

APPLICATION NO.	P14/S0332/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	04.04.2014
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Mr Will Hall Ms Jennifer Wood
APPLICANT	Mr & Mrs Sweeney
SITE	95a St Marks Road, Henley on Thames, RG9 1LP
PROPOSAL	Demolition of existing kitchen at 95A and erection of two storey 5-bedroom dwelling (Amendments to planning permission P12/S1581/FUL).
AMENDMENTS	None
GRID REFERENCE	475743/181729
OFFICER	Mr Tom Wyatt

1.0 INTRODUCTION

- 1.1 The application is referred to Committee as the Officers' recommendations conflict with the views of the 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 clear 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 that is subject to 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.

2.0 PROPOSAL

- 2.1 The site has a long 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 serving 95A to create space for a new dwelling on the land to the southwestern side of the house.
- 2.2 Currently, there are two extant planning permissions for the erection of a new dwelling on the site (P11/S0128 and P12/S1581/FUL).
- 2.3 A copy of the plans accompanying the application is **attached** as Appendix B whilst a copy of the approved plans in relation to application P11/S0128 are **attached** as Appendix C, and the approved plans relating to application P12/S1581/FUL are **attached** as Appendix D. Other documentation associated with the application 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** – Recommends refusal. The application is very unsettling for the neighbour due to the number of planning applications submitted for the development. The development would be overbearing on the neighbours property.
- The Henley Society (Planning)** – The existing permission (P12/S1581/FUL) would be extremely unneighbourly. This current application should be firmly rejected.
- Forestry Officer** – No objections subject to tree protection.
- Thames Water** – No objections. Informative recommended.
- Neighbour Representations** – Three letters of objection received:

- multiple applications on the site have caused uncertainty and distress to neighbours
- the development would be extremely overbearing and unneighbourly
- potential precedent for further development
- out of keeping with the building line in the street
- no intention to build the house
- overlooking of No. 97 and loss of light
- increased impact compared to originally refused schemes

4.0 RELEVANT PLANNING HISTORY

- 4.1 P13/S1455/EX** – Approved (15/07/2013). Application to extend the time limit of planning permission P10/E0469, 'Ground floor extension to side and rear (part demolition of existing extension)'
- P12/S1581/FUL** – Approved (18/09/2012). Demolition of existing kitchen at 95A. Erection of new dwelling identical to that approved in P09/E1267.
- [P11/S0128](#) - Refused (25/07/2012)
- Erection of new dwelling and alterations to existing. (Proposed changes to the detail of one new dwelling approved in application P09/E1267).
- [P10/E0469](#) - Approved (16/06/2010)
- Ground floor extension to side and rear (part demolition of existing extension).
- [P09/E1267](#) - Approved (23/03/2010)
- Erection of new dwelling and alterations to existing. (Amendment to planning permission P07/E1502
- [P08/E0275](#) - Approved (29/04/2008)
- Single storey side extension.
- [P07/E1502](#) - Approved (24/01/2008)
- Erection of new dwelling and alterations to existing.
- [P07/E0699](#) - Approved (20/09/2007)
- Demolition of existing side extension to 95A. Alterations to 95A and erection of new dwelling adjacent (as clarified by Access and Design Statement accompanying letter from Applicant dated 12 July 2007).
- [P05/E0967](#) - Refused (01/11/2005) - Refused on appeal (31/05/2006)
- 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.
- [P05/E0587](#) - Refused (19/07/2005) - Refused on appeal (31/05/2006)
- 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.
- [P04/E1440](#) - Refused (07/02/2005) - Refused on appeal (31/05/2006)
- Demolition of part side extension to 95a, alterations to 95a and erection of new dwelling adjacent to 95a. New dormer windows to 95a.

5.0 POLICY & GUIDANCE

5.1 South Oxfordshire Core Strategy (SOCS) policies:

- CS1 – Sustainable development
- CSS1 – Overall strategy
- CSHEN1 – Strategy for Henley
- CSQ2 – Sustainable design
- CSQ3 – Design

5.2 South Oxfordshire Local Plan 2011 (SOLP) 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
- 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

5.3 South Oxfordshire Design Guide 2008

- National Planning Policy Framework
- National Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 The main planning issues in relation to this application are:

1. The principle of the development
2. The impact on the amenity of neighbouring occupiers
3. The impact on the character and appearance of the site and surrounding area
4. Other material considerations

The Principle of the Development

- 6.2 The site lies within the built up area of Henley and as such the principle of a new dwelling is broadly acceptable having regard to Policy CSHEN1 of the SOCS, which allows for housing on suitable infill and redevelopment sites within the town. As mentioned above there are two extant planning permissions for a new dwelling on the site with the most recent permission (P11/S0128) being allowed on appeal on 1st August 2013 so therefore this permission can be implemented up to August 2016.

The Impact on the Amenity of Neighbouring Occupiers

- 6.3 In this case the starting point for an assessment on the amenity of the neighbouring properties is to consider the most recent planning permission for a dwelling on the land, and assess how the differences between the approved scheme and proposed scheme may affect the neighbouring properties. In this regard the current scheme is similar in design, siting and overall scale to the scheme approved under application P11/S0128/FUL with the main differences being an increase in width by approximately 1 metre.
- 6.4 The site has an extensive planning history and the following table provides a brief summary of the relevant planning history for a dwelling in a similar position to that now proposed. The table indicates the dimensions of the dwelling along with the key consideration in respect of the gap to the boundary with No. 97 St Marks Road. The

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table broadly shows that earlier schemes were refused until the dwelling was reduced and re-designed sufficiently to address all of the initial concerns. This approval has led to a series of further applications, which have cumulatively tended to increase the size of the dwelling and reduce the gap to the boundary with No 97.

Application No.	Decision	Depth	Width	Height	Distance to boundary with NO. 97	Basement
P04/E1440	Refusal and dismissed on appeal	17.3m (Two storey depth of 13.3m)	7.2m	9.9m	2.2m	No
P05/E0587	Refusal and dismissed on appeal	16.3m (Two storey depth of 12.5m)	8.3m	9.7m	2.8m	No
P05/E0967	Refusal and dismissed on appeal	12.5m (all two storey)	8.2m	9.1m	2.4m	No
P07/E0699	Approved	12.5m (all two storey)	8.3m	9.1m	2.5m	No
P07/E1502	Approved	16.5m (two storey depth of 12.5m)	8.3m	9m	2.6m	No
P09/E1267	Approved	17.9m (two storey depth of 13.7m)	9.2m	9.1m	1.8m	No
P11/S0128	Refused but allowed on appeal	18.8m (two storey depth of 15.7m)	9.1m	9.1m	1.7m	Yes – approximately 1/3 of overall footprint
P12/S1581/FUL	Approved	17.9 m (two storey depth of 13.7m)	9.2m	9.1m	1.8m	No
P14/S0332/FUL (current application)		18.9m (two storey depth of 15.8m)	10.2m	8.9m	1.7m	Yes – full basement

- 6.5 The above table shows that there have been several planning applications submitted for a new dwelling on the site over the last decade. The initial applications were all refused planning permission with a common reason being the impact on the amenity of 97 St Marks Road due to the size, bulk, height and depth of the proposed dwelling and its siting to the rear of the rear elevation of No. 97 along with its proximity to the boundary. The scheme submitted under P05/E0967 was the most modest of these early refused schemes and was still dismissed on appeal due to the siting, depth at first floor level and height having a significant visual impact in the outlook from the ground floor rear of No. 97.
- 6.6 Subsequently to the above appeal decision, the council granted planning permission for a dwelling in a similar position to the approved scheme but redesigned to display considerably less bulk when viewed from No. 97. Since this approval the applicant has made a series of further applications to cumulatively alter the design and expand the size of the dwelling. Finally application P11/S0128 was refused by the council due to the impact on No. 97. However, the appeal against this refusal was allowed and the Inspector cited factors mitigating the impact on No. 97 such as a lower eaves height adjacent to the shared boundary. The appeal decision and plans relating to application P11/S0128 are **attached** as Appendix C.
- 6.7 There has been a series of applications since the original approval under application P07/E0699, each proposing changes of a relatively small scale. Due to the number of applications and the cumulative changes from the scheme originally granted permission, your officers consider it is of some relevance to examine the original appeal decision (P05/E0967). In this regard the dwelling now proposed, although having a lower eaves height adjacent to the boundary with No. 97, is substantially deeper, wider

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and significantly larger overall than this early scheme, particularly also having regard to the full basement area now proposed. The current scheme is also significantly closer to the boundary with No. 97 and set entirely behind the rear elevation of No. 97 and extends to a much greater depth alongside the rear garden area of this neighbouring property.

- 6.8 Despite the fact that the current proposal is substantially larger than the scheme originally dismissed on appeal under application P05/E0967, Officers must respect the Inspector's decision in relation to application P11/S0128. In this regard the relationship between the new dwelling and No. 97 would remain the same and given that there have been no material change in site circumstances or planning policy since this appeal was determined Officers have concluded that the impact on the amenity of the occupiers of No. 97 is acceptable. The relationship between the proposed dwelling and other adjacent properties, including 95a and 99 St Marks Road also remains acceptable.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.9 The cumulative changes to the proposal have diminished the quality and cohesiveness of the design of the dwelling. In this regard the proposed dwelling has a complex roof form and there is poor cohesion between the individual elements of the design. The dwelling has become a somewhat sprawling and contrived building and in Officers' view the development would not make a positive contribution to the character and appearance of the surrounding area. However, having regard to the staggered relationship between the neighbouring dwellings that has previously been found to be acceptable and the set back of the dwelling from St Marks Road along with the relatively minor changes to the publicly visible front elevation, overall Officers consider that the proposed dwelling would not have an unacceptable impact on the character and appearance of the site or surrounding area.

Other Material Considerations

- 6.10 The highway access and parking provision remains largely the same as the previous scheme and remains acceptable. In order to protect the beech tree to the front of the site, which is protected by a Tree Preservation Order, details of tree protection for this tree would need to be agreed by condition.
- 6.11 A condition is recommended having regard to Policy CSQ2 of the SOCS to ensure that the dwelling meets Code Level 4 of the Code for Sustainable Homes.
- 6.12 The proposed basement would generate a significant amount of spoil. Details of how this spoil will be disposed of would also need to be agreed.

7.0 **CONCLUSION**

The principle of a new dwelling in this location remains acceptable, particularly given the extant permissions. This proposal is very similar in form, design and size to the extant planning permission granted under application P11/S0128, and there has been no material change in circumstances since the consideration of that scheme.

7.0 **RECOMMENDATION**

- 7.1 **That planning permission be granted subject to the following conditions:**

1. **Commencement within 3 years**
2. **Development to be carried out in accordance with approved plans**

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- 3. Sample of materials to be agreed**
- 4. Ground and floor levels to be agreed**
- 5. No further openings in the side elevations of the dwelling**
- 6. Visibility splays, access and parking to be provided prior to occupation**
- 7. Visibility splays to remain unobstructed**
- 8. Landscaping scheme to be agreed**
- 9. Tree protection details for copper beech tree to be agreed**
- 10. Drainage to be implemented prior to occupation**
- 11. Details of spoil removal to be agreed**

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