

APPLICATION NO.	P23/S0268/FUL and P23/S0269/LB
APPLICATION TYPE	FULL APPLICATION and LISTED BUILDING
REGISTERED	24.1.2023
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Foxley
SITE	23 Reading Road Henley-on-Thames, RG9 1AB
PROPOSAL	Change of use of the ground floor from retail to retail and residential.
OFFICER	Simon Kitson

1.0 INTRODUCTION AND PROPOSAL

1.1 These applications have been referred to planning committee at the request of the local ward member. The officer's recommendation of approval is also contrary to the views of Henley Town Council.

1.2 The site

No.23 Reading Road is the end unit of a grade II listed C19 terrace within the Henley Town Centre boundary and the Henley Main Conservation Area. The listing description is as follows:

“Early C19 terrace group of 4 houses. Red brick facade with bracketed eaves cornice and hipped slate roof. 3 storeys, 1 window each, all, except one are sashes with glazing bars. Paired and recessed house doorways with fluted pilasters. Berkley House has projecting porch, modified Doric style. The other 3 houses have small, late C19, altered shop fronts. Nos 17 to 23 (odd) form a group”.

The site is identified on the Ordnance Survey extract at **Appendix A**.

1.3 The building has been substantially extended in various phases to the rear elevation in single storey increments. In 2009 permission was granted to convert the rear extensions into a flat (P09/E0212). The council considered that the conversion work would provide an appropriate living environment in the town centre that would not harm the character or appearance of the listed building, its setting or the surrounding Conservation Area. It was also considered that it would not have an undue impact on the amenities of local residents. This consent expired in May 2012. Copies of the decision notice and plan are attached at **Appendix B**

1.4 In 2016 and 2017, planning permission and listed building consent were refused for a residential conversion which would have included an extension at first floor level. The refusal reasons related solely to the proposed first floor extension, no issue was raised with the principle of converting the existing part of the building.

1.5 **The proposal**

Planning and listed building consent is sought for the conversion of the rear of the existing building to a residential flat, in a similar manner to the 2009 approval. A smaller retail unit would be retained at the front of the building, together with the shop front and a retail storage area at basement level. There would be limited external alterations, mostly relating to fenestration changes and the formation of an internal garden. No changes are proposed to the front elevation. Internally, the works would include the removal and creation of modern partitions.

1.6 The proposal is described in more detail within the submitted plans attached at **Appendix C**. All associated documents and consultation responses can be viewed on the council's website: www.southoxon.gov.uk

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 Henley-on-Thames Town Council - Recommend refusal due to concern over loss of retail space and lack of parking for an additional residential dwelling

South -Highways Liaison Officer (Oxfordshire County Council) – No objection. Whilst there is no dedicated parking provision, the site is within a sustainable town centre location and there are parking controls within the locality. The cycle parking details are acceptable.

Conservation Officer (SODC) – No objection on the basis of impacts to the listed building or the conservation area.

Air Quality – No objection

The Henley Society (Planning) – No major comment. It is noted that there are questions over the back gate and there should be clarification over waste collection.

Economic Development – Support for the application. The smaller retail unit with residential is largely to be more viable than the current retail unit. Importantly, the shop frontage and storage areas would be retained.

Neighbour representations (4) – Key points:

- A number of comments were made in relation to a gate constructed in 2011 at the rear wall of the property, facing onto a private car park. It is suggested that the property does not have lawful rights to use this gate. It is also reiterated that new residents would not be able to use the private car park (Rights of access are a civil matter and not a material planning consideration)
- No in-principle objection. It is recognised that there are challenges for larger retail units in the current economic climate. Some observations made in terms of overcrowding, noise and health and safety issues at adjoining restaurant and the potential impacts of this upon a new residential use.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P17/S0737/FUL](#) - Refused (24/04/2017)

Conversion of rear part of retail unit to single dwelling and construction of a first floor above. (Revision of P16/S2668/FUL and P16/S3229/LB)

[P16/S2668/FUL](#) - Refused (22/11/2016)

Conversion of rear part of retail unit to single dwelling and construction of a second dwelling on the first floor above.

[P09/E0199/LB](#) - Approved (13/05/2009)

Conversion of part of existing shop to a 2 bed flat with roof windows.

[P09/E0212](#) - Approved (13/05/2009)

Conversion of part of existing shop to a 2 bed flat with roof windows.

[P04/E0453](#) - Approved (23/06/2004)

Conversion and extension of existing shop and flat to form three flats and two shops. Demolition of garage, extension to rear store to form new residence in yard. (As amplified by parking and manoeuvring details accompanying letter from agent dated 6 May 2004).

[P91/S0353/LB](#) - Approved (04/09/1991)

Replacement timber double hung sash windows to first and second floor of front elevation.

[P90/S0041/LB](#) - Approved (27/06/1990)

Replacement windows. (Retrospective)

[P89/S0265/LB](#) - Approved (27/11/1989)

Demolition of store and covered area. Extension of existing retail shop and small ancillary office and utility room.

[P89/S0136](#) - Approved (07/11/1989)

Extension to shop with small ancillary office and utility room.

[P73/H0281](#) - Approved (06/04/1973)

Retail pet shop rear extension and alterations.

[P65/H0391](#) - Approved (26/07/1965)

Extension of shop

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable to this proposal

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

CF1 - Safeguarding Community Facilities

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character
DES5 - Outdoor Amenity Space
DES6 - Residential Amenity
DES8 - Promoting Sustainable Design
ENV6 - Historic Environment
ENV7 - Listed Buildings
ENV8 - Conservation Areas
EP1 - Air Quality
H1 - Delivering New Homes
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford
HEN1 - The Strategy for Henley-on-Thames
TC5 - Primary Shopping Areas
TRANS5 - Consideration of Development Proposals

5.2 Joint Henley and Harpsden Neighbourhood Plan (JHHNP) Policies:

SD3 - Local Character
H4 - Infill and Self-Build Dwellings
T6 – Parking and standards

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022 (JDG22)

5.4 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

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 main issues in this application are as follows:-

- The principle of the proposed use
- The impact of the proposal upon the special architectural and historic interest of the listed building and the wider conservation area
- The impact upon residential amenity
- The impact upon the local highway network

6.2 Principle of development

As the proposal falls within the built-up limits of Henley, the principle of this type of development is established by Policies H1 and H3 of the SOLP and Policy H4 of the JHHNP. These support housing development within the town, where

it is demonstrated that the proposed development is in accordance with other relevant Development Plan policies.

- 6.3 The site is located within a primary shopping area, as defined under the SOLP. Policy TC5 affords protection to units in Class E use. If the unit would be lost, then further viability information would be required justifying this.
- 6.4 The current proposal would not involve the loss of the retail unit. It would be retained, albeit reduced in size as the later additions to the rear of the building would be converted. Whilst officers consider that there is no conflict with the policy, the objection from the Town Council is noted. Advice was therefore sought from the Council's Economic Development team as to whether this proposal has the potential to affect the viability of the existing unit in an adverse way.
- 6.5 The Economic Development Officer is supportive of this proposal. This is on the basis that they recognise the challenges to retail under the current economic climate and they consider a smaller retail unit with a residential use behind to be a more viable proposition than the current arrangement. They consider the retention of the existing shopfront and the basement retail storage area to be essential and both elements would be retained under this proposed scheme. Officers see no reason to take a contrary view to the Council's previous decision to approve a rear flat. There is no conflict with SOLP Policy TC5.
- 6.6 **The impact of the proposal upon the special architectural and historic interest of the listed building and the wider conservation area**
The Council's Conservation and Design Team were consulted on this aspect of the proposal. The conservation officer notes that the ground floor layout of the building has been significantly altered in the past such that the proposed internal partitions would have no impact on historic character, and no historic fabric is proposed for removal. All other alterations are proposed to the C20 extension which is of no historic interest. They consider that the proposed external alterations are minor and to the rear of the property where they would have a negligible impact on the character of the building and conservation area.
- 6.7 Officers accept that expert advice provided and share the conclusion that the proposals would preserve the architectural and historic interest of the listed building and the character and appearance of the conservation area. The scheme is therefore in compliance with Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, and policies ENV6, ENV7 and ENV8 of the Local Plan.
- 6.8 **The impact upon residential amenity**
The proposed flat would be served by a courtyard garden. Whilst the overall area would be slightly under the JDG22 recommendation, both this document and Policy DES5 of the SOLP allow for flexibility, taking into account local context and the characteristics of the area. The amount of amenity space would be commensurate with the housing grain within the area and the amenity spaces afforded to many of the surrounding residential properties. Officers see no reason to take a contrary view to the previous approval.

6.9 With regard to neighbouring amenity, officers consider that the limited external changes proposed to the building would not have the potential to result in adverse impacts in terms of losses or daylight, sunlight or privacy. There is no conflict with SOLP Policy DES6.

6.10 The impact upon the local highway network

It is noted that the Town Council raise objection to the proposal on the basis of lack of parking. However, the site is within a very sustainable town centre location with convenient access to a range of key services and facilities. There are also public transport links within walking distance. The Oxfordshire County Council (OCC) maximum parking standards, to which the SOLP and JHHNP defer, allow for car-free development within, or on the edge of, towns where the site has this level of connectivity.

6.11 OCC as the Local Highways Authority raise no objection to the proposal on this basis. They further note that there are on-street controls within the vicinity to prevent indiscriminate parking and that there are a number of car parks in the area. They consider, on the basis of the submitted plans, that adequate cycle parking facilities can be accommodated. They do not require any further information by way of conditions. On the basis of this expert advice, officers accept that the proposal is unlikely to have a significant adverse impact on the highway network. The proposal is not considered to be in conflict with SOLP Policy TRANS5 or JHHNP Policy T6.

6.12 Other issues

It is noted that a number of comments have been submitted during the formal consultation period in relation to a gate installed in the rear wall of the garden. The gate, which is not installed in a historic wall, appears to have been in situ for a significant period of time and similar issues were raised during the consultation for the 2016 application. Private rights of access/ trespass issues and any potential blocking of private parking spaces serving Queen Street Mews remain civil matters. They are not material planning considerations.

7.0 CONCLUSION

7.1 The proposal complies with the relevant Development Plan policies and national planning guidance. Officers consider that the principle of the change of use of the rear of the building to a residential flat is acceptable and that the proposal is acceptable in terms of the impact upon the listed building and its setting within the conservation area. The proposal is also considered acceptable in terms of neighbouring amenity and highway safety, having regard to the sustainability of the location.

7.2 Officers recommend that listed building consent is granted, on the basis that the proposed works would not harm the special architectural and historic interest of the property.

8.0 **RECOMMENDATION**

Grant Planning Permission subject to the following conditions

1 : Commencement of development within 3 years

2 : Development to be carried out in accordance with the approved plans

3 : Materials to be used as shown on the approved plans

Grant Listed Building Consent subject to the following conditions

1 : Commencement of works within 3 years

2 : Works to be carried out in accordance with the approved plans

3 : Materials to be used as shown on the approved plans

Author: Simon Kitson

Tel: 01235 422600

Email: Planning@southoxon.gov.uk

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