

APPLICATION NO.	P19/S1260/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	9.5.2019
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Dr K McIntyre
SITE	216 Greys Road, Henley-on-Thames, Oxfordshire, RG9 1QX
PROPOSAL	Retrospective application for extensions and alterations following the removal of rear conservatory, the single storey areas to the East and the double garage to the West.
OFFICER	Caitlin Phillpotts

1.0 **INTRODUCTION**

- 1.1 This application has been referred to Planning Committee at the request of Cllr Ken Arlett.
- 1.2 The site (as shown on the OS plan **attached** as Appendix A) contains a detached dwelling house on a good sized plot, sitting directly opposite open countryside and the Chilterns AONB the property is located at the very edge but within the built up limits of Henley-on-Thames.
- 1.3 The historic 1970s colt bungalow has planning permission for extensions and remodelling granted by planning permission P17/S4452/HH which was subject to a number of conditions including; 1 (Approved plans); 2 (Materials as on plan and supporting documents) and; 6 (Replacement and / or protection of trees and hedgerows).
- 1.4 On Monday 14 January 2019 an alleged breach of planning control was reported to the LPA with regards to the commencement of the development prior to the submission of the landscaping scheme required as per condition 6 of planning permission P17/S4452/HH. On Thursday 31 January 2019 the councils investigating planning enforcement officer made a visit to site and noted a number of anomalies between the development as constructed and the approved plans of the permission.
- 1.5 In view of the assessment made above the applicant / agent was requested to submit a retrospective application for planning permission.

2.0 **PROPOSAL**

- 2.1 The application seeks permission for the full renovation of the existing dwelling to include; a two storey side extension over the existing garage to the side (north-west); addition of an open porch to the front; three pitched roof dormer windows to the front; all new slate roof and smooth painted render elevations; a number of new / altered fenestration openings and all new windows and doors to accommodate a revised internal layout.
- 2.2 The application includes the submission of an existing landscaping scheme showing tree and hedges along the front boundary to be retained. A copy of the application

plans is **attached** as Appendix B and all other documents associated with the application can be viewed on the Council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **SODC forestry officer** – Comments;

'I do not consider it necessary to attach a landscaping condition, as there is limited space at the front of the site for tree planting to take place and the site is already screened by a hedge and other vegetation. None of the trees at the front of the site meet the criteria for a TPO'.

3.2 **Henley-on-Thames Town Council** - Recommends approval subject to;

'the landscaping condition from the original application (P17/S4452/HH) be reinstated and enforced'. Suggesting, 'TPOs be placed on at least 2 trees in the landscaping scheme to protect future greening'.

3.3 **The Henley Society (Planning)** – Comments with no strong views recommending;

Where 'the application is to be approved, a condition should be imposed to replace any significant trees or hedging that have been removed'.

3.4 **Neighbours (1)** – Recommends refusal commenting;

'the application should be refused because it is retrospective, has not been built in accordance with the approved plans and no landscaping scheme has been submitted...The two remaining mature Acer Trees that remain on the west border towards the back of the property should be TPO'd and a mixed conifer and deciduous hedge should be replaced'

4.0 **RELEVANT PLANNING HISTORY**

4.1 [SE18/728](#) - (pending)

Failure to comply with condition 6 of P17/S4452/HH (landscaping scheme to be submitted/approved prior to development).

[P17/S4452/HH](#) - Approved (26/02/2018)

Extension and alterations following the removal of the existing rear conservatory, single storey areas to the east and the existing double garage to the west.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

5.2 **National Planning Policy Framework Planning Practice Guidance**

5.3 **South Oxfordshire Core Strategy 2027 policies;**

CS1 - Presumption in favour of sustainable development

CSHEN1 - The Strategy for Henley-on-Thames

CSQ3 - Design

CSEN1 - Landscape protection

5.4 **South Oxfordshire Local Plan 2011 policies;**

C4 - Landscape setting of settlements

C9 - Loss of landscape features

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D4 - Reasonable level of privacy for occupiers

G2 - Protect district from adverse development

H13 - Extension to dwelling

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

T2 - Unloading, turning and parking for all highway users

5.5 **Henley & Harpsden Neighbourhood Plan**

5.6 **South Oxfordshire Design Guide 2016**

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered are:

1. The impact on the character and appearance of the existing building and the surrounding area
2. The impact on landscape and setting
3. The impact on neighbouring properties

6.2 Impact on character

The proposal is for retrospective permission for the full renovation of the existing dwelling and two storey side and rear extension off the north-west elevation, roughly over the foot print of the historic detached garage following non-compliance with the conditions and approved plans of planning permission granted under delegated powers at the end of February 2018. At the time of visiting the site in June 2019 the development was complete.

6.3 Details built out and not approved by the previous permission include;

- The loss of the pitched roof bay window across the principle elevation and the addition of vertical timber cladding details in its place
- The addition of a larger open porch to the front with mansard roof
- The reduction in the size / height (by 25cm) of the dormer windows across the principle elevation
- The addition of a third dormer window across the principle elevation in place of the two roof lights approved
- Raising of the ridge height on the two storey side and rear extension to match that of the original dwellinghouse
- The loss of the set back between the extension and the original dwellinghouse across the principle elevation
- Alterations to the fenestration arrangements across the dwelling and extensions including the loss of the first floor window across the eastern elevation
- The finishing of the dwelling in a smooth painted render as opposed to the rough cast render approved

6.4 It is worth noting that no objections have been raised with regards to the development at the site besides that of its retrospective nature and issues of landscaping to be discussed below. Historically the property appeared tired and outdated. In my opinion the extensions and alterations built out and submitted as part of this application maintain an appropriate degree of separation and spacing between dwellings and go some way to improve the visual appearance of the dwelling and its relationship with the direct neighbour to the south-east. In my opinion the development is not large or overbearing in relation to the existing dwelling, the well proportioned plot and neighbouring properties of a similar size and scale. The extension has been completed in materials and detailing of a similar appearance to the neighbouring properties. In my opinion the proposals form an appropriate visual relationship with the existing dwelling and does not harm the character or appearance of the dwelling, setting of the Chilterns AONB or the wider surrounding area. Therefore, the proposal complies with policies CS1, CSEN1, CSHEN1 and CSQ3 of the SOCS and policies C4, D1, G2 and H13 of the SOLP and technical guidance set out in the SODG.

6.5 The impact on landscape and setting

The objections raised to this application have centred around the loss of some mature trees and shrubs during the course of the current ownership and the breach of planning control over the failure to submit the required landscaping scheme pursuant to a pre commencement condition attached to planning permission P17/S4452/HH. Comments made by the Town Council, ward members and neighbours indicate that where a condition is attached to this permission to see the planting of new trees and shrubs at the site the objections may be removed.

6.6 The site does not contain any trees protected by any preservation orders or by virtue of them being inside of a conservation area. Nevertheless, the soft landscaping along the front boundary of the site goes some way to inform the green character of the site, setting of the Chilterns AONB and surrounding area at the edge of the settlement and is worthy of some protection. There has been some debate during the course of this application over the removal of historic landscaping at the site and potential to have tree preservation orders attached to any remaining trees and / or a condition imposed as part of this permission to ensure the replacement of any landscape features lost as a way to protect the green character of the site and area going forward.

6.7 **Tree preservation orders:**

The planting to the front of the dwelling forms part of a continuous line of green landscaping along the street. However, only glimpsed views of the tree canopy to the rear of the property are available and in line with the forestry officer's comments I do not consider there to be or have been any trees within the application site with any amenity value significant enough to warrant any tree preservation orders. To confirm the two large trees to the right of the dwelling when viewed from the highway lie inside of the neighbouring property and the tall green foliage at the centre is a telegraph poll covered in ivy.

6.8 **Reasonable conditions relating to landscaping:**

Paragraph 54 of the National Planning Policy Framework states "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*" going on to explain, "*Planning conditions should only be imposed where they are: (1) necessary; (2) relevant to planning and; (3) to the development to be permitted; (4) enforceable; (5) precise and; (6) reasonable in all other respects.*"

6.9 Whilst in my view the retention of the green character of the site provided by the landscaping at the front is an important part of the proposed development any conditions requiring the implementation of a planting scheme to the rear of the property would be both unreasonable and open to challenge. In this instance the planting of the private rear garden would not in my view make the extensions and alterations proposed acceptable where they might not be otherwise.

6.10 **Historic landscaping to the front of the dwelling:**

A small section of hedge along the western boundary of the site (to the front of the dwelling) was removed sometime between April 2011 and January 2018. The removal of soft landscaping is not an act of development requiring planning permission under Section 55 of the Town and Country Planning Act 1990 and its removal as such was in planning terms completed lawfully. Its historic existence therefore could not then have been a material planning consideration when making any assessment of the proposed development under application P17/S4452/HH nor can it under this application.

6.11 **Existing landscaping to the front of the dwelling:**

The small section of beech hedging along the front boundary has been reduced since January of 2018. This includes loss on the side of the neighbouring property to the west of the application site. However, the improved access has been arranged and set out to allow for regrowth and I expect to see this section of hedge within the application site to be all but fully restored in the proceeding months / years. Besides this there has been no significant alteration to the planting across the front of the site, and, therefore, in my opinion the green character of the site when viewed from the public vantage point has been preserved.

6.12 In line with the forestry officer's comments the '*site is already screened by a hedge and other vegetation...*' and '*there is limited space at the front of the site for tree planting to take place*'. In light of this whilst I have felt it necessary to attach a condition to ensure the retention of the existing landscaping I do not consider it either necessary or practical to attach any condition requiring further planting at the site.

6.13 Impact on neighbours

The proposals include the addition of a first floor window to the side (eastern) elevation of the dwelling. Subject to the attached conditions given the scale, design and position of the proposed two storey side extension and full renovation of the existing dwelling, I do not consider that the proposed development would result in any harm to the amenity of the neighboring properties in terms of light, outlook or privacy.

6.14 CIL

The proposed development is not liable to pay CIL as the net increase in residential floor space does not exceed 100m².

7.0 **CONCLUSION**

7.1 The proposal complies with the relevant Development Plan policies and, subject to the attached conditions, the proposed development would be acceptable in terms of its relationship to the character of the existing building, its site, setting of the AONB, surrounding area and open countryside beyond. It is also acceptable in terms of its impact on neighbouring amenity.

8.0 **RECOMMENDATION**

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

- 1 : Approved plans**
- 2 : Materials as on plan**
- 3 : Prevention of overlooking**
- 4 : No Garage conversion into accommodation**
- 5 : Retention of existing trees and hedges**

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