

APPLICATION NO.	P17/S1085/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	22.3.2017
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Joan Bland Lorraine Hillier Stefan Gawrysiak
APPLICANT	Mr Anthony Wrigley
SITE	Balmaha 42 Rotherfield Road, Henley-on-Thames, RG9 1NN
PROPOSAL	Erection of three detached dwelling houses following demolition of existing dwelling house (amended plans and additional transport/tree information received 12 June 2017).
OFFICER	Simon Kitson

1.0 **INTRODUCTION**

- 1.1 This application is recommended for approval. It has been referred to Planning Committee by the local ward member under the Council's call-in procedure.
- 1.2 This application was deferred from Planning Committee on 19 July 2017 in order to allow members to visit the site.
- 1.3 The existing dwelling at Balmaha, 42 Rotherfield Road (which is shown on the OS extract **attached** as Appendix A with an aerial photograph also **attached** as Appendix B) is a substantially extended, three-storey property set within a generous 0.56ha plot. This part of Henley is characterised by large, extended dwellings in sizeable plots. Although the dwellings have predominantly traditional forms, they have a bespoke appearance and there is significant architectural variety within the locality, in terms of external finishes, roof structures, fenestration detail and boundary treatment.
- 1.4 The site does not fall within a conservation area. The predominant lime trees which line the northern and southern highway boundaries are covered by a Tree Preservation Order (TPO ref: 09S186). They are a significant constraint as they make an important contribution to the strong verdant character of the area.

2.0 **PROPOSAL**

- 2.1 As detailed in the application submission, this proposal seeks full planning permission for the demolition of the existing dwelling and the erection of three detached dwellings with private amenity spaces, parking provision and garaging.
- 2.2 Amendments to the scheme have reduced the number of vehicular access points onto the highway from 3 to 2, revised the position and orientation of dwelling 3 within its plot and addressed tree constraints at the front of the site.
- 2.3 The proposed site plans, elevations and floor plans are **attached** as Appendix C. All associated documents and consultation responses can be viewed on the council's website: www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Henley-on-Thames Town Council – Despite the recommendation of the previous committee in the 2016-17 municipal year, the current committee recommend refusal on the grounds of over-development, character of area and design. If permission is granted, any tree removed should be replaced in the same position and contractor vehicles should be parked on the site and be able to turn and exit the site in a forward direction to protect pedestrians and cyclists. The site should only have one access for all three houses.

Countryside Access - No strong views

Countryside Officer (South Oxfordshire & Vale of White Horse) - No strong views, subject to conditions

Forestry Officer (South Oxfordshire District Council) - No strong views, subject to conditions

Highways Liaison Officer (Oxfordshire County Council) - No strong views, subject to conditions

Neighbour Comments (17) – main issues raised:

- The impact upon the boundary treatment and protected trees to the front of the site. Both have significant importance to the character of the street
- The proposed scale is considered to be excessive. There would be an overdevelopment of the plot and established building lines within Rotherfield Road would not be respected.
- The dwellings would be located too close to the highway, resulting in adverse visual impacts when coupled with the tree removal and general opening up of the front of the site.
- The design of the dwellings would be wholly out of keeping with the other properties within the street. The bulk and massing would harm the spacious character of the area and the ridge heights are excessive.
- There would not be adequate drainage to serve the new dwellings.
- There would be an adverse impact upon highway and pedestrian safety as a result of the new access arrangements and the additional vehicular movements.
- There would be significant neighbour impacts through losses of light, outlook and privacy. This would affect both the properties adjacent to the site and the dwellings opposite.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P63/H0237](#) - Approved (23/05/1963)

Site for one additional house on land, one already permitted with a new access.

[P61/H0332](#) - Approved (24/05/1961)

Conversion of existing dwellinghouse into two self-contained units

[P61/H0131](#) - Approved (20/04/1961)

- A. Conversion of main house into 2 units - B. Site for one dwellinghouse on plot 'A' with vehicular access to Mill Lane - C. Site for one dwellinghouse on plot 'B' with vehicular access to Rotherfield Rd.

[P60/H0837](#) - Approved (23/11/1960)

1. Conversion of main house into two units. 2. Conversion of brick garage into bungalow. 3. One building plot on west boundary with access to Rotherfield Road, Henley

5.0 POLICY & GUIDANCE

5.1 The Joint Henley and Harpsden Neighbourhood Plan (JHHNP);
Housing Strategy

Primary Housing Objectives H04

Policy H4 - Infill and self-build dwellings

Policy DSQ1 – Local Character

Policy T1 – Impact of development upon the transport network

5.2 South Oxfordshire Core Strategy (SOCS) policies;

CS1 - Presumption in favour of sustainable development

CSH1 - Amount and distribution of housing

CSQ3 - Design

CSS1 - The Overall Strategy

5.3 South Oxfordshire Local Plan 2011 (SOLP) policies;

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

D10 - Waste Management

G2 - Protect district from adverse development

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

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 PLANNING CONSIDERATIONS

6.1 The main considerations in relation to this application are:

- the principle of the development
- the impact of the design, height, scale and materials upon the character of the site, the street scene and the wider area;
- the ecological and landscape impact;
- the impact upon neighbouring amenity, in terms of light, outlook and privacy
- the impact upon the highway network, in terms of highway safety, access and parking provision.

6.2 The existing dwelling is not considered worthy of protection on the basis of historical or architectural merit and the council has no objection to its demolition and replacement. However, the proposed redevelopment into three detached properties has attracted a number of local objections from neighbouring residents, primarily focussing on the perceived impact in terms of overdevelopment, the relationship with the street scene,

the landscape character of the area and highway safety. Officers agree that these are the main issues for consideration and an assessment of these factors against the relevant Local Development Plan policies now follows.

Principle of development

- 6.3 As the proposal falls within the built-up limits of Henley, the principle of this type of redevelopment is established by SOCS Policy CSHEN1 and the JHHNP, which has now been made and carries full weight in the assessment of this application. The SOCS allows for housing on 'suitable infill and redevelopment sites', subject to compliance with other Development Plan policies; and the JHHNP emphasises, as a primary housing objective, the importance of intensifying existing land uses within sustainable locations. Officers are satisfied that the proposed development complies with the relevant criteria.

Scale and design

- 6.4 The submitted site plan (P1155-01b) demonstrates that a plot of this size can accommodate three dwellings and comfortably meet the minimum residential amenity standards set out under Section 7 of the SODG 2016. The proposal is well below the council's recommended minimum density of 25 dwellings per hectare and the garden areas for each dwelling would far exceed the recommended 100sq.m. There would be a distance of more than double the recommended 10m between the rear of each dwelling and the site boundary and there would be a reasonable distance between each property and its neighbours.
- 6.5 As each dwelling would also benefit from two off-street parking spaces in accordance with the council's maximum standards set out under Appendix 5 to the SOLP, officers consider that the site can comfortably accommodate this scale of development. The foul drainage arrangements would need to comply with building regulations and surface water drainage can be covered as a condition of consent.
- 6.6 In considering whether this proposal comprises an overdevelopment of the site, it is also necessary to consider the relationship of the scheme to the surrounding pattern of development, as required by SOLP Policies D1 and D3, and DSQ1 of the JHHNP. The application site is clearly within an area where there is a fairly irregular grain of housing, both within Rotherfield Road and its connecting streets. Although dwellings line each side of the street, there is little consistency in plot sizes or plot coverage and the building line is inconsistent, particularly on the northern side of the street. Officers consider that the insertion of three properties within this area in the manner shown on the site plan would not constitute an overdevelopment within the context of the site and the wider townscape.
- 6.7 With regard to the impact upon the street scene, the dwellings along the full length of Rotherfield Road are highly varied in terms of plot width, height, form, detailing and materials. The diversity of built form contributes significantly to the attractive character of the area. The proposed dwellings would be set well back from the highway and there would be enough differences in the detail at each elevation to ensure that this would not create a homogenous form of housing development. As the proposal would also retain a significant proportion of the attractive green frontage, officers are satisfied that there would not be an adverse visual impact upon the overall character of the area.

Landscape Impact

- 6.8 Following concerns raised by the Council's Forestry Team, the applicant's consultant arborist submitted a decay detection investigation for T8 on the application plans. The lime tree at the highway verge displayed evidence of fungal infection and a detailed assessment of the tree was needed to determine its structural condition and safe future

life expectancy. The Forestry Team accept the findings, that there is a foreseeable risk of tree failure and the tree needs management to address this risk, irrelevant of any development proposals.

- 6.9 The OCC Highways arborist agrees that the tree needs to be felled and is happy for this to go ahead as long as mitigation planting is undertaken. Having considered the findings of the investigation, the Council agreed that T8 should be felled and a replacement tree planted as near as possible to the tree's original position in order to maintain the landscape feature of the avenue.
- 6.10 The amended plans show T8 removed and a revised access arrangement positioned out of the root protection areas of the trees growing on either side. This design would allow space for a replacement tree to be planted within 1.5m to the west from the current location of T8 and therefore restore over time the formal appearance of the avenue. The utilisation of the existing access for plots 1 and 2 also avoids the need for any further works in the retained trees' root protection areas. In light of these amendments, officers have no objections subject to a landscaping condition being attached to secure the replacement Lime tree and a comprehensive planting scheme in order to soften the visual appearance of the dwellings and mitigate for the past tree loss. An updated arboricultural method statement should also be secured as a condition of consent.

Ecology

- 6.11 The Council's Countryside Team consider that the revised ecological information (Philip Irving, received 30/06/2017 via email) has adequately assessed the likelihood of bats being present in the structure. A suitable number of activity surveys were conducted to support this assessment. Officers are satisfied that bats are unlikely to be using the existing structure for roosting.

Neighbouring amenity

- 6.12 It is noted that neighbour objections to the scheme have been received. The properties to the front and sides of the development site were visited over the course of the application. Whilst it is acknowledged that the proposed dwellings would be highly visible from a number of the neighbouring properties, it is well established that the impact of a proposal upon private views is not a material planning consideration. The Council can only take into consideration material losses of light, outlook or privacy in line with the criteria set out within the Council's adopted design guidance (SODG, Section 7) and expressed under SOLP Policies H4 And D4.
- 6.13 Each of the proposed dwellings is set back from the carriageway by more than 30m. Consequently, the distance to the property at High Leas opposite the site is significantly greater than the 10m minimum recommended under the SODG. Even the views of the properties from this property would be filtered by the well-established boundary treatment which would be retained. The distances to the dwellings at Bolsage and Whitehouse to the rear would also be nearly double the 25m minimum recommended distance.
- 6.14 With regard to no. 46 Rotherfield Road, there would be a reasonable separating distance of approximately 8 metres to the dwelling in plot 1. This property also benefits from extensive screening at its north-east boundary and there are no proposed window openings on dwelling 1 with the potential for direct overlooking. Due to the orientation of the properties, there would not be any significant overshadowing of the neighbour's rear garden.
- 6.15 The property to the north-east of the site, no. 38 Rotherfield Road, sits at the rear of a

generous 0.3ha plot. Due to the existing boundary conditions, it is accepted that the dwelling in plot 3 would be particularly visible from the neighbour's extensive garden to the south and their patio area to the west. It is nonetheless the case that there would not directly facing first floor habitable rooms within the 25m minimum distance set out under the SODG and no direct overlooking of the neighbour's garden due to the obscure glazing which would be applied to the bathroom window opening as a condition of consent. Dwelling 3 was also repositioned and re-orientated further to the north-west in order to lessen the perception of overlooking from its rear window openings. Replacement boundary planting has also been undertaken by the applicant which has the potential to improve the relationship between the two properties. Officers are satisfied that any views of the neighbouring property would be very oblique and any losses of sunlight or daylight would not be material.

Highways

- 6.16 The proposal would provide adequate off-street parking provision in accordance with the adopted standards set out under Appendix 5 to the SOLP. Given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low.
- 6.17 Following the amendments to the site access arrangements, which included a reduction in the number of access points, the Local Highways Authority consider that the proposal is unlikely to have a significant adverse effect on highway safety.

Community Infrastructure Levy (CIL)

- 6.18 The council's CIL charging schedule was adopted on 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is liable for the development because the proposal involves the creation of new dwellings. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace.

7.0 CONCLUSION

- 7.1 The proposal is in accordance with the relevant Development Plan policies and national planning policy. The proposed development would make more efficient use of residential land within a sustainable location, close to the town centre and officers consider that the proposal to redevelop the site to accommodate two detached properties would not cause material harm to the character and appearance of the site, the street scene or the wider area. The proposal is also acceptable in terms of its impact upon the amenities of neighbouring occupiers and it would not be prejudicial to highway safety.

8.0 RECOMMENDATION

8.1 To grant planning permission, subject to the following conditions:

- 1. Commencement no later than the expiration of three years beginning with the date of this permission.**
- 2. To be in accordance with the details shown on the approved plans, except as controlled or modified by conditions of this permission.**
- 3. Prior to commencement, a schedule of all materials to be used shall be submitted to and approved in writing by the Local Planning Authority (LPA).**
- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the**

Order shall not be undertaken without obtaining planning permission for the LPA.

5. To be implemented in accordance with the recommendations made in section 6 of the supporting protected species survey.
6. Prior to the commencement of the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs, the provision of boundary treatment and hardstanding, shall be submitted to and approved in writing by the LPA prior to the commencement of the development. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within five years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the LPA, shall be planted and properly maintained in a position or positions first approved in writing by the LPA.
7. Prior to occupation of the development, the proposed means of access onto Rotherfield Road is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
8. Prior to the first occupation of the development, the existing means of access onto Rotherfield Road shall be improved and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
9. The vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
10. Prior to the first occupation of the development, the parking and turning areas shall be provided in accordance with the plans, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
11. The first floor window in the north-east (side) elevation of the dwelling shown in plot 3 on the approved site plan, shall be glazed in obscure glass with a minimum of level 3 obscurity, and shall be fixed shut with the exception of a top hung openable fanlight, prior to the first occupation of the accommodation. Any roof lights in the north-east elevation shall also be obscure glazed or non-opening, where below 1.7m from the floor level in the second-floor accommodation. The windows shall be retained as such thereafter.

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