

Case Officer: Astrid Burden

Applicant: Mr and Mrs Donald & Sarah McAllister

Proposal: Conversion of garage to habitable accommodation and erection of a single storey front extension

Ward: Banbury Calthorpe And Easington

Councillors: Councillors Lynne Parsons, Kieron Mallon, Ian Harwood

Reason for Referral: Application submitted by an employee of the Council with line management responsibility

Expiry Date: 6 August 2024

Committee Date: 1 August 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at one of the ends of Woodhall drive adjacent to a park. The site makes up one of two semi-detached dwellings, set back significantly from the neighbouring pair of semi-detached dwellings. The space within the curtilage to the front of the dwelling is almost equal to the space within the curtilage to the rear.
- 1.2. The north of the site is surrounded by a park, through which a public pathway leads from in front of the site. To the south is the residential area of which the site forms part.

2. CONSTRAINTS

- 2.1. The application site has relatively few constraints. The green area and park to the north contains several mature trees and a public footpath that passes in front of the site and through the park. Up until 2021 the site had a tree to the front of the dwelling protected by Tree Preservation Order ref. 11/1992 (see Section 4 of this report).
- 2.2. The site is in the vicinity of several birds' nests in buildings records and swift hotspots.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to the proposed conversion of garage to habitable accommodation and a single storey front extension; the extension, existing plus proposed, would span the entire width of the dwelling. It would have a depth of 1.35m, eaves height of c.2.5m and max height (where it meets the existing dwelling) of c.3.4m.

4. RELEVANT PLANNING HISTORY

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

T1 (Cherry) – fell as it is colonised by fungi, tree is close to a public footpath & houses.

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, 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 **19 June 2024**, 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.

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.

7.2. BANBURY TOWN COUNCIL: No objections.

7.3. CDC ARBORICULTURE: No objections.

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 2015)

- 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 control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)

- Cherwell Home Extensions and Alterations Design Guide (2007)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are its design and its impact on the character of the area, the amenities of neighbours and on local highway safety.
- 9.2. The proposal is small in scale, set well back from the highway, and would its roof pitch would match that of the original dwelling. Although set to the front and extending the width of the dwelling, it would have a depth which is typical of porches and given its scale and form and its distance from the highway it would not adversely affect the existing dwelling or the character or appearance of the surrounding area.
- 9.3. The materials proposed are in keeping with those of the area and the existing dwelling.
- 9.4. Given its scale and siting it would not adversely affect the living conditions of neighbours either through loss of light, privacy or outlook or through an overbearing form of development.
- 9.5. Given the amount of residual space on the front driveway of the property, the proposal would not significantly or adversely affect local highway safety.

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

**TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW
(AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

CONDITIONS

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 application form and the drawing numbered "RM 24 / 013.1A" (Existing & Proposed Elevations, Floor Plans, Site Location & Block Plans).

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.

3. The materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building and shall be retained as such thereafter.

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.

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