

Application No:
11/00028/F

**Ward: The Astons &
Heyford**

Date Valid: 10/01/11

Applicant: Mr Robert Thurlow, 6 Price Close, Bicester, Oxfordshire, OX26 4JH

**Site
Address:** Land South of 85 East Street, East Street, Fritwell, Oxfordshire

Proposal: Erection of detached 4 bedroomed house. Garage and workshop. Disabled WC, allotments, pond and landscaping – Re-submission of 10/00677/F.

1. Site Description and Proposal

1.1 Site

This 0.382 hectare site is situated on a winding lane without footways on the southern side and outside the limits of the present built up area of the village of Fritwell. The area of land is mainly scrub, bounded by mature copse and hedgerows with a wall to the north. There is a dilapidated domestic metal gate and broken wall close to the northern proposed access point. There is no evidence of a vehicular access point here as the verge is raised and undisturbed. The wider landscape is characterised by arable farmland and pasture.

1.2 Proposal

This application seeks to erect a new dwelling and garage/workshop which will be located in the northern part of the site close to No. 85 East Street. The house is proposed to be 9.2m high (4.5m to eaves) and 10.3m wide at the front with a 2 storey rear gable addition to the rear to create a 4 bed property. The house will be of limestone with a slate roof. The proposed timber clad garage offers one bay for parking and 3 bays for store and workshop. The layout also shows parking provision for No. 85 (2 spaces) and a turning area.

1.3 The allotment gardens together with parking, wc and pond are proposed to be located to the south of the site and the intervening land is shown on the submitted drawings as orchard.

1.4 The site is within the Fritwell Conservation Area, the boundary of which follows the west side boundary to the site. The Farm, 100 East Street is a listed building situated directly opposite No. 85. A public footpath leads from close to the south of the site from the road, past the sewage works away to the south.

1.5 Relevant Planning History

- 96/01546/OUT – Appeal dismissed for 4 No. detached dwellings on the site. The decision notice is attached at Appendix A.
- 10/00677/F – Planning permission was refused for a near identical development on grounds of it representing an extension to the built up limits of the village into the countryside, affecting visual amenities of the area, failing to conserve the Conservation Area, design and consequential conflict with identified policies.

2. Application Publicity

- 2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 18 February 2011. At the time of compiling this report 12 emails have been received from third parties living outside the village and 2 from within the village in support of the application. The comments raised are summarised as follows:
- Building your own family home on previously developed land should be encouraged,
 - The development of one house with reinstatement of allotments will be an advantage to the local community including schools,
 - The applicant has strong ties to the area with friends in the village,
 - The development will help people with disabilities as they will be able to participate in community activities,
 - A new detached dwelling is a natural progression of the site as the previous one ended up in a dilapidated state,
 - The dwelling would contribute aesthetically to the plot and surrounding area,
 - The development would bring much needed next generation into the village helping to sustain village life and local amenities,
 - A pond and toilets are a good idea though maintenance may be an issue,
 - The applicant has shown commitment to the village,
 - The house will not be outside the village limits because it is a replacement dwelling.
 - Because this is a private builder and not being handed to a developer then pp should be given.
 - The development is in keeping with materials used on existing housing in the locality and there are many new houses in Fritwell which do not fit this criteria.
 - Use of the site for allotments and amenity will ensure it will remain undeveloped.

3. Consultations

- 3.1 Whilst all the responses to the consultation exercise are detailed on the core file, available electronically via our website, a summary of the submissions received is provided below:
- 3.2 Fritwell Parish Council: Apparently do not object but make the comment that it would extend the built up footprint of the village and the entrance is on a narrow road and at corner.
- 3.3 Anglian Water: Comments awaited.
- 3.4 Oxfordshire County Council (Highways): **No objection**, subject to conditions.
- 3.5 Oxfordshire County Council (Archaeology): **No objection**. A planning note is recommended should finds occur.
- 3.6 The Council's Conservation Officer: **Object**. The proposed cannot be justified on the presence of a previous building of which it has no resemblance, has not stood on the site for over 100 years and with which there is no evidence to suggest was ever a dwelling. The proposed dwelling would form a dominant and prominent building on the edge of the conservation area, which would be to its detriment and it

would also harm the setting of the listed building.

- 3.7 The Council's Landscape Services Mgr:
Trees – **No objection**, subject to conditions.
Landscape – **Object**. The landscape proposals will not adequately mitigate the large dwelling, the toilet block, the car park, and allotments with potentially unsightly sheds.
Ecology – **No objection** and there is scope and opportunity for wildlife to benefit. The suggested precautionary measures should ensure that there is no protected species issue and the mitigation and enhancements recommended are appropriate and should be conditioned should permission be given.
Right of Way – **No objection**. No public rights of way would be affected by the proposal
- 3.8 The Council's Head of Building Control/Technical Services: **No objection**. Advice is offered regarding the treatment of pond overflow.
- 3.9 The Council's Environmental Protection Officer (Contaminated Land): **No objection**, at this stage, subject to full contaminated land conditions.

4. Policy Considerations

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| National Policy Guidance | <ul style="list-style-type: none">• PPS1 - Delivering Sustainable Development• PPS5 – Planning for the Historic Environment• PPS7 – Sustainable Development in Rural Areas (Dec 2009) – Planning for Sustainable Economic Growth• PPG13 – Transport |
| South East Plan 2009 Policies | <ul style="list-style-type: none">• Cross Cutting - CC6 – Sustainable Communities and Character of the Environment• Housing - H5 – Housing design and density• Transport - T1 & T4 – management, investment and parking• Natural Resource Management - NRM5 – Conservation and improvement of biodiversity• Countryside & Landscape Management - C4 & C6 - Landscape and countryside management and countryside access & rights of way management• Management of the Built Environment - BE1 & BE6 - management for an urban renaissance and of the historic environment |
| Adopted Cherwell Local Plan 1996 saved policies | <ul style="list-style-type: none">• H6 – Rural Exception sites for housing• H13 – Cat 1 Settlements• H18 – New dwellings in the countryside• C7 – Landscape conservation• C8 – Sporadic development in the open countryside• C27 – Historic settlement pattern• C28 – Design, layout etc standards• C30 – Housing standards• C33 – Undeveloped gaps of historic value• ENV12 – Contaminated land |

5. Appraisal

5.1 Principle of the development

The site is situated on a winding land without footways on the southern side and outside the logical limits of the present built up area of the village of Fritwell. This stance is supported by the Inspectors decision on a previous application (96/01546/OUT refers). The evidence submitted by the applicant indicates a building may have been on the site at one time. The 1904 photograph shows a wall and derelict building but it may have been an agricultural barn or other outbuilding, not a dwelling. In any event, it is no longer in existence and it is reasoned that the property of No. 85 East Street represents the boundary to the edge of the village and this has been supported by an independent authority in the form of a government inspector at appeal.

Local Plan policy H13 notes that Fritwell is a Category 1 settlement where residential development will be restricted to infilling, minor developments within the built up area or conversions. Having established that the site is outside the built up limits of the village, this application does not fit into any of these important and defining criteria and it is for this reason that policy H18 comes into play. This policy addresses new dwellings in the countryside and again it is criteria based stating that planning permission will only be granted if it is essential for the needs of agriculture, meets a specific and identified local housing need (Policy H6) and does not conflict with other policies in the plan (addressed later). The application, once again does not comply with these criteria.

Government advice contained in PPS1 and PPS3 seeks to encourage development on sites which are brownfield and that these should be considered before putting pressure on greenfield sites. To pursue development on a site which is not classified as a 'brownfield' site would, by definition, be less sustainable.

It is apparent that the application conflicts with adopted local plan policies and government guidance and is unacceptable in principle.

5.2 Effect on the Heritage Assets

PPS5 is also important to this decision as it relates to how applications, that would affect a Conservation Area (including impact on trees) and listed building settings, should be assessed. It should be noted that the overarching aim is that the 'historic environment and its heritage assets should be conserved'. A key objective is 'to contribute to our knowledge and understanding of our past'.

The guidance makes it clear that if a proposal would be harmful to a Conservation Area or listed building setting then it should be weighed against any wider public interest and that the proposal should be fully justified. It is equally clear that there is no intention that areas should remain 'frozen in time' and only where there is harm that cannot be outweighed should consent be refused.

In this case, it is noted from the Conservation Area Appraisal that the little row of houses (of which no. 85 is one) makes a contribution to the Conservation Area. The boundary of the Conservation Area was extended to include the site subject of this application and approved in 2007. This boundary extension to the south aims to protect the aesthetically pleasing entrance to the village and it includes an area

that has historical importance as the gardens of the medieval Manor of Ormond to the NE. The inclusion of this site is intended to protect the character of the village entrance.

Policy C27 expects that development proposals in villages should respect their historic settlement pattern and particular attention should be paid to Conservation Areas. As previously stated, the evidence submitted might have indicated a building may have been on the site at one time but the 1904 photograph showing a wall and derelict building but it may have been an agricultural barn or other outbuilding.

It is considered that this proposal would harm the heritage asset of this part of the Conservation Area and the setting of historic buildings, including the listed cottage (100 East Street). Currently No. 100 is one of the first buildings noticeable when arriving in Fritwell along East Street, along with No. 85 itself. This arrangement has existed for a considerable length of time but if the proposed were to be constructed the approach would be dominated by the new dwelling which would tend to over dominate the listed building.

Development at this site would harm important views across to the Conservation Area at an important entrance to the village and disrupt views to notable properties, one of which is listed, which contribute to the Conservation Area. Government advice is particularly clear in this respect as it stating specifically in para HE9.5 that proposals should better reveal the significance of Conservation Areas.

5.3 Impact on the character and appearance of the rural landscape

The site is within the countryside and its present character and appearance is greatly valued. PPS7 advises that the countryside be protected for its own sake and current policies in the local plan (Policies C7 and C8) seek to retain tight control over all development proposals in the countryside. Only residential developments which comply with policy H18 could be considered as being exceptions to development in the countryside and this application does not comply (see above). This site would be very visible from the public domain of the road and there is a footpath route which joins the main road just to the south of the site where first views across to the village will be enjoyed.

Whilst the land may be scrub and unkempt, this is not a reason to allow an inappropriate development. The land can be left open and is acceptable as it is because it is causing no harm and indeed is recognised as being adjacent to a traditional orchard and broadleaved woodland and therefore a possible ecological habitat, though it is accepted that these could be mitigated.

The landscaping scheme submitted is considered inadequate. Timber fences for the boundary are not attractive and the allotments would need sheds creating a more urbanised form than that shown. The disabled wc would be very visible from East Street and incongruous in this setting. That said, whilst the dwelling and the allotments both form part of this application, there is no reason that they do so; the allotments could be provided without the dwelling as they are not dependant on each other. Indeed, the allotment element does not require planning permission so the applicant can undertake those works without further reference.

To conclude this issue, it is considered that the loss of this site within the open

countryside is unacceptable. Not only should the land be protected for its own sake, the impact of the development would be harmful to the character of the area. Further, the scheme is supported by an inadequate landscaping proposal.

5.4 Design

Policies C28 and C30 of the local plan seek to ensure that all developments (especially those in sensitive areas such as Conservation Areas) are of a high standard and that housing development should be compatible with existing dwellings in the vicinity.

Were any development on this land to be acceptable it would need to respect the historic settlement pattern which is very much characterised by little cottages facing directly onto the main road i.e. a continuation of the row of which No. 85 forms part. The introduction of a large detached 4 bed house is wholly inappropriate to the character of the area and it bears no relation to this part of the village. It would be separated by a gap for the car parking arrangement thereby giving it even more of an impression of its alien feature detached from the village. The gable widths are almost twice as wide as the existing properties. The form and layout are also unacceptable.

5.5 Residential Amenity

Given the distance from other properties there would be no harm caused to neighbouring properties in terms of overdomination, overshadowing, loss of light or loss of privacy.

5.6 Highway Safety

The application has not met with an objection from the County in this regard and this position is accepted.

5.7 Other matters raised by the applicant and/or supporters

- Provision of a community use - This is not being prevented. If the applicant wishes to pursue the allotments side of the application separately from the dwelling then this may be worthy of further discussion. It is the principle of the dwelling outside the village boundary that is at issue.
- A house used to be there - The 1904 photo shows a derelict wall not a house. Even if it had been there then it would only have formed part of the history to the site. It does not mean that permission should be granted. Circumstances change and each case must be considered on its merits. This application would cause harm to historic, environmental and landscape interests.
- Making use of green technology - This can only be pursued once the fundamental principles have been established as acceptable and the proposition of its use does not outweigh the strong policy objection.
- The development would clean up an area - The applicant is not prevented from doing this if he wants to improve the environment for the enjoyment of others.
- Personal family circumstances – These are rarely taken into account and can only be done so if the fundamental policy objections have been overcome.
- Local connections - This is not a planning matter.

5.8 Conclusion

It is apparent that the application conflicts with adopted local plan policies and government guidance and is unacceptable in principle. The site is outside the built

up limits of the village and this view is supported by an independent authority in the form of an Inspector at appeal at this site. It is considered that this proposal would harm the heritage asset of this part of the Conservation Area and the setting of historic buildings, including the listed cottage (100 East Street). Development here would harm importance views across to the Conservation Area at an important entrance to the village and disrupt views to notable properties which contribute to the Conservation Area. This is contrary to very specific Government advice which is particularly clear in this respect as it states that proposals should better reveal the significance of Conservation Areas. It is considered that the loss of this open countryside is unacceptable. Not only should the land be protected for its own sake, the impact of the development would be harmful to the character of the area. Further, the scheme is supported by an inadequate landscaping proposal. The introduction of a large detached 4 bed house is wholly inappropriate to the character of the area and it bears no relation to this part of the village. It would be separated by a gap for the car parking arrangement thereby giving it even more of an impression of its alien feature detached from the village. The gable widths are almost twice as wide as the existing properties. The form and layout are also unacceptable.

6. Recommendation

Refusal, on the following grounds:

1. The proposal represents an extension of the built up limits of the village into the open countryside, detracting from its rural character and visual amenities of the street scene thereby failing to conserve the heritage asset of the Fritwell Conservation Area and historic buildings in proximity contrary to government guidance in PPS5 – Planning for the Historic Environment, PPS7 – Sustainable Development in Rural Areas and Policies CC6, C4, BE6 of the South East Plan 2009 and Policies C7, C8, H13 and H18 of the adopted Cherwell Local Plan.
2. The proposed dwelling is incongruous in its setting as its design is incompatible with the appearance, layout, scale and density of existing dwellings in the vicinity detracting from the character of the area and failing to respect the historic settlement pattern contrary to Government Guidance in PPS1 – Delivering Sustainable Development, PPS3 – Housing, PPS5 – Planning for the Historic Environment and Policies CC6, BE1 and BE6 of the South East Plan 2009 and Policies C27, C28 and C30 of the adopted Cherwell Local Plan.

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