

**The Old Rectory  
Stoke Lyne  
Bicester  
OX27 8RU**

**19/00244/F**

**Case Officer:** Sarah Greenall

**Applicant:** Mr Hugo Brown

**Proposal:** Replace existing front conservatory with stone built structure

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Application submitted by a CDC Councillor

**Expiry Date:** 8 April 2019

**Committee Date:** 14 March 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Planning permission is sought to replace the existing front conservatory with a stone built structure that will measure approximately 5.7 metres in width, 2.8 metres in depth and 4.6 metres in height, including replacing a first floor window with a door to allow access to the flat roof of the proposed extension which would be used as an outdoor balcony area.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- CDC Conservation, CDC Ecology

No letters of objection have been received and no letters of support have been received.

#### **Planning Policy and Constraints**

The site is located adjacent to the Grade II\* listed Church of St Peter and two Grade II listed headstones located within the Church grounds. The site is also situated on potentially contaminated land and within a 250 metre buffer of protected and notable species.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

#### **Conclusion**

The key issues arising from the application details are:

- Design and impact on the character of the area and the Grade II\* listed Church
- Residential amenity
- Highway safety/parking provision

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is situated on the western edge of the village of Stoke Lyne. The building itself is a two storey detached dwelling constructed from stone under a slate tiled roof with red brick chimneys. The front elevation of the building is characterised by a two storey projecting gable structure with two gabled dormer windows in the roof slope. There are large windows with stone surrounds and a large wooden entrance door painted black. On the eastern side of the principal elevation there is currently a white conservatory structure with stone dwarf walls to match the existing building.
- 1.2. The site has private access off the main road that runs through the approach to Stoke Lyne before School Lane. The immediate surrounding area is mostly open countryside, with the village itself comprising of a mixture of detached and semi-detached dwellings constructed from mostly stone with a few examples of rendering also seen.

### **2. CONSTRAINTS**

- 2.1. The application site is within close proximity to the Grade II\* Church of St Peter, as well as two Grade II listed headstones situated within the grounds of the Church. The Old Rectory itself however is not listed, and it is not situated within a designated conservation area. The site is located on potentially contaminated land, and within a 250 metre buffer of records of protected and notable species. There are no further site constraints directly relevant to this application.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The applicant seeks planning permission to replace the existing front conservatory with a stone built structure that will measure approximately 5.7 metres in width, 2.8 metres in depth and 4.6 metres in height. The proposed development would include including replacing a first floor window with a door to allow access to the flat roof of the proposed extension which would be used as an outdoor balcony area. On ground floor level there will be two windows inserted on the front elevation of the extension and one window inserted on the eastern side elevation. The windows and doors will be constructed with stone surrounds to match the designs seen on the original house. The walls of the extension would be constructed in stone to match the existing.

### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
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98/00026/F	New dormer window to second floor	Permitted Development
19/00244/F	Replace existing front conservatory with stone built structure	Pending Decision

- 4.2. The proposed development cannot be considered permitted development in this case as the enlarged part of the dwellinghouse would extend beyond a wall which forms the principle elevation of the original dwellinghouse.

## 5. PRE-APPLICATION DISCUSSIONS

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

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 21.03.2019, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. No comments have been raised by third parties at the time of writing this report.

## 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. STOKE LYNE PARISH COUNCIL: **no comments** received at the time of writing this report.

### CONSULTEES

- 7.3. HISTORIC ENGLAND: **no comments** to make with regards to this application.
- 7.4. CDC CONSERVATION: verbal comments confirmed there were **no objections with** regards to this application.
- 7.5. CDC ECOLOGY: **no comments** received at the time of writing this report.
- 7.6. CDC ENVIRONMENTAL HEALTH: **no comments** received at the time of writing this report.

## 8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the , and the following Policies of the Neighbourhood Plan are considered relevant:

#### 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

#### 8.5. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are "Protected, Green & Clean", are places which support "Thriving Communities & Wellbeing", and are Districts of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## **9. APPRAISAL**

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

- Design, and impact on the character of the area and the Grade II\* listed Church

- Residential amenity
- Highway safety/parking provision

## Design and impact on the character of the area and the Grade II\* listed Church

### *Policy Context*

- 9.2. Paragraph 124 of the NPPF states that: *‘Good design is a key aspect of sustainable development’* and that it *‘creates better places in which to live and work’*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 9.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*

### *Assessment*

- 9.4. The application property, although set back from the road via a driveway, would be visible from the road and adjacent churchyard. As the proposed development would be located on the eastern side of the front elevation of the property, it is therefore likely to have an impact on the streetscene of the area and the setting of the Grade II\* listed church.
- 9.5. However as the proposed development would be replacing a similar sized timber framed conservatory, an extension you would not expect to find on the principal elevation of a property, in principle the proposal would represent a visual improvement.
- 9.6. Indeed care has been taken to ensure the design of the extension will mirror the character of the existing property by incorporating the same stone detailing around the edges and openings of the extension that can be seen in the original dwelling. As the materials proposed for the development would therefore match the existing materials seen on the original property, it is considered that the proposal would have a positive impact on the streetscene of the area and the setting of the Grade II\* listed Church when compared to the existing arrangement.

### *Conclusion*

- 9.7. For the above reasons, it is therefore considered that the proposal is acceptable in terms of design and impact on the character of the area and the Grade II\* listed Church, and thus accords with Government guidance contained within the NPPF, Policy ESD15 in the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996.

## Residential Amenity

### *Policy Context*

- 9.8. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future*

*development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*

- 9.9. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.

#### *Assessment*

- 9.10. The application site is located at the edge of the village resulting in it being mostly bound by open countryside. The closest property to the development area is located over 60 metres away. The proposed balcony the only potentially controversial element of the proposal would be sufficiently far enough from the closest properties not affect these neighbours' residential amenity.

#### *Conclusion*

- 9.11. For the above reasons, it is therefore considered that the proposal accords with Government guidance contained with the NPPF and saved Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2031 Part 1 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

#### Highway Safety/Parking Provision

#### *Policy Context*

- 9.12. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.

#### *Assessment*

- 9.13. The proposed development would not result in the addition of any further bedrooms at the property, and therefore there would be no requirement to provide additional parking provision at the property. The proposed development would also have no impact on the parking provision that is already available at the application site. As the property currently benefits from a large parking area that has space for a number of cars. It is therefore considered that parking provision would be more than adequate for a property of this size.

#### *Conclusion*

- 9.14. For these reasons, it is therefore considered that the development proposal would be acceptable in terms of highway safety and parking provision, thus complying with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2031 Part 1.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11. RECOMMENDATION**

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY  
TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW  
(AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Compliance with Plans**

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: 3250 – (Su) – 02 and 3250 – (L) – 01.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

### **Natural Stone**

3. The natural stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.