
APPLICATION NO.	P11/S0128
APPLICATION TYPE	FULL
REGISTERED	22.3.2012
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Mr Will Hall Mrs Jennifer Wood
APPLICANT	Mr A C Sweeney
SITE	95a St Marks Road Henley on Thames, RG9 1LP
PROPOSAL	Erection of new dwelling and alterations to existing. (Proposed changes to the detail of one new dwelling approved in application P09/E1267).
AMENDMENTS	None
GRID REFERENCE	475743/181729
OFFICER	Mr Peter Brampton

1.0 INTRODUCTION

- 1.1 This application is referred to the planning committee because officers' recommendation conflicts with the views of Henley-on-Thames Town Council.
- 1.2 The application site comprises a semi-detached dwelling, which has been extended to the side and rear. No.95 and 95A St Mark's Road was originally one house and together they represent one of the older properties in this part of St Mark's Road, where there is a mix of property styles, sizes and ages. The two dwellings are set back around 25 metres from the road. This is noticeably at odds with adjoining properties, which are set on a reasonably consistent building line, between 5 and 6 metres back from the road.
- 1.3 This generous set back means No.95A benefits from a spacious front garden, which includes a detached garage. The site benefits from extensive planting, including a Beech tree close to the road is the subject of a Tree Preservation Order (TPO). Officers consider the site contributes positively to the character of the immediate area.
- 1.4 St Marks Road rises consistently up in a southwesterly direction from Reading Road. There is a change in levels across the site, whilst the immediate neighbour to the west, No.97 St Marks Road, is set approximately 1.5 metres higher than 95A.
- 1.5 The site is shown on the 1:1250 scale location plan **attached** as Appendix A.

2.0 PROPOSAL

- 2.1 The site has an extensive planning history which is summarised in section 4, and discussed in further detail in section 6. The overall intention of the applicant is to demolish the single-storey side extension currently serving 95A to create space for a new dwelling on the land to the southwestern side of the house.
- 2.2 This application seeks planning permission for alterations to the dwelling most recently approved under planning application P09/E1267. This consent also permitted the removal of the single storey side extension and remains valid until 23 March 2013. There are no changes to the proposed works to No.95A and so they have not been included on this application.

2.3 Therefore, this application seeks to amend the scheme approved in 2009. The changes proposed can be summarised thus:

- An increase of approximately one metre in the depth of the ground floor footprint of the building
- An increase in the width of the two-storey range of the building, of around 0.6 metres
- An increase in the depth of the two-storey range of the building, creating an enlarged bedroom one and two. The eastern rear gable increases by around 1.8 metres in depth, the western rear gable by around 2.2 metres
- A reduction in the height of the roof of bedroom two
- An increase in the depth and size of the single storey garden room at the rear of the building, so it now spans the entirety of the rear elevation
- Reduction in the eaves level of the two-storey element of the property, when viewed from the west, with an associated reduction in the pitch of the roof to keep the ridgeline as approved
- Cladding of upper part of western flank wall in timber weather board (details to be confirmed as part of condition attached to any consent)
- Changes to the number and positioning of windows on the front elevation and associated alterations to the eaves line
- Addition of a basement under the rearmost portion of the building

2.4 Reduced copies of the plans accompanying the application are **attached** as Appendix B. Supporting documentation, including the Design and Access Statement, can be found on the council's website.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Henley-on-Thames Town Council** – Recommends refusal – the size and mass of the development is un-neighbourly due to overdevelopment of the site. The Town Council would suggest complying with the existing planning permission.

The Henley Society (Planning) – Objection received. Consider the proposal to be seriously unneighbourly and out of character with the surroundings. Object to any increase in the size of building that exceeds first approval (P07/E1502).

Forestry Officer - No objections subject to detailed tree protection measures being agreed prior to work commencing

OCC Highways Area Liaison Officer - No objections, subject to previous highway conditions being carried across to any new consent

Neighbour Representations – Three letters of objection received from neighbours on St Mark's Road. Specifically, No.97, 99 and 103. Main objections can be summarised thus:

- Increase in footprint represent a more severe overdevelopment of the site than previous approvals
- New house is highly intrusive and oppressive on the outlook from Nos. 97 and 99 St Mark's Road
- New house overlooks and blocks light to adjacent properties
- House is out of keeping with the area, which predominantly consists of two-storey houses
- Two parking spaces for each house is inadequate given size of the properties
- Long and convoluted planning history of site is unsettling for neighbours

- Continuous modification of this proposal makes it difficult to anticipate the impact of the final structure

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P10/E0469](#) - Approved (16/06/2010)

Ground floor extension to side and rear (part demolition of existing extension). - Planning Permission on 16/06/2010

[P09/E1267](#) - Approved (23/03/2010)

Erection of new dwelling and alterations to existing - Planning Permission on 23/03/2010

[P08/E0275](#) - Approved (29/04/2008)

Single storey side extension. - Planning Permission on 29/04/2008

[P07/E1502](#) - Approved (24/01/2008)

Erection of new dwelling and alterations to existing. - Planning Permission on 24/01/2008

[P07/E0699](#) - Approved (20/09/2007)

Demolition of existing side extension to 95A. Alterations to 95A and erection of new dwelling adjacent - Planning Permission on 20/09/2007

[P05/E0967](#) - Refused (01/11/2005)

Demolition of existing side extension to 95a, alterations to 95a including the construction of dormer windows to the north and south elevations. Erection of new dwelling adjacent to 95a and alterations to the vehicular access. - Refusal of Planning Permission on 01/11/2005 - Appeal Dismissed on 31/05/2006

[P05/E0587](#) - Refused (19/07/2005)

Demolition of existing side extension to 95a, alterations to 95a including the construction of dormer windows to the north and south elevations, and erection of new dwelling adjacent to 95a. - Refusal of Planning Permission on 19/07/2005 - Appeal Dismissed on 31/05/2006

[P04/E1440](#) - Refused (07/02/2005)

Demolition of part side extension to 95a, alterations to 95a and erection of new dwelling adjacent to 95a. New dormer windows to 95a. - Refusal of Planning Permission on 07/02/2005 - Appeal Dismissed on 31/05/2006

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

G2 - Protect district from adverse development

G6 - Appropriateness of development to its site & surroundings

C9 - Loss of landscape features

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D3 - Outdoor amenity area

D4 - Reasonable level of privacy for occupiers

D8 - Conservation and efficient use of energy

D10 - Waste Management

H4 - Housing sites in towns and larger villages outside Green Belt

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

National Planning Policy Framework

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 there are issues regarding land contamination
- Whether there are issues relating to surface and foul water drainage

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

6.2 **Loss of open space**

As discussed, the heavily planted, attractive garden of the property contributes positively to the character of the street scene. In particular, the planting offers some relief from the otherwise largely built up frontage in this part of St Mark's Road. However, officers do not consider the space has any particular public, environmental or ecologic value.

6.3 **Design issues and the character and appearance of the area**

As revealed by the planning history of the site, this is the seventh application since 2004 relating to the erection of a dwelling on the site. The design and scale of the house has evolved, in particular, from the Planning Inspectorate's decision to dismiss appeals against the first three refusals of planning permission. The elements of the scheme accepted by the Inspector have been retained in subsequent designs. The 2009 permission, as discussed, remains extant until March 2013.

6.4 Thus, this extant permission is a key material consideration in assessing this new scheme. Officers are unable to revisit those elements of the scheme that are carried over from the 2009 permission, given the applicant would still have several months to implement the previously approved scheme, regardless of the outcome of this new application.

6.5 The plans show the new dwelling would be just less than 18 metres back from the front boundary of the site. This is around one metre closer to the road than the previous approval. However, given the distances involved, officers consider this difference is not significant.

6.6 More crucial to officers' assessment of the siting of the new dwelling is the conclusion from the Inspector, dating from May 2006. In this decision, the Inspector was clear the

staggered building line, part way between No.95/95A and No.97 was an appropriate response to the differing positions of the houses, and so it would not appear out of keeping. Thus, whilst the position of the house remains at odds with the relatively consistent building line seen to the northeast and southwest, the arrangement remains acceptable and similar to the three previous approvals.

- 6.7 One neighbour proposes this application represents an opportunity to revisit the siting of the dwelling to ease the impact on neighbours. For the reasons outlined above, officers do not consider it is appropriate to revisit this matter, despite the increase in footprint. Furthermore, the front garden of the proposed dwelling remains a generous size that will help assimilate the dwelling into its surroundings in due course.
- 6.8 The width of the plot allocated to the new dwelling is narrower than some in the vicinity. However, it is comparable to No.74a, 97 and 105, all of which are relatively close to the application site. The principle of infill development along St Marks Road is well-established and officers are satisfied the proposed house would remain in keeping with the character of the area. This application retains a gap of around 1.7 metres to the boundary with No.97, which is similar to the previously approved scheme.
- 6.9 The key to officers' assessment of this application is whether the changes incorporated into this design warrant a change in recommendation. As outlined in Section 2, the house now proposed is larger, being deeper in footprint at both ground and first floor level, and wider at first floor level. Both the Town Council and the Henley Society consider the incremental increases in size of the building to represent an overdevelopment of the site. Officers do not agree with this assessment given that the rear garden alone would provide nearly 250 square metres of amenity space. This is comfortably in excess of the minimum garden sizes recommended by the SODG.
- 6.10 Officers consider the alterations proposed with this application further complicate the dwelling, which already has a rather convoluted appearance. Of particular regret is the increase in the size of the rear dormer, serving the attic room, and the flat roof form of the western rear gable, serving Bedroom 2. The number of roof forms and slopes on the rear of the building create a complicated elevation.
- 6.11 However, neighbouring gardens along St Marks Road and St Andrews Road surround the rear of the plot. Therefore, public views of the rear of the application site are extremely limited. As such, officers do not consider the increase in bulk at the rear of the property, nor the further alterations to the appearance of the rear elevation, will result in demonstrable harm to the character of the area.
- 6.12 The front elevation will be seen when passing the site along St Mark's Road. The front elevation is, comparatively, simple. There are two dormers set at eaves level under pitched roofs, which is consistent with SODG advice. Therefore, officers conclude this proposal will preserve the character of the area. Landscaping conditions attached to the previous permission will be carried across. These require the retention and the enhancement of the planting on site to assimilate the new dwelling into its surroundings.
- 6.13 **Neighbouring Amenity**
Criterion iv) of Policy H4 requires that there are no overriding amenity objections and in this respect the key issue is the impact on the amenities of No 97, which is a detached house with its garage on the east side. The property has the benefit of planning permission for a two storey side/rear extension, extant until March 2013. As before, given this permission may or may not be implemented the impact of the scheme has been assessed against No 97 as it stands and with the extension.

- 6.14 As discussed, the house now proposed projects forward of the approved scheme, but it remains entirely behind the rear building line of No.97. The applicant intends to take advantage of the slope across the site, setting the house into the ground, so the floor level is below that of No.97, by approximately one metre. There is a laurel hedge of approximately two metres in height. This hedge is largely within the ownership of No.97, and so the maintenance of this hedge at an appropriate height is within the neighbour's control.
- 6.15 Nonetheless, the upper part of the western elevation and the main roof will be visible above the laurel hedge. The applicant contends the impact on No.97 is reduced, as the eaves on the western elevation are lower, the pitch of the roof is shallower and the western gable, serving bedroom two, is reduced in height.
- 6.16 Whilst acknowledging the applicant's attempts to mitigate the impact on No.97, officers disagree the overall harm will reduce. In particular, the increased depth of the rear gables will have some additional impact on the amenity of No.97, over and above that previously approved. Accordingly, officers have carefully considered whether this additional harm warrants a refusal of planning permission. On balance, the conclusion is that it does not.
- 6.17 Turning first to the increase in width of the building, this will bring the property around 60 centimetres closer to the boundary at first floor level. This reduced distance will not be easily discernible when standing in the rear garden of No.97, particularly given the reduction in eaves height and the shallower roof pitch. In determining previous applications, officers have identified the majority of the bulk of the new dwelling will be seen against the higher No.95a. This conclusion holds with this new scheme, despite the increases in width and depth.
- 6.18 Perhaps the most appreciable difference in this scheme from the garden of No.97 is the increased depth of the first floor rear gables, serving Bedrooms 1 and 2. However, these gables are set around 13 metres behind the rear building line of No.97. Given the distances involved, officers do not consider the increased harm to the outlook at No.97 from this increased depth would warrant a refusal of planning permission.
- 6.19 Officers are satisfied, given the lower floor level and the intervening screening; the wider single storey rear sunroom would not have a material impact on the outlook from No.97.
- 6.20 The Inspector found there would be no significant loss of light to No.97 on the schemes he considered. Officers are of the view the impact will be very similar, with the increased size of the property likely to result in only a small decrease in the morning sunlight received by No.99.
- 6.21 In terms of overlooking, the only windows in the western elevation are two high-level rooflights. These are in a similar location to the previous approval and officers are satisfied these will not allow any direct overlooking. The windows in the front and rear elevations will allow oblique overlooking of No.97. However, this overlooking will be typical of a residential location such as this and officers do not find it materially harmful to the amenity of the occupants of No.97. The form of the approved extension at No.97 means that, if built, the impact of the new dwelling on this neighbour will reduce.
- 6.22 The owner of No.99 St Marks Road has again objected strongly to this application. This property is located around 15 metres from the western elevation of the new house. Given this additional distance, and for similar reasons to those outlined above, officers

do not consider this proposal will have a material impact on the amenity of the occupants of No.99.

6.23 Finally, officers remain satisfied, despite the increased projection forward; the new dwelling will have an acceptable relationship with the reduced No.95A.

6.24 **Highway Safety**

Two car parking spaces are provided for each property, as per the previous application. In consultation, the County Council Highways Liaison Officer has confirmed the changes proposed in this application are not material from a highway safety point of view. Therefore, officers consider the most appropriate way forward is to carry across the highways conditions attached to the previous consent to this new scheme.

6.25 **Trees**

Throughout the evolution of the proposal, the siting of the new dwelling has been informed by the Beech tree at the front of the site, which is covered by a TPO. Whilst the new dwelling projects closer to this tree, the council's Forestry Officer remains satisfied the scheme can be implemented without causing damage to this tree. Thus, officers are satisfied to proceed on this basis, with a typical pre-commencement condition requiring detailed tree protection measures to be agreed prior to work commencing.

6.26 **Sustainability**

The applicant has provided a sustainability template with the application, outlining the measures he wishes to incorporate into the new dwelling. Officers consider the measures proposed to be somewhat limited. Given this is an entirely new building, officers' see no reason why the applicant cannot achieve Level Three of the Code for Sustainable Homes. Therefore, a pre-commencement condition is proposed that will require the applicant to provide a full sustainability statement, assessed against the Code for Sustainable Homes. This will maximise the sustainable building techniques used in construction, in accordance with Policy D8 of the Local Plan.

6.27 There is limited information regarding provision for bin storage and recycling within the site, but officers are satisfied this can be easily accommodated given the size of the plot. A typical pre-commencement condition will secure further details of this provision.

6.28 **Land Contamination**

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

6.29 **Surface and Foul water drainage**

To implement the proposed scheme, the applicant proposes change in land levels across the site, and an increase in the amount of hardstanding to the front. This raises issues over the discharge of surface and foul water. On previous permissions, pre-commencement conditions have required the applicant to finalise details of this aspect of the scheme prior to work commencing. Officers consider it reasonable to carry these conditions across to this fresh application.

7.0 CONCLUSION

7.1 The principle of a new dwelling in this location remains acceptable, particularly given the extant permission. Overall, this proposal is similar in form, design and size to the extant permission. The alterations to the dwelling will have some impact on No.97 somewhat, but this additional harm is not sufficient to warrant a refusal of planning permission.

7.2 Therefore, subject to the following conditions the proposed development complies with the relevant policies of the Development Plan in so far as it would not materially harm the living conditions of neighbours or the character and appearance of the area. The protected tree would not be significantly affected and there would be no adverse effect on highway safety. Subject to the relevant conditions, the proposed

8.0 RECOMMENDATION

8.1 **Planning Permission subject to:**

1. **Commencement 3 yrs - Full Planning Permission**
2. **Planning condition listing the approved drawings**
3. **Extensions to 95A to be demolished prior to work commencing**
4. **Finished levels to be agreed relative to fixed datum point**
5. **Sample materials (all) to be agreed**
6. **Details of windows and doors to be agreed**
7. **Withdrawal of PD - no extension/alteration to approved house**
8. **No additional windows, doors or other openings (East & West)**
9. **Details of bin and recycling storage to be agreed**
10. **Sustainable Design Features achieving Code Level Three to be agreed**
11. **Tree Protection Measures to be agreed**
12. **Existing planting to be retained for three years**
13. **Landscaping Scheme (trees and shrubs only) to be agreed**
14. **Parking & Manoeuvring Areas Retained as per approved plans**
15. **Vision splay dimensions to be provided as per approved plans**
16. **Access position to be agreed**
17. **Surface water drainage works to be agreed**
18. **Foul drainage works to be agreed**
19. **Contaminated Land Investigation to be agreed**

Informatives regarding contaminated land

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