

---

<b>APPLICATION NO.</b>	P10/E0769
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	4 June 2010
<b>PARISH</b>	Henley
<b>WARD MEMBER(S)</b>	Joan Bland and Lorraine Hillier
<b>APPLICANT</b>	Mr G S Fletcher
<b>SITE</b>	39 Leaver Road, Henley
<b>PROPOSAL</b>	Erection of two-storey attached three-bedroom dwelling, parking and turning.
<b>AMENDMENTS</b>	None
<b>OFFICER</b>	Paul Lucas

---

**1.0 INTRODUCTION**

1.1 This application is reported to the Planning Committee as a result of a conflict between the officer recommendation and the views of Henley-on-Thames Town Council.

1.2 The application site consists of part of a residential plot occupied by an end of terrace two storey house constructed as part of a 1980's development containing similar properties. The dwelling has a large side garden, which forms the application site. The site slopes up towards the rear and also upwards from west to east. No.39 adjoins No.41 Leaver Road to the north-east, which is a similar sized mid-terrace property with a smaller garden. The south-western site boundary is partly adjoining the garden of No.19 and partly alongside a communal private parking area, which is accessed from the closest highway (part of Leaver Road) to the east. The north-western site boundary is with a wooded area, beyond which lie The Henley College Rotherfield Buildings. The boundaries consist of a mixture of close-boarded fencing and hedging.

**2.0 THE PROPOSAL**

2.1 The application seeks full planning permission for the erection of a two storey, 3-bedroom dwelling attached to No.39, with associated parking and turning, accessed off the communal parking area. Part of this parking area is included within the red line area, which extends to the highway. The dwelling would have a maximum width of 5.8 metres and depth of 8.4 metres. It would have a gable end facing south-west. The main roof would have a ridge height of 8.2 metres, with a secondary ridge at 6.5 metres. The first floor windows would face front and rear and there would be ground floor openings on all elevations, with the front door at the side. The footprint would be staggered to be set 0.3 metre back from the front elevation of No.39 and set 0.5 metre beyond the rear elevation of No.39. The ridge would line up with the existing terrace. The materials would be red facing brick and brown concrete interlocking tile, which along with the window design would match the adjoining property. The parking would be accommodated along the south-western boundary. Part of the front garden would be converted into hardstanding to allow sufficient space for vehicles to turn within the communal parking area without crossing into any of the existing parking spaces and exit to the highway in forward gear. The rear garden area for the new dwelling is shown as being 84 square metres, with a front garden of 12 square metres and No.39's rear garden would be reduced to 50 square metres. The third bedroom would be accommodated in the roof space and lit by three rooflights.

3.0 **CONSULTATIONS AND REPRESENTATIONS**

3.1 **Henley Town Council** – The application should be refused due to:

- The application is an overintensive development within the application site.

3.2 **OCC Highways** – Previous concerns have been overcome through introducing additional room for turning within the application site. No objection subject to standard conditions.

3.3 **Environmental Services (Contamination)** – No objection subject to standard investigation and remediation condition and gas protection condition and standard informatives.

3.4 **Neighbours** – five representations of objection, summarised as follows:

- Loss of light to rear of adjacent terrace and gardens (No's 39, 41 & 45)
- Overlooking of No's 35 & 37
- Oppressive and Overbearing impact upon outlook from No.19 due to elevated position
- Lack of turning space and increased traffic and on-street parking and excessive use of communal parking area
- Subsidence to No.19's garden through excavation
- Design of house and enclosed front garden out of keeping with surrounding properties
- Appeal decision not addressed
- Plenty of other housing available in Henley for purchase and rent
- Loss of fences and hedges
- In breach of covenants – in connection with restrictions on use of communal access (not a planning matter)
- Disruption from construction traffic (not a planning matter)
- Devaluing of property (not a planning matter)

4.0 **RELEVANT PLANNING HISTORY**

4.1 P10/E0171 – Planning permission was refused in April 2010 for a similar proposal to the current application for the following reason:

“The proposed development would fail to demonstrate that manoeuvres can be conveniently undertaken to gain egress from the proposed off-street parking spaces in situations where the existing parking spaces in the adjacent communal parking area are occupied. This would be likely to result in vehicles reversing over long distances on the private land and egressing in reverse gear to the public highway and would be prejudicial to highway and pedestrian safety. As such, the proposal would be contrary to Policies G2, D2, H4, T1 and T2 of the South Oxfordshire Local Plan 2011 and advice contained within PPG13.”

4.2 P08/E1147 – Planning permission was refused in January 2009 for a similar proposal to the current application for the following reasons:

“1. The application fails to demonstrate that there is a legitimate access to the proposed off-street parking spaces to satisfy the Local Planning Authority that future occupiers of the development would be able to park off-street. As a result the proposal would be likely to result in on-street parking prejudicial to highway and pedestrian safety and inconvenience to existing residents. In addition, the practicality of the proposed turning area within the site is questionable. As such, the proposal would be contrary to Policy T8 of the Oxfordshire Structure Plan 2016, Policies G2, D2, H4, T1 and T2 of the South Oxfordshire Local Plan 2011, advice contained within Section 3.3 of the South Oxfordshire Design Guide 2008 and advice contained in Government

Guidance in PPS1, PPS3 and PPG13.

2. Having regard to the depth of the two storey projection beyond the rear elevation of No.39, the proposal would result in loss of light and outlook to the rear garden of No.39. In conjunction with the significant reduction in the size of the rear garden of No.39, this would be detrimental to the living conditions of the occupiers. The development would therefore be contrary to Policies G2, D4 and H4 of the South Oxfordshire Local Plan 2011 and advice contained in Government Guidance in PPS1 and PPS3.”

- 4.3 P08/E0072 – A planning application for another similar proposal was withdrawn in March 2008, following Officers’ concerns about access arrangements and the impact on the resultant rear garden of No.39.

## 5.0 **POLICY AND GUIDANCE**

### 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:

- G2 – Protection of the Environment
- G5 – Making Better Use of Land
- G6 – Promoting Good Design
- C9 – Landscape Features
- EP2 – Noise and Vibrations
- EP6 – Surface Water Protection
- EP8 – Contaminated Land
- D1 – Good Design and Local Distinctiveness
- D2 – Vehicle and Bicycle Parking
- D3 – Plot Coverage and Garden Areas
- D4 – Privacy and Daylight
- D7 – Access for All
- D8 – Energy, Water and Materials Efficient Design
- D10 – Waste Management
- H4 – Towns and Larger Villages outside the Green Belt
- T1 – Transport Requirements for New Developments
- T2 – Transport Requirements for New Developments

### 5.2 Supplementary Planning Guidance:

- South Oxfordshire Design Guide 2008 – Sections 3, 4 & 5.

### 5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPG13 – Transport
- PPS23 – Planning and Pollution Control

## 6.0 **PLANNING ISSUES**

6.1 The application site is in a location within the built-up limits of Henley and consequently the proposal falls to be assessed against the criteria of Policy H4 of the SOLP 2011, which sets out a presumption in favour of residential development, subject to several impact-based criteria. 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;
- be in keeping with the character and appearance of the surrounding area in terms of design and scale;

- safeguard the living conditions of neighbouring residential occupiers and provide suitable living conditions for future occupiers;
- result in an unacceptable deficiency of off-street parking spaces for the resultant dwellings or other conditions prejudicial to highway safety;
- incorporate sufficient sustainability measures; and
- Any other material planning considerations.

## 6.2 Open Space

Criterion (i) of Policy H4 of the 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 relatively well screened from public views and is already bordered for the most part by buildings and hardstanding in an urban setting. There would be no ecological implications arising from this proposal. This criterion would therefore be satisfied.

## 6.3 Character and Appearance

Criteria (ii) and (iii) of Policy H4 of the SOLP 2011 explain that the design, height, scale and materials of the proposed development should be in keeping with its surroundings and the character of the area is not adversely affected. The proposed development would involve the introduction of a relatively small dwelling onto the site, in keeping with the scale and form of those in the surroundings. Although the resultant plot for the existing dwelling would be small, this would still be comparable with some of the smaller plots in the original development and would not look out of place. In spite of the stagger to the design, the dwelling would comprise other elements that would reflect the design of others in the area, where there is no particular uniformity in the manner in which the existing terraces on the estate are grouped. Neither the previous 2008 or 2010 applications were refused for visual impact reasons. In the light of the above assessment, the proposal would comply with the above criteria.

## 6.4 Living Conditions

Criterion (iv) of Policy H4 of the SOLP 2011 requires that there are no overriding amenity objections. Policy D4 seeks to ensure that all new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for the occupiers and to prevent development that would unacceptably harm the amenities of neighbouring properties through loss of privacy, daylight or sunlight. In spite of its elevated position, the proposed dwelling would be at a sufficient distance from the boundaries with No's 19, 41 and other nearby dwellings, so that any impact in terms of loss of light or outlook would not be sufficient to justify a refusal of planning permission. The depth of the proposed dwelling beyond the rear elevation of No.39, which was an issue with the 2008 application, has been reduced to about 0.5 metre. This would prevent any significant loss of additional light and outlook to the rear garden of this residential property, particularly the portion closest to the rear of the house. The proposed front and rear facing first floor windows would not afford any additional opportunities for direct overlooking of neighbouring properties. The proposed internal arrangement and amount of outdoor amenity space for the proposed house and the amount remaining for No.39 would be acceptable for a dwelling of this size. On the basis of the above assessment, the proposal would be accord with SOLP 2011 Policies D4 and H4(iv) and advice in PPS3.

6.5 Highways and Parking

Criterion (iv) of Policy H4 of the SOLP 2011 also requires that there would be no overriding highway objections. The submitted track drawings demonstrate that manoeuvres can be conveniently undertaken to gain egress from the proposed spaces in the case of the existing parking spaces being occupied. This would overcome the highway safety issues that lead to the refusal of planning permission for the earlier 2010 application. Instances such as vehicles reversing over long distances on the private land and egressing in reverse gear to the public highway would be unlikely to arise with the revised turning layout. As such, the proposal would be in accordance with the above criterion.

6.6 Sustainable Measures

Policy D8 of the SOLP 2011 requires proposals to incorporate sustainability measures in terms of energy, water and materials efficient design. Section 3 of the SODG 2008 recommends that single dwellings reach at least Level 3 of the Code for Sustainable Homes. A sustainability statement has been submitted to demonstrate that the proposal would incorporate several sustainable measures into the design, but that only Level 2 would be met. A planning condition is recommended requiring the measures set out to be sufficient to meet Level 3 and to be implemented prior to occupation. An appropriate location for refuse, recycling and composting storage and collection facilities can also be secured via a planning condition in accordance with Policy D10.

6.7 Other Material Planning Considerations

Contaminated land issues could also be dealt with by planning conditions (Policy EP8). The land is not in an area liable to flood and hard surfacing could be required to be porous to minimise surface water run-off (Policy EP6). Hedges, fences and pedestrian access could be required to be maintained to an acceptable standard via a landscaping condition (Policies C9 and D1). Building Regulations would examine the technical aspects of the build and that level access would be achievable for disabled persons (Policy D7).

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance and it is considered that, subject to the attached conditions, the proposed development would not materially harm the living conditions of nearby residents or the character and appearance of the area or result in conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

1. **Standard 3 year time limit**
2. **Samples of materials prior to commencement**
3. **Removal of Permitted Development Rights for extensions, porch, outbuildings**

4. **Code Level 3 sustainable measures implemented prior to commencement**
5. **Details of refuse, recycling and composting facilities prior to commencement**
6. **Parking and turning to be provided prior to occupation and retained as such**
7. **Details of cycle parking facilities**
8. **Details of hard and soft landscaping prior to commencement**
9. **Details of contamination investigation and mitigation as necessary prior to commencement**

**Author:** Paul Lucas  
**Contact No:** 01491 823434  
**Email:** [planning.east@southoxon.gov.uk](mailto:planning.east@southoxon.gov.uk)