
APPLICATION NO.	P20/S0740/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	21.10.2020
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Stefan Gawrysiak, Ken Arlett, Kellie Hinton
APPLICANT	Mr R Hudson
SITE	18 Harcourt Close, Henley-on-Thames, RG9 1UZ
PROPOSAL	Erection of three-storey building incorporating one 1-bedroom apartment, two 2-bedroom apartments and two 3-bedroom apartments including associated parking and amenity space (removal of south-west-facing window from Flat 4, increase in height of screen wall for Flat 2 terrace adjacent to the front of No.18 and additional sections and 3D images as shown on plans received 18th June 2020 and site area increased along north-eastern boundary, retention of two sheds in garden of Flat 1, increase in height of parapet roof over Flat 1 and alterations to north-western and north-eastern boundary treatment as shown on amended plans received 21st October 2020 and changes to levels and introduction of boundary hedging to garden of Flat 1 as shown on amended plans received 17th December 2020 and Flat 5 reduced from two to one bedrooms as shown on amended plan received 5 th March 2021).
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

- 1.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion. The application is referred to the Planning Committee due to being called-in by Councillor Ken Arlett. The reasons for the call-in are “over-development of the site by its size and bulk, overlooking Deanfield Road properties, parking provisions seem inadequate”.
- 1.2 The application site is identified at **Appendix A** and comprises a residential plot located within the built-up area of Henley. It is occupied by a three-storey townhouse, No.18 Harcourt Close, constructed from beige bricks and concrete tiles. No.18 is located at the end of a cul-de-sac, comprising similar townhouses all sited on the southern side of Harcourt Close. The northern side of the road adjoins and is elevated above the rear gardens of properties on Deanfield Road. No.18 has a large side garden which is adjacent to an undeveloped wooded area next to a recreation ground. The site slopes very steeply upwards from north to south, as is the case with the other residential plots to the west of No.18, so that the dwellings have three storeys at the front and two storeys at the rear. The same slope continues over the undeveloped land to the east. The slope means that the site is elevated above the adjoining dwellings to the north, namely 55, 57 & 59 Deanfield Road. The arrangement of dwellings on Haywards Close mirrors Harcourt Close, where they are all in a row on the southern side and the northern side of Haywards Close adjoins and is elevated above the gardens of Harcourt Close properties. This means that the site partly backs onto the turning head at the end of Haywards Close and partly onto the southern end

of another sloping parcel of undeveloped land at the end of Haywards Close over which a public footpath passes linking Haywards Close to the recreation ground.

- 1.3 The side garden area has been partly excavated as a result of the material commencement of the implementation of a previous planning permission for a dwelling on the site. The northern corner of the site consists of a rectangular parcel of land containing domestic outbuildings that slopes down to the north alongside the rear garden of No.57. Several mature and semi-mature trees lie close to the boundaries of the side garden area of the site and the eastern boundary of the site is formed by an area consisting of dense woodland and undergrowth. The site boundaries are denoted by close-boarded fencing. There is vehicular access to the front of No.18 from the turning head at the end of Harcourt Close. Vehicles are parked on a hardstanding in front of No.18, because an original integral garage has been converted. There is a private pedestrian access via a gate in the fence from the rear of No.18 onto Haywards Close. There are no special designations covering the site.
- 1.4 The application seeks full planning permission for the erection of a three-storey building comprising five apartments. The ground-floor level would provide one 3-bedroom flat and parking for all the flats, much of which would be undercroft parking. The first-floor level would provide one 3-bedroom flat and one 2-bedroom flat and the second-floor level would provide one 2-bedroom flat and one 1-bedroom flat. With every increase in storey, the building would step further back from the northern site boundary, leading to a design that would step down the slope. The second floor would have a pitched roof and the lower floors would have flat roofs. Each flat would have its own private sitting out area. In the case of the ground floor flat, these would be at ground level on the sloping northern corner and the space between the building and the eastern side boundary. In the case of the upper floor flats these would take the form of terraces on some of the flat roofing above the ground floor and first floor accommodation, respectively, directly accessible from the living accommodation. These areas would be enclosed by screens to prevent access to other parts of the roof and limit visibility. The current plans can be found at **Appendix B**. Other documents can be viewed on the Council's [website](#).

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 Henley-on-Thames Town Council – Recommend refusal on the following grounds:
- concerns over the size and bulk of the proposed development;
 - considered to be overdevelopment;
 - overlooking onto properties on Deanfield Road;
 - lack of parking;
 - would not comply with nationally described space standards.

Drainage - (South & Vale) – No objection subject to the imposition of surface water and foul water drainage conditions

Forestry Officer (South Oxfordshire District Council) – No objections subject to the imposition of tree protection and landscaping conditions

Highways Liaison Officer (Oxfordshire County Council) – No objections subject to the imposition of parking and construction traffic management conditions

The Henley Society (Planning) – Objection: over-development of the site, and a building that would be out-of-character with its surroundings, that would overlook neighbouring properties and that would incur damage to trees

Waste Management Officer (District Council) – General advice provided

Neighbours – 15 representations of objection and concern, raising similar issues to Henley Town Council and also the following:

- density exceeds 25 dwellings per hectare
- suitable for single dwelling only; there are more suitable sites for smaller flats
- loss of privacy to rear facing windows and gardens of No's 55 & 57 Deanfield Road
- proximity of built form to rear garden boundary with No.57 Deanfield Road
- 5 additional properties would result in a significant increase in traffic flow on narrow road making it unsuitable for children to play
- Insufficient turning area within the site and narrow access onto turning head
- Any on-street parking would obstruct emergency and waste collection vehicles and block access to fire hydrant near turning head
- Increased flood risk
- Previous tree removal from the site loss of screening and habitat
- Noise nuisance from more intensive use of site and during construction
- Nuisance from increased light spillage
- Location of bin stores unsuitable
- Access to Haywards Close and recreation ground would increase risk of crime
- Concern about carbon footprint of development
- Flats would not comply with the Nationally Described Space Standards
- Insufficient outdoor amenity space for future occupiers
- Excessive shading from adjacent trees
- Harsh living environment for future occupiers dominated by brick walls and hardsurfacing
- Boundary fence has been extended onto Town Council land
- Risk of subsidence (building control matter)
- Loss of view (not a planning matter)
- Unauthorised structures on site (subject to separate investigations)

The representations can be viewed in full on the Council's [website](#).

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 [SE20/229](#) - Planning Enforcement Investigation Ongoing
without planning permission the material change of use of a residential property for commercial purposes and erection of outbuildings.

[P19/S2846/PEM](#) – Advice Provided (28/10/2019)

Erection of 6 x apartments in an L-shape building stepped across three levels. The housing mix will consist of 1 x 3-bedroom apartment (referred to as Flat 1) and 5 x 2-bedrooms apartments (Flats 2-6).

[P15/S1761/DIS](#) - Approved (02/09/2015)

Discharge of conditions 3 (ground levels), 4 (material samples), 8 (refuse and recycling), 10 (spoil disposal), 12 (cycle parking), 14 (tree protection), 15 (site contamination), 16 (external lighting) & 17 (surface water drainage) on application ref. P11/E2126

[P11/E2126](#) - Approved (15/09/2012)

Erection of three-bedroom dwelling incorporating parking

This planning permission remains live, because the pre-commencement planning conditions were agreed and a material commencement of development was undertaken within the 3 year commencement period. The current plans can be found at **Appendix C**.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not relevant to this type of application.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV3 - Biodiversity

EP3 - Waste collection and Recycling

EP4 - Flood Risk

H1 - Delivering New Homes

H11 - Housing Mix

H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford

HEN1 - The Strategy for Henley-on-Thames

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

TRANS5 - Consideration of Development Proposals

5.2 **Joint Henley & Harpsden Neighbourhood Plan Policies;**

DQS1 – Local Character

EN1 – Biodiversity

H4 – Infill and self-build dwellings

T1 – Impact of development on the transport network

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 Plots & Buildings

5.4 **National Planning Policy Framework and Planning Practice Guidance**

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 planning issues that are relevant to this application are whether the development would:

- be in accordance with the Council's Housing Distribution Strategy;
- provide an appropriate density of development within a built-up area;
- safeguard the character of and appearance of the surrounding area, including the retention of important trees;

- respect the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- result in an acceptable off-street parking arrangement for the resultant dwellings or any conditions prejudicial to highway safety;
- provide an acceptable mix of market housing; and
- give rise to any other material planning considerations.

6.2 Principle of Development

The SOLP 2035 Policy STRAT1 sets out the overall strategy for the District. It seeks to focus most major new development at the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration. Infill development on this existing residential site within the built-up area of Henley would be supported in principle by the SOLP 2035 Policy H3 and the JHHNP Policy H4.

6.3 Density

It is a material planning consideration that planning permission [P11/E2126](#) for a three storey dwelling remains extant and can be implemented. Officers recognise that the extant planning permission would accommodate a single family dwellinghouse and that the current application for the proposed flats would introduce a greater density than both the approved scheme and surrounding residential development. Officers consider that the proposed density of around 50 dwellings per hectare would accord with the objectives of the SOLP 2035 Policy STRAT5. This seeks to secure densities of more than 45 dwellings per hectare on sites well related to existing towns and villages and with good accessibility. Policy STRAT5 explains this is subject to local circumstances and site constraints and these shall be examined below.

6.4 Visual Impact

The proposed development would introduce significant built form at the end of the cul-de-sac, with a greater footprint and floor area than the approved dwelling. The proposed building would project forward of the front building line of No.18 by about 9 metres. However, it would be set back from the turning head at the end of the cul-de-sac by about 24 metres. The front projecting element would be 3.8 metres high at its highest point including the screen walls to the first-floor terrace. The submitted section plan shows how the upper floors would not project in front of No.18. In public views this element of the proposal would be visible in the context of the woodland behind, which would help to provide a soft backdrop for the building. Whilst there would be extensive hard surfacing at ground floor level to accommodate the parking and turning areas, much of this would not be visible from this public vantage point. Under these circumstances, officers consider that the proposed development would not be harmful to the street scene on Harcourt Close.

6.5 The rear building line of the proposed apartments would be brought about 6.6 metres closer to the rear boundary than No.18, at a distance of 4 to 4.6 metres. However, only the retained garden of No.18 would directly adjoin the turning head. The apartments plot would directly adjoin a private plot of land. In views from the Haywards Close turning head, the second-floor rear of the building would only be visible through the established foliage both within the site and on the adjoining land. Due to the slope it would appear as a single storey structure. Officers consider that this would not be harmful to the street scene of that part of Haywards Close.

6.6 The ridge of the pitched roof over the second floor of the proposed apartments would be approximately 0.3 metre higher than the main roof over No.18. This would not be discernible in public views from Harcourt Close and Haywards Close. In spite of their increased elevation, the existing dwellings along Harcourt Close are not readily visible

from Deanfield Road due to the houses on the southern side of Deanfield Road being elevated somewhat in relation to street level.

- 6.7 The Harcourt Road townhouses and the application site can be seen from some public vantage points on an elevated section of Leaver Road, on the other side of the valley on the northern side of Deanfield Road at a distance of about 150 metres. In these views, the difference in the appearance of the apartments compared to the townhouses could be appreciated. However, over such a distance, the additional footprint and height of the building would not appear unduly dominant, with dwellings and tree cover in front and behind it. In particular, it would only be seen directly against the backdrop of the adjoining tree belt which would extend well above it, because the trees are already noticeably higher than the roofs of the townhouses on Haywards Close, which are significantly above the proposed roof level.
- 6.8 It is also a material planning consideration that the approved dwelling would incorporate a flat-roofed stepped design that would contrast with the existing dwellings. Arguably, the inclusion of a pitched roof in the current proposal would make the development more reflective of the surrounding buildings. The Council's Tree Officer has raised no objection to the proposal based on an arboricultural implications assessment, including draft tree protection plan, subject to tree protection and landscaping conditions being attached to ensure the satisfactory protection of retained trees and the landscaping condition to ensure planting to mitigate the loss of trees shown to be removed. In the light of the above assessment, officers consider that the proposal would be in compliance with the SOLP 2035 Policies DES1, DES2 & ENV1 and JHHNP Policy DQS1.
- 6.9 Residential Amenity Impact
The primary concern is the impact of the proposal in relation to the rear aspect of the adjoining dwellings to the north, namely No's 55, 57 & 59 Deanfield Road where these are positioned at a lower level than the site. Officers have secured several amendments to the scheme originally submitted to improve the relationship between the north-facing windows and external terrace and garden areas to minimise the potential for overlooking. In relation to the proposed first and second floor windows, these would be no closer to the rear gardens than the existing first and second floor windows at No.18, where the distance would be 28 and 32 metres to the south-facing windows at the rear of No.57. This would comply with the recommended minimum distance of 25 metres between facing windows as set out in Section 7 of the SODG 2016. These windows would also be over 10 metres to the rear garden boundary with No.57, also in compliance.
- 6.10 The north-facing wall of the ground floor element serving Flat 1 would not contain any windows where it would be alongside No.57's boundary. It would contain a north-facing window which would look down the northern corner of the site to be used as a garden for Flat 1. From an assessment of the current east and west elevations and observations on site, it would not be possible to look directly into the south-facing study rooflights of No.55's garage from this window due to the position and height of the intervening shed, which is shown to be retained for that plot and could be secured through a planning condition. Other windows in the first-floor south elevation of No.55 serve a bathroom and are obscure glazed. Views towards No.55's rear garden from this window would be at an oblique angle over a distance of 20 metres across the adjoining wooded area and so would not be objectionable.
- 6.11 The current east elevation demonstrates to officers' satisfaction how the northern end of the building accommodating Flat 1 would serve to prevent views down into the rear garden and rear windows of No.57 from the first and second floor terraces serving Flats

3 and 5, respectively. The terrace serving Flat 2 would be mostly contained in the space between the proposed building and No.18, where a boundary wall would prevent mutual overlooking. It would be no closer to the boundary with No's 57 & 59 than the existing front balcony at No.18. The terrace serving Flat 4 would be at a lower level than the rear boundary and would not result in any overlooking issues.

- 6.12 The current arrangement of the northern sloping section of the site affords views towards the rear garden of No.55 due to the elevated level of steps used to access that area and the existing outbuildings. From observations on site and from the adjoining property, the views are only presently partially obscured through the erection of a section of fencing that extends well above the permitted two metres for means of enclosure. The application shows that this area would become part of the garden of Flat 1. The proposal would retain the outbuildings but alter the levels of the external area so that the steps would be repositioned to be at least 1.8 metres below the height of a standard height boundary fence. The proposal also affords sufficient space for a boundary hedge to be planted to provide additional screening and softening of this part of the development and help to offset the recent loss of foliage from this part of the site. The relationship of this external area to Flat 1 and No.55 would therefore be acceptable.
- 6.13 The northern elevation of Flat 1 would be positioned within 1 metre of a 5.8 metre section of the rear garden boundary of No.57. This would be 4.3 metres closer than the single storey element of the approved dwelling. It would result in a brick wall projecting about 1.9 metres above the boundary fence. The plans have been amended to allow for a boundary hedge to be planted to soften the impact of this structure. From observations on site and from the adjoining property, the impact of this section of wall protruding above the boundary fence would be most felt in the south-eastern corner of the No.57's garden, which is furthest from the rear of the house, contains some ancillary structures and is subject to the greatest shading by the nearby tree belt. Due to the approximate 20 metre separation distance between the north elevation of Flat 1 and the rear patio and windows of No.57, officers consider that, on balance, the impact on light and outlook on that adjoining property as a whole would be acceptable.
- 6.14 The first and second floor massing of the proposed apartments would be set back around 10 metres and 13 metres, respectively, from the rear garden boundary of No.57. This would be no closer than the front building line of No.18 and only about 2.7 metres closer than the approved second floor north elevation of the approved dwelling. Given this level of separation, the upper storeys of the proposed apartments would not result in any significant loss of light or outlook to the adjoining properties on Deanfield Road.
- 6.15 The proposed apartments would project over 6 metres beyond the rear of No.18. However, the side gable would be stepped back by 5.75 metres from the garden boundary with No.18. This means that the proposed west elevation would lie outside a 45-degree line of sight from the closest windows to habitable rooms. The garden of No.18 would be significantly reduced, but the remaining rear garden would still achieve the 100 square metre recommended minimum standard, as set out in the SODG 2016 and would also be comparable with the other existing townhouses.
- 6.16 The boundary wall required to continue to enclose the pedestrian access from No.18 to Haywards Close would also ensure screening from the west-facing second floor window to Flat 4. The secondary bedroom window in the second-floor east elevation would be obscure glazed to prevent overlooking of the adjoining terraces. The boundary screening on the terrace of Flat 2 would be sufficient to prevent overlooking from the front balcony of No.18. Any mutual overlooking between the terraces to Flats 3

and 5 would be no different to that already possible between the front balconies along Harcourt Close.

- 6.17 The size of the flats has been revised to ensure that all of them comply with the Nationally Described Space Standards, as required by the SOLP 2035 Policy H11. The proposal would provide a private outdoor amenity space for each of the flats. Officers accept that these would all be below the standards set out in the SODG 2016 (1 bed = 35 sqm; 2 bed = 50 sqm; 3 bed = 100 sqm). However, the proposed floor plans show that the internal staircase has an external entrance which would enable the future residents' access to the enclosed steps at the rear of No.18 providing pedestrian access onto Haywards Close. From there, there is a 30-metre long public footpath to the Makins Recreation Ground consisting of a large area of open recreation land, plus a dedicated playground and skate park. Given such close and convenient access to public open space would be readily available to future occupiers, officers consider that the shortfall in private amenity space would be acceptable.
- 6.18 Although concerns have been expressed about the level of shading, this is something that future occupiers would be aware of prior to occupation. The Tree Officer has not raised any objections to the proposal on the grounds that the proposed residential occupation would result in future pressure to carry out further tree work or removal to alleviate shading, leaf litter or anxiety concerns. This is indicative that the relationship between the external areas and the nearby trees would be acceptable. Any proposals for external lighting could be controlled through a planning condition. As the proposed development would be for domestic occupation, officers consider that any general or vehicular activity would not be likely to give rise to excessive noise nuisance beyond which would normally be investigated through statutory nuisance procedures under the Environmental Protection Act 1990.
- 6.19 Based on the above assessment the proposal would have an acceptable impact on adjoining amenity in relation to light, outlook or privacy in accordance with the SOLP 2035 Policy DES6 and would provide adequate outdoor amenity space in line with the SOLP 2035 Policy DES5 and internal space to comply with the SOLP 2035 Policy H11.
- 6.20 Access and Parking
Paragraph 109 of the NPPF explains that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Henley Town Council and local residents have raised concerns about insufficient parking, increased traffic generation, insufficient turning space within the site, poor access into the site and overspill parking, in particular obstructing emergency and waste collection vehicles. However, upon submission of revised tracking plans, which removed the previous conflict between the turning space and the retained parking for No.18, the Local Highway Authority has raised no objection on any of those grounds. On that basis, officers have concluded that the proposed development would have an acceptable impact on highway safety and that there would no severe residual cumulative impacts on the road network. The access, parking and turning arrangements for the proposed development would be acceptable, subject to various conditions being imposed in accordance with the SOLP 2035 Policy TRANS5 and JHHNP Policy T1.
- 6.21 Housing Mix
The SOLP 2035 Policy H11 explains that in order to meet the needs of current and future households, the mix of housing should have regard to the Council's latest evidence, monitoring and delivery and Neighbourhood Development Plan evidence where applicable for the relevant area. The current evidence (the Oxfordshire SHMA

2014) found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms. The proposal would entail predominantly 2- and 3-bedroom units and so would be in accordance with this aspect of the policy.

6.22 Other material planning considerations

The SOLP 2035 Policies DES8 & DES10 seek to ensure that all new development minimises the carbon and energy impacts of their design and construction and should be designed to improve resilience to the anticipated effects of climate change. This matter can be dealt with through a pre-commencement planning condition to secure an energy statement.

6.23 The Council's Flood Risk and Drainage Engineer has raised no objection on flooding grounds, subject to surface water and foul water drainage conditions. The Council's Waste Management Officer has raised no objection to the proposed bin storage location. The pedestrian footpath link already exists into No.18. As proposed the link would only be available to the occupiers of No.18 and the five apartments and it would not be possible for third parties to use it to cross the site from Haywards Close into Harcourt Close. On that basis, officers consider it would not increase the opportunities for crime to take place. Arguably, with more dwellings, there would be increased passive observation taking place.

6.24 The applicant has explained that the repositioning of the north-eastern boundary fence was because the original fence line had been erected within their land and the current position extends up to their legal boundary. Henley Town Council are the adjoining landowner and officers have not received any representations to suggest that any of the application site is within their ownership. There is an open enforcement investigation into various structures and activities on the site. However, officers have assessed the current application on the basis of its individual merits.

6.25 **Community Infrastructure Levy**

The application is CIL liable at a rate of £150 per square metre (index linked), 25% of which would go to Henley Town Council due to the made neighbourhood plan.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and it is considered that, subject to the recommended conditions, the proposed development would be acceptable in principle, would be of an acceptable density to preserve the character and appearance of the surrounding area and would not harm the residential amenity of adjoining residents. The development would provide acceptable living conditions for future occupiers of the proposed apartments and an appropriate housing mix and would not result in conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

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

- 1 : Commencement of development within three years**
- 2 : Development in accordance with the approved plans**
- 3 : No change in levels**
- 4 : Schedule of Materials to be agreed**
- 5 : Obscure glazing to window in side elevation of existing dwelling**
- 6 : Restriction on use of roof**
- 7 : Energy Statement to be agreed**
- 8 : Parking and Manoeuvring Areas retained in accordance with the approved plans**

- 9 : Cycle Parking in accordance with the approved plans**
- 10 : Construction Traffic Management details to be agreed**
- 11 : Landscaping (including hard surfacing and boundary treatment) to be agreed**
- 12 : Tree Protection details to be agreed**
- 13 : Retain Shed**
- 14 : External Lighting details to be agreed**
- 15 : Surface Water Drainage details to be agreed**
- 16 : Foul Water Drainage details to be agreed**

Author: Paul Lucas
Contact No: 01235 422600
Email: planning@southoxon.gov.uk