

**East Area Planning Committee**

6th November 2012

**Application Number:** 12/01860/FUL

**Decision Due by:** 12th October 2012

**Proposal:** Erection of a 2 storey 5 bed dwelling with games room/studio

**Site Address:** Colthorn Farm Oxford Road (site plan: appendix 1)

**Ward:** Marston Ward

**Agent:** Mr Stephen Broadley

**Applicant:** Mrs Anne Joshua

**Application called in** by Councillors Clarkson, Fry, Tanner, Rowley, and Kennedy over concerns about the impact on views into and out of the Old Marston Conservation Area, the impact on Back Lane; and the impact on the neighbouring property (The Farmhouse).

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## **Recommendation:**

The East Area Planning Committee is recommended to approve planning permission for the following reasons:

- 1 The proposed development would make an efficient use of land in a manner that suits the sites capacity and would maintain the buffer between the built up part of the village and the countryside and green belt that lies beyond the site. The dwellinghouse would be of a size, scale and design that create an appropriate visual relationship with the built form of the existing buildings within the site and sited to respect views into the site from the Oxford Road and Back Lane which subsequently preserves the historical context of the site and also the agricultural significance of the Old Marston Conservation Area. The proposal has been designed to safeguard the residential amenities of the adjoining properties. The dwellinghouses would have a good standard of internal and external environment for the future occupants of the dwelling, and would maintain the residential amenities of the adjoining properties. This would accord with the aims of the National Planning Policy Framework, and the policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan.
- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm

identified could be successfully mitigated by appropriately worded conditions.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

**Conditions:**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Further details of windows / rooflights
- 5 Landscape plan required
- 6 Landscape carry out by completion
- 7 Means of Enclosure
- 8 Refuse and Cycle Storage
- 9 Amenity no additional windows
- 10 Amenity Floor to Ceiling heights in Annex roof
- 11 Design - no additions to dwelling
- 12 The annexe to not be used as self-contained dwelling
- 13 Archaeology - Implementation of programme
- 14 Biodiversity Measures
- 15 Sustainable Urban Drainage Scheme
- 16 Details of parking and means of access (inc visibility splays)
- 17 Construction traffic Management Plan
- 18 Contaminated Land Assessment
- 19 The dwelling shall only be used as a C3 dwellinghouse

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE4** - Loss of Agricultural Land
- NE15** - Loss of Trees and Hedgerows
- HE7** - Conservation Areas
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

**Core Strategy**

- CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources  
**CS18\_** - Urban design, town character, historic environment  
**CS23\_** - Mix of housing

**Sites and Housing Plan - Submission**

**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

**Other Material Considerations:**

National Planning Policy Framework  
This application is within the Marston Conservation Area.  
Draft Old Marston Conservation Area Appraisal

**Relevant Site History:**

98/00198/NOZ:

Outline application for 10 dwellings: 1x2 & 2x3 single storey with integral garage, 3x3 & 4x4 bed 2 storey with integral garage, accessed from Oxford Road, landscaped public open space, detached double garage.

Refused on grounds relating to the development of the field would have a detrimental impact upon the special character of the land; and remove the buffer between the village and the countryside. An appeal against this decision was subsequently dismissed in November 1998.

00/00715/NFZ:

Erection of detached two-storey 4 bed house with 2 associated parking spaces & detached 2 storey 5 bed house (with 1st floor in roof space) & 3 parking spaces in open front garage, three parking spaces for Colthorn Farm: Approved.

06/01872/CAC & 06/01871/FUL:

Demolition of redundant farm buildings and erection of 2 x 4 bedroom houses and provision of car parking (Renewal of the planning permission granted under application no. 00/00715/NFZ): Approved

09/00805/FUL

Demolition of existing barn and outbuildings and erection of new detached 5 bed family dwelling with associated workspace/office and covered parking area (amended plans): Withdrawn

11/00826/CAC & 11/00825/FUL:

Demolition of existing barn and outbuildings and erection of 2 x 4-bedroom dwellings, provision of 3 car parking spaces for each house (Amended description) (Amended Plans): Approved

## **Representations Received:**

### Occupant: 34 Oxford Road:

- Objection
- The dwelling will be a significant structure to the rear which will impinge on the heritage view from The Farmhouse to its historic back yard and fields.
- The proposal would continue the negative trend of the loss of farmyards within the Old Marston Conservation Area
- The scale and orientation of the development crams the proposed buildings into what remains of a limited area and cuts off glimpsed views from the streetscape
- It would create a dead end that cuts off the natural flow through to the farmyard, paddock, back lane and fields beyond
- The proposed building and its annex would impact upon the view from Oxford road that shows how the buildings recede into the distance
- The proposal would impinge on the view from Back Lane and cut it off from the farmyard and farmhouse.
- The scale and massing of the building will dwarf the original farmhouse
- The building has a much larger footprint than any other building in the area and is a 'grand design' that has no place in the fabric of the conservation area
- The proposal would prevent two dwellings being built resulting in a loss of a family dwelling
- The annex building will significantly impact upon the rear garden of 34 Oxford road casting the garden into shadow throughout the day and materially changing the nature of the garden
- The garden is already overlooked by the house to the north
- The narrow garden has a pleasing rural appearance due to the existing farm buildings and as a south facing aspect the rear gets the only sunlight.
- The proposal does not accord with policies of the Local Plan or Core Strategy

### Occupant: 1 Cumberlege Close

- Objection
- Effect on the character of the area
- Height of the proposal
- The mock barn proposal is far too big and more like a large warehouse and out of character. It will dominate the surrounding area, move the building line westwards towards Back Lane and be an intrusive block when viewing the village across the fields from a westerly direction

## **Statutory Consultees:**

Thames Water Utilities Limited: No objection

### Oxford Civic Society:

Shown as Bishops Farmhouse on Google maps this is the proposed replacement of farm buildings with a stone and timber-faced two-storey 5 bedroom house, set well back from Oxford Road, Marston, in the Conservation Area.

A previous proposal was rejected partly on grounds of orientation, size, and scale. Riach Architects claim to have produced a design sympathetic to the important

features of the Conservation Area, and in line with barn development guidelines, but the design appears overbearing, harsh and angular, with excessively large areas of window both in two-storeys and in the roof. This is a building wanting to make an impressive impact rather than to blend in with the surrounding area. This new proposal remains unsympathetic and should be opposed, notwithstanding that it is well set back from the road frontage and would not impact significantly on the appearance of the street. The annex building is much smaller and unobjectionable.

Oxford Preservation Trust:

The trust wishes to raise an objection to the proposal. As is stated in the Old Marston Conservation Area Appraisal, the survival of historic farms within the village of Old Marston provides evidence of the areas rural past and plays a significant role in maintaining its character as an important surviving 'village within a city'. Views in and around the village are important in maintaining this relationship and the character of the area. Policy CP8 of the Local Plan states that all new buildings should relate to their setting to strengthen, enhance, and protect local character.

The building as proposed is against this policy. It will be visible from Back Lane, a rural lane which runs along the rear boundary of the property, where the views into the farmyard at Colthorn Farm add to this character. The height of the proposed building, which is taller than the previously approved scheme (11/00825/FUL), will mean that it is visible in the landscape. The introduction of a considerable amount of glass, especially at roof level, will further increase this prominence particularly at night.

If this site is to be developed, the designs and siting of any building should take full account of views and the character of the conservation area, something which the current proposals fail to do for the reasons set out above.

Old Marston Parish Council:

The building is too large and represents an overdevelopment of the site. The building would be overbearing to the neighbours adjoining the site. Too limited access to support another property

Oxfordshire County Council Highways Authority:

The Local Highways Authority raise no objection to this application as proposed with the suitable conditions applied (as below): details of the parking spaces; sustainable urban drainage system; the garage must meet the required standards; vision splays; cycle parking; refuse storage; construction traffic management plan

**Officers Assessment:**

**Site Location and Description**

1. The application site is situated on the western side of Oxford Road, which is the main thoroughfare through the village of Old Marston (**site plan: appendix 1**). It is within the Marston Conservation Area
2. The site of Colthorn Farm can be viewed in two parts, the first being the farmyard area which comprises the entrance to the site from Oxford Road; the existing two-storey dwellinghouse; single storey pitched roof building which accommodates a

car port and a small office; a large single storey barn and a small stable and storage block.

3. This farmyard area leads into the second part of the site, which is in a predominately countryside location and comprises a large open paddock that runs northwards along the rear of Oxford Road properties and abuts Back Lane.

## **Proposal**

4. The proposal is seeking planning permission for the erection of a two-storey 5 bedroom dwellinghouse with separate annexe for use as a games room / studio.
5. The existing barn and outbuildings within the farmyard area of the site are to be demolished as part of the proposal. The removal of these buildings has already been granted conservation area consent under reference 11/00826/CAC.
6. Officers consider that the principle determining issues with regards to the proposal are as follows:
  - Principle of Development
  - Impact upon the Heritage Asset
  - Impact upon adjoining properties
  - Residential uses
  - Parking Provision
  - Archaeology
  - Other matters

## **Principle of Development**

7. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land provided it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026. The NPPF defines 'previously developed' land as that which is, or was, occupied by a permanent structure, including the curtilage of the developed land. It goes on to state that land that is, or has been, occupied by agricultural buildings does not constitute previously developed land. By this definition the provision of residential development on this site would not strictly meet the aims and objectives of the NPPF and Policy CS2 of the Oxford Core Strategy 2026.
8. In June 2011 planning permission was granted for the erection of 2x4 bedroom dwellings and associated amenity space, and parking provision under reference number 11/00825/FUL. The approved scheme confined the residential development to the farmyard area and did not extend into the open paddock at the rear. The open paddock was the subject of an application for 10 houses, which was refused and dismissed on appeal (98/00198/NOZ) on grounds that it would result in a loss of open space and that the development of the hierarchical farm land would have a detrimental impact upon the character of the conservation area. In confining the approved schemes to the farmyard area, it was concluded that this would protect the integrity of the site from future change that may conflict with the rural location of the site and its relationship with the open fields and countryside that lie beyond.

9. Therefore bearing in mind the extant permissions that exist on the site and that the current proposal also relates to the farmyard area of the site and not the open paddock to the rear, officers consider that the principle of residential development within the farmyard area of the site would maintain the integrity of the site from further change, and help maintain the important buffer between the built up part of the village and the countryside beyond. As a result no objection would be raised to the general principle of development.
10. During the consultation process, it has been suggested that the proposal would override the extant planning permission for 2 dwellings granted under 11/00825/FUL and therefore approving this proposal would result in the net loss of a family house. This previous permission has not yet been implemented and it would be a matter for the applicant to decide which permission they wish to pursue should permission be granted. Therefore the impact on the applicant's ability to implement this permission is not a material reason to withhold planning permission.

### **Impact upon the Heritage Asset**

11. The site lies within the Old Marston Conservation Area. The National Planning Policy Framework requires proposals to be based upon an informed analysis of the significance of any heritage asset affected and expects applicants to understand the impact of any proposal upon the asset with the objective being to preserve that significance. These aims are embodied in Local Plan Policy HE7 which requires development proposals to preserve or enhance the special character and appearance of the conservation area or its setting.
12. Policy CS18 of the Oxford Core Strategy 2026 requires proposals to demonstrate high-quality urban design that responds appropriately to the site and surroundings; creates a strong sense of place; contributes to an attractive public realm; and high quality architecture. The Local Plan requires new development to enhance the quality of the environment, with Policy CP1 central to this purpose. Policy CP8 requires development to relate to its context with the siting, massing and design creating an appropriate visual relationship with the form, grain and scale of the surrounding area.
13. The draft Old Marston Conservation Area Appraisal identifies Old Marston as a small agricultural hamlet, which includes notable clusters of buildings that reflect the local agricultural and commercial needs of a small rural community. The appraisal identifies a number of key features of the conservation area. These include, amongst others, evidence of former farmyards, including a scatter of former agricultural buildings and yard walls, some of which have been converted for self-contained infill housing developments; and channelled views along street and expansive views across green open spaces or out to the countryside beyond. The farmhouses within Old Marston represent the homes of the village's larger landowners in the past. Colthorn Farm was a later addition to the group of farmhouses within the area and occupies a prominent position on the west side of the road facing the entrance to the allotments. From this entrance there is a glimpsed view of the pan-tiled roofs of subsidiary agricultural buildings which recede from view beyond the farmhouse. This view gives understanding to the

farmstead characteristics within the village, with the farmyard buildings located behind the farmhouse. To the rear of the site is the Back Lane bridleway, whose southern end affords views into the paddock at the rear of Colthorn Farm providing more of the historic connection between the lane and the fields.

14. In considering the recent proposals for the provision of residential development within the farmyard to the rear (11/00825/FUL), officers identified that the original farmhouse is now in separate ownership and one of the farm buildings has been converted into a dwelling. The remaining farmyard buildings include a range of stables, cart shed and a more recent and larger open fronted storage barn. They are all of a scale, palette of materials and appearance that reinforces the rural qualities of the village. The siting of the existing buildings allows a clear understanding of the farming origins and is characteristic, with the farmhouse facing the road and the farm buildings to the rear aligned around the edge of the yard facing inwards
15. The application has been accompanied by a barn study which assesses the impact of the proposal upon the significance of the site. The proposal would demolish the existing large barn and outbuildings within the farmyard and replace with a detached dwellinghouse that takes the form of a converted barn. The dwelling has a pitched room main range measuring approximately 21m (l) x 8.2m (w) x 8.7m (h) with a subservient element at the southern end of the building running eastwards also with a pitched roof measuring 11.7m (l) x 7m (w) x 7.2m (h). In addition, a separate annex will be provided on the northern boundary which measures approximately 9.2m (l) x 6.8m (w) x 7m (h). The design of the annex has been amended since it was originally submitted with the ridge and eaves height reduced by approximately 1m.
16. The design approach for the layout and new building seeks to reflect the form and character of a farmyard albeit with more contemporary architectural detailing. It is important to recognise that planning permission (11/00825/FUL) exists for the provision of two self-contained dwellinghouses in the same position as the main range of the new dwelling and of a similar height. The site layout would maintain the farmyard character forming a smaller close and maintaining access to the paddock at the rear. The overall size and scale of the building would be similar to the existing barn that is to be demolished and importantly the two dwellings already granted permission. In terms of important views into the site, it should be recognised that the view from the allotments on Oxford road is not of a gap that exposes the greenery behind, but that of a farmyard where there are glimpses of the outbuildings beyond which recede towards the open fields. The view while important does not hold such significance that it should not change, or that any change should have an adverse impact upon its character. The original farmhouse is the prominent structure and this would be unaltered, while the buildings to the rear would appear to form part of the collection of outbuildings that are sited to the rear as part of the farm. Therefore while the overall site layout and built form of the building and its annex would alter the existing view, officers consider that it would retain the prevailing character. The conservation appraisal identifies that the important feature is the view of the paddock to the rear of Colthorn Farm from Back Lane, which provides the historic connection between the built up settlement and its rural origins. Again the proposal would maintain this view, as the paddock



would be maintained along with access from the farmyard which helps to maintain the historical connection between the village and the fields that surround it.

17. In terms of design, the overall palette of materials would be considered appropriate for the building although the final choice of materials should be reserved by condition. Similarly, the extent of glazing within the building would appear excessive, particularly the rooflights. This could be simplified without compromising the design or the internal environment and as such officers would recommend a condition be attached requiring prior approval of these details.
18. As a result officers consider that the proposed development would create an appropriate visual relationship with the built form and grain of the site and the surrounding area, while also respecting the significance of the historical context of the site and the special character and appearance of the conservation area. This would accord with Policy CS18 of the Core Strategy 2026, and Policies CP1, CP6, CP8, CP10, and HE7 of the Oxford Local Plan 2001-2016.

### **Impact upon Adjoining Properties**

19. Local Plan Policy HS19 states that permission will only be granted for development that adequately provides for the protection of the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10 and also Policy HP14 of the emerging Sites and Housing Plan.
20. The site itself is bordered by a number of residential properties, with 32b Oxford Road forming the northern boundary of the farmyard area, the original farmhouse and garden of 34 Oxford Road to the north and west, and 34a and 34b Oxford Road to the south. The existing barn and outbuildings lie on the northern and southern edges of the farmyard area, establishing a sense of enclosure upon the rear gardens of 34a and 34b Oxford Road and 34 and 32 b Oxford Road.
21. In order to mitigate any impact upon these adjoining properties, the main bulk of the building would be orientated across the site. The rear gardens of the properties adjoining these edges are sizeable, and given the existing sense of enclosure created by the outbuildings, officers consider that the proposed dwelling would not have an unacceptably overbearing impact upon any of these spaces, or indeed result in a significant loss of light to any habitable rooms in the rear elevations of the properties. With specific regard to 34 Oxford Road, it is recognised that part of the rear garden forms the northern boundary of the site and is enclosed by the smaller outbuildings. The annex would be located on the common boundary and would be larger than the existing outbuilding. The applicant has submitted amended plans showing the ridge height of the annex building reduced by approximately 1m from 8m to 7m and the eaves from 4.5m to 3.5m. While this would increase the sense of enclosure formed by the current outbuildings for the farmyard, it would be sited directly at the end of the rear garden and as such would not significantly overbear this garden.

22. With regards to overlooking, the dwelling is orientated to face into the existing farmyard and onto their rear garden. Having regards to the layout officers consider that this would not create any significant overlooking issues for the adjoining properties. In terms of the impact of the annexe upon the rear garden of 34 Oxford Road there are rooflights proposed in the rear roofslope facing onto this rear garden. These would be unlikely to create a significant loss of privacy for the rear garden, given they are rooflights however a condition should be attached requiring them to be set at a high level within the roofslope in order to prevent any adverse overlooking.

### **Residential Uses**

23. The dwellinghouse would be self-contained and have a good standard of internal environment that accords with Policy HS20 of the Oxford Local Plan 2001-2016, and Policy HP12 of the emerging Sites and Housing Plan.

24. The dwellinghouse would have a private garden that is of sufficient size for the type of dwelling and would satisfy Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

25. The refuse and cycle storage provision is in an accessible and practical location in accordance with Policies CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

### **Archaeology**

26. The site lies within the historic core of Marston, and therefore is of archaeological interest. The settlement has not been the subject of extensive archaeological study, and appears to be a planned medieval village built along a main street however the evolution of the hamlet is currently poorly understood. Therefore a condition requiring an archaeological investigation should be attached.

### **Parking Provision**

27. The dwellinghouse would be provided with covered parking for 3 spaces within the existing car-port on site. The Local Highways Authority have no objection to the parking provision and layout for the site, subject to the conditions that the parking layout is provided as plan; that a sustainable urban drainage system is provided; that the car port meets the required standards; suitable visibility splays are provided; and that a construction traffic management plan be provided

### **Other Matters**

28. A Barn Owl and Preliminary Bat Survey has been submitted with the application, which concludes that there is no evidence that the buildings are being used by Barn Owls or Bats. There is potential for biodiversity enhancements to be installed on site and this is secured by condition.

29. Having regards to the nature of the agricultural use of the site, the Oxford City Council Environmental Health Officers have recommended that a condition be

attached requesting a contaminated land risk assessment to be carried out prior to commencement of development.

**Conclusion:**

30. The proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore the committee is recommended to grant planning permission for the proposed development.

**Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

**Section 17 of the Crime and Disorder Act 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Contact Officer:** Andrew Murdoch

**Extension:** 2228

**Date:** 17th October 2012

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