

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 13th July 2020**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

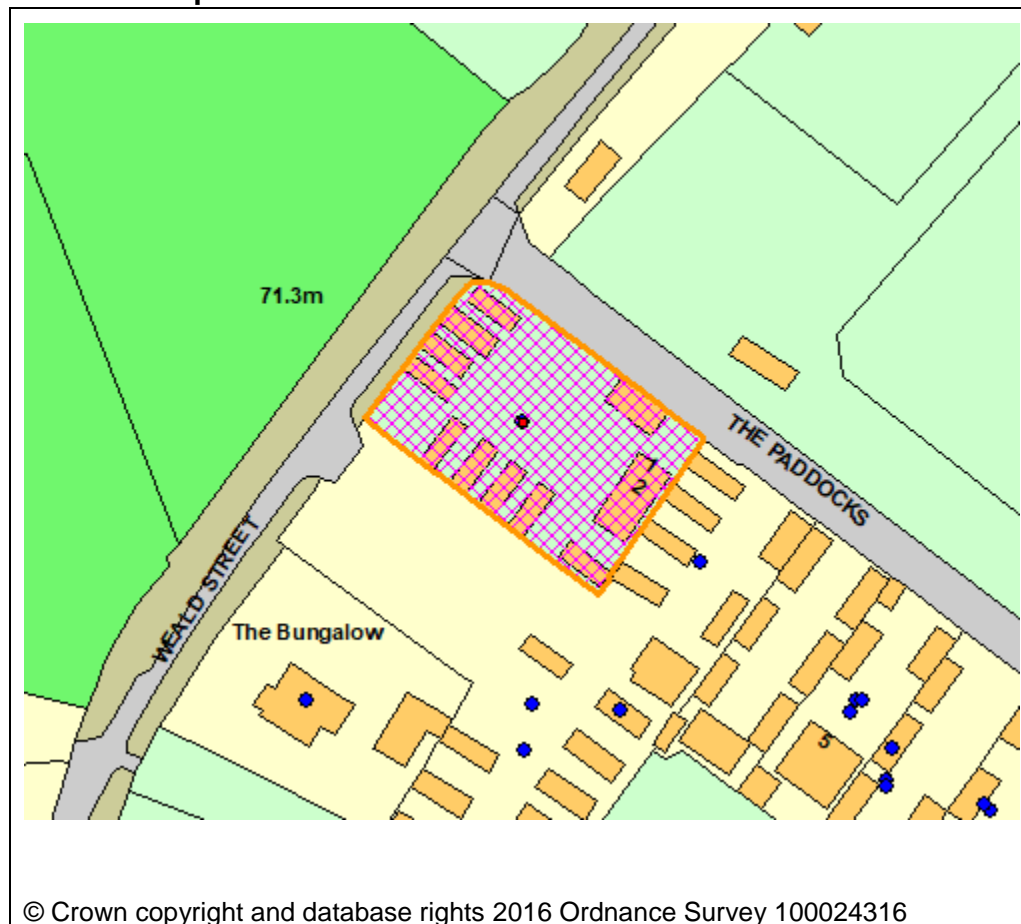
Please note that:

1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings) and:
2. A "presentations pack" containing the slides which will be referenced during the meeting will also be published – follow the links from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
20/00375/S73	<a href="#">Land At The Paddocks E430988 N202388 Weald Street, Weald, Bampton</a>	3
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Application Number	20/00375/S73
Site Address	Land At The Paddocks E430988 N202388 Weald Street Weald, Bampton Oxfordshire
Date	30th June 2020
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bampton Parish Council
Grid Reference	430989 E 202388 N
Committee Date	13th July 2020

### Location Map



### Application Details:

To allow the siting of six mobile homes, three for occupation by gypsies and their dependents and three for occupation by non gypsies and their dependents (non-compliance with conditions 1 and 2 of planning permission 09/0568/P/FP which restricts occupancy to gypsies and limits the number of mobile homes to one and non-compliance with conditions 2 and 6 of planning permission 08/0230/P/FP which restricts occupation to a named gypsy and his dependents and limits the number of mobile homes to one).

### Applicant Details:

Mr Felix Doran, 1 And 2 The Paddocks, Weald Street, Bampton, Oxon OX18 2HL

## I CONSULTATIONS

### I.1 WODC Env Health - Lowlands

Mr ERS Pollution Consultation

#### **Original** ERS Pollution Consultation

ERS are very concerned over the separating distance between mobile homes as proposed, as the distances would not satisfy the criteria as laid out in the Caravan Sites Act 1963. ERS would not be able to issue a Licence based on the number and arrangement of homes as requested by the application herein for the land. And on that basis, ERS wishes to submit an official Objection. They would need a Licence under the said Act, but they would not be able to comply.

ERS

Following further review, Environmental & Regulatory Services (ERS) consider a pragmatic approach to the use of land for caravans at The Paddocks, would be to reduce the total number of units requested by a small amount. ERS are likely to be able to discharge their duties required by the Caravan Licensing Act regime, but only if there is a maximum of six or seven units on this land plot. As a critical consideration to the site licence process are compliance standards in regards to separating distances. ERS consider that it is much more likely that the site area will be able to accommodate a maximum of six or seven caravans rather than the proposed nine units.

For the avoidance of doubt the key separating distances ERS have to consider for a Licence are:

- Distance between units: 6m (although, where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres).
- Distance between unit and boundary: 3m
- Distance between unit and any other structure: 3 metres (unless other structure is constructed of non-flammable materials and with the approval of the local authority)

ERS would like to emphasise that these separating distances are very important on Health and Safety grounds for occupiers and would not be imposed by ERS for aesthetic or visual reasons alone. I trust this now clarifies the ERS position.

### I.2 OCC Highways

#### **ORIGINAL HIGHWAYS**

It appears to me that Weald Street is a narrow single track minor road lacking footways, street lighting and passing places. There appears to be inadequate visibility at the entrance to the site and at the Weald St/Bridge St junction. The site is poorly served by public transport. I recall damage to verges during my previous journey along Weald St some time ago.

Could you please ask the applicant for more details in the form perhaps of a simple Transport Statement detailing the traffic generation from the proposed additional units and the impact on the shortfalls in the local road network

### **HIGHWAYS AMENDED COMMENTS**

The proposal seeks to allow 9 further mobile homes plots on land at The Paddocks, Weald Street. The majority of Weald Street is a single-track lane with occasional passing places. There are a number of dwellings along Weald Street which appear to operate adequately, however, the addition of a further 9 dwellings could significantly increase traffic.

No information has been provided regarding car or cycle parking so this cannot be fully assessed. As there is no dedicated footpath or street lighting along Weald Street it is not considered that walking/cycling into Bampton would be an attractive option for residents. Visibility splays for the access into The Paddocks or onto Clanfield Road have not been provided, however, the accident record in the area does not point to a highway safety concern presently.

Due to the narrow nature of Weald Street and the lack of suitable walking and cycle routes from the site, the site is not considered sustainable nor does it prove that safe and suitable access to the site can be achieved for all users as stated in Paragraph 108 of the National Planning Policy Framework . As such, Oxfordshire County Council recommend refusal of this application on highway grounds.

I.3 WODC Planning Policy Manager

General principle

Policy governing the increase of provision for Gypsies and travellers, Policy H7 gives specific instruction as to how new and existing sites should be handled. The policy states that 5 year housing land supply targets will be achieved in part by expansion or intensification of existing sites for the provision of 1-2 pitches. The given site has capacity for many more and is already capable of supporting gypsies and travellers.

Condition 1 of application 09/0568/P/FP States that the permission is only to be exercised for the purpose of providing accommodation for gypsies. Condition 2 of application 09/0568/P/FP pertains to restricting impact on views and character of the Bampton Conservation Area which partially cuts through the site. Views are fairly well mitigated however by the presence of hedgerow along the North West border of the site and another hedgerow bordering the adjacent field. With regards to policy H7 it specifies that development to meet the needs of travellers and gypsies "be of an appropriate location and scale not to have an adverse impact on environmental or heritage assets and the character and appearance of the surrounding area".

Based on all of the above I believe that the policies in the local plan support this application.

I.4 Newt Officer

No Objection: Informative relating to great crested newts (GCN) provided.

It is considered that great crested newts and their habitats are unlikely to be affected by the proposed development (there is no reasonable likelihood of this species being present). Therefore, no supporting ecological information in respect of this species is required and there is no objection to registering/determining this application.

However, the proposals involve development within a red impact zone as per district licence impact mapping, which highlights that there is potential for newts to occur in the surrounding area. The applicant should follow the advice provided below with respect to great crested newts.

If all other planning matters have been satisfied the application can be approved with the following informative:

Informative - Great crested newts (European Protected Species):  
There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

I.5 Oxfordshire Fire Service

No reply at the time of writing

I.6 Conservation Officer

Conservation Architect has advised your Officers verbally that given the site is established as a site for occupation by gypsy families that he has no objection to the proposal in terms of impact on the setting of the nearby Conservation Area.

- 1.7 WODC Housing Enabler Having had the opportunity to review this application I am able to make comments from a housing point of view.
- This planning application does not propose provision of affordable housing offering homes with traditional tenures described in the NPPF 2019.
- The scheme does however have potential to offer pitches to people whose needs are not met by the housing market.
- The West Oxfordshire District Council Local Plan 2031 Policy H7 proposes expansion or intensification of existing sites for provision of 1 - 2 pitches for people meeting the Government definition of Gypsies and Travellers. The Councils own evidence suggests that the need could be for 19 pitches if the Government definition is not applied.
- It is understood that the site already has a need for pitches that exceeds the number permitted by the current planning consent. The application proposes a mix of pitches for Gypsies and Travellers and for other groups and requests that Government definitions are not applied.
- The proposal would therefore offer valuable housing opportunities as well as assisting the Council in meeting its aims for provision of pitches.
- 1.8 ERS Env. Consultation Sites Mr ERS Pollution Consultation Thank you for consulting our team.
- The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.
- 1.9 Parish Council We OBJECT on the grounds that the site is overdeveloped, and we believe that 12 the Paddocks did not have planning permission granted.
- Furthermore, occupation should be limited to the original planning permission numbers and none of the occupants should have anything other than qualifying gypsy status.

## 2 REPRESENTATIONS

- 2.1 Two residents of Weald have commented as follows:
- 2.2 The aerial map is years out of date.

- 2.3 There is now a site called No12 The paddocks which has more caravans in than the original line of dwellings in The Paddocks and I've never seen any planning permission for this site.
- 2.4 14 new dwellings, 7 at Glebe Farm and 7 at Weald Manor Farm plus those at No12 The Paddocks have been added to Weald Street in the last 3 years and the traffic is destroying the verges in what was a country lane, not helped by someone regularly mowing what should be wild, delightful verges full of wild life and mixed vegetation but is now a driven on desert.
- 2.5 If the new set of caravans called No12 The Paddocks had not been added I would have been very happy to support this proposal.
- 2.6 Weald Street is at heart a single track road and with the two business parks in Weald as well, it is no longer a safe place to drive or walk.
- 2.7 Planning permission was given to convert farm buildings at Weald Farm to two holiday self catering units and when they are done, it will mean even more traffic.
- 2.8 Unlike many people I have no objection at all to gypsy families living close by, we all need somewhere to live and I'm a great believer in, if you treat people with respect, they will do likewise to you.
- 2.9 I have lived in weald for 26 years. I have never had any objection in principle to the gypsy and travellers site, based upon the existing planning permission referred to in this application.

However:

- 2.10 The photograph is out of date. The area shown in red on the plan is I believe already occupied by the units and has been for some considerable time and has thus been in breach of the planning conditions for that period.
- 2.11 I believe there has been (recent) additional adjacent land acquired with more units sited but I am not clear as to the status of the planning for this, but it must also have an impact upon the density of the occupation of the site.
- 2.12 To allow retrospective permission and the lifting of the restrictions is creating an over intensification of the site - which is admitted in the supporting document. 9 further units is too many.
- 2.13 It is unclear as to how many individuals will occupy the site ( and adjacent site) in total if this is granted, which must be of some concern in terms of pressure on services and the question of whether it is 'over inhabited'.
- 2.14 With some of the community being transient, there must be a danger that there could be too many people inhabiting the site, given that it is impossible to know how many are living there at any one time.
- 2.15 It has been of some considerable concern to me that over the course of the last 4/5 years there has been a large increase in traffic, a good proportion of which does come from this site, reflecting the fact that the additional units have been there for some time. This has the effect of creating danger for those who wish to use a rural lane for recreational purposes. The increase



in traffic has led to the verges being eroded as the lane is not wide enough to allow 2 cars to pass. In addition I am sorry to say that the speed of traffic is not compatible with a lane, creating a danger to walkers, horse riders and other road users.

- 2.16 Additional new housing in Weald from recent planning applications has added to the burden on both landscaping and traffic which is inappropriate in a conservation area and in respect of sites adjacent to the conservation area.
- 2.17 Whilst I appreciate there is pressure on local authorities to find suitable permanent sites, it is equally important not to allow overcrowding/over development, which is simply not sustainable in a rural area.

### **3 APPLICANT'S CASE**

- 3.1 In a precised form the applicants case is as follows:
- 3.2 The owner of the land has been asked to accomodate many homeless travelling families in the past 11/12 years ,such that there is a clear continuing and identifiable need for the land to be utilised for a maximum number of pitches that can be accommodated without creating site licence issues through over-intensification.
- 3.3 The whole of the land is already recognised as suitable for use as a gypsy traveller site.Where there is already such a recognised and established permitted type of use on an area of land ,it must be preferable to make maximum sustainable use of that land for that purpose by providing accommodation for further travelling families, rather than have to grant permission on Greenfield sites in order to meet the Council's obligations to make adequate provision for this section of society.
- 3.4 The owner wishes to let out the additional pitches to those families who cannot afford to buy their own site or pitch.This is a valuable opportunity to cater for those less fortunate amongst the travelling community.
- 3.5 The proposal is an intensification of use but the mature hedgerow along the frontage of the site affords a high level of screening.
- 3.6 Given the level of existing traffic entering and leaving The Paddocks, the additional traffic that this proposal will generate would be modest in effect and within acceptable tolerances for the junction.There would be no unacceptable risk to highway users.
- 3.7 The mature hedgerow ensures that the setting of the Conservation Area will not be adversely affected by this proposal.

### **4 PLANNING POLICIES**

H7NEW Travelling communities  
EH10 Conservation Areas  
EH9 Historic environment  
OS2NEW Locating development in the right places  
T1NEW Sustainable transport  
T4NEW Parking provision

EH3 Biodiversity and Geodiversity

H2NEW Delivery of new homes

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 This application is part retrospective and seeks to regularise the siting of additional units on an area of land that have been combined together and were originally 2 separate plots. The site of which this parcel forms part originally gained consent at appeal and was the subject of two pertinent conditions. The first of these is that the site only be occupied by Gypsies and Travellers and the second limited the number of caravans on each plot.
- 5.2 Over the years these conditions have been varied on a number of the adjoining plots and some permanent buildings in the form of day rooms/wash rooms etc have been permitted.
- 5.3 This application seeks to regularise the increase in the number of caravans on the plot the subject of the application and additionally to enable some of them to be occupied by persons who do not meet the definition of Gypsies or Travellers but who instead pay rent to the Gypsy who owns the plot. These lessees are generally themselves persons unable to access the conventional housing market (itinerant workers etc) It should also be noted that similar intensifications have occurred on the majority of other plots on the overall Gypsy site such that the total number of units and the extent of non Gypsy occupation considerably exceeds that which has consent.
- 5.4 Members will also recall that the breach of control is of long standing and that when it was first identified some years ago it was not possible for the Council to enact its usual enforcement regime as TVP advised that they wished to undertake a separate investigation.
- 5.5 Upon conclusion of that investigation your Officers have instructed specialist legal advice as to how to best address matters and in following that advice have served 2 Planning Contravention Notices to seek to secure relevant information as to the nature of the occupiers and acting in accordance with the specialist legal advice have been in dialogue with the occupiers seeking applications whereby the merits can be properly debated. This is the first such application resulting from that process and so dependent upon outcome there may be further enforcement/precedent issues that will need to be considered in due course.
- 5.6 This application originally proposed the siting of 9 units but as a result of concerns raised by both OCC Highways and the Council's licencing team the application has been amended for the location of 6 mobile homes, three for occupation by gypsy families and 3 for occupation by non gypsy families. The applicant's agent has agreed that if permission were to be granted that it would be the subject of a legal agreement requiring that a minimum of three of the mobile homes on the site be occupied in perpetuity by gypsy families.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

## Principle

- 5.8 As set out in the Policy response the Council has long applied a policy that seeks to meet the needs of the travelling community by allowing proposals that come forward and which accord to the relevant policy rather than by making site allocations. This has over the years allowed the Council to largely meet the needs of the travelling community without the need to create large new sites and without the extent of on road and unauthorised encampments that tend to characterise Authorities where a less pro- active approach is employed.
- 5.9 The policy of the recently adopted plan repeats that pragmatic approach by requiring the provision of a further 5 pitches alongside a criteria based policy that requires retention of existing plots, allows expansion and intensification of existing sites provided that they are well located to the transport network, not harm the environment, not conflict with other policies, not be at flood risk and be designed to meet the Governments Good Practice Guide (Policy H7)
- 5.10 In that context the ability to ensure that the number of "Gypsy" units remains at or above what is consented can be secured by condition. There is a need for Gypsy accommodation and in an area of high cost housing such as West Oxfordshire it is likely that these units will be amongst the cheapest available on the private rental market and thus meet a housing need (see Housing Officer comments) . Your Officers are thus satisfied that the principle of the intensification is acceptable and that it is the specific criteria /other material considerations that determine the overall acceptability of the scheme.

## Impact on Highway Safety and Sustainable Location

- 5.11 It will be noted from the Highways comments that (in summary) they have assessed the proposals as an increase in 9 units whereas the site already enjoys consent for 2 residential mobile homes, that the existing situation "appears to operate adequately", that the application lacks detail as regards parking ( this could be addressed by condition) that walking and cycling to Bampton are not attractive options and that the accident safety record does not point towards highway safety issues presently. Their recommendation for refusal is thus targeted at the "unsustainable location". Usually a recommendation for refusal from Highways would lead to an officer recommendation along the same lines but in your officers assessment the details of the response need some further analysis in this instance.
- 5.12 It is clear that no highway safety issue has been identified. It is also clear that the response has been framed as if there was a 9 unit increase over and above the "existing" apparently acceptable situation. The suggested refusal reason is based on the sustainability of the location as regards walking/cycling. However it is a fact that most Gypsy sites are sited some distance from settlements perhaps as a result of perceived/real difficulties in assimilating the occupants and the settled community. Additionally one needs to consider the alternative were residents forced to relocate were consent to be refused.
- 5.13 It is likely that at least some of the occupants would be forced to roadside occupation on unauthorised sites and that may be located many miles from the areas where children may be attending schools, families attending health facilities etc. Thus a refusal could prompt even more unsustainable travel patterns. On balance your officers have taken the view, particularly in light of the reduction of proposed mobile homes from 9 to 6, in order to accord with site licence distance requirements, that with a lack of evidence of highway safety harms and with the site being relatively well located to one of the more sustainable rural settlements in the district that

a sustainability based refusal reason would not be likely to gain support at appeal. As such this recommendation for refusal from OCC is not recommended to Members in respect of this particular application. It should be noted however that if and when additional applications are submitted in respect of the other plots adjacent that are in breach there may come a point where the cumulative impact is considered sufficient as to warrant refusal.

Impact on the setting of the Conservation Area

- 5.14 The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. By virtue of the fact that the proposed additional units will be located within an existing well screened enclosed site and that additional screening along the frontage is required by condition, Officers consider that the proposal will have no material harm on the character and appearance of the area and that the setting of the Conservation Area will be preserved.

#### Residential Amenities

- 5.15 The Paddocks is well screened and is some distance removed from residential properties along the length of Weald Street. As such officers do not consider the addition of 4 mobile homes on the plots 1 and 2, to allow a total of 6 units will not adversely affect the residential amenity of nearby Weald Street occupiers. Limiting the number of units to 6 will also provide a satisfactory level of amenity for the future users of the mobile units.

#### Conclusion

- 5.16 In light of the above assessment, subject to the applicant entering into a legal agreement to secure the use of a minimum of 3 of mobile homes on the land for occupation by gypsy families in perpetuity and subject to the recommended conditions, the application is considered compliant with policies H2, H7, OS2, T1, T4 and EH10 of the adopted Local Plan and relevant paragraphs of the NPPF.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
3. Prior to the commencement of development a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the

completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

4. Prior to the commencement of development a proposed scaled layout plan( min 1:500) identifying the precise location of the 6 mobile homes on the land together with parking provision to serve the units shall be submitted to and approved in writing by the LPA and the said approved siting and parking provision shall be retained as such thereafter.  
REASON: To ensure that the layout complies with site licence requirements and that adequate off street parking to serve the users of the land is provided.
5. The existing boundary hedge along the boundary of the site with Weald Street shall be retained.  
REASON: In the interests of the semi rural character and appearance of the area.

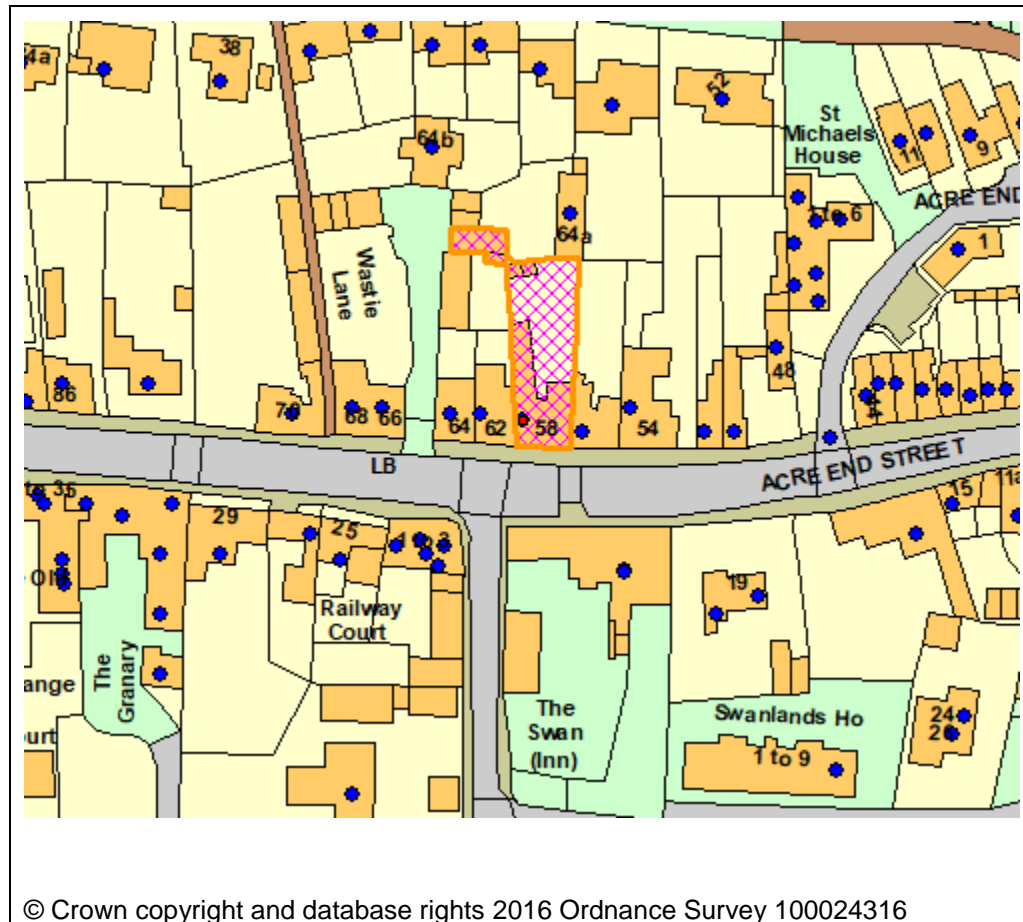
#### NOTES TO APPLICANT:-

- Informative - Great crested newts (European Protected Species):

There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within a red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

Application Number	20/01144/HHD
Site Address	58 - 60 Acre End Street Eynsham Witney Oxfordshire OX29 4PD
Date	30th June 2020
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	443072 E 209296 N
Committee Date	13th July 2020

### Location Map



#### Application Details:

Single storey rear infill extension.

#### Applicant Details:

Mr And Mrs Levy, 58-60, Acre End Street, Eynsham OX29 4PD

## **I CONSULTATIONS**

- 1.1 Parish Council Mrs Katherine Doughty for Eynsham Parish Council Whilst the extension makes an improvement to the property, the Design & Access Statement contains insufficient heritage information for a property in the Conservation Area and the plans lack detail. The Council has no objection to the application.

## **2 REPRESENTATIONS**

- 2.1 No comments have been received at time of writing.

## **3 APPLICANT'S CASE**

- 3.1 A Design and Access Statement has been submitted and summarised as;  
The existing built form consists of a dwelling with outbuildings and a lean-to at the rear of the property, and a garage accessed from the adjacent side street. Historically, the building was divided into two dwellings, no. 58 and no. 60 Acre End Street.
- 3.2 The current internal layout is restricted by the narrow east and west wings (resulting from the original built form of the two separate dwellings), which disconnects the two parts of the existing property at the rear leaving redundant outbuildings with limited natural light and no particular use. The narrow entrance lobby further reinforces the sense of enclosure and separation between the two sides of the house.
- 3.3 The proposed alterations to 58-60 Acre End Street seek to address the problems with the existing layout by linking together the two wings at ground floor level. This is achieved by removing the lean-to to the east wing and constructing a single-storey kitchen infill extension within the yard area between the two rear wings, in addition to some internal reconfiguration, and renovation of the redundant outhouse rooms. The additional floor space provides a more generous and usable family kitchen on the ground floor, whilst integrating the utility rooms into the main body of the house.
- 3.4 The proposed rear extension is sensitively designed in terms of its form, materials, scale and proportions. The single-storey extension will be constructed from coursed rubble limestone in keeping with the existing building. A generously sized rooflight brings natural light into the kitchen and link extension, whilst conservation rooflights introduced into the outbuildings improve the quality and usability of these previously redundant spaces. In addition to enlarging the kitchen, the infill extension re-orientates the rear of the existing building; instead of facing inwards (towards an enclosed back yard), the building now opens out onto the cottage garden taking advantage of the improved physical connections and enhancing the setting of the dwelling without increasing its visual impact as seen from neighbouring properties.
- 3.5 It is considered that these proposals enhance the character and appearance of 58-60 Acre End Street within the Eynsham Conservation Area by sensitively extending and connecting the buildings, and improving the overall aesthetic and setting of the dwelling.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EHI0 Conservation Areas

ENP2 Eynsham Neighbourhood Plan

DESGUI West Oxfordshire Design Guide

NPPF 2019

The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application relates to a traditional, terraced dwelling, 58-60 Acre End Street which is located within the Conservation Area. The locality is characterised by predominantly vernacular development, with a mixture of residential and commercial uses nearby. This application is to be heard before the Members of the Lowlands Area Sub-Committee as the applicant is a Ward Councillor.
- 5.2 The application property is a generously-proportioned natural rubble limestone dwelling, with traditional timber windows and slate and clay tiled roofing. The dwelling fronts directly onto Acre End Street, with the private rear garden being enclosed by high walls.
- 5.3 The proposal is to construct a rear, single storey extension, comprising removal of the existing single storey lean-to at the end of the two storey east wing and replacement with a larger kitchen extension, which in fills the existing yard area. The proposal also includes internal renovation of the redundant outhouse rooms. This would provide an enlarged kitchen and dining area, utility room and study. The proposed design is a flat lead roof with a lantern rooflight and a double door to its northern elevation. Once the existing lean to extension is removed the proposed extension will not extend beyond the northern elevation of the existing two storey east wing. Proposed wall materials are to match the existing.
- 5.4 Other alterations include the removal of a chimney breast and the installation of a new timber sash window on the northern elevation of the two storey east wing, an existing window is to be enlarged and replaced with a sash window on the eastern elevation of the proposed utility room, an existing window is to be blocked up on the eastern elevation of the west wing. Proposed within the existing outbuilding are 2 roof lights, the installation of a log burner, an existing doorway is to be blocked up and an existing window is to be reconfigured into French doors.
- 5.5 The proposal is an amendment to a previously approved application 19/00779/HHD. The proposed extension is of a reduced scale to that approved as part of application 19/00779/HHD. The previously approved extension in filled the existing courtyard as well as extending further beyond the northern elevation of the host dwelling. However, this proposed extension is only infilling the existing courtyard and does not extend beyond the northern elevation of the two storey east wing.



- 5.6 Taking into account current planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.7 Your officers consider that the principle for the development has already been granted given it is an amendment to a previously approved scheme. The key issues are set out below:

Impact on character and appearance of the dwelling

- 5.8 The property is characterised by its traditional design. Due to the overall scale and design of the proposed extension, coupled with its materials and architectural detailing, it is considered by your officers that the scheme would be sympathetic to the character and appearance of the existing property. Whilst an area between the two existing rear wings would be in filled, given the relatively 'lightweight' design which is being proposed, it is not considered by your officers, that the traditional character of this part of the building would be significantly compromised, since the existing two storey projecting wing would remain a dominant feature visually. The single storey rear outbuilding wing would still project beyond the line of the proposed extension, so that the building's historical evolution can still be read.

Impact on character, appearance and setting of the Conservation Area and surroundings

- 5.9 Since the application site is within a Conservation Area, your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.10 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.
- 5.11 Eynsham Parish Council raised no objections to the proposal but raised concerns regarding the lack of detail within the design and access statement and on the proposed plans. Your officers are recommending a condition to be applied as part of the approval, requesting detailed specifications and drawings of all external windows, doors and rooflights, and details of all materials before those works are erected on site.
- 5.12 Your officers are of the opinion that there would be no significant impact to the streetscene, given that the extension would be to the rear.
- 5.13 Given the modest scale and position of the proposed extension to the rear of the host dwelling, your officers do not consider that the proposal would have a detrimental impact on the visual appearance or character of the Conservation Area.

### Residential amenity

- 5.14 It is noted that no neighbour objections have been received to this application in relation to amenity aspects. Given the proposed single storey scale, the position of the extension, high boundary walls and the location of proposed openings, it is not considered by your officers that the scheme would give rise to adverse overshadowing, overbearing, or overlooking issues.

### Impact on Highways

- 5.15 The current off-street parking provision would not be affected by the development and sufficient parking to meet current standards would remain. In view of no net gain of bedroom spaces resulting from the extension proposed, it is not considered that there would be an adverse impact on highway safety or loss of parking as a result of the proposed development.

### Conclusion

- 5.16 In view of the above, your officers are of the opinion that the proposed development is acceptable and would not cause significant harm to the character or appearance of the host dwelling, the surrounding Conservation Area, residential amenity, or highway safety, subject to appropriate conditions to ensure a satisfactory appearance to the development.
- 5.17 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
3. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
4. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows, doors and rooflights, to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.