

TOWN & COUNTRY PLANNING ACT 1990

**APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION
REFERENCE 20/04549/FUL, DATED 9th JUNE 2021 – JUNIPER BARN,
UPPER ODDINGTON [REVISIONS TO PREVIOUSLY PERMITTED SCHEME]**

PLANNING STATEMENT

Prepared by

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LPC (Trull) Ltd**

Our Reference: ADM.LPC5754

November 2023

1.0 INTRODUCTION

- 1.1 LPC (Trull) Ltd have been instructed by Tricia Roeser, owner of Juniper Barn, a dwelling that is in the course of construction, to submit this application to vary the condition of planning permission that relates to the reference numbers of the approved drawings. It stems from a visit to the site by the Council's Enforcement Consultant, who noted that a two-storey link was being erected between the two main parts of the proposed dwelling, rather than the single link that had been approved as part of the permitted scheme. The consultant advised the owner that an application should be submitted to retain the scheme as constructed, hence this application.
- 1.2 This application is made under Section 73A of the Town and Country Planning Act, which enables the Council to grant permission for the development carried out without complying with the condition subject to which permission was granted. In this instance, as the scheme differs to the one permitted, it is condition No 2 of 20/04549/FUL that is applicable. A new subsection to 73 of the Act has been given Royal Assent which will mean that consideration should only be given to the proposed changes. Accordingly, this Statement will concentrate upon the changes that have been made to the permitted scheme although considering the development as a whole.

2.0 THE MAIN ISSUES

- 2.1 The Enforcement Consultant has sent me the consultation responses to the original application, when a two-storey link was originally proposed but the scheme was then amended to provide a single storey link, comprising a 3.75m high stone wall with a parapet on the north elevation, with a pair of double doors to be inserted, and a glazed, covered walkway with an open section proposed on the south. The response on the original scheme also suggested significant changes to the east and west sections of the proposed dwelling, which were incorporated in the amended scheme that was permitted and have been constructed in accordance with the approved details. The consultant has also sent me the Conservation Officer's comments on the scheme now being constructed, which states;

‘The two-storey link element was highlighted as a concern early on in the application process and the drawings were amended and the height of the link reduced to single storey as a result in order to address this issue. The approved drawings clearly indicate a single storey low-key link structure which reads as a linking wall incorporating gates. The latter allowed for views through and between the two larger wings. The two-storey structure which has been built increases the overall massing of the building considerably. The inclusions of dormer windows within the ‘link’ result in it appearing as a large extension – at the same height? – as the two wings and adding to the overall built form of the building.’

- 2.2 From the above, the main issues in this case are whether the appearance of the building causes harm to the character or appearance of the Conservation Area and whether the revised scheme respects the character and appearance of the locality.

3.0 NATIONAL PLANNING GUIDANCE

- 3.1 This is contained with the National Planning Policy Framework (NPPF) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The applicant is seeking to provide a building that meets this objective whilst also seeking to meet her personal needs and those of members of her family. In particular, she is wishing to ensure that when her grandchildren stay with her, she will be able to access their bedrooms, if necessary, in the middle of the night, without having to go downstairs, across a semi-open walkway into the eastern section of the house and up the stairs within that in order to reach their bedrooms. Instead, with the link as constructed, she will be able to access their bedrooms quickly, on the same level. Thus, there are personal circumstances that should be taken into account in the determination of this application.
- 3.2 The NPPF refers to the National Design Guide and National Model Design Code, which reflect local character and design preferences. It adds that design guides and codes should provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of

design. The Framework also says that planning policies and decisions should ensure that developments:

- (a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not prevent or discouraging appropriate innovation or change (such as increased densities);
- (d) Establish or maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport network; and
- (f) Create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.0 LOCAL PLANNING POLICY

4.1 The Cotswold District Local Plan 2011 – 2031 (CDLP) includes the Cotswold Design Code, which Policy EN2 states that development should be determined in accordance with and says that proposals should be of design quality that respects the character and distinctive appearance of the locality.

4.2 It is the case on behalf of the applicant that this proposal complies with the Cotswold Design Code and the following paragraphs will set out why this is considered to be the case. In looking at this proposal, it will be considered as both the overall appearance of the dwelling and as an extension to the permitted scheme.

- 4.3 The part of the Design Code that refers to massing, is under the heading 'Scale and Proportion.' Paragraph D.16 says that new buildings should be carefully proportioned and relate to the human scale and to the landscape or townscape context. As was clear demonstrated when the original application was permitted, the proposed dwelling complied with this requirement with the ground level reduced substantially to reduce the height of the built development. As can be seen from the public footpath to the north east, the whole building sits comfortably below the level of the adjoining houses to the south and west.
- 4.4 Paragraph D.17 states that excessive or uncharacteristic bulk should be avoided. It adds that new buildings should not dominate their surroundings, but should compliment the existing structures or landscape and sit comfortably within their setting. As mentioned in the previous paragraph, the dwelling that is being constructed sits comfortably within its landscape setting and in relation to nearby housing. An extensive landscaping scheme has been submitted and when this has become established, the views of the dwelling will be filtered even further.
- 4.5 Paragraph D.18 refers to the height of new buildings and says that they should respond to local context, for example forming a gentle transition from open countryside to settlement edge. Again, the combination of height of the buildings and the reduction in ground levels ensures that an appropriate response has been made, as recognised by the grant of permission.
- 4.6 Paragraph D.19 refers to extensions to existing buildings and says that they should be in scale and character with the parent buildings and that additions should not dominate the original building, individually or cumulatively. It adds that subservience in mass and height is often important, leaving the buildings evolution apparent. The consultation response previously referred to made reference to the proposed link appearing as an extension, albeit erected at the same time as the remainder of the house. Inspection of the building on site and in the submitted drawings reveals that its ridgeline is subservient where it adjoins the main house. Its ridge line is set down at both ends where it adjoins the main buildings and when combined with its setback from the north and south elevations, looks wholly appropriate.

- 4.7 Paragraph D.20 says that the design approach should respond to each site and its setting. It adds that there are many valid approaches to the design of buildings, depending on their context. The applicant considers that the approach adopted to this link is appropriate for this building, in this location.
- 4.8 The Cotswold Design Code also contains paragraphs under the heading of 'Architectural Style – The Cotswold Vernacular'. Whilst I agree with the Planning Officer in his report on the original application that this is not a faithful recreation of a traditional Cotswold dwelling, there are elements within this that are pertinent. For example, restricted gable widths, resulting in narrow plan depths is a key quality and one that applies to the link, as are steep roof pitches dictated by the use of the stone tiles, with roof slopes often broken by smaller gablets or dormers, as in this case.
- 4.9 Key design considerations for specific development proposals are contained within paragraph D.67 of the Design Code, the first section of which relates to residential extensions, outbuildings and new dwellings. It states that extensions should respect the scale, proportions, materials and character of the building, which is met by the proposed link. It adds that important elevations or features of interest should not be obscured or in any way diminish the quality or integrity of the building and they should not detract from the surroundings. The increased height of the link meets these requirements and due to its siting between two taller and larger buildings, does not affect its surroundings.
- 4.10 Subsection d of paragraph D.67 states they should generally be subservient in height, area and overall mass of the original building, leaving the form and evolution apparent. As previously mentioned, the link will be subservient in height to the two parts of the house that it will adjoin, and the overall mass will be negligible. The gross external floor area of the proposed link as a result of increasing its width from 3m to 4m and providing a first floor link between the two parts of the proposed dwelling will increase from 19.5m² on the ground floor to 25.2m². On the first floor the gross external floor area will be 36.8m², making a total increase of 62.0m². This represents an increase of 11.8% on the whole building. There is also a small, single storey addition to the west elevation, continuing the lean to southwards by 4.4 metres.

- 4.11 Subparagraph e says that the location and massing of an extension, its roof form and the treatment of its elevations, should respect the building and these requirements are all met with the location being above a building that was permitted, the roof form is harmonious to the existing building, and the use of timber boarding which will weather and silver will be harmonious with the natural stone walling of the main part of the building, with the dormer windows similar to those that have been approved on other elevations. It will appear as part of the evolution of the building and will look right. The design approach is in-keeping with the original building and has been achieved by raising the roof as a 3.75m high wall with coping stone along its top is not in keeping with this part of Upper Oddington, neither is the glazed roofing that was permitted on the south elevation.
- 4.12 The same guidance says that new materials should harmonise with the existing building. Timber is a natural material that will weather and silver and quickly harmonise with the main walling materials of the dwelling. The roofing slates will be the same as on the remainder of the house and the dormers will be in-keeping with the building in their placement, scale and design. The same design approach has been adopted with the dormers as on the other part of the building in order to achieve a consistent appearance, in harmony with the building as a whole.
- 4.13 The application site is within the Oddington Conservation Area and the applicable policies in this regard are contained within the accompanying Heritage Impact Assessment.

5.0 THE CASE FOR PERMISSION BEING GRANTED

- 5.1 In order to assess the alterations to the building that have been undertaken, I have viewed it from the public domain surrounding the application site, from Brans Lane to the south east and along the public footpath that runs within the neighbouring garden to its east, northwards towards the Stow on the Wold to Chipping Norton road. From Brans Lane, the link cannot be seen easily due to the lane being much lower than the southern part of the application site as well as the proximity of trees, which range in age from recently planted

to mature. There is also established vegetation and trees along the western boundary of the house to the east of the site, Brans Cottage, which means that once you have turned northwards on the footpath at the south west of its garden, it is not easy to view the eastern section of the building. Furthermore, the link is obscured by the eastern part of the proposed house.

- 5.2 The public footpath turns eastwards near the northern boundary of Brans Cottage for a distance of approximately 25m before turning northwards towards the Chipping Norton road. From that footpath, the link will be visible from a distance in excess of the 120m. However, from there, it will be seen in the context of the built development and higher ground to the west of the site (Embrook) with trees and rising ground above, as shown on the photographs below. What is clearly evident from these photographs is the stepping down of the link, compared to the ridge of the western wing of the proposed house. It should also be noted that there is extant permission for the erection of a building to the north east of the proposed house that will filter this view. Furthermore, the link does not restrict views through the gap between the main sections of the house to the countryside above and beyond.





5.3 It was not possible to see the proposed link from any other publicly accessible vantage points to the north and east but photographs are set out below showing the appearance of the link from within the applicant's landholding.





- 5.4 Turning to the first floor of the link, it is clear from the submitted drawings and photographs that it is subservient in height to both the east and west sections of the proposed dwelling. Thus the Conservation Officer's questioning of the link as being at the same height is not correct. It has a span of 4m and appears as a two-storey link between the main buildings to its side and. It represents a 11.8% increase to the floor area of the building, which is not significant in my opinion, especially as it is subservient in height to the parts of the building that it adjoins.
- 5.5 There is no doubt that the link is higher than the one that was permitted but the material question is what harm does this cause? The residential properties surrounding the site are much higher, especially to the south and west, due to the local topography and the reduction in ground levels to facilitate the construction of this dwelling. Inspection of buildings around the site reveal the presence of two storey gabled projections to the main bodies of the houses, these being of varying lengths. Whilst I did not see any buildings comparable in layout to Juniper Barn, I also did not see any with the type of link that had been sought and permitted. Accordingly, a two-storey projection from the main body of the house is typical of the style of development in Upper Oddington and its conservation area, as shown on the photos below, whilst the single storey link that was permitted appears alien.



- 5.6 Turning to the design of the link, it is faced with timber boarding, a natural material that will weather and silver to harmonise with the natural stone walling on the east and west parts of the dwelling. The roof is faced with the same tiles that will be used on the other pitched roof parts of the dwellings and 2-light dormer windows are inserted into the upper section, these similar in appearance to those permitted elsewhere on the building. Pairs of doors/gates constructed of vertical timber boarding will enable access by a car through the link to the garage accommodation to the south.
- 5.7 In addition to the appearance of the link, there have been other, minor changes to the permitted scheme. These include single pitched roofs to the ground floor cloakrooms to the north of the link, the insertion of two conservation rooflights on the east elevation and other minor fenestration changes. These alterations are wholly consistent with the style of building and do not impact on the appearance of the proposed dwelling.
- 5.8 Due to the position of the two-storey link, set back 4.6m from the north elevation and 17m from the southern end of the west wing, it is not prominent

or obtrusive in views of the building from either the public or private domain. It is visible and different from the permitted single storey link and appears as an extension of the type built in the surrounding area, comprising a two-storey projection from the main part of the house.

6.0 CONCLUSIONS

- 6.1 From my detailed assessment of the site and the surrounding area, I consider that the revisions to the permitted scheme that have been implemented do not harm the appearance of the building or its setting and still enables views to be obtained through the gap between the east and west wings to the countryside beyond. This is as a result of rising ground to the north, south and west of the application site combined with the reduction in ground levels after planning permission was granted for the house.
- 6.2 The main change to the permitted scheme is the raising in height of the link, necessary to enable the applicant to access the bedrooms in which her grandchildren will sleep during the night. The alternative, in the permitted scheme, is unsatisfactory and unsafe. Accordingly, the permitted scheme would not function well, failing the first test contained within the NPPF, as set out in paragraph 3.2 of this statement. The first floor link, as built, overcomes this shortfall and would represent an enhancement to the overall quality of the scheme, for its lifetime. It would also be more visually attractive and typical of the additions to existing dwellings in Oddington, as opposed to the high wall and glazing that was permitted previously. It will create a place that is safe, accessible and promotes the wellbeing of the occupants, therefore conforming with the guidance in the NPPF.
- 6.3 The design of the revised scheme also responds to the site and its setting, adopting an approach that is appropriate to its context. The width of the link is restricted, it respects and is subservient to the parts of the building it adjoins and incorporates features permitted on other parts of the building. The overall mass of the built form is slightly increased but that does not result in a dwelling that would be out of character with its setting. It will still be harmonious with the part of the village in which it is located and, I consider that it accords with the Cotswold Design Code and Policy EN2 of the Local Plan.

- 6.4 The application site is within the Oddington Conservation Area where there is a statutory duty, echoed by development plan policy that proposals should preserve or enhance the character or appearance of the Conservation Area. The alterations to the permitted scheme meet these tests and will not affect the Conservation Area and so will preserve its character and appearance. The additional works also conform to the guidance within the Conservation Area Statement that has been published regarding this Conservation Area.
- 6.5 In view of above, the works that have been undertaken do not cause harm to the appearance of the building that was permitted; its context; to the Conservation Area or to the countryside. In such circumstances, I trust that planning permission will be granted but should the case officer have any questions or like to discuss any aspects of this this application, please do not hesitate to contact the writer.