

APPLICATION NO.	P14/S3265/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	14.10.2014
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Joan Bland Elizabeth Hodgkin
APPLICANT	Blue Space Property Nine Ltd
SITE	Land to the rear of Cedar Court, 9-11 Fairmile, Henley-on-Thames, RG9 2JR
PROPOSAL	Erection of one dwelling (re-submission of refused application P13/S3760/FUL).
AMENDMENTS	None
OFFICER	Tom Wyatt

1.0 INTRODUCTION

- 1.1 This application is referred to Committee as the Officer's recommendations conflict with the views of the Town Council.
- 1.2 The application site (which is shown on the OS extract **attached** as Appendix A) lies immediately to the rear of 9-11 Fairmile, one of several substantial four/five storey Victorian villas fronting Fairmile, which have now been converted into flats. The site is located within the Henley Main Conservation Area.

2.0 PROPOSAL

- 2.1 The application seeks planning permission for the construction of a single detached 4 bed dwelling. The dwelling would be approximately 11 metres wide, 13 metres deep and 7.5 metres high. Two off street parking spaces would be provided via the existing access to the front of the site and an existing garage on the site would also be used with space in front so that four parking spaces in total would be provided. The dwelling would be finished with facing brickwork and stonework under a slate roof.
- 2.1 A copy of the plans accompanying the application is **attached** as Appendix B. 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 – The Town Council has objected due to the bulk of the development and considers that a smaller development would be more suitable.

Highway Authority – No objections subject to conditions.

The Henley Society (Planning) – Objects due to an overdevelopment of the site. Parking should be restricted to the left hand side of the dwelling if approved.

Conservation Officer (South) – No objections. Compared to the previous scheme the proposal responds more positively to the site and retains more of the spaciousness that is important about the site and the role it plays between Cedar Court and Pearces Orchard.

Neighbours – 5 letters of objection received, which raise the following concerns.

Agenda Item 14
South Oxfordshire District Council – Planning Committee –11th February 2015

- Plot is too small and would erode buffer between Cedar Court and Pearces Orchard to the detriment of the Conservation Area.
- Overbearing development and would reduce light and outlook
- Overdevelopment of the site
- Potential impact on wildlife

One letter stating no objections

4.0 RELEVANT PLANNING HISTORY

- 4.1 [P13/S3760/FUL](#) - Refused (05/02/2014) - Refused on appeal (22/07/2014)
Erection of two dwellings.

[P10/E0005/RET](#) - Approved (23/03/2010)

Change of use by conversion of offices into nine residential flats with the retention of one existing flat including works required to satisfy previous planning conditions contained in approval P04/E0416 - Cedar Court, Henley on Thames.

[P04/E1244](#) - Refused (02/03/2005) - Refused on appeal (20/09/2005)

Demolition of existing garage and erection of one dwelling with integral garage and new access (as amended by drawing nos.2097/009B, 010B and 014B accompanying letter from Agent dated 6 December 2004).

5.0 POLICY & GUIDANCE

- 5.1 South Oxfordshire Core Strategy (SOCS) policies

CS1 - Presumption in favour of sustainable development
CSEN3 - Historic environment
CSH2 - Housing density
CSH4 - Meeting housing needs
CSHEN1 - The Strategy for Henley-on-Thames
CS11 - Infrastructure provision
CSQ2 - Sustainable design and construction
CSQ3 - Design
CSS1 - The Overall Strategy

- 5.2 South Oxfordshire Local Plan 2011 (SOLP) policies;

C9 - Loss of landscape features
CON7 - Proposals in a conservation area
D1 - Principles of good design
D10 - Waste Management
D2 - Safe and secure parking for vehicles and cycles
D3 - Outdoor amenity area
D4 - Reasonable level of privacy for occupiers
D6 - Community safety
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

South Oxfordshire Design Guide 2008

- 5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

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

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

The Principle of the Development

6.2 The site lies within the main built up area of Henley where the principle of new residential development is acceptable having regard to Policy CSHEN1 of the SOCS.

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

6.3 The site lies within the Henley Main Conservation Area. Policy CON7 of the SOLP states that permission will not be granted for development which would harm the character or appearance of a conservation area whilst Policy CSEN3 of the SOCS states that the district's designated heritage assets will be conserved and enhanced for their historic significance, and their important contribution to local distinctiveness, character and sense of place.

6.4 The application site is an area of open land between the rear of the substantial Fairmile villas and the more modern development within Pearces Orchard. Pearces Orchard was formerly part of the large garden areas of the adjacent villas and so the original garden areas of these villas have already been significantly curtailed. The adjacent property, 9-11 Fairmile (Cedar Court) was converted to flats following the grant of planning permission in May 2004 under application P04/E0416. Further to this planning permission, an application, P04/E1244, for a single dwelling on the southern part of the current application site was refused in March 2005 and dismissed on appeal in September 2005. This application was refused due to the impact on 2 Pearces Orchard and not with regard to the impact on the character and appearance of the Conservation Area.

6.5 The scheme under P04/E1244 retained a gap between the side elevation of the proposed dwelling and the rear elevation of Cedar Court of approximately 21 metres. The current proposal retains a gap between the two storey side elevation of the development and the rear elevation of Cedar Court of approximately 17 metres with the depth of the rear gardens of the lower ground floor flats of Cedar Court being restricted to approximately 8 metres.

6.6 The gap between the rear of Cedar Court and 2 Pearces Orchard is an important open gap, acting as a buffer between the original Fairmile villas and their gardens and the adjacent housing development. This gap is important to the setting of the Fairmile villas and the character and appearance of this part of the Conservation Area. This was recognised by the Inspector in dismissing the appeal against the recent refusal of application P13/S3760/FUL. The appeal decision is **attached** as Appendix C along with the related plans. In dismissing the appeal the Inspector noted in Paragraph 6 that, 'the site acts as an important space enabling a visual transition between the substantial period Fairmile buildings and the more contemporary Pearces Orchard properties, contributing to the impression of the larger plot sizes once apparently enjoyed, and to the open character of the site'.

6.7 At Paragraph 7 of her appeal decision the Inspector states:

‘The appeal proposal would introduce a pair of two storey dwellings onto this site, which, although less tall than the Pearce’s Orchard properties and Cedar Court building, would significantly erode the space between the Cedar Court properties and Pearce’s Orchard dwellings. The combined scale, bulk and massing of the properties proposed, together with the very limited space that would remain to the rear boundary of the Cedar Court building, would conflict with the distinct impression of spaciousness in this part of the CA, detracting also from the commanding presence of Cedar Court.’

6.8 The design of the proposed dwelling is similar to that of the previous development proposed. In this regard the Inspector did not raise any particular concern with the design and acknowledged the references between the proposed design and features of the Fairmile villas. The dwelling has been designed to reflect the architectural style of Cedar Court and I consider that this design approach is acceptable in principle.

6.9 Compared to the previous scheme, the main two storey part of the development has moved away from the boundary with Cedar Court by 4 metres and the height of the building has been reduced by approximately 0.7 metres. These amendments, along with the reduced width of the building would result in a building of considerably less bulk and massing compared to the previous scheme and a materially greater separation to the rear of Cedar Court. This separation in particular would serve to provide a much improved buffer between the existing and proposed buildings and would help to preserve a more open setting to the rear of Cedar Court. In your Officer’s view this revised scheme has addressed the Inspector’s concerns regarding the impact of the development on the character and appearance of the Conservation Area.

The Impact on the Amenity of Neighbouring Occupiers

6.10 The previous scheme under application P13/S3760/FUL was also refused due to the impact of the development on the amenity of neighbouring occupiers within Cedar Court, having particular regard to the occupiers of the lower ground floor flats facing towards the application site. These flats are located on a lower level to the application site and have modest gardens. In dismissing the appeal the Inspector agreed with the council’s concerns that the previous scheme would have adversely affected neighbouring amenity.

6.11 At paragraph 13 of her decision notice, the Inspector states:

‘Flats within Cedar Court, including the lower ground floor flats which are significantly below ground level, appear to enjoy reasonable levels of natural light and a fairly pleasant rear outlook towards the trees on the appeal site. The appeal proposal would result in the blank wall of Unit 1 being oppressively close to the rear habitable room windows and patio areas of the lower ground floor flats. Due to the scale of the proposed development, its orientation and proximity, it would, particularly for the occupants of the lower ground floor and ground floor flats and those nearest the Pearce’s Orchard road, have an enclosing effect on the existing outlook and would decrease levels of natural light.’

6.12 In your Officer’s view the current proposal has also addressed these concerns. The increase in the gap between the side elevation of the dwelling and the boundary with Cedar Court and the lowering of the ridge height and overall bulk of the building would significantly improve the outlook from the rear of the flats, particularly those at lower ground floor level, compared to the previous scheme. Clearly the dwelling would still be

prominent when viewed from the flats, but would not be harmfully oppressive or result in a material decrease in natural light.

- 6.13 The Inspector also considered the impact of the previous proposal on the amenities of 13 Fairmile and 2 Pearces Orchard and found this to be acceptable. The relationship between the development and 2 Pearces Orchard is essentially the same as with the previous scheme in respect of the depth and position of the dwelling in relation to the boundary with this property. The relationship with 13 Fairmile, which lies to the north of the site, is improved due to the reduction in the size and bulk of the building and its positioning further from the rear elevation of 13 Fairmile.

Highway Considerations

- 6.14 The proposed dwelling would have four off-street parking spaces, which would ensure that there would be no additional on-street parking on Peaces Orchard. There were no highway objections to the previous scheme and the Highway Authority has raised no objections to the current proposal.

Other Material Considerations

- 6.15 The proposal would result in the loss of the existing trees and bushes within the site. This vegetation makes a positive contribution to the appearance of the land between Cedar Court and Pearces Orchard and helps to accentuate the buffer between the separate buildings. However, the trees do not have any significant landscape value such that they have to be retained. There is scope to provide replacement planting to help soften the impact of the development.
- 6.16 Policy CSQ2 of the SOCS seeks to ensure that new dwellings attain Code Level 4 of the Code for Sustainable Homes. This could be secured via a suitably worded condition attached to any planning permission. The site is partially within Flood Zone 2 and flood protection measures have been submitted with the application, which I consider meet the requirements as advised by the Environment Agency.

7.0 **CONCLUSION**

- 7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy as, subject to conditions, the development would respect the character and appearance of the site and the surrounding area and would not cause any significant harm to the amenities of neighbouring occupiers. In addition the proposal would not be prejudicial to highway safety and convenience.

8.0 **RECOMMENDATION**

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

1. **Commencement within – three years.**
2. **Development to be in accordance with approved plans.**
3. **Samples of materials and joinery details to be agreed prior to commencement of development.**
4. **Landscaping scheme, including fencing and hardsurfacing to be agreed prior to commencement of development.**
5. **Withdrawal of permitted development rights for extensions and alterations.**
6. **Sustainable design and construction to meet Code Level 4 of the Code for Sustainable Homes.**
7. **Parking and turning areas to be provided and retained.**

Agenda Item 14
South Oxfordshire District Council – Planning Committee –11th February 2015

Author: Mr T Wyatt
Contact no: 01235 540546
Email: planning@southandvale.gov.uk