

APPLICATION NO.	P22/S2870/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	9.8.2022
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Mrs Vivienne Wheeler
SITE	2A Wilson Avenue, Henley on Thames, RG9 1ET
PROPOSAL	Construction of a one-bedroom self-build dwelling.
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

1.1 This application is referred to the Planning Committee due to a call-in from Councillor Arlett. The reasons for the call-in are:

- the application is in line with JHHNP Policy H4 and SODC Policies DES7 and DES10.
- all the other houses in the road have on street parking, this allows for one parking space if required. There is plenty of vision splay as it is a straight road

This report sets out the justification for officers' recommendation to refuse planning permission having regard to the development plan and any other material planning considerations.

1.2 The application site is shown at **Appendix A**. The site lies at the eastern end of Wilson Avenue close to the junction of Reading Road. It originally formed part of the garden to 190 Reading Road, but is now in separate ownership to No.190, which has a reduced garden area adjacent to the north-eastern site boundary. The site is occupied by a flat roof garage and lean-to shed. It measures approximately 9m x 8m.

1.3 190 Reading Road forms the end of a two-storey terrace of six first-half 20th century properties, the gardens of which have a narrow private pedestrian rear access, and this bounds the south-western site boundary. Part of the rear garden of No.188 Reading Road adjoins the north-western site boundary. On the other side of the private access, No's 2 and 4 Wilson Avenue are a pair of first-half 20th century semi-detached dwellings, set well back from the road, the style and age of which differs from the remainder of the 1920's terraces on the north side of Wilson Avenue, which are located much closer to the road. The properties on the southern side of the road comprise semi-detached properties built in the late 1950s/early 1960s. There is a multi-stemmed Bird Cherry tree in the front garden of 2 Wilson Avenue which overhangs part of the red edge site area. The application site itself is bounded by fencing to rear and sides but there is a yellow brick wall to the Wilson Avenue frontage broken by timber gates. There is a drop kerb in front of the garage, with double yellow lines extending to the north-east. There are marked disabled parking spaces opposite the site. Many of the properties in the vicinity do not have off-street parking.

1.4 The application seeks full planning permission for the demolition of the garage and lean-to and the erection of a one-bedroom dwelling with a basement level providing two floors and an off-street parking space, as shown on the current plans and supporting documents submitted with the application. A copy of the current plans is attached at **Appendix B** and other documentation associated with the application can be viewed on the council's [website](#).

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Henley-on-Thames Town Council – Recommend Approval.

Drainage (SODC) – No objection subject to surface-water drainage condition.

Highways Liaison Officer (Oxfordshire County Council) – Objection due to lack of achievable visibility splays and not an appropriate location for a ‘car-free’ development.

Energy Assessor (ESE Ltd) – No objection subject to compliance condition.

Forestry Officer (verbal advice) – Trees and shrubs adjacent to boundaries would be damaged, but of insufficient quality for statutory protection.

Environmental Health Officer (verbal advice) – No objection.

The Henley Society (Planning) - There is so much wrong with this application. The drawings mislead as there are cars shown parked outside the property (a double white line area) and there is no parking provision on site. Strong neighbour objections should be heeded, and we recommend refusal of a proposed cramped over-development.

Third Parties – Seven representations of objection and concern and one of support, summarised as follows:

- cramped development of this small site
- unduly prominent and design out of keeping with the street scene
- too close to neighbouring properties causing an oppressive and overbearing impact, loss of privacy, daylight, sunlight and noise and light pollution
- would add to on-street parking issues
- inadequate visibility splays and difficulty accessing parking
- impact of car pollution from location of parking space
- insufficient outdoor amenity space for future occupiers
- damage to and loss of No.2’s tree resulting in loss of biodiversity and amenity
- levels and steps unsuitable for elderly occupants and visitors
- accessibility of waste bins for future residents
- no electric vehicle charge point shown
- noise from air source heat pump
- glare from solar panels
- concerns about flooding and drainage
- issues arising from construction of basement
- high quality architectural infill should be supported

2.2 These representations can be viewed in full on the council’s [website](#).

3.0 RELEVANT PLANNING HISTORY

3.1 [P21/S3570/FUL](#) - Withdrawn (06/05/2022)

Construction of a one-bedroom self-build dwelling.

[P11/E1706](#) - Refused (06/01/2012)

Erection of one bedroom dwelling.

[P10/E0892](#) - Withdrawn (31/08/2010)

One bedroom dwelling.

[P07/E0492](#) - Refused (25/07/2007)

One bedroom detached dwelling.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

ENV1 - Landscape and Countryside

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

ENV3 - Biodiversity

EP3 - Waste Collection and Recycling

EP4 - Flood Risk

H1 - Delivering New Homes

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

H11 - Housing Mix

H12 - Self-Build and Custom-Build Housing

HEN1 - The Strategy for Henley-on-Thames

INF4 - Water Resources

STRAT1 - The Overall Strategy

STRAT5 - Residential Densities

TRANS5 - Consideration of Development Proposals

5.2 Joint Henley & Harpsden Neighbourhood Plan 2022

SD1: Minimising Carbon Emissions

SD1a: Fabric First Approach

SD1b: Other Methods

SD3 – Local Character

H4 – Infill and self-build dwellings

ENV2 - Biodiversity

ENV3 – Trees

T1 – Impact of Development on the Transport Network

T4 – EV Charging Points

T6 – Parking and Standards

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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 relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Other material planning considerations**

6.2 **Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan currently comprises the SOLP 2035 and the made Joint Henley and Harpsden Neighbourhood Plan 2016 (JHHNP 2016). The Review JHHNP 2022 proceeded to referendum on 24 November 2022 and now carries significant weight. Policy STRAT1 of the South Oxfordshire Local Plan 2035 (SOLP 2035) sets out the overall strategy for the District. It seeks to focus major new development at the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration.

6.3 The site lies within the built-up confines of Henley, where residential development is acceptable in principle under the SOLP 2035 Policy H1 criterion iii) "it is development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed". Policy H4 of the JHHNP 2022 explains that "Infill housing developments and proposals for the construction of self-build dwellings within the built-up areas of Henley and Harpsden will be supported where it is demonstrated that the proposed development is in accordance with other relevant policies of the development plan." The proposal involves the development of a plot of land in an established built-up area and so would not impact on any open space of value in accordance with the above policies.

6.4 **Design and character**

The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design. The SOLP 2035 Policy DES2 requires all new development to be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings. These requirements are reinforced by the JHHNP 2016 Policy DQS1 and the JHHNP 2022 Policy SD3.

6.5 The plot size would be significantly smaller than any other in the immediate vicinity and would result in a development sited very close to the street frontage. Although the footprint would be similar to the existing garage and store, the height of the roof would be increased by 0.8 metres (0.93 metres with the solar panels included) and the front building line would be wider. The combination of the small area of the plot, the proximity to the street and the enlarged building compared with that existing would, in officers' opinion, produce a development that would appear unduly cramped, particularly in relation to the site boundaries. Officers recognise that the design is an innovative approach to addressing the site constraints. However, in officers' view this results in a dwelling with an unduly prominent visual appearance, particularly the nearby junction between Wilson Avenue and Reading Road, that would be at odds with the established development pattern of early-mid 20th century housing in the vicinity of the site.

- 6.6 Whilst the council's Tree Officer considers that the trees and shrubs surrounding the site on adjoining land are not a constraint to development, these are likely to be compromised by the proposed development. This means that the Bird Cherry at No.2 would be unlikely to provide any long-term softening of the proposed dwelling and there would be very limited scope for any replacement planting within the site to compensate for its loss.
- 6.7 In light of the above assessment, in officers' opinion the proposal would detract from the character and appearance of the surrounding area and would be in conflict with the SOLP 2035 Policies DES1 Criterion xiii) & DES2 Criterion 1., the JHHNP 2022 Policy SD3 and advice contained at Sections 5.0 & 5.4 of the JDG 2022.
- 6.8 **Residential amenity**
The SOLP 2035 Policy DES6 relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution, and external lighting. The SOLP 2035 Policy DES5 requires satisfactory outdoor amenity space in line with the guidance under Section 4 of the JDG 2022.
- 6.9 Officers recognise that the design of the dwelling seeks to avoid direct overlooking of adjoining properties either from openings or external areas with the inclusion of screen walls. It is important to note that the first-floor level ('Level 1') would be set 0.535 metres above the adjoining ground level, which contributes to the proposed dwelling being appreciably higher than the existing garage. The small size of the site means that increases in built form would be close to the boundaries with adjoining residential properties. The existing garage is adjacent to the boundary with No.188 Reading Road's rear garden. The proposed dwelling would span less of the boundary but would be increased in height above the boundary fence. When combined with the excavation required to form the lower level of the dwelling, this would be likely to result in the loss of boundary foliage. The additional built form and loss of foliage would detract from the residential amenity of the garden of that property. The increased height of the building and the wall screening the front external area would result in increased enclosure of the front aspect of No.2 Wilson Avenue, detracting from the residential amenity of the occupiers. The raised level of the front entrance of the proposed dwelling would be within close to the boundary with the rear garden of No.190 would result in a perception of overlooking and loss of privacy to the occupiers. Officers remain unconvinced that the railings shown would be sufficient to alleviate this impact.
- 6.10 Third parties have raised several other residential amenity concerns. Officers recognise that the building-to-building distance would be 8-9 metres, therefore less than the 12 metres specified in Figure 26 of the JDG 2022. However, the diagram depicts typical two storey buildings and as such this guidance would not be directly relevant to the proposal. Light spillage and glare from rooflights and solar panels would be unlikely to cause significant harm in a built-up area. Had the application been otherwise acceptable, a planning condition could have been imposed to require details of the air source heat pump to be submitted and agreed by the council to ensure it met the required standards for noise containment. Local residents have raised concerns about pollution from car exhaust fumes, due to the parking space being positioned adjacent to the boundary. However, the council's Environmental Health Officer has advised that the vehicle manoeuvres associated with parking a car in this location would not give rise to a harmful level of emissions.

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- 6.11 Officers acknowledge that the amount of outdoor private amenity space serving the proposed dwelling would be about 19 square metres, below the 35 square metres recommended in Section 4 of the JDG 2022. However, given the site is in a sustainable location with good access to public open space, in this instance officers consider such a shortfall is acceptable. Officers also consider that any overlooking of these areas from adjoining properties would be typical of relationships in residential areas. The dwelling would have an internal floorspace which would comply with the minimum standard of 58m² for a one-bedroom two-person two-storey dwelling as required by the SOLP 2035 Policy H11 criterion 4.
- 6.12 On the basis of the above assessment, the proposal would be contrary to the SOLP 2035 Policy DES6 criterion ii).
- 6.13 **Access and parking**
The SOLP 2035 Policy TRANS5 seeks to ensure that development would not be prejudicial to highway and pedestrian safety. This is supplemented by the JHHNP 2022 Policies T1 and T6.
- 6.14 The OCC Highway Liaison Officer (HLO) has commented that the walling fronting the property is to be reduced in height, however, given the proximity of the neighbouring boundary, which is outside of the applicant's control, no visibility splays can be provided to the left-hand side on egress. Although there is already a garage in place that is unrelated to any of the surrounding properties, in this instance the proposal concerns a new access that would serve what officers consider to be a more intensive use of the land and as such is required to meet current dimensional guidance. As proposed, the lack of adequate visibility splays would result in increased risk to highway and pedestrian safety. Third parties have pointed out that wheeling the waste bins to the highway for emptying would only be possible when the car is not parked in the space and this would increase the number of vehicular movements.
- 6.15 The submitted plans describe the off-street parking space as 'optional'. The applicant has suggested that the proposal could be a 'car free' development with the dropped kerb being removed to increase on-street parking capacity. However, the HLO has commented that 'car-free' applications are generally supported in areas where there are on-street parking controls within the vicinity, Controlled Parking Zone and/or within a highly accessible location for example Duke Street in Henley. If the drop kerb were removed, the applicant would not have any right to use the highway land in front of their property or prevent others from using it. In any event, on-street parking in that location would be unviable due to the disabled parking space on the opposite side of the road. This is because when a vehicle is parked in this space, any vehicle parked on the road in front of the site would block the carriageway. Partial parking on the footway/carriageway would obstruct the footway.
- 6.16 Officers are aware that vehicles on the northern side of Wilson Avenue park on the road, but many vehicles on the other side of the road park partially on the footway/carriageway. This results in obstructions to the footway that could be enforced against. Officers have also observed vehicles parking illegally on the double yellow lines and obstructing the footway in front of the site, both during daytime and in the evenings. This gives credence to the comments made by some third parties about the existing parking problems in the vicinity and that the lack of safe off-street parking for this proposal would serve to exacerbate these issues.
- 6.17 Officers consider that the proposal would present an unacceptable increase in the risk to highway and pedestrian safety and thereby conflict with the SOLP 2035 Policy TRANS5 and the JHHNP 2022 Policy T6.

6.18 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. These are reinforced by the JHNNP Policies SD1, SD1a and SD1b. The Energy Statement submitted in support of the application has been vetted and had the application been acceptable, a verification planning condition could have been imposed to require implementation details and a planning condition to secure an EV charge point could also have been secured through a planning condition in accordance with the SOLP 2035 Policy TRANS5 ix).

6.19 The council's Flood Risk and Drainage Engineer has raised no objection to the proposal on flooding or drainage grounds, subject to a surface water drainage condition. The impact of the proposal on biodiversity in this built-up area is unlikely to be significant. Works associated with the construction of the basement would be administered under the Building Regulations 2022.

6.20 Community Infrastructure Levy

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

7.0 CONCLUSION

7.1 The proposed development, through its size, position, and appearance, would be at odds with the established pattern of development, overly cramped in relation to its plot and unduly prominent in the street scene. The impact would be exacerbated by the likely loss of the adjacent tree and the lack of space within the site to provide any replacement landscaping. As such, the proposal would conflict with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035 and Policies SD3 of the Joint Henley and Harpsden Neighbourhood Plan 2022 and advice contained within Section 5 of the Joint Design Guide 2022.

7.2 The proposed development, through its size, position, and appearance, would result in increased built form close to the boundaries with adjoining residential properties. The increased height of the building compared with the existing garage adjacent to the boundary with No.188 Reading Road, combined with the excavation required to form the lower level of the dwelling, likely resulting in the loss of boundary foliage, would detract from the residential amenity of the garden of that property. The increased height of the building would result in an increased enclosure of the front aspect of No.2 Wilson Avenue, detracting from the outlook and residential amenity of the occupiers. The raised front entrance of the proposed dwelling close to the boundary with the rear garden of No.190 would result in a perception of overlooking and loss of privacy to the occupiers. As such, the proposal would give rise to unacceptable impact on the amenity of future and existing adjacent occupiers, in conflict with Policy DES6 of the South Oxfordshire Local Plan 2035.

7.3 The proposed development would be unable to demonstrate adequate visibility splays for the proposed parking space. This would encourage future residents to park on-street in a location where there is limited on-street parking capacity and evidence of indiscriminate illegal parking. It would therefore be an inappropriate location for a 'car-free' development. As such, the proposal would present an unacceptable increase in the risk to highway and pedestrian safety, in conflict with Policy TRANS5 of the South Oxfordshire Local Plan 2035 and Policy T6 of the Joint Henley and Harpsden Neighbourhood Plan 2022.

- 8.0 **RECOMMENDATION**
Refusal of Planning Permission
1 : Character and Appearance
2 : Residential Amenity Impact
3 : Highway & Pedestrian Safety

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