have suggested that some trees have been removed from the site prior to the submission of the application. The planning history for the site reveals that three Tree in Conservation Areas submissions have been made in the past and the only tree that was considered worth preserving was the Silver Birch tree that is now subject to a Tree Preservation Order. Furthermore the provision of a new dwelling and outbuilding does in fact provide potential habitats in which birds and bats can nest/roost.

The submission suggests that the applicants are aware of their duties in relation to protecting bats and their habitats and the planning history demonstrates their awareness of the need to notify the Council of their intention to carry out works to trees.

It is considered that in light of the above information the proposal does not conflict with principles set out in PPS9.

Other Considerations

Impact on trees – This issue is considered in the comments made by the Council's Arboriculturalist and the paragraphs above. It is considered that the development can take place without causing detrimental harm to the protected tree.

Parish Council Comments – It is noted that the Parish Council have referred to Policies C20 and C22 of the adopted Cherwell Local Plan. These policies have not been saved and are therefore not relevant considerations. The Structure Plan has also been referred to but this document has been replaced by the South East Plan. Whilst these policies are no longer specifically relevant the appropriate alternative policies have been considered in the assessment of this application.

Conclusion

It is recognised that this proposal will result in significant changes to the immediate environment of those properties closest to it. However having assessed the individual factors it is considered that there is insufficient demonstrable harm to warrant recommending the application for approval. As such the proposal is considered to comply with the policies as set out throughout the report and in the suggested reason for approval and it is therefore recommended that the application be approved subject to the conditions set out below.

6. Recommendation

Approval subject to the following conditions;

- 1. SC 1.4A Duration limit – 3 years (RC2)**
- 2. SC 2.2BB Samples of the Roofing Materials (RC4A) 'tiles/slates' 'new dwelling and garage/store building'**
- 3. SC 2.3CC Natural Stone Sample Panel (RC5B) 'new dwelling'**
- 4. SC 2.2AA Timber Walling Sample ((RC4A) 'garage/store building'**
- 5. SC 2.9AA Obscure Glass Windows (RC6A) 'first floor bathroom window' 'south'**

6. SC 5.14AA Joinery Details (RC5AA) 'windows and doors'
7. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
8. That the means of access to and from the site shall be taken only from Austin's Way. (RC13BB)
9. SC 6.6AB No Conversion of Garage (RC35AA)
10. SC 6.2AA Residential - No Extensions (RC32A)
11. SC 6.3A Residential – No New Windows (RC33)
12. SC 3.2AA Retained tree (RC10A)
13. SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
14. SC 3.5AA Notice of Tree Works and Major Operations (RC73A)
15. SC 3.11AA Prohibited Activities (RC73A)
16. SC 3.14A Site supervision (RC73A)

Planning Informatives

- a. Z – Naturally occurring arsenic
- b. ZZ – Inform LPA of presence of any unsuspected contamination
- c. X1 – Biodiversity/Protected Species

Suggested Reasons for Approval Should the Application be Approved

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause harm to the visual amenities of the area including the Conservation Area and setting of the listed building, it does not cause demonstrable harm to the amenities of neighbouring properties, highway safety, protected trees or biodiversity. As such the proposal is in accordance with Policies BE1 and BE6 of the South East Plan 2009 and Policies H13, C27, C28, C30 and C33 of the adopted Cherwell Local Plan and guidance contained in PPG15 and PPS9. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816