



- 2.2 The detached garage would measure approximately 5.4 metres wide by 5.7 metres deep, reaching a height of 5 metres at the peak of the pitched roof.
- 2.3 To allow access to the new house, the applicants propose to demolish the existing integral garage to Grovelands to create a new driveway along the eastern boundary of the plot. The new house will be positioned around 34 metres to the south of Grovelands and centrally located on the plot.
- 2.4 The application has been amended twice to address objections raised by the council's tree officer. Initially, it was proposed to provide a single garage to the front of Grovelands to mitigate the loss of the existing integral garage. This has been removed due to conflict with protected trees in the southwestern corner of the site. The new house itself has been repositioned and the associated driveway realigned.
- 2.5 This application is a resubmission of a scheme refused in early 2010, which was considered an overdevelopment of the site, unneighbourly to Nos. 1 and 3 Blandy Road to the west and southwest of the site and damaging to a number of protected trees both within and outside the plot.
- 2.6 The plans of the proposed development are **attached** as Appendix Two.

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Henley-on-Thames Town Council** – Recommends refusal, the development is over-intensive backland development that would adversely affect the privacy of neighbours. Also concerned about the risk to trees protected by Tree Preservation Orders and the impact of increased traffic.
- 3.2 **The Henley Society (Planning)** – Objection received, out of character backland development that would result in the loss of trees and an established garden, the dwelling would have a detrimental impact on the footpath adjacent to the site and the new driveway represent a traffic hazard.
- 3.3 **Forestry Officer** – Initial objection to scheme overcome by amendments, subject to typical tree protection and landscaping conditions.
- 3.4 **OCC Highways Area Liaison Officer** - No objections, the existing access is adequate to accommodate the intensification of use associated with the new dwelling. Conditions relating to turning and parking areas, cycle parking and gates requested.
- 3.5 **Neighbour Representations** – Ten letters of objection received to initial scheme, many objections reiterated following receipt of amended plans. One letter confirming no specific objections to scheme also received. The main objections can be summarised thus:
- Proposal represents garden grabbing contrary to the recent amendment to PPS3
  - Overdevelopment of the site
  - Massing, scale and height of house are all excessive
  - Design of house is out of keeping with surrounding houses
  - Loss of light, loss of privacy, overlooking and overbearing impact of house on rear of Nos. 1 and 3 Blandy Road
  - Loss of light and unwelcome views of house from rear of properties along Manor Road
  - Loss of privacy to occupants of Grovelands

- Overlooking of 69 St Andrew's Road
- Impact on health of trees protected by Tree Preservation Orders
- Increased parking to front of Grovelands and on street, particularly following removal of garage as part of amendment
- Increased noise nuisance and light pollution from driveway and new house
- Failure to address housing needs – another large house in Henley
- Concerns over waste collection – wheelie bins stored close to road
- Impact on users of public footpath to immediate east of site
- The unsociable height of hedging along boundaries with Blandy Road – concern this is an attempt to screen the site that causes loss of light and outlook in itself

#### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P09/E1142 - Proposed new dwelling to land at rear of Grovelands – Refused  
P03/E0565 - Erection of two detached houses in rear garden and construction of new access and garage – Refused and dismissed on appeal

#### 5.0 **POLICY & GUIDANCE**

- 5.1 Adopted South Oxfordshire Local Plan 2011 Policies:  
G2 – Protection and enhancement of the environment  
G6 – Promoting good design  
C8 – Development affecting protected species  
C9 – Protection of landscape features  
EP8 – Contaminated land  
D1 – Good design and local distinctiveness  
D2 – Vehicle and bicycle parking  
D3 – Plot coverage and garden areas  
D4 – Protection of privacy and daylight  
D8 – Energy, water and materials efficient design  
D10 – Incorporation of waste management provision  
H4 – New housing in the towns and larger villages  
H13 – Erection of extensions and outbuildings at residential properties  
T1 – Transport requirements for new developments  
T2 – Transport requirements for new developments

Adopted South Oxfordshire Local Plan 2011 – Appendix 5 – Parking Standards

South Oxfordshire Design Guide (SODG) 2008

Government Guidance:

- PPS1 – Delivering sustainable development  
PPS3 – Housing  
PPS9 – Biodiversity and Geological Conservation

#### 6.0 **PLANNING CONSIDERATIONS**

- 6.1 Policy H4 outlines the considerations for applications for new housing in Henley and more specifically allows for the erection of new housing in the town subject to the following:

- i) An important open space of public, environmental or ecological value should not be lost, nor an important public view spoilt
- ii) The design, height, scale and materials of the proposed development must be in keeping with the surroundings
- iii) The character of the area should not be adversely affected

- iv) There should be no overriding amenity, environmental or highway objections and;
- v) If the proposal constitutes backland development, it would not create problems of privacy and access

Other considerations relevant to this proposal are:

- Whether the health of nearby protected trees would be affected by the new house and access
- Whether the proposal would incorporate appropriate sustainability and waste management measures
- Whether the habitats of protected species would be adversely affected by the development
- Whether there are any issues regarding land contamination

As this proposal is for a net gain of one dwelling, policies regarding housing mix are not relevant.

### **The principle of development**

- 6.2 The site lies well within the built up limits of the town. Some of the objections received to the scheme have highlighted the coalition government's recent decision to remove private gardens from the definition of previously developed land in PPS3. The objectors contend that this is now a greenfield location and the development of it should be resisted.
- 6.3 Officers acknowledge this recent change in national policy but recent appeal decisions have confirmed that the principle of in-fill development on private gardens still holds. This is because the overall thrust of PPS3 remains to direct new housing to the most sustainable locations that have good access to local services. This approach remains consistent with the aims of Policy H4. As such, officers have concluded the principle of this development remains acceptable, but the amendment to PPS3 places a greater emphasis on the need to consider the impact of this proposal on the character of the site and surrounding area, which are discussed below.

### **Siting Issues**

- 6.4 From observations on site, there are limited views into the rear of Grovelands from nearby public vantage points. Residential gardens surround the application site to east, west and south. The public footpath running to the east of the site is on a noticeably lower level than the rear of Grovelands. A mature hedge that offers a very good screen when combined with the protected trees defines the boundary between the two. As such, officers are satisfied that the proposal would not spoil an important view nor would it cause the loss of an important open space.

### **Design Issues**

- 6.5 There is a mixture of housing types in the area around the application site, although the immediate area is generally characterised by housing estates dating from the 1960s and 1970s. There is a mixture of housing sizes in the immediate area, with sizeable detached dwellings, including Grovelands, fronting onto St Andrew's Road, semi-detached housing along Manor Road and bungalows along Blandy Road. As such, there is no distinctive character to the style and size of dwellings in the area.
- 6.6 The scheme refused in early 2010 proposed a very large house arranged in a contrived dog-leg plan form that competed in terms of footprint and height with Grovelands itself. This very large bulky building was not considered appropriate for its

backland surroundings and had an awkward design that did not protect and reinforce local distinctiveness as required by Policy D1.

- 6.7 Officers consider the scheme now proposed to be a noticeable improvement on that design, with a more traditional form of dwelling proposed. Officers consider the height, scale and massing of the property to be appropriate and the design and materials are not out of keeping with surrounding houses given the variety of dwellings in the area.
- 6.8 The detached garage to the side of the dwelling is also an appropriately designed ancillary structure that accords with the relevant SODG advice and so officers consider this amended proposal preserves the character of the surroundings.
- Character of the site and the area**
- 6.9 A number of objections have been received, including representations from The Town Council, contending that this proposal represents an overdevelopment of the site. However, as outlined in paragraph 1.3, Grovelands sits in grounds of over 2000 square metres, which is a spacious plot and not out of keeping with the character of the area.
- 6.10 Around 665 square metres of amenity space will be available to the occupants of property. The SODG advises that 100 square metres will normally be required for a 4-bed dwelling and so this proposal significantly exceeds the minimum standard. Officers also consider that generous gaps between the new dwelling and the boundaries of the site will be maintained and are satisfied that the building will sit comfortably within its plot.
- 6.11 The site will also offer a level of off-street parking comfortably in excess of the requirements of Appendix 5 of the Local Plan.
- 6.12 As discussed in Para 6.4, the opportunity for a clear view of the house from any public vantage point will be extremely limited. Objections have been raised about the increased parking that will occur to the front of Grovelands, particularly now the garage has been removed from the amended scheme. However, the extension to the existing driveway would normally fall within permitted development that the council would not have control over and has the benefit of ensuring Grovelands also has adequate off-street parking.
- Neighbouring Amenity, Backland Development and Privacy Issues**
- 6.13 In determining the previous application, officers concluded that the impact on the amenity of the occupants of Nos. 1 and 3 Blandy Road would be unacceptable. Strong objections to this new scheme have been received from the owners of these properties.
- 6.14 No.1 Blandy Road is a bungalow property that has a relatively shallow rear garden and the new house would be positioned approximately in line with the rear of this neighbour. Officers acknowledge that this property currently enjoys an open view from its rear aspect over the undeveloped mature garden of Grovelands and the partial loss of this would have an impact on the owners' enjoyment of their home. The new dwelling with this relationship with No.1 would also have an impact on the general outlook from this neighbouring property.
- 6.15 The western (side) elevation of the house would be around 18-19 metres from the rear windows of No.1. This elevation is part of the one and a half storey element of the house, so the eaves will be at a height of around 5 metres, which is not considered excessive. The half-hipped design of the roof also reduces the bulk of the

building as it pitches away up to its highest point, some 2 metres further into the site. Overall, officers consider the design and size of the property would not cause significant harm to the outlook from rear windows or result in an unduly overbearing impact on the rear garden. There are no windows in the western elevation that would allow direct overlooking of No.1, which represents a significant improvement on the previous scheme. Finally, officers are satisfied only a small amount of early morning sunlight will be lost to the rear of No.1 from this development and so, on balance, the impact on the amenity of the occupants of No.1 is considered acceptable.

- 6.16 Officers are generally satisfied that the additional distance between the new house and the rear garden of No.3, and the oblique relationship between the two will mean that concerns regarding harm to outlook and the overbearing impact on the garden of No.3 are not significant. The owners of No.3 will continue to enjoy an open view across their own easterly facing, generously sized rear garden.
- 6.17 However, officers do accept that this amended proposal will result in some clear overlooking of the rear garden of No.3. The orientation of the house means that first floor rear facing windows will allow views of the bottom portion of this garden, at a distance of around 13-14 metres. This relationship will have some impact on the owner's of No.3 enjoyment of this area of the garden, but officers, on balance, do not consider this harm is sufficient to warrant a refusal of planning permission.
- 6.18 No.3 benefits from a rear garden of some 35 metres in depth. The rear windows of the new dwelling would overlook approximately the last 20 metres of this garden. The main part of the garden, closest to the house and most frequently used, would not experience such direct overlooking. Some oblique overlooking of this area from the new house would be possible, but officers do not consider that this is unreasonable in this location, where some degree of mutual overlooking is inevitable. Thus, on balance, officers have concluded the overlooking of the private rear garden of No.3 is not sufficiently harmful to warrant a refusal of planning permission.
- 6.19 Strong objections have also been received from properties along Manor Road to the east of the application site. Nos. 6-8 are the dwellings most affected and these dwellings benefit from generous rear gardens with an open view across the rear of Grovelands. Understandably, their occupiers are keen to preserve this arrangement. However, taking into account the distances involved and the mature planting along the footpath, which provides excellent screening during the summer months, the new dwelling would not be overbearing, nor would it result in a significant loss of light. The amended design of the new dwelling also ensures only very oblique overlooking will be possible and officers consider this relationship acceptable.
- 6.20 Officers are also satisfied that, due to the distances involved, overlooking from the front of the new house to No.69 St Andrew's Road and Grovelands would not be significant.
- 6.21 Other objections received from neighbours include light pollution and the noise nuisance from cars travelling along the new driveway. However, officers do not consider that the impact of one dwelling will be significant.

#### **Highway Safety Issues**

- 6.22 Both the Town Council and a number of neighbours have raised concerns about the impact on highway safety from the new access, which will be shared by Grovelands and the new dwelling, and is close to the junction between St Andrew's Road and Green Lane.

- 6.23 However, in determining the previous scheme, the OCC Highways Liaison Officer has identified that the existing access already suffers from poor visibility looking right down St Andrew's Road and so the new shared access will be realigned marginally further west, actually improving visibility. Therefore, officers consider there could be no objection to replacing the access given that improved visibility would be achieved.
- 6.24 The Highways Liaison Officer has requested conditions relating to providing car parking and turning areas in accordance with the submitted plans, cycle parking facilities and that any gates are set back 5 metres from the highway. Officers do not consider that a condition relating to gates is necessary, as the submitted plans do not indicate the installation of any gates and they would likely require planning permission in their own right. The other two conditions are necessary and are consistent with the relevant policies of the Local Plan.

**Tree Issues**

- 6.25 Policy C9 seeks to protect important landscape features from adverse development and officers have concerns about the harm the proposed dwelling and garage will have on trees protected by Tree Preservation Orders (TPOs). In consultation, the council's Forestry Officer has identified two Oaks along the eastern boundary and a Monterey Cypress within the garden. Furthermore, to the front of the property, a separate TPO protects a group of 5 Lawson Cypress and a Robinia.
- 6.26 The amended scheme has removed any concerns about the harm to the health of the trees to the front of the property by removing the new garage from the proposal. Thus, officers' focus has been on the impact of the new driveway on the protected oaks to the immediate east of the site and the Monterey Cypress in the rear garden. The oaks line the public footpath and have significant amenity value in the area.
- 6.27 The second amendment to the application has altered the route of the proposed driveway so that it completely avoids the Root Protection Area (RPA) of one of the protected Oaks (Tree 7) and the Monterey Cypress (Tree 22). The driveway will still pass through a significant proportion of the northern Oak (Tree 5) and this remains a concern to the Forestry Officer and neighbours. However, this Oak is unfortunately in poor condition and does not have the same long-term prospects of Trees 7 and 22. Therefore, officers consider this tree is not a constraint to this development in the same manner as the southern Oak and the Monterey Cypress, although, with appropriate pruning, it could still survive for many years to come.
- 6.28 The supporting information with the application contends that the relevant section of driveway could be constructed using no-dig methods, an approach often used to mitigate potential harm to trees. As it is not possible to implement this development without passing through the RPA of Tree 5, officers consider that it is essential this driveway is constructed in this manner which will preserve the life of this oak as long as is practical. A pre-commencement condition will secure this no-dig construction method. The plans indicate areas of new planting, but no information has been provided about what will be planted, and again a condition is necessary to control this element of the scheme.
- 6.29 In summary, the second amendment to this application has overcome the Forestry Officer's objections to the scheme, and so, subject to the above conditions, officers are now satisfied that this proposal will not unduly affect the long-term health of the visually important trees both within and outside the site.

**Sustainability and Waste Management**

- 6.30 The applicant's supporting statement indicates proposals to ensure the new dwelling would incorporate a reasonable extent of sustainable measures for a single dwelling and a condition can ensure they are implemented in the final build,
- 6.31 Whilst there is no information with the application regarding provision for bin storage and recycling within the site, officers are satisfied this can be accommodated and again a condition can control this element of the scheme.

**Protected Species**

- 6.32 The previous application was accompanied by two surveys, a protected species walk over survey of the site of the proposed dwelling and a bat assessment of Grovelands itself. In consultation, the council's Countryside Officer has confirmed that these surveys were conducted according to best practice, and officers accept their conclusions that this proposal would be unlikely to have any significant ecological impacts. Given the relatively short period of time that has lapsed between the applications, it is not necessary to update these surveys.

**Land Contamination**

- 6.33 In accordance with the requirements of Policy EP8 of the South Oxfordshire Local Plan, a full land contamination investigation is required.

**7.0 CONCLUSION**

- 7.1 The principle of a dwelling is acceptable in this location. The proposed dwelling has an acceptable relationship with Grovelands, the site and the character of the wider area. It would not result in the loss of an important open space or public view. On balance, its impact on neighbouring properties is also considered acceptable. Subject to the relevant conditions, the proposal would not adversely affect highway safety, affect the habitats of protected species and it would incorporate appropriate sustainability and waste management measures.
- 7.2 Furthermore, following the receipt of amended plans, the new dwelling would not harm the long-term health of visually important trees, subject to the prior agreement of a tree protection scheme that includes a no-dig construction method for the new driveway.

**8.0 RECOMMENDATION**

**8.1 Planning Permission granted subject to:**

- 1. Commencement Three Years**
- 2. Approved Plans**
- 3. Levels for new development, relative to fixed datum point outside site, to be agreed**
- 4. Samples of all materials to be agreed**
- 5. Turning Area and Car Parking to be provided as on approved plans**
- 6. Cycle Parking Facilities to be agreed**
- 7. Sustainable Design Features to be incorporated into new dwelling as per Sustainability Assessment**



- 8. Waste and Recycling Facilities to be agreed**
- 9. Tree Protection Scheme, including no dig construction method for driveway to be agreed**
- 10. Landscaping Scheme to be agreed**
- 11. Contaminated Land Investigation to be carried out and agreed**
- 12. Permitted Development Rights restricted for alterations and extensions to the new property**

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