

Application 10/00359/F	No:	Ward: Kirtlington	Date 18/03/2010	Valid:
Applicant:	Mr Sam Cook			
Site Address:	Land between Normandy and Sunnyside, North Lane, Weston on the Green			

Proposal: Erection of single storey four bedroom house, garage and green house

1. Site Description and Proposal

- 1.1 The application site is an open field, on the northern side of North Lane in Weston on the Green with a stone wall to the front and trees with fencing/hedging to the rear. The site lies within the Weston on the Green Conservation Area, behind the village pond. Public footpath 404/22 runs through the Western edge of the site. The boundary walls of Normandy (to the West) and Sunnyside (to the East) form the edges of the site.
- 1.2 Sunnyside, on the Eastern boundary of the site and Westfield Farm Cottage, opposite the site are both Grade II listed.
- 1.3 The proposal is for the erection of a partly underground single storey dwelling in the rear (Northern) half of the site; presenting a stone wall to North Lane, with a tall glazed gable element forming the entrance. The proposal also seeks consent for a garage in the South-Western corner of the site.
- 1.4 The proposal has been designed in response to the context of the site; its' location within the Conservation Area, the adjacent listed buildings, the public right of way and the previous appeal and application decisions.
- 1.5 Reflecting the site constraints, the applicant has proposed to give an area of the site to the front of the dwelling, immediately behind the village pond to the Parish Council (Area 1 on drawing 005) and has identified an area of land to be protected to preserve the public right of way (Area 2 on drawing 005).
- 1.6 The application is before the committee due to the level of public interest and the call-in request of the local member.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour letters. The final date for comments was 23 April 2009.
- 2.2 Letters of objection were received from 36 addresses. Material comments raised were as follows;
 - impact of the proposal on the character and/or appearance of the Conservation Area
 - impact of the proposal on the setting of the listed buildings
 - impact on the established open space within North Lane
 - impact of the proposal on the public right of way through the site

- effect of the site history on this proposal
- the design of the proposal is inappropriate in the context
- potential impact on protected species
- that development on this site could open up land to the North for further residential development
- that the site is not an infill site
- highway safety
- loss of light
- potential for flood risk
- the impact of the proposal on the village pond

Non material comments raised were as follows;

- disturbance arising from construction traffic

2.3 In addition to the letters of objection received, a petition was also submitted containing 155 signatures. The petition cited objections based on the impact of the proposal on the pond and its setting.

3. Consultations

- 3.1 Weston on the Green Parish Council – objects to the proposal;
- the proposal is not infill
 - the proposal does not preserve or enhance the character or appearance of the Conservation Area
 - the proposal would infill the last piece of open space in North Lane, an important feature in the area
 - the design of the proposal is inappropriate
 - the proposal would cause unacceptable harm to the footpath running through the site
 - the proposal would be detrimental to the environmental importance of the site
- 3.2 Conservation Officer – considers that this proposal has addressed the reasons for refusal from the 2006 application and that the proposal is not likely to cause substantial harm to the character or appearance of the Conservation Area. She does however have concerns over specific design elements and considers herself unable to recommend approval because of the implications of the 1984 appeal decision.
- 3.3 Urban Designer – objects to the application; considering it harmful to the character and appearance of the Conservation Area, harmful to the valued town/street-scape, harmful to features which make a positive contribution to the area and considering that the proposal fails to respect the settlement structure.
- 3.4 Oxfordshire County Council Highways – objects to the scheme and recommends refusal as set out in the printed reason in Section 6 below.
- 3.5 Oxfordshire County Council Rights of Way Officer – no objections subject to conditions controlling the location of parking.
- 3.6 Head of Building Control and Engineering Services – considers that the proposal could be acceptable, subject to conditions detailing and controlling drainage across and from the site in order to protect the pond and dwelling.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPG13 - Transport
- 4.2 Regional Policy in the South East Plan 2009:
Policy CC6 – Sustainable communities and character of the environment
Policy NRM5 – Conservation and improvement of biodiversity
Policy C4 – Landscape and Countryside Management
Policy C5 – Managing the rural-urban fringe
Policy C6 – Countryside access and rights of way management
Policy BE5 – Village management
Policy BE6 – Management of the historic environment
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:
Policy H14 – Residential development in Category 2 settlements
Policy C23 – Retention of features contributing to the character or appearance of a Conservation Area
Policy C27 – Development in villages to respect historic settlement pattern
Policy C28 – Layout, design and external appearance of new development
Policy C30 – Design of new residential development
Policy C33 – Retention of undeveloped land which is important for the character of a settlement
- 4.4 Weston on the Green Conservation Area Appraisal 2009

5. Appraisal

- 5.1 There is a history of applications for dwellings on this site, which is important to the consideration of this application (as seen in the references to the history in comments received and contributor comments);

- **CHS 454/83**: Construction of 2 stone built dwellings. This application was refused because the site was considered to form a “*significant and pleasing open space*” which contributes to the “*rural character of this road and it is therefore considered that in the interest of protecting this character the site should remain undeveloped*”. A second reason held that the proposal would be “*out of character with existing development in this locality*”.

An appeal against this refusal was dismissed in 1984 by an Inspector who found that North Lane had, up to that point, absorbed development “*without losing its unequivocally rural character*” and that this rural character is created by the open space of the appeal (now application) site which was the “*last remaining open space along North Lane*” and which was, in his “*view crucial to the maintenance of the character and appearance of North Lane*”. The conclusion of the inspector was that “*development of the appeal site in the manner proposed would be so detrimental to the character and appearance of North Lane that planning permission*

ought to be refused”.

- **CHS 231/87**: Erection of 2 houses. This was a similar scheme to that of 1983 and was refused for the same reasons. This refusal was not appealed.

- **06/02429/F**: Erection of 1 dwelling. This scheme was essentially the same as the earlier two applications, but proposing only one dwelling to the West of the site, in the same location as the earlier applications. The Conservation Officer for this application considered the proposal acceptable, but it was refused for being “*functionally unsatisfactory*” in terms of the footpath and because it would infill the “*last remaining open space along North Lane...which is an important feature*” of the Conservation Area. This refusal was not appealed.

- 5.2 It is also important to note that since the appealed application, Weston on the Green has been designated as a Conservation Area (in 1990). Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.
- 5.3 In order to assess the character or appearance of the area, which it is desirable to preserve or enhance, the Council has undertaken a Conservation Area Appraisal; the most recent being published in 2009. This appraisal identified the application site as lying within the ‘Farms’ character area; a part of the village considered outside the village limits in 1978, but now identified as being of open, agricultural character interspersed with dwellings, predominantly from the 17th and 18th centuries but with elements of 20th century infill. The Conservation Area Appraisal states (in para. 12.8) that the informal rural character is formed by the “*meandering lane, lack of kerbing and footways and grassed verges*”. This element of the Appraisal also recognises that the pond is a feature of special interest within the village. The view from North Lane through the site is identified as a positive vista in the Appraisal, but the open space which forms the site is not specifically identified or mentioned.
- 5.4 In addition to the statutory requirements of the primary legislation towards this application and the site, it is important to establish the acceptability of the proposal in terms of the national and local policies as set out in Section 4 above.
- 5.5 Before addressing the issues of the impact of the proposal on the Conservation Area and wider design and contextual acceptability of the proposal, the Council must first be satisfied that the location and nature of the proposal is infill as defined in Policy H14 of the Local Plan. The site is considered to be infill, and this has been tacitly accepted in the previous applications. Concerns have been expressed by contributors to the application that this proposal could lead to further residential development of the land to the North of this site; this proposal would not set such a precedent as such development is clearly unacceptable in terms of the policies of this authority.
- 5.6 In terms of the historic settlement pattern of Weston on Green the proposal is considered acceptable in terms of the Local Plan requirements as it respects the existing established linear settlement pattern of North Lane; the proposal does not significantly impact on the mixed age, mixed type, loose knit, dispersed nature of North Lane.

- 5.7 Whilst the proposal is not of traditional form, the particular design of the proposal is considered to be sympathetic to the character of the context of the development and is not considered to cause harm to the surroundings. It should also be noted here that the supporting text to Policy C28 states at para 9.68 that "*it is not the object... [of this policy]... to suppress innovation and creativity of design*".
- 5.8 A key issue in the consideration of the acceptability of the principal of this proposal is its' impact on the open space in North Lane. Taking a considered approach to the relevant policies, the proposal is considered to be acceptable. The importance of the open space to the character of North Lane is difficult to quantify; the Conservation Area Appraisal notes that there is a positive view through this site, and that the pond does positively contribute to the character of the area. However, the open space behind the pond (the application site) is not identified as contributing to this character. The wording of the supporting text to Policy C33 in particular suggests that applications within existing open spaces are essentially acceptable if proposals do not cause harm to an areas' appearance and rural character. It is considered that the proposal, by virtue of its design (the height, facing materials and distance from the highway and pond) does not cause harm and is therefore acceptable in terms of this policy.
- 5.9 Various comments have also been received and concerns expressed about the loss of views across the open countryside as a result of this proposal. Whilst this is an important consideration, especially in relation to the impact of the proposal on the established character of the area as set out above, it is not considered that this proposal would block or detrimentally affect the views out of North Lane across the site.
- 5.10 It is not at issue that the proposal will be visible from the public domain; be that the highway or the public footpath, but it is considered that the visual impact of this proposal will not cause significant (and therefore unacceptable) harm to the views across and out of the site. In assessing the impact of the proposal on these views, it should be borne in mind that at present, there are no long views across the countryside as referenced in the appeal decision from 1984.
- 5.11 At present, there are views across the site but framed within the context of the pond, the lane, buildings to either side and the trees to the rear. In terms of 'long-views' these are also severely limited by the field boundary to the rear of the site (along the North North-Western edge of the blue-line area), which forms a strong visual barrier between the paddocks (and increasingly urbanised, enclosed land to the rear of North Lane) and the farm-land beyond. It is therefore considered that this proposal, by virtue of its particular form, design and relationship to the site is acceptable in terms of its impact on the views across, out of and into North Lane.
- 5.12 The impact of the proposal on the character and appearance of the Conservation Area is a key issue in this proposal. Whilst it is accepted that there are policies at local, regional and national level which could be used to preserve open spaces within settlements, it is considered that the proposal is on balance acceptable in this regard.
- 5.13 It is considered that there has been a significant change in the appearance, built form and therefore, the established character of North Lane since the 1984 appeal decision; frontages have been increasingly enclosed (a development which does

not require planning permission) and Weston itself has expanded Northwards. As a result, whilst this decision is important to consider when determining this application, it is not appropriate to refuse this application based solely on the precedent set by that decision.

- 5.14 It is the opinion of the HDCMD that the contribution which this site makes to the character and appearance of North Lane and the wider Conservation Area is not harmed by this application, and is in fact preserved by the surrender of the front portion of the site to the Parish Council. This will ensure that the immediate setting of the pond is preserved, as well as preserving the character of that part of the site which has the most impact on the broader character and appearance of the Conservation Area.
- 5.15 In terms of the recently published guidance set out in PPS5 – Planning for the Historic Environment, the proposal is considered acceptable. The significance of the site and the contribution it makes to the character and appearance of the Conservation Area and the setting of the Listed Buildings has been established by the applicant, and the impact of the proposal on this significance is considered to be minor and therefore acceptable.
- 5.16 The pond is clearly an important feature in Weston on the Green, and its significance is established by the comments received concerning the application and the Conservation Area Appraisal. It is therefore important to establish that the proposal would not detrimentally impact on this feature.
- 5.17 It has already been established above that the proposal is not considered to be detrimental to the setting of the pond in visual and legibility terms. Following consultation with the Head of Building Control and Engineering, and receiving the results of an initial ecology survey it appears that the proposal would not be detrimental to the ecological interest of the pond or its viability in terms of water supply and drainage.
- 5.18 On balance, the proposal is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on the neighbouring properties, public, private or other amenity, or the appearance of the street-scene. As such the proposal is in accordance with government guidance contained in PPS1, PPS5 and PPS9, Policies CC6, NRM5, C4, C5, C6, BE5 and BE6 of the South East Plan 2009 and Policies H14, C23, C27, C28, C30 and C33 of the adopted Cherwell Local Plan. In addition the proposal is considered to preserve the character of the Conservation Area, and is not considered detrimental to the setting of the Listed Buildings; it is therefore in accordance with government guidance contained in PPS5.
- 5.19 It should be noted that the above assessment relates solely to this particular scheme and design, which responds to the particular constraints and characteristics of the site. It is the particular design and appearance of this proposal, over and above previous schemes which is considered to preserve the elements of North Lane and make this scheme acceptable.
- 5.20 Notwithstanding the above, there is a highways objection to the scheme which, being based on a technical assessment of the character and capacity of the lane should not be put aside. For this reason, whilst the principle of this particular

scheme is considered acceptable, the recommendation is as set out below.

6. Recommendation

Refuse, for the reason set out below;

- 1) The road network in the vicinity is unsuitable for further development, it being narrow, lacking a turning head and separate footway. Traffic generated as a result of the proposal would result in detriment to the safety and convenience of other road users. The proposal is therefore contrary to the provisions of PPG13 - Transport.

CONTACT OFFICER: Simon Dean

TELEPHONE NO: 01295 221814