

APPLICATION NO.	P23/S1539/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	2.5.2023
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Ms. Claudia Gorcea-Carson
SITE	35 Damer Gardens Henley-on-Thames, RG9 1HX
PROPOSAL	Proposed first floor extension.
OFFICER	Davina Sarac

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to the Planning Committee as the application has been called in by Councillor Ken Arlett on the grounds of the development being out of character and unneighbourly. This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations.
- 1.2 The site comprises a 1960's link detached two storey dwelling located within the cul-de-sac part of Damer Gardens within the built-up area of Henley-on-Thames, which is shown on the plan **attached** as Appendix A. The dwelling is constructed in buff coloured brickwork with hanging tiles in between the ground floor and first floor windows. The roof is tiled in concrete tiles. The site lies adjacent to the St Marks Road Henley Conservation Area which borders the site at the rear.
- 1.3 The application seeks planning permission for a proposed first floor side extension above the existing garage as detailed within the submitted plans. The extension is proposed to be constructed in materials that would match those of the existing dwelling. The plans also show the erection of a pergola located at the rear of the existing garage. A copy of the plans associated with the application are **attached** as Appendix B, whilst other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Full copies of the representations are available on the Council's website at www.southoxon.gov.uk under the planning reference number.

Henley-on-Thames Town Council - Recommend refusal due to being out of character with the area and resulting in over-development. It is unneighbourly to turn a neighbouring property into a semi-detached dwelling, particularly without any consultation.

The Henley Society (Planning) – Proposal is over development resulting in lack of privacy, overlooking and potential loss of light. The overlying concern is the loss of the original front elevation design. There is one other extension in this group of properties, but it is small and set back and does not link to the neighbouring property.

Neighbour representation – One letter received, raising the following objections:

- The proposal would include a party wall agreement which we are not willing to accept.
- The proposal will close the gap between 36 and our neighbour over the garage. If this was to happen our property would no longer be link detached.
- Application is out of character in the area by its proposed mass and will close off a valuable open space, in turn this will block a large proportion of natural light.
- Concerns over noise pollution from the proposed changes as currently the south west elevation of our property is an external wall.
- The south west elevation of 36 has an overflow pipe which cannot be directed elsewhere.
- We would prefer a stepped back extension away from no. 36 side wall.

3.0 RELEVANT PLANNING HISTORY

3.1 None relevant.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies:

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design

H20 - Extensions to Dwellings

HEN1 - The Strategy for Henley-on-Thames

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 The Joint Henley and Harpsden Neighbourhood Plan 2035 (JHHNP) Policies:

SD3 – Local Character

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**
- **Design and character**
- **Residential amenity**
- **Parking**
- **Carbon reduction**

6.2 Principle

The principle of extending dwellings is set out in South Oxfordshire Local Plan 2035 Policy H20, which states that they will be permitted provided that developments have regard to the advice within the Joint South Oxfordshire and Vale of White Horse Design Guide (JDG). The JDG sets out design principles for side extensions which seek to ensure that schemes are:

- subservient to the principal dwelling;
- significantly set back from the front of the house (at least one third of the depth of the dwelling) and set down from the original roof ridge of the dwelling, or otherwise be justified for not doing so;
- retains important gaps within the street scene and avoid creating a continuous building line. To reduce such a 'terracing effect', it is desirable to maintain a gap between the extension and the site boundary and for the extension to have a lower ridge height than the main building. The extent of the gap should be determined by the pattern of development in the area but, in general, it should not be less than 1 metre wide. An alternative way of avoiding a terracing effect is to set the first-floor element of the extension back significantly from the front elevation;

6.3 Design and character

The Joint Henley and Harpsden Neighbourhood Plan 2035 (JHHNP) Policy SD3 states that "proposals should respond positively to the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height, and massing. In particular, they should demonstrate high quality, sustainable and inclusive design and architecture that respects the relevant Character Area, as shown in the Conservation Area Appraisal Management Plan."

6.4 The proposal is for a first floor extension at the side of the dwelling to be built above the existing garage. The plans show that a small section in front of the

garage door at ground floor level would also be infilled so that the ground floor would be flush with the existing front door element. The side extension is set back from the principal elevation.

- 6.5 Objections have been received from Henley Town Council, The Henley Society, and the occupiers of the neighbouring property at no. 36 Damer Gardens, with regards to the proposal being out of character with the area and representing overdevelopment. The proposed side extension would remove the existing spacing and separation between the link detached properties at first floor which is part of the design of the original dwelling. However, no. 36 has extended at first floor level above their existing garage in a similar fashion as to what is being proposed here. There is also another property that has extended to the side above the garage, no. 32 Damer Gardens, although this extension has been set in from the edge of the garage maintaining a small gap between it and the neighbouring property.
- 6.6 Officers do not consider that the extension proposed is overdevelopment. It is subservient in its size, scale, height and massing. The first floor extension is set back from the front of the house to retain the proportions of the original building and reduce the visual impact between existing and new development. The original building still remains the visually dominant element of the property. This helps to create a subservient appearance and would accord with the guidance on side extensions within the Joint Design Guide.
- 6.7 Objections have also been received with regards to the proposal being out of character with the rest of Damer Gardens by extending above the garage up to the boundary next to no. 36. Whilst the majority of Damer Gardens remains unaltered, as stated above, no.36 has carried out an extension above the garage just like the one being proposed here. Whilst the Joint Design Guide states that side extensions should avoid development, where extending at two stories or above, up to the site boundary to avoid creating a 'terracing effect' it also goes on to say that an alternative way of avoiding a terracing effect is to set the first-floor element of the extension back from the front elevation – it should be set back at least one third of the depth of the dwelling. In this case the first floor extension is set back a significant amount from the front elevation. Furthermore, the location of the site is a small cul-de-sac part of Damer Gardens, where on balance, Officers consider that the proposal would not result in a detrimental visual impact to the character of the rest of the street or wider area. It is also noted that Damer Gardens comprises of relatively high density housing with terraced and link detached dwellings sitting alongside each other. In this regard linking the dwelling with the adjoining dwelling at first floor level would not be at odds with the grain of the surrounding built form.
- 6.8 Taking all matters into account, officers' consider that the proposal accords with side extension guidance principles within the JDG, JHHNP Policy SD3 and SOLP 2035 Policies DES1, DES2 and H20.
- 6.9 **Residential amenity**
Objections have been raised that the proposal would be unneighbourly and result in a loss of light and overlooking. The first floor extension would be flush

with the existing rear wall of the existing dwelling and neighbouring dwelling. Therefore, officers consider that the potential for loss of light to no. 36 would be negligible and would not warrant refusal on those grounds. The extension would result in a new window at first floor level being introduced closer to the boundary of no. 36. However, this is a common situation in built up areas. No.36's rear conservatory would block some of the views into the garden from the new window and any views from that window are likely to be at an oblique angle similar to the existing rear windows and their current views into neighbours' gardens. It is considered that mutual overlooking already exists here with the rear bedroom of. No. 36 overlooking the garden of no, 35. The new rear window on the first floor extension would have a similar impact as this window . On balance I consider the proposal would have an acceptable impact to the neighbouring property and would comply with SOLP 2035 Policy DES6. An issue was raised with regard to the party wall agreement; however this is a civil matter and is not material consideration in determining this planning application.

6.10 Parking

The site currently has one parking space in front of the garage. This space would be retained. The proposed extension would result in the creation of one additional bedroom. One parking space is considered acceptable for the number of bedrooms given the site's highly sustainable location in transport terms.

6.11 Carbon reduction

This is a modest extension to a fixed part of the dwelling with limited scope for reducing greenhouse emissions beyond Part L of Building Control Regulations.

6.12 Community Infrastructure Levy

The proposal is not CIL liable because the proposed development would not result in a net increase in floorspace of more than 100 square metres.

6.13 Pre-commencement conditions

No pre-commencement conditions are required.

7.0 CONCLUSION

7.1 Officers consider that the scale and design of the proposed development would be in keeping with the character of the building and the surrounding area and would not materially harm the amenity of neighbouring properties. In conjunction with the attached conditions, the proposal accords with relevant planning policy.

8.0 RECOMMENDATION

8.1 Planning Permission to be granted subject to the following conditions

1 : Commencement of development within 3 years

2 : Development in accordance with the approved plans

3 : Development in accordance with the materials as specified on plan

Author: Davina Sarac

Tel: 01235 422600

Email: Planning@southoxon.gov.uk