

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 1st February 2021

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

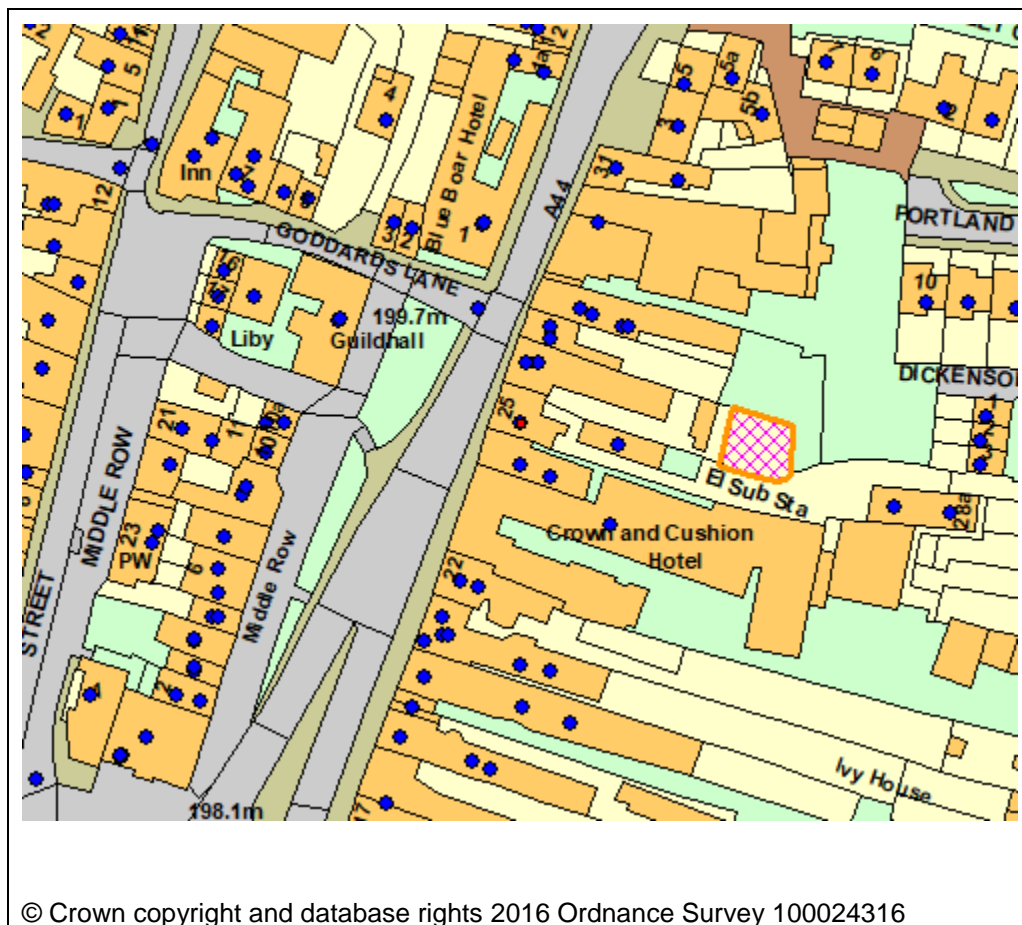
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that 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

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Application Number	20/02436/FUL
Site Address	25 High Street Chipping Norton Oxfordshire OX7 5AD
Date	20th January 2021
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431414 E 227213 N
Committee Date	1st February 2021

Location Map



Application Details:

Erection of a new two bedroom dwelling with carport and rear garden

Applicant Details:

Mr Gregory Besterman
Little Brook House, Chastleton, GL56 0TA

I CONSULTATIONS

- I.1 Parish Council The Town Council objects to this planning application - there is only one carport for one car, it needs parking for at least two. We would also like to see environmentally friendly new build dwellings. The site is very small and would be overdeveloped and there is a lack of amenity space.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
Recommendation:
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission
- I.3 WODC Drainage Engineers Drainage Final Comments:
 - It is accepted that infiltration has been found viable and that the proposed soakaway has been sized to accommodate the 1 in 100 year event + 40%cc. However, I note that the proposed drainage system is to be shared with another dwelling (conversion of application 19/01808/FUL) . As such, prior to any development, we would require clear guidance as to who the landowner will be for the systems and a clear understanding of the planned maintenance programme.
 - The comments made regarding exceedance are accepted.
 - The reduction in impermeable area and thus the reduction in discharge volumes to the sewer is welcomed.
- I.4 Biodiversity Officer Precautionary Working Method Statement (PWMS)

The Precautionary Working Method Statement (prepared by Digi Design. Co and submitted on the 6th January 2021) details precautionary working for reptiles. The measures that are detailed within the document are satisfactory and are also applicable to hedgehogs and amphibians (including great crested newts).

To ensure nesting birds are not impacted by the proposal, the clearance of vegetation, as well as the demolition of the structures on site, should be undertaken outside of the nesting bird season. If this is not possible then a nesting bird check will need to be carried out by a suitably qualified ecologist prior the works. I will detail this within a relevant informative.

Biodiversity enhancements

I understand that sparrow terraces and bat boxes are to be incorporated within the scheme. These features are welcomed and should be integrated into the external walls of the new dwelling.

The bird boxes should be positioned on the eastern or northern elevations of the building whilst the bat boxes should be positioned on the eastern or southern elevations. Elevation plans have not yet been submitted and therefore these are required. The amended details of the new roosting and nesting features, including elevation plans and the specific design, should be submitted to the LPA as a condition of planning consent.

The proposal should also ensure that any new fences/walls are fitted with suitable gaps for hedgehogs. I have specifically stated this within the relevant condition and therefore the details can be submitted to the LPA as a condition of planning consent.

Landscaping is also included within the scheme and this includes the planting of trees and shrubs. The scheme should ensure that native, locally characteristic species are planted. A 5-year maintenance plan should also be included within the details for the landscaping scheme. A comprehensive landscaping scheme should therefore be prepared to detail the habitat features that are to be created and enhanced on site, along with a 5-year maintenance plan. The landscaping scheme will need to be submitted to the LPA as a condition of planning consent.

Additional comments

I further recommend that a sensitive external lighting strategy is prepared to ensure that any vegetation on site and commuting corridors for bats are not illuminated. The details of the external lighting should be submitted to the LPA as a condition of planning consent.

- | | | |
|-----|---------------------------|---|
| I.5 | Thames Water | No Comment Received. |
| I.6 | Conservation Officer | <p>As previously noted, such back-land development is not uncharacteristic in this Conservation Area - particularly in the vicinity of this development.</p> <p>Anyway, the proposed house is on a tight site, and is correspondingly compact - but it does seem to work, just. And following our suggested amendments, the elevations are tidy and reasonably well proportioned.</p> <p>On balance, this is an acceptable proposition, from our point of view.</p> |
| I.7 | WODC Env Health - Uplands | No Objection in principle. |

1.8 ERS Env. Consultation Sites No objection subject to condition.

2 REPRESENTATIONS

2.1 2 objection comments were received

- This house is to be built in an air quality management area but has a chimney and fire place. We already know that smoke from fires is a major cause of particulates in air pollution so building houses that encourage this is poor planning-- especially in an area where air pollution is already recognised as a serious issue. There are many articles linking exposure to air pollution as a risk factor leading for dying from covid-19 and it also leads to other respiratory diseases. Building to reduce environmental impact in the first place makes sense. I would also ask that anyone building a new house includes the best efficient heating system with proper insulation rather than a gas boiler which will eventually need to be removed.
- There are already numerous residential properties in Chipping Norton and evidently no need for further two-bedroomed dwellings. In addition, it will increase further the traffic in the town and particularly the already high level of congestion along Albion Street.

3 APPLICANT'S CASE

3.1 As taken from the Design and Access Statement

3.2 We believe the proposals represent a sensitive, considered and appropriate form of development that overcomes the criticisms levelled at the earlier iterations. In our opinion, the proposals accord with the various requirements of the development plan and the NPPF along with relevant assessments and guidance.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

OS3NEW Prudent use of natural resources

H2NEW Delivery of new homes

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2019

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application is before members today because the Town Council objected to the application. An extension of time was required to determine this application due to additional information requested by Consultee's and to allow for the application to be heard at committee.

5.2 The application seeks permission for the erection of a new two bedroom dwelling with carport and rear garden. The site is within the Chipping Norton Conservation Area and is within 35m of a Listed Building. Currently the site comprises of a parcel of land with a small shed like structure, some overgrown planting and an apple tree. The majority of the site is surrounded by hardstanding in the form of the access road or a parking area serving a business to the rear with various buildings (both business and residential). The overall topography of the site and surrounding area is sloping from east to west towards Chipping Norton High Street.

5.3 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
- Siting, Design and Form
- Impact on heritage assets
- Highways
- Residential Amenity

Principle

5.4 As outlined in the settlement hierarchy within the supporting text of OS2, Chipping Norton is a Main Service Centre for the district. Policy H2 outlines that new dwellings will be permitted at the main service centres, rural service centres and villages subject to meeting the stated criteria. The application site is undeveloped and lies within the built up area of Chipping Norton. Therefore the principle of developing this site is considered to be acceptable subject to the proposal according with the other policies in the plan and in particular the general principles in Policy OS2.

Siting, Design and Form

5.5 As outlined within the Design and Access statement, pre application advice was sought on 3 occasions, each iteration addressing the concerns raised by officers and consultees with an amended version of the proposed dwelling.

5.6 Whilst the site is relatively small the applicant has reduced the size of the dwelling to a 2 bedroom property with an increased amenity space to the rear from the initial pre application advice request. The overall character of the area is of a tight urban grain within the town centre of Chipping Norton and officers consider that the form and size of the dwelling and the amenity area serving it is consistent with the overall character of the area and more importantly the Conservation Area.

5.7 This view is shared by the Conservation Officer
"As previously noted, such back-land development is not uncharacteristic in this Conservation Area - particularly in the vicinity of this development. Anyway, the proposed house is on a tight site, and is correspondingly compact - but it does seem to work, just. And following our suggested amendments, the elevations are tidy and reasonably well proportioned."

5.8 During the ongoing COVID pandemic, the provision of outdoor amenity space has risen in the priority list and whilst officers note the Town Council objection in regards to the

overdevelopment of the site, it is considered that the development fits the character of the immediate vicinity and Conservation Area and provides a reasonable amount of amenity space serving the dwelling. It is noted that prior to the pandemic some of the dwellings in the immediate vicinity were granted permission with no amenity space and rely on local public green spaces, therefore the provision proposed within this application is welcomed and accords with policy.

- 5.9 In terms of design, the proposed dwelling draws elements from the surrounding traditional properties by way of materials and style. Officers note the objection comments regarding the chimney on the dwelling and whilst they are understood it is considered that a chimney is a traditional feature which is consistent with the character of Conservation Area and is something that we wish to preserve. Many modern house types include the chimney feature however this does not necessarily mean that the feature has to function as a traditional chimney and could merely be a decorative feature.
- 5.10 Officers consider that the siting design and form of the development is consistent with the vernacular of the area and complies with policy OS2, OS4, EH9 and EH10.

Impact on Heritage Assets

- 5.11 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties. Similarly the West Oxfordshire Design Guide also states in chapter 7.9, that the setting [of a heritage asset] is a fundamental aspect of heritage assets and careful consideration should be given, not only to the heritage asset itself, but to the contribution made by its immediate and wider settings.
- 5.12 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits.
- 5.13 The proposed dwelling is not considered to have a detrimental impact on the character or historic interest of the Conservation Area, given the traditional form of the proposed. As such, the Conservation Area is not materially impacted and is therefore preserved.
- 5.14 The site is approx. 35m from the nearest Listed Building of 25 High Street Chipping Norton however it is worth noting that many of the buildings fronting the High Street are Listed. That being said, in this case, the below assessment can be applied to all in the vicinity. 'Setting' is defined by Historic England as: The surroundings in which a place is experienced, its local context, embracing present and past relationships to the adjacent landscape (Conservation Principles, English Heritage, 2008). In weighing applications that directly or indirectly affect heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, it is Officer opinion that the setting of nearby listed buildings will be enhanced with the replacement of the existing undeveloped scrub land with a traditionally designed vernacular style building constructed in natural stone.

- 5.15 In conclusion, this application is considered to cause less than substantial harm to heritage assets which would be outweighed by the public benefits of the proposal through the provision of a new dwelling on an undeveloped site together with economic benefits from both the construction phase and through bringing new residents to the town. In addition, there would be an environmental benefit through the enhancement to the setting of nearby listed buildings.

Highways

- 5.16 As proposed within this application there is one allocated parking space. The dwelling is a 2 bedroom property within the town centre of Chipping Norton and is within easy walking distance of public transport and local facilities. Given this assessment and that there is no objection from County Highways, officers consider the proposal acceptable and compliant with policy T4.

Residential Amenities

- 5.17 The site is located in the back-lands between the roads of High Street and Albion Street and is surrounded by a mix of car parking, business and residential properties (including outbuildings with extant permission for dwellings). Officers have carefully assessed the surrounding buildings and their uses (both existing and permitted), and conclude that there would be no significant impact by way of overlooking, overshadowing or overbearing as a result of the proposal and the development is in accordance with policy OS2.

Conclusion

- 5.18 In light of this assessment, taking into consideration the principle, siting, design, impact on heritage assets, neighbouring amenity and layout, this proposal is considered to be acceptable and accords with policies OS2, OS4, H2, EH9, EH10, EH11 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

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 development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
4. The development shall be completed in accordance with the precautionary measures detailed within the Precautionary Working Method Statement, submitted on the 6th January 2021 and prepared by Digi Design. Co, as submitted with the planning application. All the measures shall

be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles, amphibians, hedgehogs and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

5. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that light spillage into wildlife corridors will be minimised as much as possible. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
6. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new building, as well as holes/gaps within the fences/walls for hedgehogs, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the building, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.
REASON: To provide additional roosting for bats and nesting birds and to ensure continued permeability for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
7. The landscaping scheme hereby approved shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.
REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.
8. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

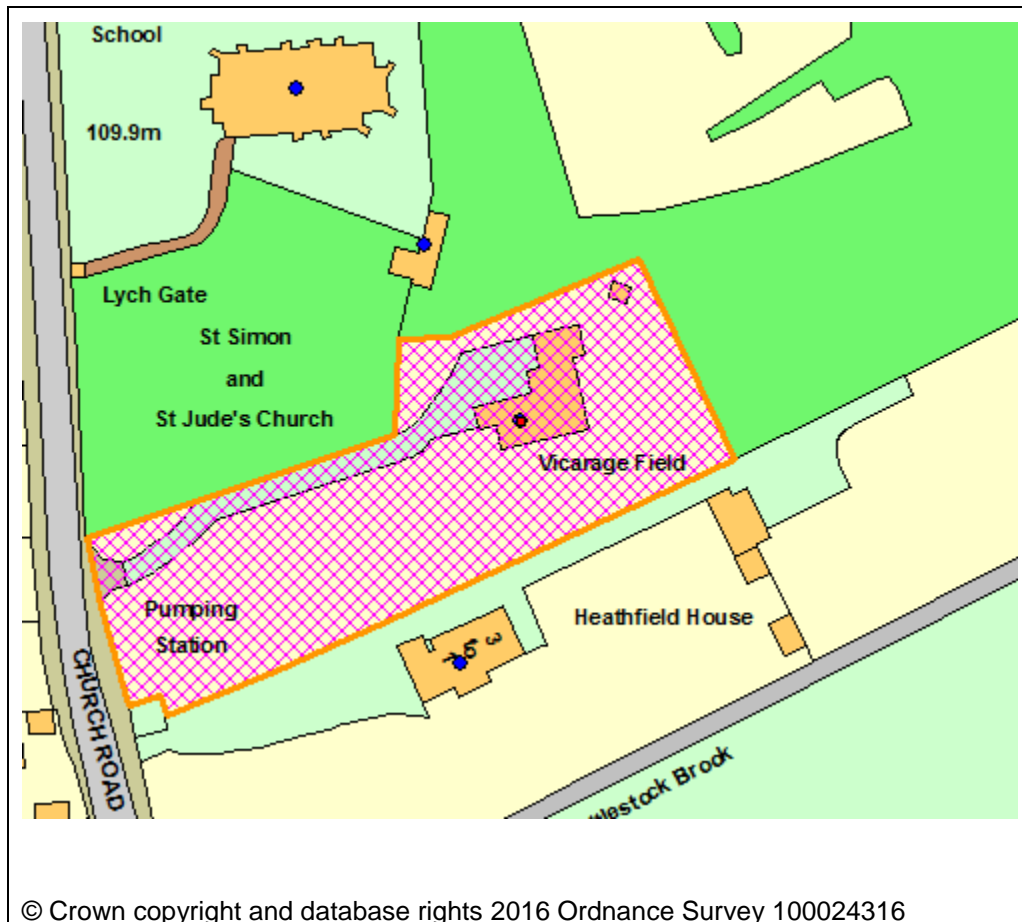
9. The car parking areas shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
10. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.
REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.
11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
REASON: To prevent pollution of the environment in the interests of the amenity.

Notes To Applicants :-

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
2. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.
3. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest. If this is not possible then a nesting bird check is required to be carried out by a suitably qualified, experienced ecologist prior to the works.
4. In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

Application Number	20/02939/FUL
Site Address	Vicarage Field Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LQ
Date	20th January 2021
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426521 E 218623 N
Committee Date	1st February 2021

Location Map



Application Details:

Erection of two replacement detached dwellings with parking and associated landscaping

Applicant Details:

Mr and Mrs D Holmes

I CONSULTATIONS

- | | | |
|-----|---------------------------|---|
| 1.1 | OCC Highways | No objection subject to condition. |
| 1.2 | WODC Drainage Engineers | No objection subject to condition. |
| 1.3 | WODC Env Health - Uplands | No objection. |
| 1.4 | Biodiversity Officer | No objection subject to conditions. |
| 1.5 | Thames Water | On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. |
| 1.6 | Parish Council | Parish Council review and PC comment is OBJECTION for the reasons below: <ul style="list-style-type: none">• Locality of the pumping Station to the development and breaching the pumping station guidelines.• The use of modern cladding in the immediate locality of listed buildings. |

2 REPRESENTATIONS

- 2.1 Two letters of objection have been received in respect of this application. The full letters can be viewed on the Council's website. The key points raised are as follows:
- The reduction in the number of dwellings has resulted in more of the open space being retained however, it is my clients contention that the proposed development will continue to be visible and prominent in the setting of the Church;
 - The scheme continues to give rise to harm to the setting of the Church;
 - The now, largely open, boundary will enable significant overlooking of my clients property. The overlooking experienced will be significant from plot 1 which will have windows from the main habitable space on the ground floor looking toward them (and at an elevated height due to the acknowledged land level changes) and full height windows from two bedrooms at first floor facing towards them. The separation distance at the closest point would be just 19 metres;
 - The increased size will exacerbate the feeling of being overlooked from all parts of the property;
 - There has been a loss of habitat since the owner felled several very large established trees. Our tawney owl population has since disappeared;
 - Milton has had to cope with a development of 60plus houses in addition to infilling and we believe the infrastructure cannot cope with this additional development.

3 APPLICANT'S CASE

3.1 The Planning, Design and Access Statement is concluded as follows:

3.2 Having regard to relevant Development Plan policy, advice in the National Planning Policy Framework, and the terms of the highly material and significant recent appeal decision, the Statement has demonstrated:

- That the principle of the proposed development is acceptable;
- That the proposals would appropriately safeguard the significance of the setting of designated heritage assets;
- That the siting, design, scale and form of the proposed development would appropriately respect and preserve the character and appearance of the area, including the landscape qualities of the Area of Outstanding Natural Beauty;
- That the amenities of neighbouring residential properties would not be adversely affected;
- That an appropriate quality living environment would be created for future occupiers of the dwelling;
- That there would be no adverse impact on existing landscape features on the site that contribute to the visual amenities of the area, with the proposed landscape framework ensuring the development is appropriately assimilated in to the area;
- That there are no highways, access or parking constraints to the proposed development;
- That there are no flooding or drainage constraints to the development; and
- That there are no ecological limitations to the proposed development.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH9 Historic environment

EH11 Listed Buildings

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks consent for the demolition of the existing dwelling and erection of two detached dwellings with parking and associated landscaping at Vicarage Field, Church Road in Milton under Wychwood.

5.2 The site falls within the Cotswold AONB and sits adjacent to the grade II listed, St Simon and St Jude's Church.

5.3 The application is before Members of the Uplands Planning Sub-committee as the Parish Council has raised objections to the application contrary to your officer's recommendation.

Relevant Planning History

5.4 18/02946/FUL - Demolition of the existing dwelling. The erection of three detached dwellings with parking and associated landscaping. - Refused.

19/03060/FUL - Demolition of the existing dwelling. The erection of three detached dwellings with parking and associated landscaping- Refused and appeal dismissed.

5.5 The key points raised in the Planning Inspector's report are as follows :

5.6 The proposal has been designed so that the house on Plot 1 would be set back some 35m from Church Road, nevertheless, the siting of a new dwelling here would significantly erode the extent of the open area at a critical point in the narrower part of the site between Heathfield House and the churchyard. Much of the width of the visual gap would be taken up by a gable end and two storey main elevation of the house on plot 1. Taken together the loss of the open area and the spread of new building caused by the proposed development on plot 1 would visually dominate the space and spoil the setting of the church and churchyard and harm the established character of this area.

5.7 The proposals for plots 2 and 3 would not be so harmful to this local character. The two houses proposed would be sited in a wider part of the site where the space around them would be greater and the westerly new house would be less visually prominent as mainly a gable end would face the public realm of the road. The dwellings proposed, although two storeys in height, would be a reasonable replacement of the existing single storey bungalow which although low lying is otherwise not of a vernacular local design or materials.

5.8 Where the siting of new properties is acceptable, a two storey form would be more characteristic of the distinctive appearance of the general Cotswold area and the environs of Church Road, than the present bungalow.

5.9 The proposed development particularly on plot 1 would have a dominating effect on the present aspect of this existing dwelling which would harm the living conditions of the occupiers.

5.10 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;
- Siting, Design and Form;
- Impact on Heritage Assets;
- Impact on Cotswold AONB;
- Highways;
- Residential Amenity.

Principle

5.11 Milton under Wychwood is classified as a village in the settlement hierarchy identified in the adopted West Oxfordshire Local Plan 2031. Policy H2 of the WOLP 2031 states that new

dwelling will be permitted in villages on previously developed land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general policies in Policy OS2.

- 5.12 Policy OS2 states that villages are suitable for limited development which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state that development should form a logical complement to the existing scale and pattern of development and/or character of the area, be of a proportionate and appropriate scale to its context, not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area, and conserve and enhance the natural, historic and built environment.
- 5.13 The site lies within the Burford-Charlbury Sub-Area wherein the housing strategy (see policies OS2/H1) anticipates delivery of 774 new dwellings through allocated sites comprising a combination of homes already completed and existing commitment, and, where the focus for new housing is centred on Charlbury and Burford. No allowance is made for speculative 'windfall' development within this sub-area, as an allowance has been made in the other sub-areas). This does not however, mean that no further housing development will be permitted.
- 5.14 In the recent appeal relating to application 19/03060/FUL the Planning Inspector accepted that the principle of redeveloping this site for additional housing was supportable if a proposal could overcome the harm identified.
- 5.15 In this case, subject to the below considerations, your officers are of the opinion that the development is considered to be acceptable in principle.

Siting, Design and Form

- 5.16 The site currently comprises a relatively modern detached single storey dwelling with access from the west, off Church Road, and a large open front garden.
- 5.17 Plot 1 would be located in the central section of the site, set back from Church Road by approximately 50.0m. The dwelling would have an 'L-shape' plan form, presenting a narrow gable elevation to the west (towards Church Road), with the majority of the building two-storey in scale (save for a single storey element to the west) and finished with a mixture of coursed limestone and timber boarding (natural oak) under a pitched, slate roof.
- 5.18 Plot 2 would be located on the wider, eastern section of the site and would also have an 'L-shape' plan form. The building, as with Plot 1, would be two-storey in scale and finished with a comparable palette of external materials to Plot 1.
- 5.19 In the appeal decision relating to application 19/03060/FUL for three dwellings on this site, the Planning Inspector made it clear that the third dwelling (known as plot 1 in 19/03060/FUL) would significantly erode the extent of the open area at 'a critical point in the narrower part of the site between Heathfield House and the churchyard' and that much of the width of the visual gap would be taken up by the bulk of the proposed dwelling. The inspector went on to say that plots 2 and 3, which sat further back in the site, would not be so harmful to this local character as the space around them would be greater and the westerly new house would be less visually prominent.

- 5.20 The proposal, the subject of this application, has sought to address the Inspector's concerns by removing the third dwelling which would sit on the narrower, open part of the site closest to the road. The two new dwellings proposed would sit in the same position as plots 2 and 3 referred to by the Inspector.
- 5.21 The proposed two storey form and design is considered to be characteristic of the other existing dwellings along Church Road.
- 5.22 Further, your officers are of the opinion that given the siting and scale of the two dwellings proposed, which can be comfortably accommodated on the wider, rear part of the plot where the existing bungalow sits, and the retention of the open area at the critical point identified by the Planning Inspector in the narrower part of the site between Heathfield House and the churchyard, the proposed development would form a logical complement to the existing pattern and character of development in the area, would not be overly prominent in the street scene and respect the open character and appearance of the site.
- 5.23 As such, the development is considered to be acceptable in these terms.

Impact on Heritage Assets

- 5.24 As the site is within close proximity to the grade II listed, St Simon and St Jude's Church, in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act as amended, the local planning authority shall have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses.
- 5.25 Your officers consider that, by virtue of the siting of the two dwellings towards the rear of the site, the retention of the open space at the front of the plot, the existing residential context, and the scale, design and form of the proposed dwellings, the development would preserve the setting of the heritage asset.

Impact on Cotswold AONB

- 5.26 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance given the built up residential context of the site, and the siting, scale and form of the dwellings which would retain the visually open character and appearance at the front of the site, the development will not be visible beyond its immediate setting and will therefore preserve the wider landscape and scenic beauty of the Cotswold AONB.

Highways

- 5.27 The Local Highway Authority has raised no objections to the application in respect of parking provision, highways safety and convenience. Therefore, the application is considered to be acceptable in these terms.

Residential Amenities

- 5.28 In terms of the impact on residential amenity, the proposed dwelling on plot 1 would sit approximately 22m from the side elevation of Heathfield House. Further, the corner of plot 2

would sit approximately 26m from the rear corner of Heathfield House. In light of this, and by virtue of their scale and design, your officers are of the opinion that the proposed new dwellings would not be overbearing, nor would they result in an adverse loss of light or privacy to the detriment of the occupants of the neighbouring properties.

- 5.29 Concerns have been raised by the Parish Council about the proximity of the Thames Water pumping station to the proposed new dwellings. However, the closest dwelling, Plot I, would sit approximately 50m away from the equipment, and the Council's Environmental Health Officer has raised no objections to the application. Thames Water has acknowledged the proximity of the development to the pumping station and has suggested an informative to be added to the consent if the application is approved. In light of this, and given the existing residential context of the site, your officers are of the opinion that this element of the application is acceptable.
- 5.30 Further, the proposed dwellings are considered to be served by suitable private outdoor amenity space.

Biodiversity and Landscaping

- 5.31 The Council's Ecologist has raised no objections to the application, subject to a number of conditions and an informative which will ensure that the species and habitats are protected, and that a number of biodiversity enhancements on the site are secured. The proposed conditions include the submission of a comprehensive landscaping scheme which will ensure the effective delivery of improved landscaping on the site and to secure enhancements for biodiversity. Your officers consider this to be a positive benefit and therefore acceptable in these terms.

Conclusion

- 5.32 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS3, OS4, H2, EH1, EH9, EH11, and T4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions 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. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area and setting of heritage assets.
4. The development shall be completed in accordance with the recommendations in Section 5 of the Initial Ecology Appraisal, dated 4th September 2019 prepared by James Johnston Ecology, as submitted with the planning application. All the recommendations shall be implemented in full

according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

5. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, as well as a hedgehog hibernation box, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and refugia for hedgehogs as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

6. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that light spillage into wildlife corridors will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including the creation of hedgerows using native, locally characteristic species as well as other biodiversity enhancements (such as a wildlife pond, wildflower meadow areas or woodland bulb planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

10. That, prior to the commencement of above ground development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

11. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

12. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

Notes To Applicants:-

- I. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

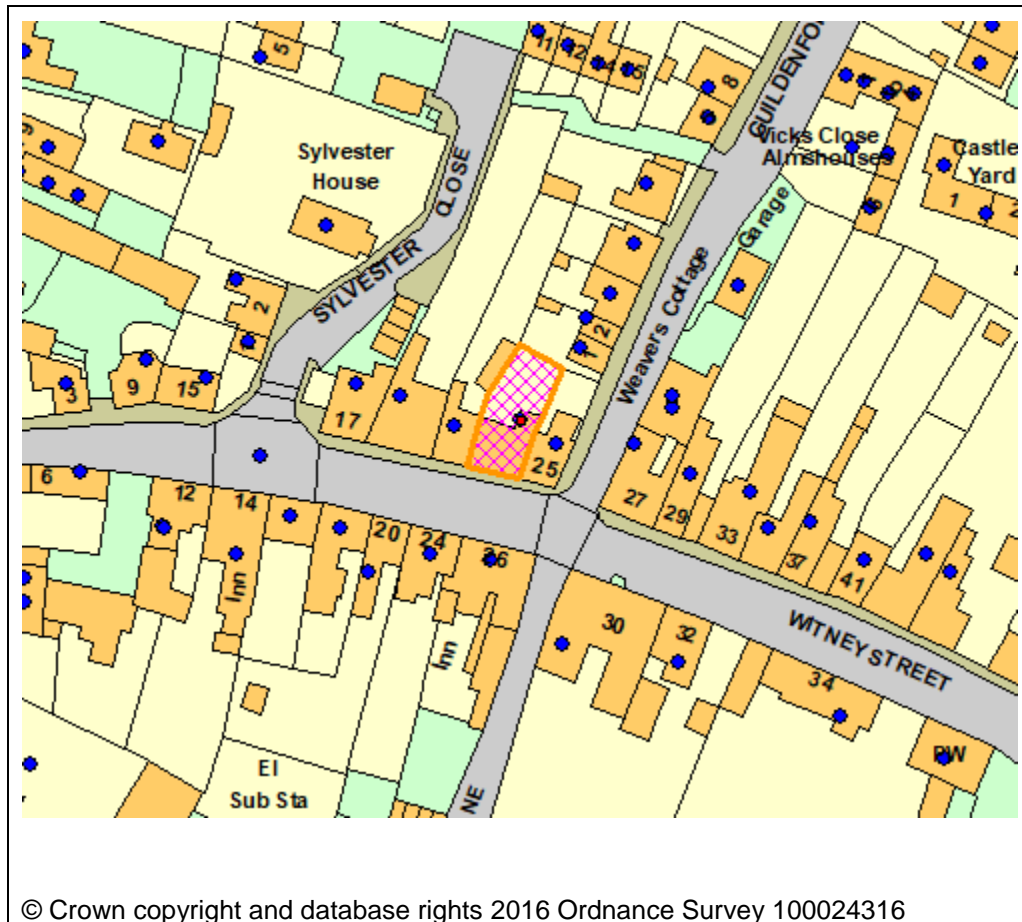
In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

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 an amber impact zone as per the modelled district licence map, which indicates that there is 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.

2. The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.

Application Number	20/03021/HHD
Site Address	The Fullers Cottage 23 Witney Street Burford Oxfordshire OX18 4RX
Date	20th January 2021
Officer	Declan Jermy
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425267 E 212176 N
Committee Date	1st February 2021

Location Map



Application Details:

Erection of a single storey flat roof extension and first floor pitched roof rear extension

Applicant Details:

Mr Robert Burnside
The Fullers Cottage, 23 Witney Street, Burford, OX18 4RX

I CONSULTATIONS

- 1.1 Parish Council No objection.

2 REPRESENTATIONS

- 2.1 No third party representations to date.

3 APPLICANT'S CASE

- 3.1 The Design and Access Statement is concluded as follows:
- 3.2 The proposed new extensions will enhance the appearance of the area as it will be constructed in a traditional manner using material to match the existing. The extensions are subservient to the existing dwelling both in scale and proportion, and would enable emergency services access all around the site. The proposed extensions do not affect the existing historic fabric or finishes.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH1 Cotswolds AONB

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH12 Traditional Buildings

EH13 Historic landscape character

BC1NEW Burford-Charlbury sub-area

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 is brought before Members of the Uplands Planning Sub-Committee for consideration as the application has been called in by the local member, Councillor Cotterill.
- 5.2 The application seeks planning permission for the erection of a single storey flat roof extension and first floor pitched roof rear extension. The application site relates to the grade II listed building (List Entry Number: 1266349) dating from the 17th century (possibly earlier) with minor later additions and alterations. The building is also located within Burford Conservation Area and the Cotswolds AONB.
- 5.3 This application is made following the withdrawal of previous applications for planning permission and listed building consent (REF: 19/01581/HHD & 19/01582/LBC). The previous application was for the same development proposal 'Erection of single and two storey rear

extensions'. The application was withdrawn following an objection from the Conservation Officer which concluded:

"This proposal will significantly alter the character, significance, appearance and nature of this listed cottage, including the setting, and character and appearance of the wider conservation area... Contrary to national and local legislation and policy, including LP 2031, EH9, EH10, EH11, EH12, EH13 and OS4, NPPF Section 16 and WODC Design Guidance Section 14 (Alterations and Extensions)".

5.4 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
- Impact on the Listed Building
- Impact on the Conservation Area
- Impact on the Cotswold AONB
- Residential amenity

Principle

5.5 This application seeks permission for alterations and a domestic extension within the residential curtilage of an existing dwelling. The principle of development is therefore acceptable subject to heritage, design and amenity issues being carefully considered against the West Oxfordshire Local Plan and West Oxfordshire Design Guide.

5.6 Policy EH9 states that all proposals should conserve and/or enhance the special character; appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance, and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment.

5.7 It directs your officers to assess whether applicants have demonstrated that their proposal would, in order of preference: avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s); minimise any unavoidable and justified (by the public benefits that would accrue from the proposed development - see below) adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available; demonstrate that any new development that would result in the unavoidable and justified loss of all or part of a heritage asset would proceed within a reasonable and agreed timetable that makes allowance for all necessary safeguarding and recording of fabric and other remains, including contingencies for unexpected discoveries.

5.8 Proposals which would harm the significance of a designated asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.

5.9 Policy EH11 sets out that additions to Listed Buildings will be permitted where development; conserves or enhances the special architectural or historic interest of the building's fabric, detailed features, appearance or character, and setting, respects the building's historic curtilage and retains the special interest that justifies its designation.

5.10 The impact on the heritage assets will be assessed in detail below.

Impact on the Listed Building

5.11 Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

5.12 With regard to listed buildings our Design Guidance - Section 14: Extensions and Alterations states:

'in some cases (perhaps owing to the building's sensitivity, or because it has already been extended) it may be impossible to extend the building at all without causing undue harm to its character or fabric. And, any proposed extension... resulting in the loss of significant original fabric or features, or which fails to respond sympathetically or meaningfully to the Listed Building, is unlikely to be supported'.

5.13 Paragraph 189 of the National Planning Policy Framework (NPPF) sets out that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.14 Paragraph 193 and 194 of the NPPF states that when considering the impact of any proposal on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.

5.15 In this case, the Council's Conservation Officer has advised that the heritage statement provided by the applicant is insufficient and does not adequately address what the significance of the listed building is, including its setting. And, what fabric will be lost, and what the impact of the proposal will have on any significance including its setting. And, they considers the proposal to add a two-storey extension and to enlarge the current ground floor extension to have a deleterious impact on the character, significance, historic fabric and built and plan form of this listed building.

5.16 Further, the current proposal to extend /elongate the plan form of this listed building to create an en-suite bathroom and additional living space would include structural intervention and puncturing through historic fabric which would result in a building significantly greater in size, and would harmfully affect its fabric, form and character.

5.17 Whilst your officers acknowledge that change can sometimes be acceptable in achieving public (heritage) benefit and ensuring the preservation of a heritage asset, we are guided to manage that change in such a way that prevents undue harm to character, significance and historic fabric. We are further guided to conserve and enhance our heritage assets, so even if harm has been

done in the past, we must look for ways to improve them. Furthermore, we require clear and convincing justification for any proposal that is likely to cause harm.

- 5.18 In this case, the proposed extensions will have a transformative impact on this listed building, obscuring and eroding what is left of the rear façade, harmfully altering its built and plan form. And, because the property's optimum viable use is not at risk because it can still function as a residence in the absence of the en-suite extension and enlarged ground floor, therefore, no discernible public (heritage) benefits can be derived from this proposal.

Impact on the Conservation Area

- 5.19 As the site sits within the Burford 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. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.20 The architectural character and quality of buildings the houses and cottages of Burford are generally small in scale and vernacular in form, where a range of simple plan forms exist. As such, the existing buildings, historic settlement patterns should remain largely undisturbed. Any large extensions or an accumulation of extensions can easily obscure the simple form of traditional buildings, and should be avoided.
- 5.21 In this regard, in light of the above assessment, the proposed development is not considered to respect the special qualities and historic context of the Conservation Area and would not maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Impact on the Cotswold AONB

- 5.22 The dwelling is also located within the Cotswolds AONB. Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. It is considered that the proposed alterations and replacement extension would only be viewed in its immediate context which is wholly residential and will therefore conserve the wider Cotswold AONB.

Impact on residential amenity

- 5.23 Given the nature of what is proposed and its siting, design and scale, officers are of the opinion that the proposed single storey and first storey extension would not give rise to any adverse impacts in regards to neighbouring amenity. Therefore the proposal is considered acceptable in this regard.

Conclusion

- 5.24 In light of the above, the proposal does not preserve the character, form and setting of this listed building and the conservation area, and there are no discernible public benefits. Consequently, the proposal is contrary to policies OS2, OS4, H6, EH9, EH10, EH11, EH12 and EH13 of the West Oxfordshire Local Plan (2031), Section 16 of the National Planning Policy

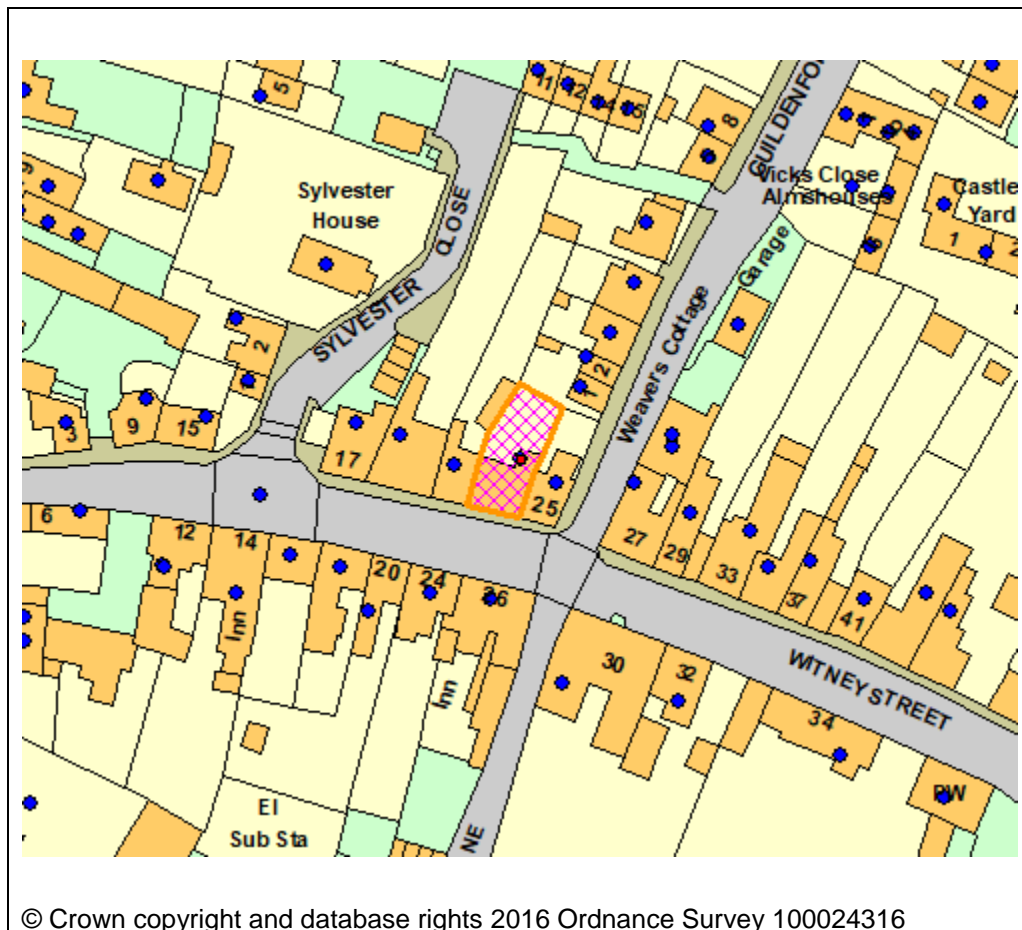
Guidance (NPPF), and Sections 6 & 14, of the WODC Design Guidance and is therefore recommended for refusal.

6 REASON FOR REFUSAL

The development, by reason of its siting, scale and form, would have a detrimental transformative impact on the simple scale and form of the grade II listed building failing to preserve the character, form and setting of the listed building, and the character and appearance of the Conservation Area. . Further, the optimum viable use of the building is not at risk, and not dependent on a two storey extension - because the building can still function as a residence, and there are no discernible public benefits that would outweigh the less than substantial harm that would arise from the proposed scheme. Consequently, the proposal is contrary to policies OS2, OS4, EH9, EH10 and EH11, of the West Oxfordshire Local Plan 2031, Sections 16 of the National Planning Policy Framework, Sections 14 & 16 of the WODC Design Guide 2016.

Application Number	20/03022/LBC
Site Address	The Fullers Cottage 23 Witney Street Burford Oxfordshire OX18 4RX
Date	20th January 2021
Officer	Declan Jermy
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425267 E 212176 N
Committee Date	1st February 2021

Location Map



Application Details:

Internal and external alterations to create a single storey flat roof extension and first floor pitched roof rear extension works to include the insertion of a lantern roof light to existing kitchen roof

Applicant Details:

Mr Robert Burnside
The Fullers Cottage, 23 Witney Street, Burford, OX18 4RX

I CONSULTATIONS

I.1 Conservation Officer

The proposal affects a grade II listed building - formerly two cottages, dating from the 17th century (possibly earlier). The property is located in Burford Conservation Area. The significance of this building is its vernacular architectural and historic illustrative and evidential value.

The proposal is for internal and external alterations to create a single storey flat roof extension and first floor pitched roof rear extension works to include the insertion of a lantern roof light to existing kitchen roof.

The current proposal is insupportable, the proposal to add a two-storey extension, and to enlarge the current ground floor extension will have a deleterious impact on the character, significance, historic fabric and built and plan form of this listed building; the current proposal is contrary to policy.

While there is an attempt to provide a heritage statement - unfortunately, it does not adequately address the impact of the proposal on the significance of this listed building and it does not provide clear and convincing justification as to why this proposal is a public (heritage) benefit as opposed to a private benefit, and why its optimum viable use is at risk in accordance with heritage policy and the Government's guidance on the Historic Environment: <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#designated-heritage-assets>.

For example, there is no assessment of the current bedroom where there is an intention to block a window and open historic fabric next to the window to access the new extension - there is clearly some significance in the feature that is currently a window - why there a larger timber lintel(?) above the window - was this window larger? Is it actually a lintel?...these are questions that would require addressing. There is clearly going to be structural intervention - has a structural survey been considered? And how will the harm of opening historic fabric be mitigated?

Also, the rear of this building has already received a flat roof extension - possibly one prior to 1970's with what appears to be another part before 2009 (of unknown date - although there is no planning history for any of these) - see mapping below. Therefore, caution must now be observed for any further treatment of this building, otherwise we are in danger of losing the original form and any architectural details and composition that may be left. We always need to understand a building in detail, to allow us to make informed decisions.

Nevertheless, from what I saw during a previous site visit and from the application itself, gives me enough cause to assess that the current proposal will cause harm to this listed building and its setting. The intention to add the second storey is transformative, with its only intention to add an en-suite, when there is already a bathroom on this floor. Also, there is an enlargement of the ground floor extension which will nearly double the footprint of this original building and will be too large-scale in massing and amount, harmfully altering the original built and plan-form.

Furthermore, as the property is located within Burford Conservation Area, the architectural character and quality of buildings the houses and cottages of Burford are generally small in scale and vernacular in form, where a range of simple plan forms exist. As such, the existing buildings, historic settlement patterns should remain largely undisturbed. Any large extensions or an accumulation of extensions can easily obscure the simple form of traditional buildings, and should be avoided.

In our Design Guidance Section 14: Extensions and Alterations Para 14.2 with regard to extensions and amount it states: 'while many properties can successfully accommodate some degree of enlargement, no property can accommodate endless enlargement without fundamentally compromising aspects of its original character and design. Even an apparently modest extension may be inappropriate if, for example, the original property has already been significantly extended.'

And, 'extensions which would, through their scale and massing, result in the primacy of the original property being eroded or lost altogether should be avoided... an extension or accumulation of extensions which would double, or more than double, the existing volume, is unlikely to be supported'.

Also, Para 14.7 states: ...in some cases (perhaps owing to the building's sensitivity, or because it has already been extended) it may be impossible to extend the building at all without causing undue harm to its character or fabric. Any proposed extension likely to obscure the original form of a Listed Building, to obscure or result in the loss of significant original fabric or features, or which fails to respond sympathetically or meaningfully to the Listed Building, is unlikely to be supported.

Whilst we acknowledge that change can sometimes be acceptable in achieving public (heritage) benefit and ensuring the preservation of a heritage asset, we are guided to manage that change in such a way that prevents undue harm to character, significance and historic fabric. We are further guided to conserve and enhance our heritage assets, so even if harm has been done in the past, we must look for

ways to improve them. Furthermore, we require clear and convincing justification for any proposal that is likely to cause harm.

In this case, the proposed extension will have a transformative impact on this listed building, obscuring and eroding what is left of the rear façade, harmfully altering its built and plan form. And, because the property's optimum viable use is not at risk because it can still function as a residence in the absence of the en-suite extension and enlarged ground floor, therefore, no discernible public (heritage) benefits can be derived from this proposal.

The proposal does not preserve the character, form and setting of this listed building and the conservation area, and there are no discernible public benefits. Consequently, the proposal is contrary to policies EH9, EH10, EH11, EH12, EH13, OS4, NPPF Section 16, WODC Design Guidance Section 6 & 14, therefore, I raise an objection and recommend refusal for the extensions.

- 1.2 Parish Council No objection.
- 1.3 Historic England No Comment Received.

2 REPRESENTATIONS

- 2.1 No third party representations to date.

3 APPLICANT'S CASE

- 3.1 The Design and Access Statement is concluded as follows:
- 3.2 The proposed new extensions will enhance the appearance of the area as it will be constructed in a traditional manner using material to match the existing. The extensions are subservient to the existing dwelling both in scale and proportion, and would enable emergency services access all around the site. The proposed extensions do not affect the existing historic fabric or finishes.

4 PLANNING POLICIES

OS4NEW High quality design
EH9 Historic environment
EH11 Listed Buildings
DESGUI West Oxfordshire Design Guide
NPPF 2019
OS2NEW Locating development in the right places
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH12 Traditional Buildings
EH13 Historic landscape character
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 is brought before Members of the Uplands Planning Sub-Committee for consideration as the application has been called in by the local member, Councillor Cotterill.
- 5.2 The application seeks listed building consent for the internal and external alterations to create a single storey flat roof extension and first floor pitched roof rear extension with the works to include the insertion of a lantern roof light to existing kitchen roof.
- 5.3 Fullers Cottage is a Grade II listed dwellinghouse and is located within the Burford Conservation Area and the Cotswolds AONB.
- 5.4 This application is made following the withdrawal of a previous application for planning permission and listed building consent (REF: 19/01581/HHD & 19/01582/LBC). The previous application was for the same development proposal 'Erection of single and two storey rear extensions'. The application was withdrawn following an objection from the Conservation Officer which concluded:
- 5.5 "This proposal will significantly alter the character, significance, appearance and nature of this listed cottage, including the setting, and character and appearance of the wider conservation area... Contrary to national and local legislation and policy, including LP 2031, EH9, EH10, EH11, EH12, EH13 and OS4, NPPF Section 16 and WODC Design Guidance Section 14 (Alterations and Extensions)".
- 5.6 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:
- Impact on the listed building

Impact on the listed building

- 5.7 The Fullers Cottage is a grade II listed building (listing entry number: 1266349). Therefore, Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.8 With regard to listed buildings our Design Guidance - Section 14: Extensions and Alterations states:
'in some cases (perhaps owing to the building's sensitivity, or because it has already been extended) it may be impossible to extend the building at all without causing undue harm to its character or fabric. And, any proposed extension... resulting in the loss of significant original fabric or features, or which fails to respond sympathetically or meaningfully to the Listed Building, is unlikely to be supported'.

- 5.9 Paragraph 189 of the National Planning Policy Framework (NPPF) sets out that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.10 Paragraph 193 and 194 of the NPPF states that when considering the impact of any proposal on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.
- 5.11 In this case, the proposal introduces two large elements to the rear of the listed building that were not previously there, thus affecting the character of the vernacular building. Given the size and location, the second storey is transformative to the detriment of the historic fabric of the heritage asset completely altering the existing rear facade, with its only intention to add an en-suite, when there is already a bathroom on this floor. Further, the enlargement of the single storey rear extension as proposed would nearly double the footprint of this original building and will, in massing and amount, have a deleterious impact on the character, significance, historic fabric and built and plan form of this listed building.
- 5.12 Further, the current proposal to extend /elongate the plan form of this listed building to create an en-suite bathroom and additional living space would include structural intervention and puncturing through historic fabric which would result in a building significantly greater in size, and would harmfully affect its fabric, form and character.
- 5.13 In addition, the Council's Conservation Officer has advised that the heritage statement provided by the applicant is insufficient and does not adequately address what the significance of the listed building is, including its setting. And, what fabric will be lost, and what the impact of the proposal will have on any significance including its setting.
- 5.14 Whilst your officers acknowledge that change can sometimes be acceptable in achieving public (heritage) benefit and ensuring the preservation of a heritage asset, we are guided to manage that change in such a way that prevents undue harm to character, significance and historic fabric. We are further guided to conserve and enhance our heritage assets, so even if harm has been done in the past, we must look for ways to improve them. Furthermore, we require clear and convincing justification for any proposal that is likely to cause harm.
- 5.15 In this case, the proposed extensions will have a transformative impact on this listed building, obscuring and eroding what is left of the rear façade, harmfully altering its built and plan form. And, because the property's optimum viable use is not at risk because it can still function as a residence in the absence of the en-suite extension and enlarged ground floor, therefore, no discernible public (heritage) benefits can be derived from this proposal.

Conclusion

- 5.16 In light of the above, the proposal does not preserve the character, form and setting of this listed building and there are no discernible public benefits. Consequently, the proposal is contrary to policies EH9, EH10, EH11, EH12, EH13, OS2 and OS4 of the West Oxfordshire Local Plan (2031), Section 16 of the National Planning Policy Guidance (NPPF), and Sections 6 & 14, of the WODC Design Guidance and is therefore recommended for refusal.

6 REASON FOR REFUSAL

The development, by reason of its siting, scale and form, would have a detrimental transformative impact on the simple scale and form of the grade II listed building failing to preserve the character, form and setting of the listed building. Further, the optimum viable use of the building is not at risk, and not dependent on a two storey extension - because the building can still function as a residence, and there are no discernible public benefits that would outweigh the less than substantial harm that would arise from the proposed scheme. Consequently, the proposal is contrary to policies OS2, OS4, EH9, and EH11, of the West Oxfordshire Local Plan 2031, Sections 16 of the National Planning Policy Framework, Sections 14 & 16 of the WODC Design Guide 2016.