

**Item No 07:-**

**16/04546/FUL (CD.1034/X)**

**7 New Road  
Bledington  
Chipping Norton  
Gloucestershire  
OX7 6UU**

## Item No 07:-

**Erection of a two-storey, two-bedroom attached dwelling at 7 New Road Bledington Chipping Norton Gloucestershire**

<b>Full Application 16/04546/FUL (CD.1034/X)</b>	
<b>Applicant:</b>	Ms Jessica Kennedy
<b>Agent:</b>	
<b>Case Officer:</b>	Alison Williams
<b>Ward Member(s):</b>	Councillor Julian Beale
<b>Committee Date:</b>	11th January 2017
<b>RECOMMENDATION:</b>	<b>APPROVE</b>

**Main Issues:**

- (a) Principle of a new dwelling
- (b) Impact on the character and appearance of the area
- (c) Impact on neighbouring amenity
- (d) Impact on trees
- (e) Impact on Parking
- (f) Impact on Residential Amenity
- (g) Impact on Drainage

**Reasons for Referral:**

Cllr. Julian Beale has requested that the application be considered at committee for the following reason "The local community and the Parish Council are vehement in their opposition to the establishment of a separate dwelling at this location, citing concerns that it would represent over development and a significant adverse impact on the street scene. I would prefer, therefore, for this Application to go to Committee".

**1. Site Description:**

7 New Road is a semi-detached property located at the end of a private road. The road serves a number of existing dwellings. The properties are two storey with varying extensions and alterations.

The proposals seek to construct a two storey attached dwelling on the southern gable of No.7. The proposed dwelling would be stepped forward of the principle elevation of No.7 and 8 by 2.35m via a gable element. The property would be 4m in width with a 0.9m gap between the boundary of the property and No.6a. The property would then be constructed in line with the rear elevation of No.7. The dwelling would be constructed in materials to match No.7. A canopy porch would be constructed on the front elevation. The garden would measure 7.3m in length and 5m in width.

The proposals would provide a hall, downstairs toilet and open plan kitchen/living room on the ground floor with stairs leading up to two bedrooms and a bathroom.

Two parking spaces are proposed to the front of the dwelling.

The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The site is within the Cotswolds AONB.

**2. Relevant Planning History:**

None

**3. Planning Policies:**

NPPF National Planning Policy Framework  
 LPR09 Biodiversity, Geology and Geomorphology  
 LPR19 Develop outside Development Boundaries  
 LPR38 Accessibility to & within New Develop  
 LPR39 Parking Provision  
 LPR42 Cotswold Design Code  
 LPR46 Privacy & Gardens in Residential Deve

**4. Observations of Consultees:**

Tree Officer - No objection

Thames Water - No objection subject to informative

**5. View of Town/Parish Council:**

Bledington Parish Council - Object to the application in relation to overdevelopment of the site, impact on access and parking, impact on water and sewage systems and precedent.

**6. Other Representations:**

A petition signed by 31 people has been received. This sets out objections in relation to impact on existing water supplies, adverse impact on neighbouring properties, and adverse impact on highway safety.

No planning reasons raised in relation to devaluation of the property.

**7. Applicant's Supporting Information:**

Planning Statement

**8. Officer's Assessment:****(a) Principle of the Proposed Development**Local Plan Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001 - 2011 (referred to herein as the 'Local Plan').

As shown on the Proposals Map to the Local Plan, the application site is clearly located outside of an adopted development boundary. The correct policy to apply, in terms of the principle of the proposed development, is therefore Local Plan Policy 19 (Development Outside Development Boundaries). Local Plan Policy 19 explicitly excludes the development of open market housing outside of adopted development boundaries, unless specifically supported by other policies contained in the Local Plan i.e. through conversion or as enabling development.

It would have to be acknowledged therefore, that the proposals are a 'departure' from the adopted development plan. However this policy is inconsistent with the NPPG which sets out that all settlements can play a role in delivering sustainable development in rural areas - and so blanket

policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence. Policy 19 effectively seeks to impose an in principle refusal of new build housing in the majority of settlements within the District.

### National Planning Policy

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

The NPPF states that 'there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles'. These are an economic role whereby it supports growth and innovation and contributes to a strong, responsive and competitive economy. The second role is a social one where it supports 'strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations'. The third role is an environmental one where it contributes to protecting and enhancing the natural, built and historic environment. Paragraph 8 of the NPPF states that the three 'roles should not be undertaken in isolation, because they are mutually dependent'. It goes on to state that the 'planning system should play an active role in guiding development to sustainable solutions.'

To this end, it is a necessary requirement to have full regard to economic, social and environmental considerations when assessing proposals for new development. Of particular relevance to this case is the need to balance the social need to provide new housing (which would weigh positively in favour of the proposed development) against the environmental impacts.

### Five Year Housing Land Supply

Paragraph 47 of the NPPF states that Councils should identify a supply of deliverable sites sufficient to provide five years' worth of housing. It also advises that an additional buffer of 5% or 20% should be added to the five year supply 'to ensure choice and competition in the market for land'. In instances when the Council cannot demonstrate a five year supply of deliverable housing sites, Paragraph 49 states that the 'relevant policies for the supply of housing should not be considered up-to-date'.

The Council's land supply position has been subject to scrutiny in recent months. In September 2014 the Planning Inspectorate issued a decision in relation to the erection of up to 120 dwellings on land to the south of Cirencester Road, Fairford (APP/F1610/A/14/2213318). In the decision the Planning Inspector stated 'I conclude that the Council is unable to demonstrate a five-year supply of deliverable housing sites.' He also considered that the Council had not undertaken a calculation of Objectively Assessed Needs (OAN) for the District. The Council could not therefore demonstrate that it had the requisite land supply. However, in October 2014 an OAN Report was finalised. On the basis of the OAN figure contained in this report the Council is able to demonstrate a 7.74 year supply of housing land (inclusive of a 20% buffer).

It has however, recently been found by an Inspector that Local Plan Policy 19, irrespective of land supply, is 'out-of-date' (Land east of Broad Marston Road, Mickleton Appeal Ref: APP/F1610/A/14/2228762). In this decision, while the application's conflict with the adopted development plan was noted, the Inspector relied upon the application of paragraph 14 of the NPPF in his determination of the proposals. There is a significant amount of inconsistency in appeal decisions in respect of this matter. However, it seems that the correct approach is to first consider if policies relating to housing are 'out of date' in the context of paragraph 49 and then consider the degree of consistency that those policies have with the framework in accordance with paragraph 215. Paragraph 215 states that '...due weight should be given to relevant policies

in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In respect to Local Plan Policy 19 this assessment has already been undertaken by the Inspector at paragraphs 13 to 17 of his decision. Accordingly, it is therefore considered to be the case that Local Plan Policy 19 can be accorded only little weight, and such little weight that it is therefore relevant to determine applications for housing in accordance with paragraph 14. However, in this case, the site is located in the AONB which would indicate that development should be restricted. Nonetheless, it remains pertinent for a decision maker to consider an adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole and the need to boost significantly the supply of homes.

It is also evident that the continuing supply of housing land will only be achieved, prior to the adoption of the new Local Plan, through the planning application process. Allocated sites in the current Local Plan have essentially been exhausted. In order to meet its requirement to provide an ongoing supply of housing land there will remain a continuing need for the Council to release suitable sites outside Development Boundaries for residential development. It is considered that the need to release such sites represents a material consideration that must be taken into fully into account during the decision making process.

The NPPF seeks to boost significantly the supply of housing and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies three dimensions to sustainable development - economic, social and environmental - whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.

There would clearly be economic and social benefits associated with the proposal, including: the provision of a new home and construction jobs are recognised.

There is no reason to doubt that any future occupants would play a role in the community or that they would support local services. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would be minimal.

The final emerging Local Plan consultation paper (Cotswold District Local Plan 2011-2031: Submission Draft Reg 19 June 2016) includes the following draft policy. The policy provides an indication of the new Local Plan's approach to new residential development outside the 17 proposed key settlements.

#### **Policy DS3 RESIDENTIAL DEVELOPMENT OUTSIDE THE PRINCIPAL SETTLEMENTS**

1. Outside the Development Boundaries of Principal Settlements, small-scale residential development will be permitted provided it:

- (a) is within or adjacent to a rural settlement;
- (b) is of a proportionate scale and maintains and enhances sustainable patterns of development;
- (c) complements the form and character of the settlement;
- (d) does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period; and
- (e) demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally.

2. Applicants proposing two or more residential units on sites outside Development Boundaries should complete a rural housing pro-forma and submit this with the planning application.

The above draft policies may be subject to change as a result of the recent consultation process and as a result carry minimal weight at the present time.

However Bledington while not identified as one of the 17 settlements for growth in the emerging Local Plan it does benefit from a Primary School, Post Office, Church and pub. In addition there is a bus stop 93m from the site. This is served by a regular daily bus service to Kingham Train Station, Chipping Norton, Stow and Broadwell. It is not therefore considered reasonable to refuse an application for one residential dwelling on the basis of principle in this particular location. Villages, including Bledington, should expect to receive their proportionate share of new development in the period up to 2026. Provision of one dwelling is considered proportionate in this case and would not conflict significantly with the principles of sustainable development set out in either Local Plan Policy 19 or the NPPF.

#### **(b) Impact on the Character of the Surrounding Area**

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85 Countryside and Rights of Way Act 2000).

Paragraph 17 of the NPPF states that planning should recognise 'the intrinsic character and beauty of the countryside'

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes'.

Paragraph 115 states that 'great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.'

Local Plan Policy 42 advises that 'Development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship'

Policy 19 of the Cotswold District Local Plan sets out that development proposals should relate well to existing development and would cause significant harm to existing patterns of development.

New Road is modern housing estate constructed in the 1950's with later housing in the 1990's. The site is located outside of the Bledington Conservation Area but is within the Cotswold AONB.

The character and appearance of the properties within the surrounding area on New Road are two storey and predominantly semi-detached however there are some stepped terracing at the entrance to New Road and terracing at the end of the cul-de-sac. Gable detailing to the front is present along New Road and in some properties the gable elements extend past the front elevation. There is no established build line to the properties along New Road that contribute to the character of the modern housing estate or create a street scene. Properties are generally served by a front garden and off street parking to the front with gardens to the rear and similar separation distance between the properties.

The proposals would construct a gable projection extending 2.35m from the front elevation of No.7. While this would be forward of the front elevations of No.7 and No.8 New Road it would be stepped back from 6a to the south east of the site. As set out the build line of properties in New Road is not characterful and varies along the development. Therefore while the design of the proposed dwelling does not match the attached properties it would be constructed in materials to match the existing dwellings and would draw on the varied designed details of properties along New Road. As such it is considered that the design would not be harmful to the character and appearance of the area in this built up part of the AONB.

It is acknowledged that the separation distances between the boundary of No.6a and the proposed dwelling would reduce to 0.9m. However, while this would alter the character of the

layout of dwellings in this particular part of New Road it is not considered that this would result in significant harm to warrant the refusal of the application.

Therefore it is considered that the proposals would provide a 2 bedroom dwelling that would contribute to maintaining a varied housing stock within Bledington. In addition the scale, design and layout of the proposals would not result in significant harm to the character and appearance of the area and the AONB. As such the proposals are considered to comply with Policies 19 and 42 of the Cotswold District Local Plan and Para 115 of the NPPF.

### **(c) Impact on neighbouring amenity**

No.6a is located to the south east of the site. The proposed dwelling would be stepped back from the front elevation of No.6a by 2.4m as such the proposals would not impact on the amenity of the windows to the front of the property. The driveway for No.6a would be alongside the proposed driveway to serve the proposed property. There are no windows in the gable of No.6a and as such no loss of light would result. The proposed dwelling would be built in line with the rear elevation of No.7 and would be set down in ridge height to No.7. The site layout plan provided demonstrates that the windows in No.6a would not be adversely impacted by the proposals in relation to loss of light and the 45 degree rule. While the development would be visible from No.6a it would be 3.8m from No.6a and as such it is considered that given the scale of the proposed dwelling an overbearing impact would not result.

The proposed dwelling would attach to the south eastern gable of No.7 which is owned by the applicant. The property has been designed to maintain the amenity of this existing dwelling in relation to privacy and light.

A 7m long garden would be created to serve the proposed dwelling resulting in an L-shaped garden to serve No.7. The proposed amenity spaces would maintain sufficient and adequate private amenity space to serve both dwellings.

No.8 have objected to the proposals in relation to loss of value of their property. While there property would become an end of terrace rather than semi-detached, property value is not a material consideration of a planning application.

As such it is considered that the proposed dwelling would maintain the amenity of neighbouring properties and would provide adequate amenity space to serve the dwelling proposed in accordance with Policy 46 of the Cotswold District Local Plan.

### **(d) Impact on Trees**

There is a tree within the front garden of No.7 which is within proximity of the proposed parking area to serve the new dwelling. The tree officer has viewed the tree and does not consider it worthy of protection. The proposals would retain the tree in it's currently location however it is not considered necessary to condition that the tree be retained.

### **(e) Impact on parking and the highway**

The proposals would provide a 5m wide by 5.4m long parking area sufficient for two cars to park alongside each other. This is a similar arrangement to many properties along New Road. There would then be a further 3m strip of land before reaching the private access road. While cars would have to reverse onto the private road this is an existing arrangement for properties along this section of New Road. There is considered to be sufficient space to turn a vehicle that would not pose a risk to pedestrian or highway safety. The provision of two parking spaces to serve a 2 bedroom dwelling is considered acceptable. The proposals are therefore considered to be in accordance with Policies 38 and 39 of the NPPF.

#### (f) Drainage and water systems

While it is acknowledged that local concern has been raised regarding water pressure and waste water removal the provider Thames Water have been consulted on the proposals and they raise no objections. As such it is considered that the proposals would not result in significant harm to existing water and waste water systems.

#### Conclusion

Overall, it is considered that the proposal will help to address the Council's need to provide a continuing supply of housing land. It is noted that the Council can currently demonstrate a robust 5 year supply of deliverable housing land. However, this requirement is a minimum not a maximum and as such the Council still needs to ensure that a supply of land is maintained in order to meet its ongoing requirements. Whilst the weight that can be given to the need to provide housing when the supply is in surplus is less than when the supply is in deficit the provision of housing still carries weight when considering this application, especially given the requirement of the NPPF to 'boost significantly the supply of housing' (Para 49).

It is considered that the proposed development could be undertaken without having an adverse impact on the character or appearance of the Cotswolds AONB.

In addition to the above the site is also located in a sustainable location in terms of accessibility to services and facilities. It is considered that the proposal accords with the principles of sustainable development as set out in the National Planning Policy Framework and that this constitutes a significant material consideration that justifies a departure from the current Development Plan. It is therefore recommended that the application is granted permission.

#### 10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

01 REV A, 04 REV B, 05 REV B, 06, 07

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The materials to be used for the external walls and roof of the development hereby permitted shall match those used in the existing building.

**Reason:** To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development hereby permitted is completed in a manner appropriate to the site and its surroundings.

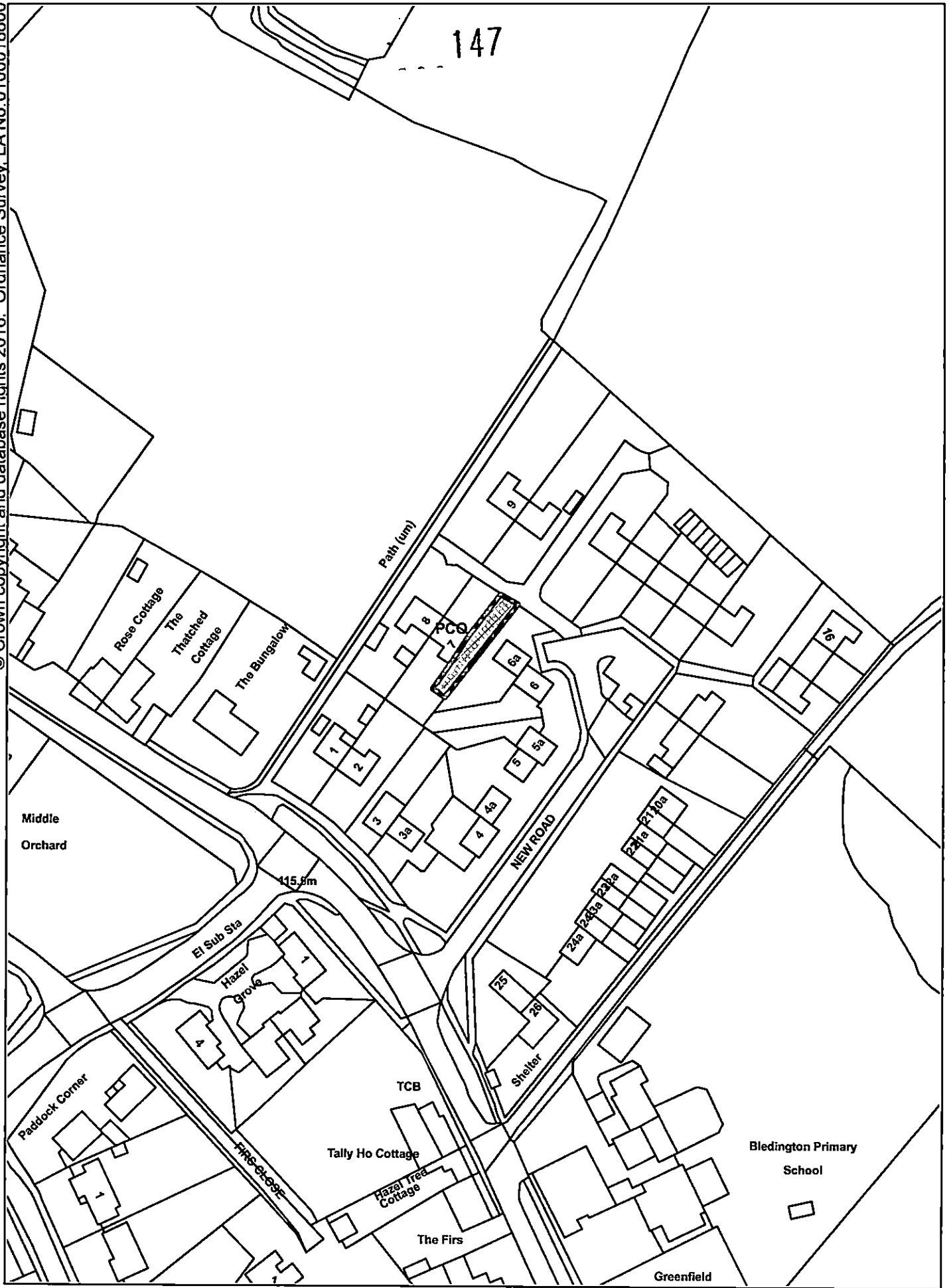
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions, outbuildings, alternations to the roof or the insertion of windows or other openings, shall be erected, constructed or sited, other than those permitted by this Decision Notice.

**Reason:** In the interests of residential amenity, in accordance with Cotswold District Local Plan Policy 46.



The development shall not be occupied or brought into use until vehicle parking has been provided in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

**Reason:** To ensure that adequate off-road parking is provided, in accordance with Local Plan Policy 39.



**7 New Road Bledington**

Organisation: Cotswold District Council

Department:

Date: 22/12/2016

Scale: 1:1250

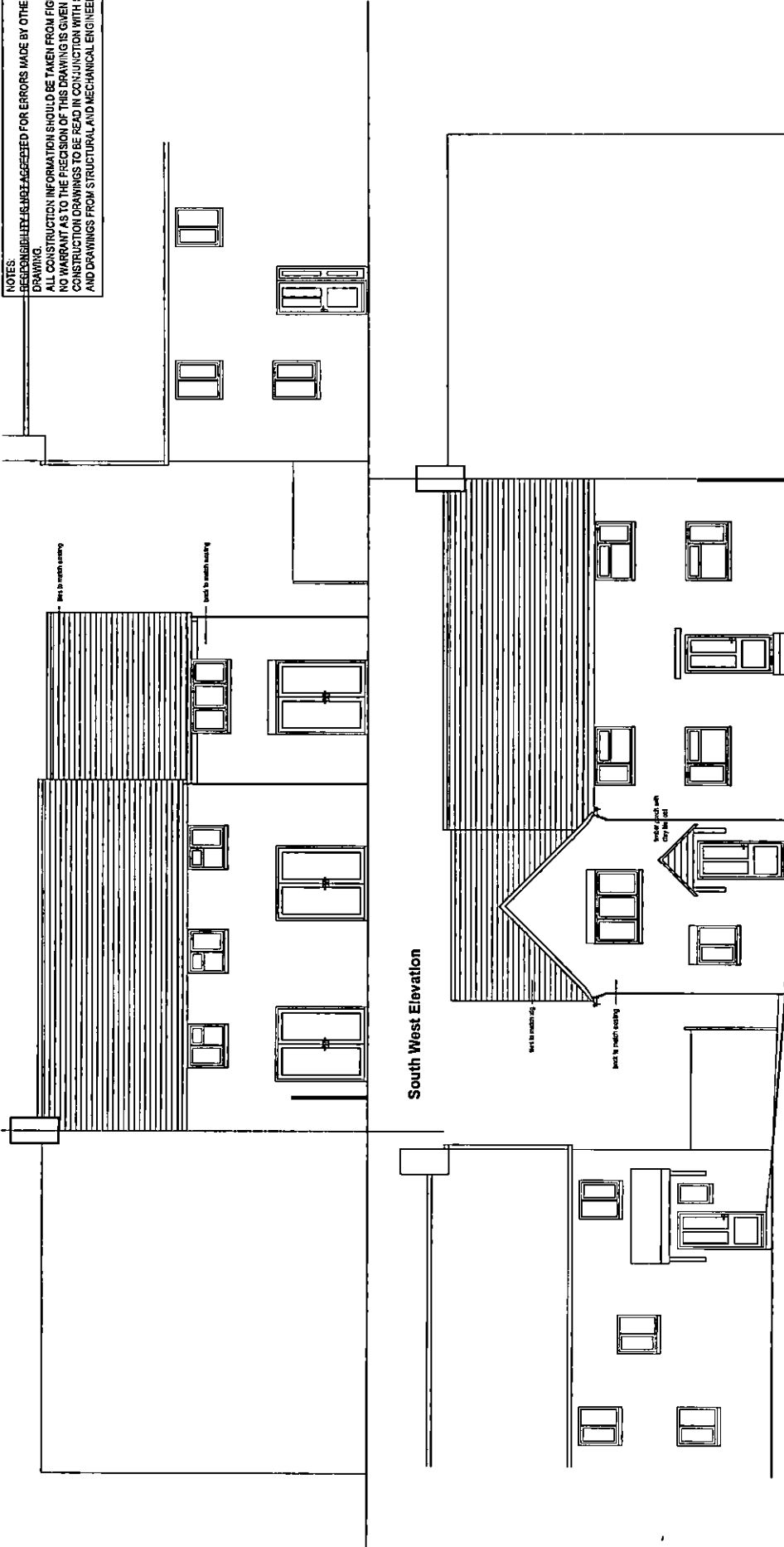


**COTSWOLD**  
DISTRICT COUNCIL





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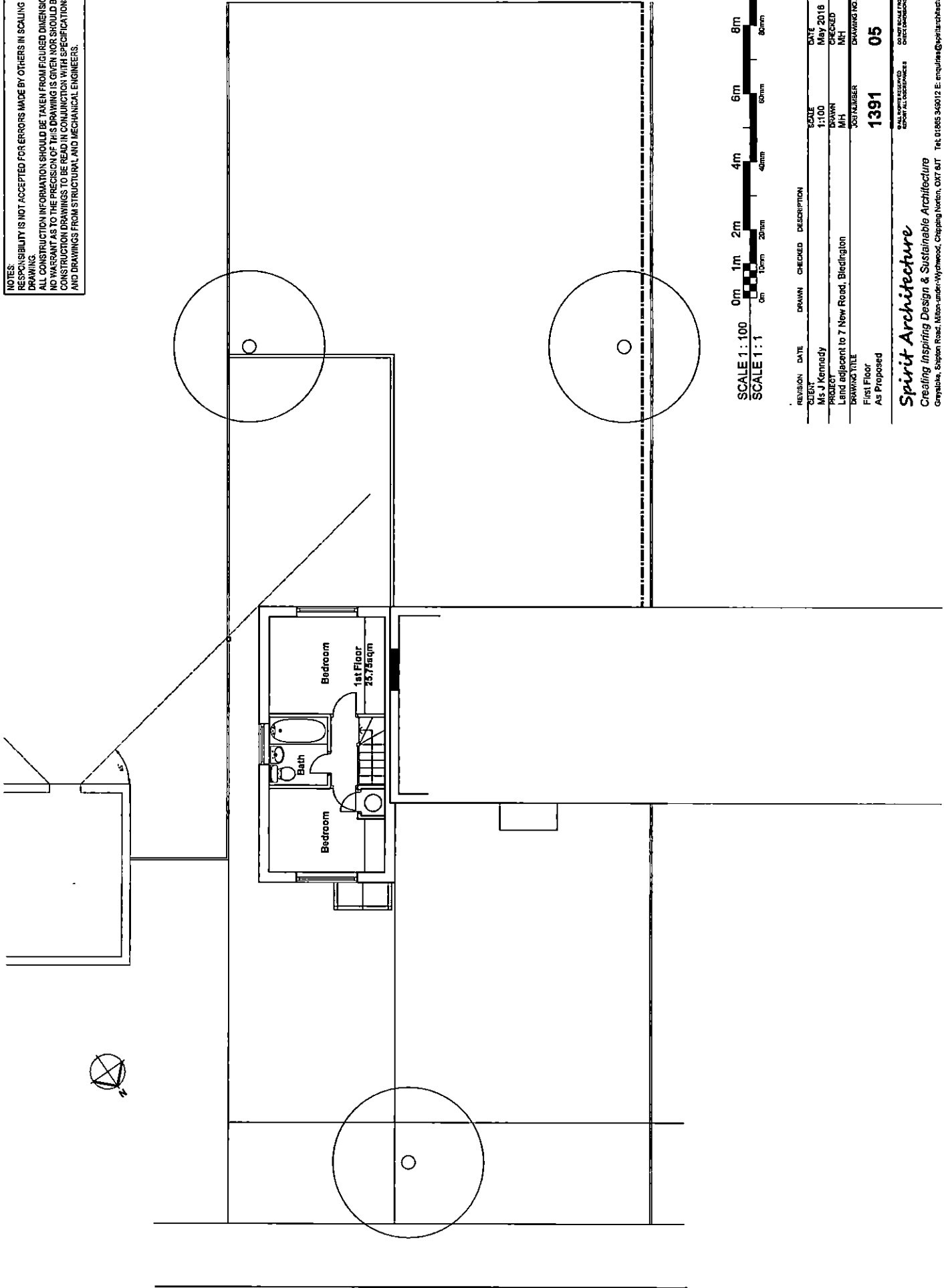
SCALE 1 : 100  
 SCALE 1 : 1

REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	
CLIENT	Ms J Kennedy	SCALE	1:100	DATE	May 2016
PROJECT	Land adjacent to 7 New Road, Bledington	DRAWN	MH	CHECKED	MH
DRAWING TITLE	Elevations	JOB NUMBER	1391	DRAWING NO.	06
AS PROPOSED		REVISION			B

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SCALE 1 : 100  
 SCALE 1 : 1

REVISION	DATE	DRAWN	CHECKED	DESCRIPTION	SCALE	DATE
		Ms J Kennedy			1:100	May 2016
					DRAWN	CHECKED
					MH	MH
					SUB NUMBER	DRAWING NO.
					1391	05
						REVISION
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