

Case Officer: John Cosgrove

Applicant: Henaud Developments

Proposal: Demolition of existing dwellinghouse, garage and outbuilding. Erection of 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping.

Ward: Kidlington West

Councillors: Cllr Walker, Cllr Tyson and Cllr Copeland

Reason for Referral: Called in by Councillor Billington for the following reasons: The development would represent an overdevelopment of the plot and significant public interest.

Expiry Date: 17 November 2021

Committee Date: 2 December 2021

SUMMARY OF RECOMMENDATION: REFUSE

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the north side of The Moors within the built-up area of Kidlington and contains a detached bungalow constructed from brick and situated on a generous plot. The existing dwelling benefits from a rear conservatory and a detached single garage to the eastern boundary of the plot with a further outbuilding being located to the rear of the dwelling adjacent to its western boundary. The dwelling benefits from 2 no. accesses onto the highway and front of the plot is laid on hardstanding sufficient for the parking of several vehicles. There is open land to the rear of the site, with a two-storey brick dwelling to the east and a bungalow to the west. There is a telegraph pole situated on highway land to the front of the site which would need to be repositioned at the applicant's expense to facilitate the proposed access.
- 1.2. The Moors is characterised by detached dwellings in a range of scales and architectural styles situated on generous plots. The application site forms a point of change in the streetscene with larger two storey dwellings being common place to the west of the site with bungalows being the dominant form of development to the east, and the established building line shifts further into the plots to the west with the existing dwelling being positioned in the mid-point of this change.

2. CONSTRAINTS

- 2.1. The application site is within Flood Zone 1, the area of least flood risk, however there is a drainage ditch to the rear of the site that has been known to result in localised drainage issues. The site is not within a conservation area and does not contain or impact on the setting of any listed buildings. There are no protected species or trees identified on the site however there is an oak tree subject to a Tree Protection Order within the curtilage of the adjacent dwelling, no. 94 the Moors. There are no other relevant planning constraints.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the demolition of the existing detached bungalow and the erection of two 2 x 5-bed detached dwellinghouses (Use Class C3). Car parking, and alterations to access and landscaping.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **18 October 2021**.

- 6.2. The comments raised by third parties are summarised as follows:

- Objects due to loss of existing parking and parking stress in the area.
- Scale of the proposed dwellings would be out of keeping with the surrounding dwellings.
- Adverse Impact on the water table.
- Would constitute overdevelopment of the plot.
- Would result in on street parking/parking on verges.

- 6.3. 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.

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. KIDLINGTON PARISH COUNCIL: **Object** on the grounds of over-development, impact on neighbour amenity, Impact on traffic and on street parking, lack of visitor parking, and lack of an ecology survey and statement, also notes the design and access statement refers to 4-bedroom dwellings while the application is for 5-bedroom units.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**, request informative on works to the highway and note that telegraph pole would need to be repositioned at the applicant's expense.
- 7.4. CDC ARBORICULTURE: No response.
- 7.5. CDC BUILDING CONTROL: No comment.
- 7.6. CDC LAND DRAINAGE: The site is in a location where there is a risk of surface water flooding. This occurs where surface water can pond in low-lying areas due to

not being able to flow freely away. No objections in principle to this development. Soakaways as a means of surface water disposal will only be acceptable subject to satisfactory BRE 365 soakage tests. A ditch exists at the northern boundary of the site which must under all circumstances be retained.

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 20 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
- Villages 1: Village Categorisation
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- BSC2: The effective and efficient use of land - brownfield Land and Housing Density.

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 - Design of New Residential Development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (SPD) 2018
- Kidlington Framework Masterplan 2016
- Conservation of Habitats and Species Regulations 2017

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity

- Highway safety
- Land drainage
- Ecology

Principle of Development

Policy Context

- 9.2. Planning law requires that planning decisions are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF reinforces this and states the planning system should be genuinely plan led in seeking to deliver sustainable development. The Council's Development Plan consists of the Cherwell Local Plan 2011- 2031 Part 1 ('CLP 2031') and the Saved Policies of the Cherwell Local Plan 1996.
- 9.3 With regard to residential development, Government guidance contained within the NPPF seeks to significantly boost the supply of homes, requiring local planning authorities to demonstrate a five-year supply of deliverable housing sites (with an appropriate buffer).
- 9.4 The current position of the Council is that a five-year supply cannot be demonstrated, and in such circumstances, there is a presumption in favour of sustainable development and therefore paragraph 11d of the NPPF is engaged which states where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless: i). the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

Assessment

- 9.5. The principle of residential development in Kidlington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Kidlington is recognised as a Category A village in the Cherwell Local Plan 2011–2031 Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built-up area of the settlement.
- 9.6 The Kidlington Framework Masterplan (2016) is supportive of residential re-development within the built-up area of Kidlington including intensification and infill, and notes that this may involve increasing housing densities. However, the masterplan also states that the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.

Conclusion

- 9.7. This proposal is considered to be 'minor development' within the built-up limits of the settlement and could also be considered to represent a form of infill development and could therefore be considered acceptable in principle. However, the overall acceptability of the development in this case will also be dependent on it not causing demonstrable harm to the character and appearance of the area, residential amenities, or highway safety. These issues are discussed below.

Design, and impact on the character of the area

Policy Context

- 9.8. Guidance contained within paragraph 126 of the NPPF covering 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.*
- 9.9. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.10. Policy ESD15 of the CLP 2031 Part 1 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.
- 9.11. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*
- 9.12 Section 6.4 of the Cherwell Residential Design Guide (SPD) 2018 relates to Scale. It advises the building scale should respond to local context and proposed character. As a principle for scale, it states “Taller buildings may be appropriate in town centre locations, but individual buildings should be designed to fit comfortably with the general urban form”.

Assessment

- 9.13. The application proposes the demolition of the existing dwelling and its replacement with two detached dwellings constructed from brick and featuring two storey front gables finished in render with a third floor contained within the roof space and served by front facing flat roofed dormers. The dwellings would also feature large single storey rear projections. The proposed dwellings would be slightly staggered within the plot with the eastern dwelling being positioned slightly forward of the western dwelling.
- 9.14. The main bulk of the proposed dwellings would measure c. 6.3 metres wide, 13.58 metres deep with a front eaves height of c. 5.1 metres and a ridge height of c. 8.83 metres. The single storey projections would measure c. 6.5 metres deep, c. 5.7 metres wide and would have an eaves height of c. 2.1 metres and a ridge height of c. 3.39 metres.
- 9.15. The proposed dwellings would sit within a street scene characterised by a variety of dwelling types, with the application site forming a point of change in the streetscene where larger two storey dwellings give way to a ribbon of single storey dwellings to the east of the plot. There appears to be planning history for 98, and 100 the Moors

which are situated to the west of the site for redevelopment with larger units adjacent to bungalows with the permission for no 98 having been implemented.

- 9.16. The replacement of the existing bungalow with two larger dwellings can be considered acceptable in principle especially in light of the absence of a five year supply of housing land. However, notwithstanding the application of the tilted balance in favour of the intensified re-development of the site for residential use and the benefits of providing an additional dwelling in a sustainable location, the impacts of development still have to be considered.
- 9.17. The bulk scale and massing of the dwellings proposed which would be taller than the adjacent two storey dwelling to the west, and would tower above the bungalow to the east and would fail to mediate the point of change between two storey and single storey dwellings that occurs at this point in the streetscene. While it is noted that two storey dwellings have been permitted elsewhere within the streetscene these permissions have been predominantly for single replacement dwellings where the impact has been mitigated by their relationship to the boundaries of their respective plots and the related separation distances between the dwellings.
- 9.18. Due to the bulk height and depth of the proposed dwellings and their relationship to the boundary of the plot it is considered that the proposed eastern dwelling would when viewed from the adjacent dwelling no 92 the Moors appear as a dominant and incongruous addition to the plot which due to its scale and massing would have a detrimental impact on the character and appearance of the street scene and would fail to fit comfortably with the general urban form of The Moors. It would represent an unduly dominant feature that would have a detrimental impact on the character of the area contrary to the provisions of Policy: ESD15 of the CLP 2031 Part 1, and Saved Policy: C28 of the CLP 1996 and the Cherwell Residential Design Guide (SPD) 2018.

Conclusion

- 9.18. Having regard to the above, due to its bulk, scale and positioning in relation to neighbouring dwellings and its setting within the streetscene, the proposed development is considered to represent an unduly dominant feature that which would have a detrimental impact on the character of the area contrary to the provisions of Policy: ESD15 of the CLP 2031 Part 1, and saved Policy: C28 of the CLP, the Cherwell Residential Design Guide (SPD) 2018 and the NPPF, and is therefore considered unacceptable in design terms.

Residential Amenity

Policy Context

- 9.14. Policy ESD15, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space. Saved Policy: C30 states that development should provide acceptable standards of amenity and privacy.

Assessment

- 9.15. The proposed development would provide a good standard of amenity for any future occupants of the proposed dwellings. However, while the side facing windows would be obscurely glazed with the exception of the side windows in the front gable projections, and the proposed development would not therefore result in a loss of amenity by way of overlooking.
- 9.16. Due to the bulk and scale of the proposed dwellings, they would have a significant detrimental impact on the amenity of the neighbouring properties, no's 92 and 96

The Moors, especially the adjacent bungalow to the east no. 92 The Moors. Whilst a plan has been supplied to indicate a 45 degree sight lines from the rear of the flanking neighbouring properties, this does not adequately reflect their layout or the potential impact upon them. In the case of no. 92 the Moors, this property has its main entrance way on its western side elevation west facing the development site and from this perspective the proposal would represent an unduly oppressive relationship, and would therefore be contrary to the amenity elements of provisions of Policy: ESD15 of the CLP 2031 Part 1, and saved Policy: C30 of the CLP 1996.

Conclusion

- 9.17. Having regard to the above, due to its bulk, scale and close proximity to neighbouring dwellings, it is considered that the proposal would create an unduly oppressive relationship and would therefore have a detrimental impact on the amenity of neighbouring properties contrary to the provisions of Policy: ESD15 of the CLP 2031 Part 1, and saved Policy: C30 of the CLP 1996, and is therefore considered unacceptable in amenity terms.

Highway Safety

Policy Context

- 9.18. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.19. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that: a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;* b) *safe and suitable access to the site can be achieved for all users;* and c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 9.20. In addition to this paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Assessment

- 9.21. The application proposes 2 no. off street parking spaces to serve each dwelling and the applicant has stated that secure cycle storage could be provided within the curtilage of the dwellings.
- 9.22. It is noted that the proposal would not provide any visitor parking and there would not be room for vehicle to manoeuvre within the site to exit in a forward gear.
- 9.23. A number of objections have been received from the Parish Council and local residents regarding the lack of visitor parking and referencing parking safety. The Highways Authority has not raised any objections to the proposal on grounds of parking or highway safety. The proposed western access would be constrained by the location of an existing telegraph pole, this could be relocated at the applicant's expense, and the required cycle storage could be secure by way of a suitably worded condition.

Conclusion

- 9.24. On balance, and in the absence of objections from the Highways Authority, the proposed development can be considered acceptable in highways terms. The relatively sustainable location of the site the proposed development is considered to accord with the provisions of Policy SLE4 of the CLP 2031 Part 1, and therefore no objections are raised with regard to parking or highway safety.

Land Drainage

Policy Context

- 9.25. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.*
- 9.26. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

Assessment

- 9.27. The site lies within Flood Zone 1 the area at lowest risk of flooding, and therefore a Flood Risk Assessment was not required in support of the application. The applicants Design and Access statement acknowledges that a SuDS compliant drainage scheme will be required to serve the proposal however, it is considered that this could be secured by way of a suitably worded condition attached to any permission granted.
- 9.28 There is a drainage ditch located to the rear of the site and the Council's Land Drainage Officer has stated that while they have no objections in principle, the site is in a location where there is a risk of surface water flooding. This occurs where surface water can pond in low-lying areas due to not being able to flow freely away, and that soakaways as a means of surface water disposal will only be acceptable subject to satisfactory BRE 365 soakage tests, and the drainage ditch must not be adversely affected.

Conclusion

- 9.29. Having regard to the above, and considering the depth of the site and the fact that the site currently contains a dwelling, notwithstanding the fact that BRE 365 soakage testing would be required to inform the design of any proposed soakaways it is considered that this could be secured by way of a suitably worded condition and therefore the proposed development is considered acceptable in drainage terms and therefore no objections are raised with regard to the provisions of Policies: ESD6 and ESD7 of the CLP 2031 Part 1.

Ecology Impact

Legislative context

- 9.30 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.

- 9.31. 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.
- 9.32. 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.
- 9.33. 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.
- 9.34. 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

- 9.35. 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.
- 9.36. Paragraph 180 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.

- 9.37. Paragraph 185 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.
- 9.38. 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.
- 9.39. 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.
- 9.40. The Planning Practice Guidance dated 2014 postdates 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

- 9.41. 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
- 9.42. It also states that LPA's 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')
- 9.43. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well-managed, closely mown lawn with fencing and semi-established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be affected by the proposals.
- 9.44. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered 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 is required 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 could be included on any decision notice issued and this is considered sufficient to address the risk of any residual harm.

10. PLANNING BALANCE AND CONCLUSION

10.1. While it is recognised that the Council is not currently able to demonstrate a five-year supply of housing land and that the application proposes the provision of an additional residential unit, and that in the absence of a five-year supply of housing land a tilted balance applies in favour of proposals for additional residential development which may otherwise conflict with policies regarding the supply of housing land. However, in this case the principle of the proposed development is acceptable, and the proposal would not conflict with the relevant land supply policies. However, as detailed above the proposal fails to comply with other relevant Development Plan policies and guidance listed at section 8 of this report, and because there are no other material considerations that outweigh this conflict and the harm caused, it is therefore recommended that permission should be refused.

11. RECOMMENDATION

RECOMMENDATION – TO REFUSE THE APPLICATION FOR THE REASONS SET OUT BELOW

1. The proposed development by way of its height, bulk, scale and positioning in relation to neighbouring dwellings would be an overly dominant and incongruous addition to the plot which due to its scale and massing would have a detrimental impact on the character and appearance of the street scene and would fail to fit comfortably with the general urban form of The Moors. It would represent an unduly dominant feature that would have a detrimental impact on the character of the area contrary to the provisions of Policy: ESD15 of the CLP 2031 Part 1, and Saved Policy: C28 of the CLP 1996 and the Cherwell Residential Design Guide (SPD) 2018.
2. The proposed development due to its bulk, scale and positioning in relation to the neighbouring dwellings, 92 and 96 The Moors, would create an unduly oppressive relationship and would therefore have a detrimental impact on the amenity of neighbouring residents contrary to the provisions of 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.