

<b>Application No:</b> <b>09/01586/F</b>	<b>Ward:</b> <b>Sibford</b>	<b>Date Valid:</b> <b>6 November 2009</b>
<b>Applicant:</b>	Mr Keith Manning	
<b>Site Address:</b>	Holly Close Main Street Sibford Gower	

**Proposal:** Proposed erection of a detached dwelling and the creation of an opening in the stone boundary wall for vehicular access from the highway, and the erection of a new boundary fence - resubmission of 09/00990/F

## 1. Site Description and Proposal

- 1.1 Holly Close is a modern detached house located on the western side of the village of Sibford Gower. Its design is somewhat unusual. Constructed of stone, the front façade is relatively solid with the majority of the fenestration to the rear. There is a parking /turning area at the front with a projecting garage. The roof is notable as it has shallow pitch to the front and steeper pitch to the rear. It has a large garden to the side and rear, mainly lawn but with some shrubbery and two trees to the rear. It is the side garden which forms the application site. To the lane at the front is a stone wall with a dense hedge behind and above it.
- 1.2 The property fronts a narrow lane without footpaths that serves a handful of houses in the village before becoming the access track to Rye hill Farm. Of those properties five opposite or adjacent to the application site are listed Grade II. They form an eclectic mix of former farmhouses or cottages. The most significant for this application are: Glebe Farm adjacent the site which is 17/18<sup>th</sup> century, three storied including rooms in roof with dormers, built in ironstone rubble under a stone slate roof. Lane Head opposite is late 17<sup>th</sup> century and was once two dwellings. Again ironstone construction but under a thatched roof. Stickleys House is 17<sup>th</sup> century of rubble ironstone under a stone slate roof. It has been subject to a number of alterations including a porch and windows.
- 1.3 These buildings, together with their neighbours, form an interesting relationship to each other and the way they front the road. Some are side on, others full faced to the street. Their almost random juxtaposition, variety in design and height is what gives this part of the village its main character. One other notable feature nearby is the village pond, the well housing for which is also listed. The village was designated a conservation area in 1988.
- 1.4 The proposal is to erect a two storey, 4 bedrooomed house set behind Holly Close and a distance of about 12 metres behind the lane. A new access will be created of about 3 metres width in the wall/hedge to the lane. A drive and turning area with parking for 2/3 cars is shown to the front of the property. A garage proposed as part of a previous application has been omitted from the current scheme.
- 1.5 The house itself is like most buildings roundabout, modest in its design concept. To be constructed of natural stone and slate, the architect has designed the house with the flank walls rising up to create parapet gables within which sits the main roof.

There are chimneys at either end to give a certain balance. The fenestration is mainly narrow casement. The east elevation is blank and only windows at ground floor to the west.

- 1.6 The building has a T shaped footprint. Its internal floorspace is 146m<sup>2</sup>. Immediately to the rear, created by the slight change in levels, is a raised patio/terrace. The rear garden is approximately 12 metres deep and 16 metres wide.
- 1.7 This application is a revised submission to an application (ref 09/00990/F) which was submitted and withdrawn last year. That had followed on from pre application discussions at the start of 2009 when the applicant was advised, without prejudice, the Planning Authority found the basic principles of the scheme now subject of the current proposal acceptable. The main difference between the current proposal and the one withdrawn is the reorientation of the house, the deletion of a freestanding garage at the front of the site, the revised location and a reduction in the degree of engineering for the access.

## 2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press notice and neighbour's letters. The last date for comments was 17<sup>th</sup> December 2009. A number of public, statutory and internal comments have been made which are set out below.

- 2.2 The Council has received 9 individual letters of objection from:

Lane End; Glebe Farm; Stickleys House; Whitt's End; Rye Hill Farm; Highfield; Long Barn House; South Cottage, Pond Cottage

A letter signed by some 26 local households objecting to the development has also been submitted.

- 2.3 The main objections are listed as:

### Principle/Policy

- Rural area of outstanding beauty
- Conservation area
- Contravenes intention of a conservation area (2)
- Surrounded by Grade II listed buildings (3)
- Most attractive part of the village
- Precedent (3)
- (Deleterious) Affect on character of the area
- Special village, additions have generally been sympathetic
- Urbanisation/suburbisation of the countryside
- The development is not brownfield and not urban
- History of development in the area being resisted
- A&D statement should weight PPS7 and PPS15 more
- If developed the house should be more modest and utilise the existing access via Holly Close

### The Building

- Large house crammed in to inadequate plot (2)
- Too near the road
- Estate type development-detrimental to traditional appearance of lane and listed properties surrounding
- Off the shelf design
- Over dense
- Would dominate the skyline
- Conflicts PPS3/PPS1, not good design
- Holly Close only modern house in area
- More obtrusive commercial estate style house, higher than listed buildings
- Difference in levels means new building will tower over the listed buildings
- No details on type of stone proposed
- Proposal lacks detail on design and construction

### Affect on Residential Property

- Overshadowing/overlooking/invasion of privacy to dwellings near site
- Effect of flooding to Glebe Farm (2)
- Loss of privacy and light (to Lane End)
- Encroach on views (to Stickleys House)
- Loss of view (of countryside) from Pond Cottage
- Compromise privacy to Pond Cottage
- Overlooking from proposed (raised) patio of Glebe Farm, and loss of light

### Landscape/Visual Amenity

- Greenfield site
- Loss of view (from Lane End)
- Adverse effect on setting of pond and surrounding cottages (2)
- Holly Close designed with shallow roof and behind wall, little visual impact (20)

### Traffic and Access

- Narrow road, no room for parking
- Added traffic to single track road
- Only room for 1 parking space
- Parking insufficient (3)
- Access from narrow lane
- Access should be shared with Holly Close
- Entrance too narrow, difficult to negotiate if cars parked
- Hazardous access
- Traffic congestion

- Obstruction for emergency vehicles (3)
- Dangerous manoeuvre on to lane from entrance
- Access opposite (Stickleys House), dangerous
- Increased volume of traffic
- Danger to children who play in lane (2)
- Access poorly positioned, poor visibility
- Not enough room to park and manoeuvre vehicles (if 3 cars parked)
- Cars would have to reverse along the lane
- Potential increase in parking on Main Street
- Vision splays below national guidelines
- No footpath, no street lighting, so road design guidelines should not be relaxed

### Environmental Impact

- Inconsiderate/exacerbate parking around the pond (2)
- Effect from construction traffic
- Effect on grass verges (2)
- Threat to wildlife (of pond-ducks and frogs, greater crested newts) (2)
- Effect on nearby badger set

### Other Issues

- Overloading utilities
- Noise/disturbance/pollution (from construction) (3)
- Destruction of part of stone wall (2)
- Relocation of electric cables intrusive (2)
- Affect on watercourses could effect foundations
- No local consultation
- No consultation with neighbour (Glebe Farm)
- No mention of watercourse from pond through Glebe Farm or the flood risk
- Design and access statement is misleading
- The close boarded fencing is inappropriate

## **3. Consultations**

3.1 Sibford Gower Parish Council object:  
 Welcomes changes, further discussions and new approach  
 Policy EN40 NSCLP-understand and respect place and architectural language-if not, resist development  
 Limited information on construction, build and appearance  
 Policy C28- will not integrate into character of local area  
 Note improvements to access and removal of garage but do not overcome our concerns  
 Parking/turning area not adequate-County do not understand the problem  
 Loss of privacy to Lane Head-contrary to policy C30

Does not make a positive contribution to conservation area, contrary to policy C28 (ACLP) and EN39 and EN40 (NSCLP)

- 3.2 The Highway Authority have no objection subject to conditions
- 3.3 The Environmental Protection Officer recommends a contaminated land condition
- 3.4 The Arboricultural Officer has no objections and advises:  
There is one Apple tree and one Whitebeam situated to the rear of the proposed building. Neither of these provides a significant contribution to the local area as previous management has meant they have been maintained as small trees.  
A thick formal hedge is situated along the western edge of the site providing a visual screen to the adjacent house. Some of the hedge will be removed to provide access to the new site however a sufficient amount can be retained to maintain the screen.  
I question how new trees can be planted within the existing hedge without causing damage to it given its dense canopy (and I would expect root system too). I suggest that the post development planting should be re-sited.
- 3.5 The County Archaeologist recommends the use of an informative if there are finds during construction.
- 3.6 The Conservation Officer comments:

#### **The site**

The site lies in a sensitive location within Sibford Ferris conservation area and close to the grade II listed Glebe Farm, Lane Head, Stickleys House and Pond Cottage. The proposal is to split the garden of the existing Holly Close, which is a modern building dating from the late 20<sup>th</sup> century, and build a new detached dwelling with garage adjacent.

#### **The principle**

My main concern is the principle of a dwelling in this location. The historic settlement pattern indicates that this area has traditionally been open to the south. The insertion of Holly Close itself is regrettable but further infill on this site would create an enclosed feeling to the lane and be detrimental to the character and appearance of the conservation area. In addition the setting of the large number of surrounding listed buildings will be damaged by the addition of this dwelling to what is already an overcrowded area.

#### **The design, scale and layout**

The design and materials of the building do make some reference to the local character and architectural styles but the overall volume and height appear overlarge for this site.

The orientation and arrangement of buildings on the site is very sub-urban with little thought given to the importance of the streetscape. The creation of a new access onto the lane will break-up the sense of enclosure created by the existing stone wall and further urbanise a characteristically rural area of the village. Setting the building back from the road is out of keeping with the settlement pattern.

The front door with adjacent small window is also a design detail more befitting a modern estate house; a quick inspect of neighbouring properties shows that within the locality the front door stands alone under a bracket-supported canopy porch.

This critically reduces the porch-width to that of the door only so that the canopy is not an over-heavy feature.

It is recommended planning permission be refused, however if minded to grant permission, relevant conditions to a new building in a conservation area should be attached:

- stone sample panel
- sample tile
- joinery details
- Brett Martin RWG
- Also access should be through Holly Close's current driveway.

## 4. Relevant Planning Policies

- 4.1 Planning Policy Statement 1 (PPS1): Delivering sustainable development  
Planning Policy Statement 3 (PPS3): Housing  
Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas  
Planning Policy Guidance 13 (PPG13): Transport  
Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment
- 4.2 **Regional Spatial Strategy for the South East (The South East Plan) 2009**  
BE5: Village Management  
Policy H5: Housing Design and Density
- 4.3 **Adopted Cherwell Local Plan November 1996 (ACLP 1996)**  
Policy H12, H13: Housing in rural areas/Category 1 settlements  
Policy C28: Layout, design and external appearance of new development  
Policy C27: Historic Settlement patterns  
Policy C30: Design of new residential development  
Policy C33: Retain undeveloped gaps-if needed for setting of a listed building  
Policy C14: Trees and Landscaping  
Policy TR5: Parking
- 4.4 **Non-Statutory Cherwell Local Plan 2011 (NSCLP 2011)**  
Policy H15: Housing in rural areas/Category 2 settlements  
Policy EN1: Conserve/Enhance the Environment  
Policy D1: Urban Design Objectives  
Policy D3: Local Distinctiveness  
Policy D4: Quality of Architecture  
Policy TR11: Parking  
Policies EN34, EN35: Landscape Character  
Policy EN36: Landscape Enhancement

## 5. Appraisal

- 5.1 It is the Officer's view the application raises the following main issues:

- The principle of the development
- The layout, design and appearance of the proposed house and the impact on the conservation area
- Impact on local residents and
- Access, parking and highway safety

### **The Principle of the Development**

5.2 The thrust of government policy is towards sustainable development and to make best use of previously developed land which for the purposes of the current application includes domestic gardens. The main focus for housing in rural areas is in existing towns and service centres but to meet need new housing should also be provided in villages (PPS7). Policy BE5 of the South East Plan encourages new development provided the distinctive character of the village is not damaged.

5.3 The policy of the Council is to permit new housing in rural areas within existing settlements. (Policy H12 ACLP96) Villages are categorised as to their suitability for development and Sibford Gower is a Category 1 settlement where infilling and minor development are permissible subject to other policies of the Development Plan (Policy H13 ACLP96). In short, this means that Sibford Gower is considered to have the physical characteristics and range of services to enable them to accommodate housing growth. (It should be noted in the NSCLP 2011, policy H15, Sibford Gower becomes a category 2 settlement although this still permits infilling). Infilling is defined as the development of the gap in an otherwise continuous built up frontage suitable for one or two dwellings and, in the present case, the proposal seems to fit that description.

5.4 It is therefore considered that, subject to other policies, the principle of development this land for housing is acceptable

### **The Layout, Design and Appearance of the Proposed House and the Impact on the Conservation Area**

5.5 The application site is in a conservation area and in close proximity to a number of listed buildings therefore extremely careful consideration has to be given to the proposal in particular the desirability of preserving the setting of the listed buildings and whether the proposal preserves or enhances the character and appearance of the conservation area. (PPG 15).

5.6 The proposed building has been set back into the site partly for functional reasons, to provide access and parking, but it also results in the view along the lane being preserved from the pond past Pond Cottage to Lane End. The Conservation Officer's advice is this form of development is out of keeping with the settlement pattern but if one looks at the context of the site it is difficult to agree that is an essential characteristic of the street pattern or even of the village. Properties along the lane face it and are tight to it, others are at right or oblique angles, and some are in fact set back e.g. Wyatts Close and Yew Tree House. It is the mixed and diverse nature of the layout of buildings that in fact forms one of the feature characteristics of the village. It is therefore considered the proposal conforms to policy C27 ACLP 96 and respects the historic settlement pattern.

5.7 If local residents wish to preserve the garden in order to protect their view and

outlook, there is also a second argument that the present openness somehow preserves the setting of the listed building (in line with policy C33 ACLP) and which has been considered by the Conservation Officer. In fact, if the building came forward tight to the front boundary this may be correct, but it does not, it is set back. And furthermore, the current value of the open space to the setting of Glebe Farm, Lane End and Stickleys House are somewhat out of proportion to the reality. There are no public views across the site. There is also a strong sense of enclosure provided by the wall and hedge fronting the lane, features which will remain unchanged in the streetscape and in their relationship to the listed buildings. It is not considered there is any conflict with policy C33 and that the proposed building respects its context.

- 5.8 The design of the building has come in for some strong criticism. In the words of the Architect "the design proposes to closely match the traditional properties with regard to material, roof pitch and fenestrations etc.... Its proportions reflect Glebe Farmhouse." Looking at it more closely, the scale of the building is not dissimilar to Glebe Farm, the internal heights have been kept to a minimum so the overall height to ridge should not be as great as the farmhouse which of course is tall enough to enjoy a second floor in the roofspace. It also apes the farmhouse's flank wall which rises up to create a parapet gable within which the roof is seated with chimneys at either end to give balance. It is also felt the steeply pitched roof is characteristic of the design we should be looking for and not the low scale, odd quirkiness of Holly Close. In fact Government advice is not to "copy their older neighbours" but that new buildings should "follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials" and it is suggested this is the case here.
- 5.9 That is not to say the detailed design is perfect, the concern about the canopy and some of the fenestration expressed by the Conservation Officer is shared and it is recommended a condition be imposed to delete these elements from the scheme. However the basic design principles are considered to be correct and if the house itself is somewhat plain that in itself, in this location, is not a bad thing. As a result it reflects back the glory of the listed buildings and their setting without detracting from them.
- 5.10 A final point to which Committee's attention is drawn is the issue of the new access and whether it somehow causes a breach to the sense of enclosure given by the wall and hedge. Firstly the gap created is only (approximately) 3 metres. How significant is that? In fact it will be limited. Secondly it is argued by some that allowing the house will create an enclosed feeling to the detriment of the character and appearance of the conservation area. There is therefore a degree of contradiction here. It is suggested the wall and hedge does give a sense of enclosure and this is not a bad thing. It is not considered the proposed house, which will be set back 12 metres behind the hedge will impinge or even heighten the sense of enclosure but have a neutral effect.
- 5.11 In conclusion it is felt the development, if permitted, will have a neutral effect overall and where "development leaves the character and appearance unharmed"..."the object of preservation has been achieved" (PPS15)

### **Impact on Local Residents**

5.12 Although a large number of residents have objected to the scheme and claimed their amenities will be adversely affected by the development, in reality the properties previously mentioned in the introduction, together with Holly Close, are the ones directly affected.

5.13 Even though the applicant resides in Holly Close, the impact of this development on that property is still a material consideration and there is some impact due to the orientation and proximity of the two properties, and the set back of the proposed house. However, even though there will be an element of overshadowing particularly later in the day, it is not considered sufficient to justify refusing planning permission. The flank wall of the proposed house is blank so there will be no overlooking or loss of privacy.

5.14 Glebe Farm, bounds the application site to the west. Glebe farm is side on and angled slightly to the new house. At its closest point, corner to corner, it is only 9 metres apart. However the new house would be north and east of the Farm so sun and daylight reduction will be minimal. The only windows in the west flank elevation facing Glebe Farm are at ground floor level and serve a utility room and kitchen; there is also a living room French door opening onto the patio which at its closest point would be less than 15metres distant. The flank wall of Glebe farm is largely blank; there is a large window at high level. There are several windows in the rear elevation. It should also be mentioned there is a slight difference in levels between the two properties, the application site being slightly higher. Nevertheless, because of the distance between the two house, they are at an angle to each other, and the scope for screening on the boundary, it is concluded that the impact on Glebe Farm will not justify refusal of planning permission.

5.15 Stickleys House, Pond Cottage and Lane Head are on the opposite side of the lane. Lane Head is a low slung cottage at right angles to the proposed house and faces, as its name suggests, the lane. Its main windows will not be significantly overlooked, nor because of the distance will it lose daylight/sunlight. Stickleys House is a larger more imposing dwelling and directly out looked by the proposed house but at a distance of some 25 metres. This distance together with the form and layout of the existing dwelling with main windows facing the lane rather than the proposed house, it is not considered the new development will adversely affect the amenities of occupants of the dwelling. Pond Cottage looks towards the pond but has two windows in the gable facing the application site. However the distance between the existing and proposed dwellings is in excess of 25 metres and the impact not considered to be unacceptable.

5.16 All these properties in some form complain they will lose their outlook and to some degree each will be affected but, as Committee will be aware, loss of view is not considered a material reason to refuse planning permission. It is also accepted there may be other effects on these and other properties near-by but none are of such consequence to justify refusing planning permission.

### **Access, Parking and Highway Safety**

5.17 A reason for the previous scheme being withdrawn was due to problems about parking and the access to it. The Highway Authority is now satisfied that the

proposed arrangement is satisfactory and will not be detrimental to highway safety. Although the lane to which access is proposed is narrow and with no footpaths, it is a no through road and the level of traffic generated by the number of properties using it is low. Furthermore, it has now been possible to create a visibility splay through the setting back of the stone wall in front of Holly Close; the original house maintains its access and parking area. On site a turning area is shown to enable cars to enter and leave the site in forward gear.

5.18 For a house of the size proposed 2 parking spaces are normally required and the area of proposed hard surfacing is capable of providing at least two spaces and maintaining the turning area. One other issue associated with this amount of hard surfacing is a requirement to ensure it is properly, sustainably, drained.

#### **Other Issues:**

##### **Amenity Space (for the Proposed and Existing House):**

5.19 It is required (Policy C30 ACLP96) that an acceptable standard of amenity and privacy is provided for new, or converted, houses. The existing house will retain and enjoy a private garden of some 50 by 30 metres. The new house is approximately 12 metres deep and 15 metres wide which in itself is considered acceptable and certainly not cramming as suggested by some residents, in fact the setting of the proposed house is considered to be quite spacious. There is one issue however that needs to be taken into account, and that is, ironically, the rear garden will not enjoy a high degree of privacy, being overlooked to an extent by the rear dormer and windows of Glebe Farm. Is this in itself a reason to refuse planning permission? Certainly the degree of overlooking can be mitigated by planting, and it is recommended that a landscaping condition be imposed in which a tree is strategically positioned to shield the garden of the proposed house. This does mean the telegraph pole in the garden may also need to be relocated but, on balance, taking all these issues into account, and bearing in mind any future occupier will be able to assess and judge for themselves whether the degree of overlooking is so bad, and that it is not of habitable rooms only garden, the level of privacy affected does not appear to justify refusal of permission.

#### **Lack of Information**

5.20 Some concern has been expressed that details have not been provided on construction, facing materials, etc. In fact Building Regulations will deal with the former point and with regard to facing materials and the finished appearance of the building, it is normal practice to impose appropriate conditions requiring samples to be submitted to ensure the development enhances the conservation area. One other point to make at this stage is with regard to water and the alleged movement of it across the site. In this case the applicant would need to engage an engineer if there was thought to be ground condition problems and to ensure water run off was satisfactorily disposed of and not just diverted to adjacent properties.

#### **Wildlife/ Effect on the Pond**

5.21 The distance to the pond from the proposed house is some 60 metres and in reality the effect of this development upon it will be limited as it will on any other flora or

fauna in the area. It is alleged there is other wildlife in the vicinity but it is not considered the present site provides a haven, refuge or shelter for them.

### **Precedent**

5.22 It has been suggested that to allow this will somehow open the floodgates for similar development in the locale. In fact it is difficult to think of any site in the vicinity where such a development could be proposed but even if there were one, like this application, it will have to be taken on its merits. In this case the Officers have weighed the merits and considered potential harm based on this scheme at this site.

### **Landscaping**

5.23 The indicative planting seems to be inappropriately designed and needs to be further enhanced. This can be controlled by appropriate condition.

### **Conclusion**

5.24 The proposed development follows the thrust of government policy to make best use of previously developed sites and conforms to the broad range of policies applicable from the Development Plan. It handles sensitively the erection of a new building in close proximity to a group of historic listed buildings and preserves their setting. It does not adversely affect neighbouring properties nor does it cause demonstrable harm or significantly impinge on the character or appearance of the village or Conservation Area but, in any case, conditions can be used to minimise any such impact. It is therefore recommended planning permission be granted subject to the conditions laid out below.

## **6. Recommendation**

**Grant planning permission subject to the following conditions:**

1. **1.4A**
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: 0780/02E; 0780/03B**  
**Reason:** For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.
3. **This permission shall specifically exclude the details of the canopy and hall window shown on plan(s) No 0780/03B. Revised details of the canopy shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on site and only the revised details shall be implemented.**  
**REASON:** To enable the Local Planning Authority to give further consideration to these details and in the interest of design and to ensure a satisfactory appearance to the building in accordance with policy C28 of the adopted Cherwell Local Plan.
4. **2.0A**

5. 2.3AA-house
6. 2.2BB
7. 5.18A
8. 5.14A-house
9. 4.13CD
10. 4.0AB-as plan. ...occupation ...house
11. 4.5AA-measuring-as plan 0780/02E
12. No development will commence until a sustainable drainage scheme is implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Reason: To prevent the increased risk of surface water flooding and improve water quality and in the interests of sustainability in accordance with policy EN15 of the non statutory Cherwell Local Plan.
13. 3.0A
14. 3.1A
15. 3.7BB

**Informatics:**

1. O1

**SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES**

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 harm the visual amenity of the area, preserves the setting of the nearby listed buildings, and preserves the character and appearance of the conservation area. Furthermore, it has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. As such the proposal is in accordance with Planning Policy Statement 1 (PPS1): Delivering Sustainable Development, Planning Policy Statement 3 (PPS3): Housing, Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and PPG15: Planning and the Historic Environment, Policies BE5 and H5 of The South East Plan and Policies H12, H13, C27, C28, C30 and C33 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

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