

APPLICATION NO.	P20/S3543/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	23.9.2020
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Debbie Mason
SITE	Byron House, 65 Elizabeth Road, Henley on Thames, RG9 1RA
PROPOSAL	Single storey rear extension (amended plans received 27 October 2020 showing alterations to proposed Bi-fold doors).
OFFICER	Daniella Rogers

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the Planning Committee at the request of Councillor Ken Arlett. The Town Council's views conflict with the officer's recommendation of approval.
- 1.2 The application site, which is shown on attached **Appendix A**, is occupied by a detached, two-storey dwelling, located within the built-up limits of Henley-On-Thames. The site does not lie within any designated area.
- 1.3 Planning permission was granted, on appeal, for the construction of Byron House in March 2006 under reference P05/E0923. A condition was placed on the application that no windows shall be erected in the north or south facing walls, without seeking Planning Permission first. There are currently no existing windows on either the north or south facing elevations of Byron House.
- 1.4 Neighbouring properties include Pantiles to the north, 218 Greys Road to the south and the rear garden of 116 Greys Road to the east. District Councillor Stefan Gawrysiak lives at the property Pantiles.
- 1.5 This application seeks permission to erect a single-storey rear and side extension to the existing ground floor kitchen and to insert a window on the north elevation of the existing ground floor Utility room.
- 1.6 Amended plans were received on 27 October 2020 showing a change to the proposed Bi-fold doors on the east (rear facing) elevation. The applicant has also agreed to obscure glaze the proposed Utility window which faces the neighbouring property Pantiles.
- 1.7 A site visit was conducted from the application site and from the neighbouring site Pantiles to assess the relationship between the site and neighbouring properties.
- 1.8 A copy of the plans associated with the application are attached as **Appendix B**, whilst other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Henley-on-Thames Town Council – Objects

- Neighbour harm in terms of overlooking and impact upon light
- Conflicts with Policy D4 of the SOLP 2011
- Conflicts with condition 6 of appeal APP/Q3115/A/05/1195670
- Rooflights would cause light pollution
- Length of extension would be unneighbourly to Pantiles

The Henley Society (Planning) – Objects

- Conflicts with the window condition placed on application P05/E0923
- Unneighbourly due to its proximity to neighbours
- Impact to neighbours with side (Utility) window
- Impact to neighbours with skylights

Neighbour (1) – Objects

- Conflicts with the condition on application P05/E0923 regarding no windows on the side elevations
- Concerns that rear window/Bi-fold doors will cause overlooking into garden of Pantiles
- The extension is too close to the boundary
- The roof lanterns will cause overlooking and light spill
- The extension projects beyond the rear building line of Pantiles and Byron House

3.0 RELEVANT PLANNING HISTORY

3.1 [P05/E0923](#) - Refused (02/11/2005) - Appeal allowed (24/03/2006)

Erection of two storey dwelling with integral garage and new vehicular access (amendments to P03/E0854). (As clarified by additional drawing accompanying letter dated 30 September 2005).

[P04/E0417](#) - Refused (26/05/2004)

Erection of new dwelling with detached garage and new vehicular access.

[P03/E0854](#) - Refused (21/01/2004) - Appeal allowed (05/08/2004)

New dwelling with garage. (As clarified by drawings of west and north elevation of 218 Greys Road received 7 January 2004).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Not relevant to this application

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

The policies within the SOCS and the SOLP 2011, of relevance to this application, are in general conformity with the provisions of the NPPF and therefore this application can be determined against the relevant policies below.

South Oxfordshire Core Strategy (SOCS) Policies:

CS1 - Presumption in favour of sustainable development
CSQ3 - Design

South Oxfordshire Local Plan 2011 (SOLP 2011) Policies:

D1 - Principles of good design
G2 - Protect district from adverse development
H13 - Extension to dwelling

South Oxfordshire Emerging Local Plan 2035 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

DES1 - Delivering high quality development
H21 - Extensions to dwellings

5.2 Henley-On-Thames & Harpsden Joint Neighbourhood Plan

DQS1 - Local Character

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations are the following:

- **Design and character**
- **Residential amenity**
- **Other material planning considerations**

6.2 Design and character

- Criterion (ii) of Policy H13 of the SOLP 2011 requires that the scale and design of the proposal is in keeping with the character of the dwelling, the site, and with the appearance of the surrounding area.
- Section 6 of the SODG 2016 advises that the size, siting and scale of any extension should not compete with the main dwelling.
- Criterion (vi) of Policy D1 of the SOLP 2011 requires that any proposed works respects the character of the existing landscape; Criterion (viii) requires that good quality site and building design and appropriate materials is provided.

6.3 The materials used on the external walls of the proposed extension will match those of the existing dwelling. The rear bi-fold doors on the east and south elevations will be aluminium. The development fills in the current space between the north side elevation and the east rear elevation and wraps around to the back of the property. The proposed extension remains subservient to the main dwelling and the design of the proposed extension is in keeping with the character of the site and the surrounding area.

6.4 **Residential amenity**

- Criterion (iii) of Policy H13 of the SOLP 2011 requires that the amenity of occupants of nearby properties is not materially harmed.

The site boundary between Pantiles and Byron House currently includes hedging and some small trees. The ground level of Byron House is slightly higher than that of Pantiles, by a few inches, and the hedging was recently reduced in height by the residents of Pantiles.

6.5 **Privacy & Overlooking from rear bi-fold doors**

The rear wall of the proposed extension sits further out than the rear wall of Pantiles by approximately 3.5 metres. It won't be possible based on the orientation of the buildings to overlook Pantiles from inside the rear doors. From inside the bi-fold doors you could look on to the rear garden of Byron House and the rear garden of Pantiles but as it's single storey it would be no more than harmful than someone standing in the garden and looking at the garden of Pantiles.

6.6 **Privacy & Overlooking from proposed Utility window**

Concerns were raised regarding the proposed window on the north elevation of the existing dwelling. The applicants have agreed to obscure glaze this window to prevent any possibility of overlooking into Pantiles.

6.7 **Loss of light/overshadowing to Pantiles**

Pantiles has two windows and some French doors which allow light into their living room (closest ground floor room to Byron House). The French doors face east, one window faces south on to the side wall of Byron House and the other window faces west. The proposal is a single storey extension, set away from the shared boundary and is approximately 7 metres to the side living room window of Pantiles (not adjacent). There is approximately 8.5 metres to the living room patio doors of Pantiles and approximately 10 metres to the south facing utility window of Pantiles. Based on the distance between the development and the windows of Pantiles, the extension being set away from the boundary and being single-storey, I do not consider there will be detrimental harm to Pantiles in terms of loss of light and overshadowing.

6.8 **Overshadowing to Pantiles rear garden**

Pantiles has a good sized, south east facing garden which is approximately 37 metres long from the rear living room wall (patio area) and is approximately 19 metres wide. The proposed extension projects 3 metres from the rear wall of Byron House and the line of Pantiles rear wall. I do not consider that the development would cause detrimental harm to the garden of Pantiles in terms of overshadowing, based on the size of the garden at Pantiles and scale/position of the proposed extension at Byron House.

6.9 Overlooking/ light spill from roof lanterns in proposed extension

The nearest rooflight to Pantiles is set in 1.10 metres from the side wall of the north facing elevation of the proposed extension and will be approximately 8.8 metres from the centre of the master bedroom window to Pantiles, at an oblique angle. The applicant could currently stand in their garden and look directly in to the bedroom of Pantiles, however, standing inside the proposed extension they would have to consciously position themselves at the right angle, looking up, and then they could potentially see the outside of the bedroom window of Pantiles. I do not consider that roof lanterns will cause harm to Pantiles in terms of overlooking. Similarly, the issue around light spill would be minor. The rooflight will not sit directly below the window of Pantiles and the proposed extension will be used as a kitchen/diner.

6.10 Other material planning considerations

Permitted Development Rights

Permitted development rights have not been removed from the site which could permit the enlargement, improvement or alteration of the property. The condition on planning permission P05/E0923 removes permitted development rights for the addition of north or south facing windows within the existing dwelling. The applicants can still add a window within these elevations but need to obtain Planning Permission first.

The applicants could, should they wish, create a rear single storey extension and a single storey side extension without planning permission as long as it complies with the various conditions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order (2015).

Within this class, the dwelling could be extended up to 4 metres in depth from the rear elevations and could be extended from the side elevation of the dwelling up to the boundary with Pantiles, if the eaves remained under 3 metres. The eaves on this proposed extension are just over 3 metres and the extension will sit at least 1 metre away from the boundary, the rear aspect is only 3.1 metres deep.

The proposed extension within a permitted development scheme could also include side facing windows that would not need to be obscure glazed as well as roof lanterns.

6.11 Rooflights – light spill into the night sky

The addition of two sky lanterns and bi-folding doors would not cause detrimental harm to the night sky. The site does not lie within the AONB and is within a built-up area of Henley, therefore, no restrictions can reasonably be imposed in terms of light spill in relation to this modest extension.

6.12 Community Infrastructure Levy

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 Planning permission should be granted as the proposal complies with the relevant Development Plan policies, Supplementary Planning Guidance and Government Guidance. Subject to the attached conditions, the proposed development would not be

harmful to the character and appearance of the site, the surrounding area or the amenity of neighbours.

8.0 **RECOMMENDATION**

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

- 1 : Commencement of development within three years**
- 2 : Development to be carried out in accordance with the approved plans**
- 3 : Materials to match existing**
- 4 : Obscure glazing to new ground floor window on the north elevation**

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