

<b>APPLICATION NO.</b>	<a href="#">P16/S2207/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	28.6.2016
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBER(S)</b>	Joan Bland Lorraine Hillier Stefan Gawrysiak
<b>APPLICANT</b>	Hinton Developments Ltd
<b>SITE</b>	77 St Marks Road, Henley-on-Thames, RG9 1LP
<b>PROPOSAL</b>	Proposed demolition of existing dwellinghouse and erection of a pair off semi- detached dwellings with associated parking and private amenity space provision. Amendments to existing access and creation of new access (as amended by revised plans received 11th August 2016, reducing the overall height and depth of the proposed dwellings)
<b>AMENDMENTS</b>	As above
<b>GRID REFERENCE</b>	475849/181813
<b>OFFICER</b>	Simon Kitson

1.0 **INTRODUCTION**

- 1.1 This application is referred to Planning Committee as the Officers' recommendation conflicts with the views of the Town Council.
- 1.2 The existing dwelling at no. 77 St Marks Road (which is shown on the OS extract **attached** as Appendix A) is a detached 2 storey property set in a generous 700 sq.m plot located towards the southern side of St Marks Road. This part of St Marks Road is generally characterised by large, extended dwellings in sizeable plots. Although the dwellings have predominantly traditional forms, they have a bespoke appearance and there is considerable architectural variety within the locality, in terms of external finishes, roof structures, fenestration detail and boundary treatment.
- 1.3 The site falls outside the Henley St Marks Road Conservation Area and there are no tree preservation orders or other planning constraints. An aerial photograph illustrating the character of the area is **attached** as Appendix B.

2.0 **PROPOSAL**

- 2.1 As detailed in the application submission, this proposal seeks full planning permission for the demolition of the existing dwelling and the erection of two attached dwellings. Following concerns raised by officers over the course of the application, a formal amendment was received which has dropped the overall height by approximately 1m, bringing it close to the height of the existing dwelling. The depth of the ground floor and first floor rear projection has been reduced by approximately 1.5m.
- 2.2 As amended, each dwelling would have a total of 5 bedrooms, a footprint of approximately 100 sq.m and a height measuring approximately 8.3m to the highest point in the roof.
- 2.3 A copy of the proposed plans is **attached** as Appendix C and other documentation associated with the application can be accessed via the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Henley-on-Thames Town Council – Objection

- Refusal recommended, due to amenity considerations including: overlooking, overdevelopment, character of area, scale and bulk.
- The development would result in losses of light, traffic generation and parking issues

The Henley Society - Objection

- The amended plans are an improvement, but the proposal is still an overdevelopment of the site, with too great an impact upon neighbours

Highways Liaison Officer (Oxfordshire County Council) – No objection

- The proposal is unlikely to have a significant adverse impact upon the highway network. The Highway Authority has no objection, subject to conditions.

Waste Management Officer (South Oxfordshire District Council) - No strong views

Environmental Protection (South Oxfordshire District Council) – No strong views

- The land at the frontage of the site falls within a zone prone to contamination due to a previous land use. A contaminated land questionnaire should be submitted as a condition of consent.

Countryside Officer (South Oxfordshire District Council) - No strong views

- There is a low risk of impacts on protected species.

Forestry Officer (South Oxfordshire District Council) - No strong views

- Satisfactory tree protection measures should be a condition of consent

Neighbours – Objections (5)

- The proposed development would be out of character with the existing pattern of housing along St Marks Road, particularly the upper and middle parts which are all single, detached dwellings.
- The proposal is out of character with surrounding plots and there is no overriding shortage of 5-bed properties within Henley.
- The proposal is out of character with the historic conservation area which is close to the application site
- Two 5-bed houses would cause traffic obstructions, issues with additional off-street parking
- The houses would be too close to both property boundaries
- This is an intrusive, overbearing form of development and the depth of the rear projection would obstruct light and views, especially with regard to no. 75 as it is at a lower level than no.77, by approximately 1.2m

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P72/H1158](#) - Approved (09/02/1973)  
Extension to provide extra bedroom.

[P57/H0106](#) - Approved (14/02/1957)  
Two storeyed house and garage.

5.0 **POLICY & GUIDANCE**

5.1 The Joint Henley and Harpsden Neighbourhood Plan (JHHNP);

Housing Strategy

Primary Housing Objectives H04  
Policy H4 - Infill and self-build dwellings  
Policy DSQ1 – Local Character  
Policy T1 – Impact of development upon the transport network

5.2 South Oxfordshire Core Strategy (SOCS) policies;

CS1 - Presumption in favour of sustainable development  
CSH1 - Amount and distribution of housing  
CSHEN1 - The Strategy for Henley-on-Thames  
CSQ3 - Design

5.3 South Oxfordshire Local Plan 2011 (SOLP) policies;

D1 - Principles of good design  
D2 - Safe and secure parking for vehicles and cycles  
D3 – Plot coverage and garden areas  
D4 – Privacy and daylight  
D10 - Waste Management  
G2 - Protect district from adverse development  
H11 - Sub-division of dwellings in built up area  
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 (SODG)

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in relation to this application are:

- the principle of the development
- the impact of the design, height, scale and materials upon the character of the site, the street scene and the wider area;
- the ecological and landscape impact;
- the impact upon neighbouring amenity, in terms of light, outlook and privacy
- the impact upon the highway network, in terms of highway safety, access and parking provision.

6.2 The existing dwelling is not considered worthy of protection on the basis of historical or architectural merit and the council has no objection to its demolition and replacement. However, the proposed redevelopment into two properties with a significant increase in footprint has attracted a number of local objections from neighbouring residents, the Town Council and The Henley Society. These raise a number of planning issues, relating to the perceived impact in terms of overdevelopment, the relationship with the street scene, character of the area, neighbouring amenity and highway safety.

**Principle of development**

6.3 As the proposal falls within the built-up limits of Henley, the principle of this type of redevelopment is established by SOCS Policy CSHEN1 and the JHHNP, which has

now been made and carries full weight in the assessment of this application. The SOCS allows for housing on 'suitable infill and redevelopment sites', subject to compliance with other Development Plan policies. The JHHNP emphasises, as a primary housing objective, the importance of intensifying existing land uses within sustainable locations.

- 6.4 Officers are satisfied that the proposed development complies with the requisite criteria. On the basis that the scheme would intensify an existing land use within a housing area and the site is in a location within walking distance of key services and public transport links, officers are satisfied that this proposal would comprise sustainable development as envisaged by both the NPPF and the Local Development Plan. The principle of the development is therefore considered acceptable, subject to compliance with other Development Plan policies.

### **Scale and design**

- 6.5 The submitted site plan (16083/002B) demonstrates that a plot of this size can accommodate two dwellings and meet the minimum residential amenity standards set out under Section 3.2.8 of the SODG. Officers note that the dwellings would benefit from garden areas of 115.6 sqm (plot 1) and 154.9sq.m (plot 2). These exceed the recommended 100 sq.m and each garden would have a depth in excess of the 10m minimum. Although the number of bedrooms per dwelling may appear excessive, the council has little control over the internal layout. Officers are mindful that these rooms could be designated as studies or other incidental facilities and then changed to bedrooms without the need for consent from the council.
- 6.6 In considering whether this proposal comprises an overdevelopment of the site, it is also necessary to consider the relationship of the scheme to the surrounding pattern of development, as required by SOLP Policies D1 and D3, and DSQ1 of the JHHNP. Whilst it is accepted that the application site is within a line of larger properties with relatively consistent garden sizes, this is not a designated area worth of special protection and the proposal should not be considered in too narrow a context. Both the NPPF and the Local Development Plan require new housing development to be informed by a wider context, having regard not just to any immediate neighbouring buildings but the townscape of the wider locality. Having regard to the scale of the surrounding built form and range of plot sizes across St Marks Road, particularly the historic conservation area to the east, officers consider that the subdivision of the property in the manner proposed would not constitute an overdevelopment of the site.
- 6.7 With regard to the impact of the proposal upon the street scene, officers accept that the new dwellings would have a greater visual impact than the current property. This results from the design, with its greater cumulative width, visual bulk and the off-street parking arrangement. However, following the subsequent reduction in the ridge height of the proposed dwelling, bringing it much closer to the height of the existing property, officers consider that it responds better to the local topography, particularly when set against the two adjacent properties. The design has also taken some architectural cues from the local vernacular, with the handed front gables sharing some characteristics with the Edwardian properties within the conservation area. The width of the building, spanning most of the plot, is consistent with the general pattern of development in the locality and the separating distance between the first floor flank wall and the neighbouring dwellings exceeds 7m. Officers consider that this broadly accords with the existing line of housing.
- 6.8 The council does not seek to be overly prescriptive over design and officers maintain that the visual impact of the proposal should be considered in the context of the considerable architectural variety which already exists along St Marks Road. The

variations in plot widths, heights, forms, ages and detailing collectively contribute to the visual richness within the street and the attractive historic character of the area. On this basis, officers consider that the amended design would not materially harm the overall character of the site or the wider area. Furthermore, whilst not within the conservation area, the overall form would be relatively sensitive to the defining characteristics of its setting.

- 6.9 Officers do acknowledge that there are visual impacts associated with the opening up of the front of the site for parking of at least 4 vehicles. As several respondents have noted, the removal of boundary walls is a form of development which the council is likely to resist within the St Marks Road Conservation Area. However, the application site does not fall within it and as such, it is not affected by the Article 4(2) direction which applies to the western end of the street. The council therefore does not have any control over the formation of off-street parking and laying of hardstanding, as these forms of development can ordinarily be implemented without the need for planning permission. Officers are satisfied that this aspect of the proposal would not be at variance with the overall character of the street, where off street parking is an increasingly common feature. The current proposal does at least partly enclose the frontages.

#### **Highway safety**

- 6.10 The submitted site plan demonstrates that it is possible to provide at least two off-street parking spaces per dwelling, in accordance with the adopted maximum parking standards set out within Appendix 5 to the SOLP. The Highway Authority has provided an expert opinion which concludes that the proposal would not have an adverse impact upon the local highway network or be prejudicial to the safety of other road users or pedestrians. Officers accept this conclusion and, for the reasons set out above, the proposal complies with SOLP Policies D1, T1 and T2 and the Transport Objectives of the JHHNP

#### **Neighbouring amenity**

- 6.11 Although comments have been received from neighbours on the opposite side of the street, the overall height of the proposal is similar to the existing and there would continue to be a distance of around 25m between the proposed dwellings and the properties immediately opposite. Due to the scale and location of the proposal, the two adjacent dwellings at nos. 75 and 81 St Andrews Road would be most directly affected. Both properties were visited over the course of the application.
- 6.12 It is fully accepted that there would be a high level of visibility of the enlarged structure, particularly the rear projection, from the gardens of both adjacent properties. However, due to the local topography, this would also apply to any two storey extensions to the existing dwelling which could be lawfully erected under permitted development rights. It is well established that the impact upon private views is not a material planning consideration. The council is only able to consider material losses of light, outlook and privacy when assessing the impact of this scale of housing development upon neighbouring amenity.
- 6.13 Notwithstanding the issues raised by the owners of no. 81, officers are satisfied that there would not be a materially harmful amenity impact upon this property as no. 81 is at a significantly higher level than the application site. No part of the enlargement would materially affect any windows serving primary living accommodation. Although losses of privacy are raised as an issue by both neighbours, it is proposed to require all side-facing windows to be obscure glazed as a condition of consent. Any additional views of

the neighbours' gardens arising from the proposed first floor windows would be oblique and acceptable in planning terms.

- 6.14 Following the submission of amended plans which have reduced the overall height of the proposal by approximately 1m and the depth by approximately 1.5m, the potential losses of outlook incurred by the owners of no. 75 would be lessened. In conjunction with the 4.6m setback of the first floor projection from the property boundary, officers consider that the proposal would not materially affect the daylight and sunlight at any sole windows serving primary living accommodation. The proposal would appear to comply with the 45 degree guideline set out in the Building Research Establishment (BRE) guidance which is a requirement of householder extensions within the council's emerging Design Guide.
- 6.15 With regard to the impact upon the garden of No 75, the high degree of visibility is regrettable, as is the potential overshadowing of the relatively small, partly enclosed patio at the north-west corner. However, due to the orientation of the dwellings, the greatest loss of sunlight is likely to occur towards the end of the afternoon and the rest of the garden would be largely unaffected by the proposal. It is noted that the relationship between the proposal and the garden of No 75 would be similar to that between the two storey extension at No 81 and the garden of the application site. Having regard to the width and generous depth of the garden at no. 75, officers do not consider that the proposal would be significantly oppressive or overbearing and the degree of impact upon the amenities of the occupiers would not be severe enough to warrant a refusal of planning permission.

#### **Community Infrastructure Levy (CIL)**

- 6.16 The council's CIL charging schedule was adopted on 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is liable for the development because the proposal involves the creation of new dwellings. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace.

#### **7.0 CONCLUSION**

- 7.1 The proposal is in accordance with the relevant Development Plan policies and national planning policy. The proposed development would make more efficient use of residential land within a sustainable location, close to the town centre and officers consider that the proposal to redevelop the site to accommodate two semi-detached properties would not cause material harm to the character and appearance of the site, the street scene or the wider area. Notwithstanding the high visibility of the proposed development in private views from the neighbouring properties, the council is satisfied that there would not be a significantly overbearing or oppressive impact upon neighbouring amenity. The proposal is also considered acceptable in terms of its impact upon the local highway network.

#### **8.0 RECOMMENDATION**

- 8.1 **To grant planning permission, subject to the following conditions:**

- 1. Commencement within three years of the date of this permission.**
- 2. The development must be implemented in accordance with the approved plans.**
- 3. A schedule of materials for all external finishes shall be submitted to and approved in writing by the local authority prior to commencement of**

development.

4. Details of proposed floor and ground levels shall be submitted to and approved in writing by the local planning authority prior to commencement of development.
5. Prior to occupation of the development hereby permitted the proposed means of access onto St Marks Road, is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
6. The existing means of access onto St Marks Road shall be improved and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
7. Prior to the first occupation of the development hereby approved car parking spaces shall be provided within the curtilage of the site, in accordance with the approved site plan. The car parking spaces shall be retained unobstructed except for the parking of motor vehicles at all times
8. The surfacing of the car parking area hereby approved shall be of permeable construction, or make provision for the direction of surface water run-off to a permeable or porous area within the curtilage of the site. No surface water shall be discharged onto the adjoining highway.
9. Details of all tree protection measures shall be submitted to, and approved in writing by, the local authority prior to the commencement of the development.
10. A contaminated land statement questionnaire is to be provided prior to the commencement of any works on site.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no extensions, roof extensions or outbuildings, as defined under Part 2, Classes A, B or E of the Order, shall be erected within the curtilage of either dwellinghouse hereby approved without planning permission from the local planning authority.
12. All side-facing upper storey windows to the north-east (side) and south-west (side) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut, where below 1.7m from the finished floor level, prior to first occupation. The windows shall be retained as such thereafter.

**Author:** Simon Kitson  
**Contact No:** 01235 422 600  
**Email:** [planning@southoxon.gov.uk](mailto:planning@southoxon.gov.uk)

This page is intentionally left blank