

## REPORT 3

**APPLICATION NO.** P07/E1108  
**APPLICATION TYPE** FULL  
**REGISTERED** 29 AUGUST 2007  
**PARISH** HENLEY  
**WARD MEMBER(S)** Terry Buckett and Roswitha Myer  
**APPLICANT** Upstream Living Ltd  
**SITE** 4 Belle Vue Road, Henley  
**PROPOSAL** Erection of a detached four-bedroom dwelling with vehicular access and parking and alteration to existing dwelling and landscaping  
**AMENDMENTS** NONE  
**GRID REFERENCE** 475903/181639  
**OFFICER** Paul Lucas

### 1.0 INTRODUCTION

1.1 This application is reported to the Planning Committee as a result of a conflict between the Planning Manager's recommendation and the views of Henley Town Council.

1.2 The application site is shown on the OS extract **attached** as Appendix 1. The site comprises a residential plot, which lies within the built up area of Henley and extends to some 800 square metres. It is situated on the western side of Belle Vue Road, some 70 metres south of its junction with St Andrews Road. The site contains a detached two storey dwelling located to the northern end of the plot and set back from the road with a large side garden to the south. An attached garage is located at the northern side of the house. The frontage of the site includes a beech tree, which is the subject of a Tree Preservation Order. The rear boundary is marked by a line of conifers, located in adjoining gardens. These trees are also covered by a Tree Preservation Order.

1.3 The site is within a residential area, where the houses vary in age and style, with a variety of plot sizes. The area includes a mix of semi-detached and detached houses. Despite this variety, there is a general uniformity in terms of height and building line. The immediate area around the site has a sense of spaciousness which is accentuated by the width of the road and the amount of vegetation in front gardens. The absence of any defined pavement and the presence of grass verges

give this part of the road an almost sylvan quality. However, in recent years new dwellings have been constructed to the south of the site, where a bungalow was replaced with a pair of semi-detached houses and a detached house was erected in the gap between 1 Belle Vue Road and 45 St Andrews Road, to the north east of the site.

## **THE PROPOSAL**

### **2.0**

The application seeks full planning permission for the erection of a detached four

- 2.1 bedroom dwelling in the side garden of No.4 with a new vehicular access. The proposal would also incorporate some alterations to the existing house. The proposed dwelling would be two storey, but would also contain living accommodation in the roof space. The new dwelling would measure 8.1 metres wide including the roof overhang and 12.8 metres deep, including the single storey lean-to element at the front. The eaves would be 5.2 metres high and the ridge would be 8.9 metres high. The roof design would incorporate half-hip gables on the side elevations and a flat central section to the roof incorporating two rooflights. Materials would comprise a mix of brick, tiles and render. The proposed dwelling would provide a kitchen/utility, dining area, living room, study and cloakroom at ground floor level with three bedrooms and two bathrooms at first floor level and a fourth bedroom and bathroom located within the roofspace.

- 2.2 The proposal would create a hardstanding in front of the proposed dwelling measuring 5.5 metres deep by 6.2 metres wide, with the remaining area in front of the house forming a front garden. Alterations to the existing dwelling seek to remove the projecting gable on the southern elevation and propose a re-organisation of the internal layout, which would provide a kitchen, dining room, living room, bathroom and cloakroom at ground floor level with three bedrooms and a bathroom at first floor level. It is worth noting that the proposed alterations to the existing house could be carried out under permitted development rights. The existing parking and access arrangements for the existing dwelling would remain unaltered. It is proposed to landscape the front gardens of both dwellings.

- 2.3 The applicant's supporting letter is **attached** as Appendix 2. The plans of the proposed development are **attached** as Appendix 3.

### **3.0 CONSULTATIONS AND REPRESENTATIONS**

- 3.1 **Henley Town Council** – The application should be refused due to the application being out of keeping, no garage, insufficient parking, overlooking No.6 and over-intensive.

- 3.2 **OCC Highways** – Visibility for the existing dwelling does not meet required standards however this is an existing situation and the parking levels would also remain unaltered. The proposed access would meet these standards and the

parking levels for the proposed dwelling would meet the required standards. No objection subject to standard conditions.

**Forestry Officer** – No objection subject to standard tree protection and 3.3 landscaping condition.

**Public Amenities** – A condition requiring refuse, recycling and composting 3.4 provision is required.

**Henley Society** – Regret that there is no provision for a garage.  
3.5

**Neighbours** – Nine representations raising the following grounds of objection:  
3.6

- Cramped and Overintensive in terms of scale and density detracting from character and appearance of surroundings
- Too large and taller than neighbouring houses, dominating skyline and overbearing
- Inadequate separation distances
- Minimal vegetation proposed in contrast to mature vegetation previously removed
- Windows overlooking between proposed house and No.4
- Oppressive and overbearing impact on and loss of light to No.6 and loss of privacy to kitchen, conservatory and garden of No.6 as a result of side windows and rear windows in proposed house
- Loss of light and aspect to No.7
- No garage and limited off street parking leading to more on-street parking and danger to pedestrians
- Should be a 2-bedroom dwelling
- More pressure on local amenities e.g. primary school
- Negative planning precedent for other infilling in Belle Vue Road

The objectors also made the following comments:

- Conditions should be imposed to prevent future extensions and alterations
- Obscure glazing must remain in side windows facing No.2

One representation stating no objection was received under the proviso that the large fir tree at the rear would not be removed.

#### 4.0 RELEVANT PLANNING HISTORY

4.1 P05/E0919 – Planning permission was refused in November 2005 for the demolition of existing dwelling and erection of three dwellings, one detached and two semi detached for the following reasons:

*“1. That, having regard to the size and massing of the proposed houses and their relationship with the surrounding neighbouring properties they would give rise to a cramped over intensive form of development that would detract from the character and appearance of the area. This is contrary to Policies G8 and H4 of the adopted South Oxfordshire Local Plan, Policies G6 and H4 of the South Oxfordshire Local Plan 2011 Second Deposit Draft and advice set out in the South Oxfordshire Design Guide.*

*2. That, having regard to the roof design, form and span of the houses their details of design are contrary to Policy G8 of the adopted South Oxfordshire Local Plan and Policy G6 of the South Oxfordshire Local Plan 2011 Second Deposit Draft and advice set out in the South Oxfordshire Design Guide.*

*3. That, having regard to the insufficient level of parking provision, in relation to the two, four bedroom dwellings, this proposal would be likely to give rise to parking and manoeuvring of vehicles on the highway to the detriment of highway safety and convenience in the area, contrary to Policy G11 of the adopted South Oxfordshire Local Plan and Policy T1 of the South Oxfordshire Local Plan 2011 Second Deposit Draft and advice set out in the South Oxfordshire Design Guide.*

*4. That, having regard to the bulk and height of the proposed dwellings and in particular their relationship with the neighbouring properties, number 2 and 6 Belle Vue Road this development would be oppressive and overbearing, to the detriment of the amenity of the occupiers of those dwellings, contrary to Policy H4 of the adopted South Oxfordshire Local Plan and Policy H4 of the South Oxfordshire Local Plan 2011 Second Deposit Draft.*

*5. That, having regard to the removal of the existing vegetation on the site and the threat to the health and long term retention of the vegetation that it is to be retained, the proposal would detract from the established character and appearance of the area, contrary to Policies H4 and C18 of the adopted South Oxfordshire Local Plan and Policies C10 and H4 of the South Oxfordshire Local Plan 2011 Second Deposit Draft.”*

An appeal was submitted and dismissed in May 2007. A copy of the Inspector’s

decision letter is **attached** to the report as Appendix 4.

### 4.3

P06/E0204 – Planning permission was refused in May 2006 for the demolition of existing dwelling and erection of two detached dwellings for the following reason:

*“That the proposal to erect two substantial four and five bedroom dwellings on the site would fail to meet an identified housing need for smaller two bedroom dwellings in the district. As such the proposal would be contrary to policy H7 of the adopted South Oxfordshire Local Plan 2011.”*

P06/E1071 – Planning permission was refused in December 2006 for the demolition of existing dwelling and erection of one detached dwelling and two semi detached dwellings, vehicular access, parking and landscaping for the following reasons:

*“1. That, having regard to the size of the site and the established character of Belle Vue Road, the proposal to erect three dwellings would be an over intensive use of the site which would detract from the character of the area and the street scene. As such the proposal would be contrary to policies G2, G6 and H4 of the adopted South Oxfordshire Local Plan and advice set out in the South Oxfordshire Design Guide.*

*2. That, having regard to their plan form and contrived design and external appearance, the proposed semi detached dwellings would appear out of keeping in the street scene and would fail to meet the standards of design as required by policies G6, D1 and H4 of the adopted South Oxfordshire Local Plan and Section 4.4 of the South Oxfordshire Design Guide.”*

An appeal was submitted and withdrawn in May 2007 as a result of the Inspector’s conclusions on the appeal relating to P05/E0919.

## 5.0 POLICY AND GUIDANCE

### 5.1 Adopted Structure Plan 2016 Policies:

- G1 – General Policies for Development
- G2 – Improving the Quality and Design of Development
- T8 – Development Proposals
- H1 – The Amount and Distribution of Housing
- H3 – Design, Quality and Density of Housing Development

## 5.2 Adopted South Oxfordshire Local Plan 2011 Policies:

- G2 – Protection of the Environment
- G6 – Promoting Good Design
- C9 – Landscape Features
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H4 – Towns and Larger Villages Outside the Green Belt
- H7 – Housing Mix
- H13 – Extensions and Alterations to Dwellings
- T1 – Transport Requirements for New Developments
- T2 – Transport Requirements for New Developments

## 5.3 Supplementary Planning Guidance:

- South Oxfordshire Design Guide – Sections 4.2, 4.3, 4.4, 4.5 and 4.6.

## 5.4 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPG13 – Transport

## 6.0 PLANNING ISSUES

6.1 As the site lies within the built up area of Henley, Policy H4 states that the principle of residential development is acceptable and as such the planning issues that are relevant to this application are whether:

- The development would result in the loss of an open space or view of public, environmental or ecological value;
- The size and appearance of the proposal would be in keeping with the character and appearance of the surrounding area;
- The living conditions of neighbouring residential occupiers would be compromised and the development would provide suitable living conditions for future occupiers;
- The development would result in an unacceptable deficiency of off-street parking spaces for the resultant dwelling or other conditions prejudicial to highway safety;
- The proposal would incorporate sufficient sustainability measures; and
- Any other material planning considerations.

## 6.2 Loss of Open Space

Criterion (i) of Policy H4 of the adopted SOLP 2011 requires that an important open space of public, environmental or ecological value is not lost, nor an important public view spoilt. The site is already occupied by a dwelling and although the proposed dwelling would take up a sizeable portion of the side garden, the site has no special public, environmental or ecological value (attention has not been drawn to any protected species) and it was accepted by the appeal Inspector that the principle of the loss of this portion of residential curtilage is acceptable. This criterion would therefore be satisfied.

## 6.3 Character and Appearance

Criteria (ii) and (iii) of Policy H4 of the adopted SOLP 2011 seeks to ensure that the design, height, scale and materials of the proposed development to be in keeping with its surroundings and the character of the area is not adversely affected. Many nearby residents are concerned about the impact of the development on the street scene. A comparison of some aspects of the pair of semi-detached houses proposed in the P05/E0919 appeal scheme with the current proposal is shown in the table below:

<b>Dismissed</b>	<b>Proposed</b>
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	<b>Semi-Detached</b>	<b>Detached</b>
	<b>Dwellings</b>	<b>Dwelling</b>
Depth	13.2m	12.8m
Width	9.9m	8.1m
Eaves Height	5.2m	5.2m
Main Ridge Height	8.9m	8.9m
Distance to side wall of No.6	3.8m	3.8m
Distance to dwelling to north	2.8m (to side wall of proposed dwelling)	2.8m (to side wall of No.4)
Distance to road	8m	8m

6.4 The proposed dwelling would mimic the pair of semi-detached houses in that it would have a half-hip roof design with a flat roof element on top, a front gable (the appeal scheme had two gables) and a monopitch roof over a single storey projection at the front. The key differences would be the reduction in the width of the building and the removal of one of the front gables. It is therefore a reasonable assessment that the proposed house would have a similar design to the pair of semi-detached houses from the appeal scheme. Although the Council had previously refused planning permission for the appeal scheme due to the inappropriateness of some of the elements of the design of the proposed dwellings (see above paragraph 4.1 – Reason 2). The Inspector was not



persuaded that the features, which were the subject of particular criticism, namely the provision of accommodation in the roof space and the roof design would be at odds with the varied design characteristics of the surrounding area. As a result of the similarities between the two schemes and the Inspector's comments it is considered that Officers would not be able to justify refusing planning permission on design grounds.

- 6.5 The Inspector was concerned that the appeal proposal would fail to reflect the spacious character of its setting. He explained that this stemmed from the combination of the limited size of the front gardens, dominated by drives and parking and the building to building distances. It was concluded, however, that the lack of space available for planting in front of the houses was the most important issue. The amount of garden area, capable of being landscaped between three dwellings in the appeal scheme was limited to a single grassed area in front of the proposed detached house, totalling 31.5 square metres. The Inspector felt that this would be a wholly inadequate area to provide the amount of planting necessary to allow the development to blend in with its surroundings. The current scheme would retain the existing garden area in front of No.4 and also would provide a garden area in front of the new dwelling. The combined area of these front gardens would total some 70 square metres.
- 6.6 The frontages would be devoted broadly 50% to parking/driveway and 50% to garden. Officers consider that the frontages would no longer be dominated by car parking and this increased garden area would be sufficient to enable more generous landscaping to be implemented to allow the proposed house to assimilate with adjoining development, thereby overcoming the Inspector's concerns in relation to the proposed spacing. This scheme also has the advantage of retaining No.4, albeit with some alterations, which is a longstanding building and forms part of the grain of established development within the street. Whilst the appeal scheme proposed a combined spread of some 17.5 metres of built development across the site, this proposal would involve only 8.1 metres of new build. The retention of the existing dwelling would also mean that the gap between the northernmost extent of buildings on the site would be retained, whereas in the appeal scheme, the northernmost dwelling was about 1 metre closer at two storey level.
- 6.7 Another advantage of this proposal when compared with the appeal scheme is that there would be no development in the vicinity of the protected Copper Beech tree in the north-east corner of the site and the Forestry Officer has commented that all the protected trees could be safeguarded by a planning condition requiring tree protection measures and that there would be scope for a reasonable amount of landscaping at the front. The alterations to No.4 mainly involve the demolition of a two storey element on the southern side elevation and the reorganisation of windows. These changes would have minimal impact on the character and appearance of the street scene. In the light of this assessment it is considered that the proposed development would comply with the above criteria.

#### Living Conditions

- 6.8 Criterion (iv) of Policy H4 of the adopted SOLP 2011 explains that there should be no overriding amenity objections. Several nearby residents are concerned about the impact on their properties. The proposed dwelling would have the greatest impact on the occupier of No.6, to the south of the site. The height of the

proposed dwelling and the distance between it and No.6 would be identical to that of the closest dwelling on the appeal scheme. The depth of the proposed dwelling would be slightly smaller than the appeal semis. The Inspector acknowledged that there is currently no built form on the site close to the common boundary and that the proposed dwelling nearest to the southern boundary would obviously affect the currently spacious setting of No.6. However, he considered that the proposed separation distance of around 4 metres would not be uncommon in an urban setting and that the depth of the proposed building would not have a significant adverse effect on the outlook from or the natural light reaching No.6. The Inspector also considered that the oblique view possible from the first floor side window of the proposed building into the dining room of No.6, would only reduce the enjoyment of that room to a limited extent. Given these conclusions and the similarities of the relationship of the dwelling now proposed and the appeal semis with No.6, Officers consider that the impact on the living conditions of No.6 would not be sufficient to resist this planning application. A planning condition could be imposed to ensure that the proposed stairwell window facing No.6 contains obscure glazing and is fixed shut.

- 6.9 There would be limited changes from the perspective of No.2, to the north of the appeal site, as unlike the appeal scheme, No.4 would remain. The only noticeable change to the northern elevation of No.4 would be the conversion of a bathroom into a bedroom, as part of the reconfiguration of the dwelling. The existing bathroom window is obscure glazed. As this is an established dwelling, it benefits from permitted development rights for the insertion of or changes to openings and the Council would have no control over alterations of this type, which could be carried out independently of this application at any time. Notwithstanding, the applicant has agreed to retain the window with obscure glazing and this is acceptable on the basis that there would be a main window to that bedroom facing down the garden. The Inspector also considered the impact of the previous proposal on the properties opposite, including No.7. It was concluded that in spite of the slope of the land, there would be no significant impact on the residents opposite, and as this application relates to a smaller building, Officers have reached the same conclusion.
- 6.10 The proposed dwelling would have two bedroom windows belonging to the second floor bedroom facing No.4. The angle to look into the downstairs windows of No.4 would be too oblique to enable any significant overlooking occurring. The reconfiguration of No.4, would leave a single window at first floor level, which would belong to a bathroom and it is indicated that this would be obscure glazed on the plans. This would be sufficient to prevent mutual overlooking between windows belonging to habitable rooms. In all other respects, the relationship between the proposed dwelling and No.4 would be satisfactory and the room sizes, internal layouts and amounts of outdoor amenity space would all comply with the standards set out in the SODG. On the basis of this assessment, the impact on the residential amenity of adjoining residents and future occupiers would not be compromised in conformity with the above criterion.

#### Highways and Parking

## 6.11

Criterion (iv) of Policy H4 of the adopted SOLP 2011 requires that there are no overriding highway objections. Local residents are concerned about the proposed parking and access arrangements, especially as Belle Vue Road has no footpaths. The proposal would retain the existing parking and access arrangements for the existing dwelling and although visibility is substandard, this is an existing situation that would not be aggravated by the proposal. The proposed house would be served by a parking area sufficient to provide two off street parking spaces, which would meet the standards for a four-bedroom dwelling. Although often desirable, There is no policy requirement to provide a garage. The proposed access arrangements would meet visibility standards. Oxfordshire County Council, as Highway Authority, has raised no objections to the proposal. The proposed development would therefore satisfy the above criterion.

### Sustainability Measures

- 6.12 Policy D8 of the adopted SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. The applicant has been asked to provide some information on this matter, which will be verbally reported to the Planning Committee. Recycling and composting facilities could also be provided via a planning condition in accordance with Policy D10, thus making a contribution to the objectives of Policy D8.

### Other Material Considerations

- 6.13 Policy H7 of SOLP 2011, relating to housing mix is only relevant to residential development proposals where there is a net gain of 2 or more dwellings. As such, Policy H7 is not relevant to this particular application. Oxfordshire County Council normally seek financial contributions from developers towards local infrastructure for residential development involving 10 or more dwellings and therefore this is also not a relevant consideration for proposals of this scale. Issues of precedent and future development in the surrounding area are also not relevant to this application as it is a commonly established planning principle that every application should be assessed on its merits and any other applications would be evaluated with regard to the prevailing planning policies at that time.

## **7.0 CONCLUSION**

- 7.1 The application proposal would comply with the relevant Development Plan policies and it is considered that, subject to the attached conditions, the proposed development would not materially harm the character and appearance of the area, the living conditions of nearby residents or be prejudicial to highway and pedestrian safety.

## **8.0 RECOMMENDATION**

### **8.1 Grant Planning Permission**

**Subject to the following conditions:**

1. **Standard 3 Year Time Limit**
2. **Samples of Materials**
3. **Details of Hard and Soft Landscaping and Tree Protection**
4. **Access and Parking for New Dwelling Prior to Occupation**
5. **Retention of Parking for New Dwelling**
6. **Details of Scheme to Prevent Surface Water Discharge onto Highway**
7. **Removal of PD Rights for the New Dwelling for Extensions, Openings, Rooflights, Porches, Outbuildings and Hardstandings**
8. **South-Facing Stairwell and North and South Facing First Floor Bathroom Windows in New Dwelling to be Obscure Glazed and Fixed Shut**
9. **Details of Slab Levels**
10. **Details of Refuse and Recycling Storage and Composter**

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