

**Application No:** 10/01856/F      **Ward:** Bicester Town      **Date Valid:** 15/12/10

**Applicant:** Mr T Clarkson, The Old Coach House, Queens Avenue, Bicester, Oxon OX26 6TA

**Site Address:** Land to the Rear of The Coach House, Queens Avenue, Bicester

**Proposal:** 1 No. dwelling (resubmission of 10/00784/F)

## 1. Site Description and Proposal

### 1.1 **Site**

This 0.18 hectare site occupies a corner plot at the junction of Queen's Avenue with King's End. It is a walled garden to the south of The Coach House (a curtilage listed property) and was originally part of the garden to Bicester House, the grade II listed building situated to the west. It remains as garden land under the same ownership as the applicant who lives at The Coach House.

1.2 The site is within the Bicester Conservation Area and is part of the setting of a listed building and a curtilage listed property. The site is further constrained by the presence of several TPO'd trees and is a site of archaeological interests.

### 1.3 **Proposal**

The proposal (as amended by revised plans received on 31.01.11) seeks consent for a new dwelling to a height of 6.3 m (2.6m to eaves) allowing for a first floor including a mezzanine to provide four bedrooms. It is linear in form with a gable width of 7.5m including a canopy along the southwest elevation. The design allows for covered parking on the end (north west) elevation and the revised drawings now shows an unbroken roofline, the chimney replaced by a steel flue and repositioned rooflights adding symmetry to the southwest elevation.

1.4 The dwelling is proposed to be built of limestone (Cotswold) with a slate roof and timber windows. A close boarded fence will mark the boundary between the 2 properties. Access to the site is proposed to be shared from the existing point from the Queens Avenue. The established stone wall, at 2.6m in height, will remain untouched along the south and west boundaries to the site.

### 1.5 **Relevant Planning History**

- CHS.335/79 – Consent granted for the conversion of the coach house to a dwelling. The detached garage was erected in 1984 (CHS.410/84 refers) and the coach house was extended in 2006 (06/00517/F and 06/00518/LB refer).
- 10/00784/F – Planning permission was refused for a similar development on grounds of harm to the setting of the curtilage listed Coach House and the wider setting of the grade II listed building and threat to the TPO'd trees.

## 2. Application Publicity

2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 4 February 2011. At the time of compiling this report 4 letters had been received objecting to the scheme. These comments are summarised as follows:

- Detrimental effect on the Conservation Area
  - Detrimental effect on the setting of a listed building
  - A modern building will be at odds with this historical area
  - Detrimental effect on the view and outlook enjoyed from Bicester House Cottage
  - Mature TPO'd trees will be felled, in particular a fine Horse Chestnut which looks healthy and in good condition
  - Adverse impact on wildlife and habitats
  - The access will have to be shared with another users
  - Disruption and damage to the area during works
  - The application represents garden grabbing
  - The development will be an eyesore in the landscape
  - A large 4 bed house would be totally out of keeping in comparison to its closest neighbours
  - The access is not suitable for works traffic
- 2.2 One letter of support has been received from a nearby resident stating that the proposed property will neither be obtrusive nor detrimental to other residents in the immediate vicinity.

### **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 Bicester Town Council: Comments are awaited though it is noted that no objections were received on the previous application.
- 3.3 Oxfordshire County Council (Highways): **No objection**, subject to conditions relating to access spec and no conversion of garage space.
- 3.4 Oxfordshire County Council (Archaeology): **No objection**, subject to conditions to ensure the implementation of a staged programme of archaeological work.
- 3.5 The Council's Conservation Officer: **No objection**, subject to conditions relating to design and construction details. Limited impact on Conservation Area and minimal impact on setting of listed building. Marginal impact on setting of curtilage listed building.
- 3.6 The Council's Landscape Services Mgr (Trees): **No objection**, subject to conditions relating to restriction on service trenches close to trees, site supervision, replacement tree planting and the submission of a landscaping scheme to ensure the continuity of the health of any retained trees and continuity of tree cover generally in the interests of visual amenity.
- 3.7 The Council's Environmental Protection Officer (Contaminated Land): Comments are awaited though it is noted that **no objections** were received on the previous application subject to full contaminated land conditions.

### **4. Policy Considerations**

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| National Policy<br>Guidance | <ul style="list-style-type: none"> <li>• PPS1 - Delivering Sustainable Development</li> <li>• PPS3 - Housing</li> <li>• PPS5 – Planning for the Historic Environment</li> </ul> |
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- PPG13 – Transport
  - PPS23 – Planning & Pollution Control
- South East Plan 2009 Policies
- Cross Cutting – CC2, CC4 and 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
  - Management of the Built Environment - BE1 & BE6 - management for an urban renaissance and of the historic environment
- Adopted Cherwell Local Plan 1996 saved policies
- C10- Historic Landscapes, Parks and Gardens and Historic Battlefields
  - C23 – Conservation Areas
  - C27 – Design Considerations re: 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 falls within the town of Bicester so is appropriately located in policy terms. PPS3 reflects policy in PPS1 seeking good design which is appropriate in its context. Good design is fundamental to the development high quality new housing which contributes to the creation of sustainable, mixed communities.

Being constrained by its siting within the Conservation Area and the setting of a listed building, the development needs to be assessed against PPS5 which addresses the historic environment with the overarching aim of conserving heritage assets. 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 the heritage assets would include the listed building (Bicester House) curtilage listed buildings, their settings and the settings of other listed buildings in proximity, the wider Conservation Area including the trees and matters of archaeology.

A recent and very similar application has recently been refused planning permission and provided this application now demonstrates how the reasons for refusal can be overcome then it should be acceptable.

### 5.2 Effect on the Heritage Assets

The boundary of the Conservation Area passes to the north of the subject property and includes the site and the listed building and shares a small section of the boundary to the site on the west side along Queens Avenue. The general layout of the listed building and this part of the Conservation Area has remained largely undisturbed since the 1948, though a close boarded fence now features along the boundary line shared with Bicester House.

A point has been raised about the curtilage listed status of the site (in association with The Coach House) as if the Coach House is curtilage listed then this site is a crucial part of its setting. When ascertaining whether a building is listed by reason of being within the curtilage of a listed building there is a complex matter of present and past association to be considered i.e.

- the historic independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of the listing;
- whether the structure forms part of the land;
- the use and function of the buildings, and whether a building is ancillary or subordinate to the principal building.

Were it to be argued that given any change in circumstances in more recent times that the Coach House is not curtilage listed, it is considered that the site is nevertheless important to the setting of the host listed building (Bicester House) despite the physical separation of the fence. The site is of such character, being very densely tree'd surrounded by a high wall that it clearly has an association with the principle listed building.

The Conservation Area appraisal notes the features of Bicester House and grounds which include the Coach House. It is noted that the visual influence of the former Manor on the public domain is restricted due to the screening effect of its boundary wall. The grounds are private and many of the views enjoyed to it are from private domains. The mature trees are noted in the Conservation Area appraisal and these have a 'significant impact' on the views. The extent of the setting of the former Manor House in landscaped grounds is now restricted to a small area at its front.

It could be argued that more weight should be given to protecting what is left of the original grounds of Bicester House or alternatively now that development around the site has taken place, would further development of the nature proposed cause significant harm. The case, at this point, is finely balanced. The setting of the curtilage listed building is very much more compromised and when considering the degree of harm that impacts on the significance of the designated heritage asset, it is appropriate to ask whether this can this be outweighed by the benefit of the proposal. On balance, it is considered that the harm incurred to the setting of The Old Coach House is not of such weight that this application can be justifiably refused.

With regard to archaeological issues, the application has not met with an objection from the County archaeologist who has suggested that this issue can be adequately dealt with by conditions.

### 5.3 Effect on the trees

There is no doubt that the trees at this site make a significant contribution to the character and appearance of this part of the Conservation Area. The trees are mature and enjoyed from the public domain at some distance.

It is considered that, in the short term, there will be a negative impact on the character and appearance of the Conservation Area primarily due to the removal of 9 No. trees. However, 6 of these are recommended and agreed for removal in any event due to noted structural or physiological defects which present an unacceptable level of risk to persons and property. Only 3 No. trees are required to be removed as a direct consequence of this proposal and only one is considered to have any aesthetic qualities.

The arboricultural advice is that the 9 trees proposed for replacement planting is increased to 13 to provide a greater visual depth to the site and that the size of tree planted should be 14-18cm girth so that they will be visible above the boundary wall. When these trees reach maturity any aesthetic imbalance will be corrected within a reasonable timescale. Consideration could be given to protecting all the trees to be retained and the new trees on site with a TPO.

It is considered that the reason for refusal of the previous recent application has now been overcome based on the detailed submission and subject to the conditions as set out. The character and appearance of the Conservation Area will not be adversely affected in your officer's opinion.

**5.4 Siting and Design**

Policies C28 and C30 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 but this has been eroded over recent years by the developments to the north and east of the site. The character of the area is very mixed but in the immediate environs it is not unusual for there to be individual properties set in their own grounds. To this end the introduction of a new property would not be out of character with the area.

Keeping the property at bungalow height of not dissimilar footprint, size, gable widths, in materials that match and in a linear form and layout represents a sound design which is appropriate in this area. Having acknowledged these aspects, it should be further noted that there is little more the applicant could do to improve the design. Also it is a fact that the building would be highly unlikely to be visible from the public domain given the high wall and the trees.

A property at this site would be likely to go unnoticed in the public domain and there would be even less disturbance to the site area with the utilisation of the existing access.

**5.5 Effect on neighbouring residential amenity**

The residential amenities of the adjacent property remain protected given the distances between the properties and the overall scale of the proposal. There would be no overlooking, overshadowing, loss of light or overdomination as a result of the scheme. Most of the impact felt by this scheme will be on the owners of the host property.

**5.6 Highway Safety**

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

**5.7 Other matters raised by third party representations**

Most of the issues raised have been dealt with above. Private views onto an area is not a material planning consideration per se and would only be relevant if the proposal were to prevent views of a heritage asset which it would not in this case. Ecological matters are noted and this is an area where swifts have been documented. Good arboricultural practice (as conditioned by this consent) will ensure satisfactory protection and enhancement. Garden grabbing in itself is not a reason to refuse an application but it brings some awareness to the need to utilise

brown field sites first.

5.8 **Conclusion**

This case is finely balanced. Impact on the Conservation Area will be negligible because the property will not be visible from the public domain, the established wall will not be touched and the site area will remain densely tree'd by proper long term good arboricultural practice which will also respect the needs of biodiversity. The design and siting of the property are sound and acceptable and there will be no conflict with highway safety or parking and no impact on neighbours. The remaining issue of the historical significance of retaining this site as the last part of the original gardens to the grade II listed Bicester House is a matter of principle but the view is held that on balance the proposal should succeed as it is considered that there would be no significant further harm caused to the heritage asset.

## 6. Recommendation

**Approval**, subject to the following conditions:

1. SC1.4 (RC2) – Duration Limit.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following information: dwg numbers WG13-020(A), 021(A), 022(A) and 023(A) received on 31.01.11 and dwg numbers 024, 025, 026, the Design & Access Statement and the site location plan received with the application.

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 PPS1 – Delivering Sustainable Development.

3. SC2.2BB .....slate.....dwelling.....(RC4A)

4. SC2.3DD.....dwelling.....(RC5B)

5. SC3.7BB (RC12AA)

6. SC4.13CD (RC13BB)

7. SC5.5A .....timber windows.....(RC4A)

8. SC5.14A ....doors.....(RC4A)

9. SC5.19A (RC4A)

10. SC6.2AA

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and the amenities of occupants of adjoining dwellings in accordance with Government Advice contained in PPS5, Policies BE1 and BE6 of the South East Plan and policies C28 and C30 of the adopted Cherwell Local Plan.

11. SC6.3 (RC4A)

12. SC6.6AB

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the interests of the heritage assets and to

ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government Advice contained in PPS5, Policies BE1, BE6 and T4 of the South East Plan 2009 and policy C28 of the adopted Cherwell Local Plan.

13. SC9.13A .....4.....(RC93AA)
14. The development shall be carried out strictly in accordance with the Arboricultural Method Statement by Trevor Clarkson of Crown Consultants Ltd submitted with the application, unless otherwise agreed in writing by the Local Planning Authority. (RC72A)
15. No service trenches, pipe runs or drains or any other excavation, earth movement or mounding shall be constructed within the Root Protection Area of the tree/trees on the site, without the prior approval in writing of the Local Planning Authority.  
Reason – To ensure that the tree/trees is/are retained in a safe and healthy condition and is/are not adversely affected by construction works, in the interests of visual amenity and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
16. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and shall include details of:
  - (a) Induction and personnel awareness of arboricultural matters
  - (b) Identification of individual responsibilities and key personnel.
  - (c) Statement of delegated powers.
  - (d) Timing and methods of site visiting and record keeping, including updates
  - (e) Procedures for dealing with variations and incidents.The Local Planning Authority will require the scheme of supervision to be administered by a qualified arboriculturist approved by the Local Planning Authority but instructed by the applicant.  
(RC72A)
17. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas. (RC10A)
18. That 13 No. 14-18cm tree(s) shall be planted in the first planting season (mid November to end of March) following removal of the tree(s) for which permission has been granted.  
Reason – To ensure the continuity of tree cover in the interest of visual amenity of the area and to comply with Policy c4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.
19. No development shall commence within the application area until the applicant, or their agents or successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication. The work shall be carried out by a professional archaeological organisation acceptable to the Local Planning Authority.  
Reason - To ensure the appropriate measures are taken to detect and preserve

archaeological remains either in situ or by record in accordance with Government Advice contained in PPS5 and Policy BE1 of the South East Plan 2009.

20. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

21. If a potential risk from contamination is identified as a result of the work carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason – as condition 20 above.

22. If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason – as condition 20 above.

23. If remedial works have been identified in condition 22, the remedial works shall be carried out in accordance with the scheme approved under condition 22. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

Reason – as condition 20 above.

#### **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 it conserves the interests of the heritage assets (Conservation Area, listed buildings and their settings, trees and archaeology), is compatible with the scale and character of the surrounding area, not harmful to the public or private amenity, provides adequate amenity space without

adversely affecting that of surrounding properties, and is not considered to be detrimental to highway safety. As such the proposal is in accordance with government guidance contained in PPS3 – Housing, PPS5 – Planning for the Historic Environment, PPG13 – Transport, Policies BE1, BE6 and T4 of the South East Plan 2009 and Policies ENV12, C23, C27, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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