

<b>APPLICATION NO.</b>	<a href="#">P23/S2462/FUL</a> and <a href="#">P23/S2463/LB</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION and LISTED BUILDING
<b>REGISTERED</b>	4.8.2023
<b>PARISH</b>	THAME
<b>WARD MEMBERS</b>	Pieter-Paul Barker, Kate Gregory & David Bretherton
<b>APPLICANT</b>	Mr Rod Carmichael
<b>SITE</b>	34 Upper High Street Thame, OX9 2DN
<b>PROPOSAL</b>	The erection of a two storey extension to accommodate office space connected to the existing building, and the change of use of part of the existing listed building from commercial to one residential dwelling.
	(Amended location plan received 31st August 2023, omitting neighbour's garage from the site area. Further statement received 27th October 2023, together with revised plans altering the proposed rear extension and showing the proposed drainage arrangement.)
<b>OFFICER</b>	Marc Pullen

1.0 **INTRODUCTION AND PROPOSAL**

1.1 These applications are referred to Planning Committee as the officers' recommendation of approval conflicts with the views of Thame Town Council.

1.2 **The site**

The application property, shown on the map at **Appendix A**, is a Grade-II\* listed, C16 timber framed building with rear C20 extension. It is situated in the Upper High Street area of Thame town centre within the designated conservation area.

1.3 **The proposal**

Full planning permission and listed building consent are sought for the change of use of part of the building back into a dwelling and the erection of a two-storey rear extension to provide commercial office space.

1.4 The proposed plans are attached as **Appendix B**. All associated documents and consultation responses can be viewed on the council's website: [www.southoxon.gov.uk](http://www.southoxon.gov.uk)

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Thame Town Council – Objection**

- Loss of employment without proof of lack of viability, market interest, or nuisance to nearby residents / the environment contrary to Local Plan 2035 (LP 2035) Policy EMP3.

- Bicycle parking is not secure for residential use, and not provided for the office use, contrary to LP 2035 Policies DES1 and TRANS5.
- All vehicles would not be able to leave the site in forward gear.
- Quality of amenity space is contrary to TNP Policy ESDQ28 and SODC Design Guidance.

**Heritage Officer (SODC) – No heritage objection**

- Subject to conditions requiring details of the partition construction and a schedule of external materials to be agreed.

**Oxfordshire Architectural and Historic Society – Objection**

- The building is of exceptional historic importance as recognised by its Grade II\* listing. There is inadequate detail provided in terms of the acoustic and fire prevention requirements with No.35, and its impact on the historic fabric.
- The proposed extension will have a major impact on the setting of the listed building. It will encroach on the limited space of the burgage plot, conflict with the linear form of the existing extension and compromise the amenities of No. 35
- The commercial use in the listed building could be retained, with a residential use achieved by converting part of the existing rear wing without adding to its built form. This would protect the setting of the listed building.

**County Archaeological Services (SODC) – No objection**

- Subject to the implementation of an archaeological watching brief. This can be agreed by way of conditions

**Drainage (South and Vale) – No objection**

- Subject to surface water drainage condition

**Historic England (South East) – No comment**

**Highways Liaison Officer (Oxfordshire County Council) – No objection**

- Subject to cycle parking details being agreed by way of a condition

**Thames Water Development Control – Comments provided.**

- The sequential approach should be followed with regard to the disposal of surface water. There is no objection to waste water network and sewage treatment capacity.

**Neighbours (7) – Key points:**

- The proposal would result in adverse daylight and sunlight impacts. The scale and bulk of the extension would have a dominant impact upon the neighbouring gardens
- The proposed window openings would result in material losses of privacy
- The relocation of the office entrance would result in unwelcome disturbances

- There would be adverse highway safety impacts associated with the loss of parking provision within the site for the commercial building
- The proposed form, detailing and materials proposed for the extension would be inappropriate to the historic character and appearance of the building. It would also not relate well to any of the surrounding built form
- There are issues and inaccuracies with the submitted details on the form
- The proposal would likely result in obstructions to the neighbour's garage which is accessed through the site
- The proposal would impact upon the function of Christchurch and the sensitive meetings held there, through losses of privacy and amenity impacts. The design of the extension would be visually intrusive harming the status of Christchurch as a local heritage asset.
- There are outstanding details covering how the party wall will be upgraded, fire and acoustic separation. Without these, there is no confidence that the historic fabric of the building will be safeguarded.

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P22/S1518/PEM](#) - Advice provided (21/07/2022)

The erection of a two storey extension office space connected to the existing building at 34 Upper High Street, Thame, and the change of use from commercial to residential of part of the existing Listed Building

[P21/S4354/PEM](#) - Advice provided (24/12/2021)

Follow up conversation in response to Pre-App (P21/S1034/PEM)

No. 34 and 35 Upper High Street is a Grade II\* listed semi-detached building. No.34 is currently used as an office for an employment agency. No. 35 is a single-family dwelling house

[P21/S1034/PEM](#) - Advice provided (18/05/2021)

Grade II\* listed semi-detached building.

Proposed change of use from an office to a single-family dwelling

[P14/S0361/LB](#) - Approved (30/04/2014)

Removal of cement rich render and repairs to timber frame. (As clarified by additional information in respect of repairs to the timber frame and other works accompanying Agent's email dated 15 April 2014)

[P05/E0625/LB](#) - Approved (23/08/2005)

Internal alterations and repairs, replacement of first floor windows to the south east elevation(as amplified by drawing no.1210/3 accompanying letter from agent dated 19 July 2005).

[P05/E0626](#) - Approved (20/07/2005)

Removal of 5 windows and replacement with 2 larger windows on first floor of south east elevation.

[P05/E0041/LB](#) - Approved (16/03/2005)

Internal alterations on ground and first floors. (As amended by letter and drawing 1210/2 received from the Agent dated 9th February 2005).

[P04/E1484](#) - Approved (16/02/2005)  
Change of use from A2 to B1 offices.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposal is not EIA development.

5.0 **POLICY & GUIDANCE**

5.1 **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  
DES10 - Carbon Reduction  
EMP1 - The amount and distribution of new employment land  
EMP3 - Retention of employment land  
ENV1 - Landscape and Countryside  
ENV3 - Biodiversity  
ENV6 - Historic Environment  
ENV7 - Listed Buildings  
ENV8 - Conservation Areas  
EP4 - Flood Risk  
H1 - Delivering New Homes  
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford  
TRANS5 - Consideration of Development Proposals

5.2 **Thame Neighbourhood Plan (TNP) Policies:**

ESDQ16: Development must relate well to its site and its surroundings  
ESDQ17: Development must make a positive contribution towards the distinctive character of the town as a whole  
ESDQ18: New development must contribute to local character by creating a sense of place appropriate to its location  
ESDQ20: Building style must be appropriate to the historic context  
ESDQ26: Design new buildings to reflect the three-dimensional qualities of traditional buildings  
ESDQ28: Provide good quality private outdoor space  
ESDQ29: Design car parking so that it fits in with the character of the proposed development  
H5: Integrate windfall sites  
H6: Design new development to be of high quality  
WS7: Retain small scale employment in the town centre

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**

- Planning (Listed Buildings and Conservation Areas) Act 1990.

- 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 material planning considerations are as follows:

- The principle of the change of use
- The impact upon the character and appearance of the site and the wider historic environment
- The impact upon the listed building
- Residential amenity
- Highway safety
- Drainage

**6.2 Principle of Development**

The proposal to convert an unlisted office building into a single dwelling would fall within Permitted Development (PD), under Part 3, Class MA of the Town and Country Planning (General Permitted Development Order) (GDPO). However, this right does not currently extend to listed buildings and planning permission is therefore required.

6.3 It is noted, however, that Part 3, Class G of the GDPO allows for listed buildings in commercial use to change to a mixed-use, comprising offices and up to two flats, irrespective of whether there would be a loss of employment space within the building. Officers consider that this represents a material planning consideration.

6.4 SOLP Policy EMP3 states that existing employment land will be retained in order to promote and grow a balanced, sustainable economy and local services. It states that proposals for redevelopment or change of use to non-employment uses will only be supported if it is demonstrated that an employment use is no longer viable, effectively marketed without interest or if the change of use would result in demonstrable amenity or environmental benefits. Similarly, TNP Policy WS7 states that proposals for the redevelopment or change of use of the ground floor of redundant land or buildings in employment or service trade use to non-employment uses will only be permitted if the existing use is no longer economically viable and the site has been appropriately marketed.

6.5 Notwithstanding the above, the current proposal would not result in the complete loss of office space within the site. The change of use would be largely confined to the original and previously residential part of the listed building fronting the Upper High Street. A significant proportion of the office space would be retained within the existing and proposed extensions. Whilst there would be a net loss of office floorspace, officers accept the applicant's argument that the new open office space within the extension would be more

conducive to modern working practises than the partitioned areas within the original building.

- 6.6 Having regard to the above, and the allowances for mixed use office/ residential development under Class G of Part 3 of the GPDO, officers consider that the proposal in its current form would not result in a materially harmful loss of employment.

**The impact upon the character and appearance of the site and the wider historic environment**

- 6.7 The proposal would not involve any significant changes to the principal elevation of the building. The proposed extension would be to the rear with no significant visibility from public vantage points and it would be subservient to the listed building that occupies the main frontage. The proposal is consistent with the pattern as described in the conservation area appraisal which notes the characteristic closely packed buildings here with the frontage of No.34 forming a prominent part of the street scene.
- 6.8 Officers consider that the proposed extension would not, whilst infilling part of the rear yard, compromise the legibility of the remaining burgage plot. The building would be reasonably contained, continuing to extend backwards from the Upper High Street along the plane of existing built form without going beyond the flank wall.
- 6.9 The gabled form of the building, which has now been partly amended to include a hip, would continue to take appropriate cues from the surrounding built form within the conservation area, albeit in a contemporary manner.
- 6.10 Officers are inclined to agree with the detailed advice provided by the Council's Heritage Officer, that the design would not be harmful to the character of the listed building or the wider conservation area.
- 6.11 **The impact upon the listed building**  
In terms of the internal changes proposed to the listed building, the applicant has confirmed that the proposal is for 1 dwelling, rather than the 2 flats indicated in error on the original application form. Officers accept therefore that there will be no need to upgrade the historic fabric between floors to meet building regulations.
- 6.12 The submitted comments from the agent state that no works are proposed or required to the existing internal party wall between No.34 and No.35. As such, the Council would not be authorising under this consent any works to this part of the historic building. Should it subsequently transpire that works of upgrade are needed under Building Regulations in order to implement the change of use, a separate Listed Building Consent would be needed.
- 6.13 Subject to further agreement over the construction details for the partition wall between the dwelling and office, together with a schedule of external materials, officers are satisfied that the proposal would not harm the special architectural or historic interest of the listed building or its setting.

6.14 **Residential amenity**

The JDG22 recommends minimum garden spaces of 50 sq.m for two-bed dwellings. Both SOLP Policy DES5 and TNP Policy ESDQ28 allow for departures, having regard to the grain and character of the surrounding development.

6.15 In this instance, officers accept that the site is within a walkable neighbourhood, with very convenient access to an adjacent recreational park. Moreover, many of the properties in the locality have very limited private outdoor space and this is not an unusual situation where office space is converted to residential within an urban setting. Officers consider that there are reasonable grounds to depart from the recommended standards and consider that the area shown on plan PL 110 E to be sufficient for a single dwelling in this site-specific context.

6.16 In terms of neighbouring amenity, officers consider that the proposed extension would not result in material losses of daylight or sunlight to any of the neighbouring living accommodation or garden areas for a prolonged period of the day. It is unlikely that there would be conflict with the Building Research Establishment (BRE) guidelines.

6.17 A concern was expressed over the course of the application in relation to the effect of the two-storey extension upon the garden area at no. 35, which is already heavily enclosed by the existing building and the taller building at Christchurch adjacent to the neighbour's north-west boundary. Amended plans have since been submitted, which have moved the extension back from the shared boundary by a further 1m at first floor level and introduced a hipped roof at the facing elevation. With these measures incorporated, officers consider that the development would not have an overly dominant impact upon the neighbouring property.

6.18 With regard to privacy, the first-floor gable windows have been designed with cill heights of 1.7m. This is considered acceptable to prevent material overlooking. Whilst concerns have also been expressed over the glazed link between the old and new extensions, this could appropriately be obscure glazed by way of a condition.

6.19 **Highway safety**

The proposed extension would result in the loss of unallocated parking provision within the site. However, as noted by the Local Highway Authority (LHA), the site is located within a highly accessible location where there are appropriate parking controls within the vicinity. They consider this to be a sustainable location for this form of development and that the proposal would be unlikely to result in indiscriminate and/or obstructive parking occurring within the adopted highway.

6.20 It is noted that the neighbour's garage is to the rear of the site and accessed through the application property. Upholding a right of access to this building is a civil matter and not within the jurisdiction of the Planning Authority. The LHA considers that there is sufficient space within the site for the turning of a vehicle

egressing this garage. They do opine that this might require multiple manoeuvres, but as these would be located away from the public highway, they consider this unlikely to increase the risk to highway safety.

6.21 Officers accept the expert advice provided by the LHA and agree that the proposal complies with SOLP Policy TRANS5, subject to the recommended parking and cycle storage conditions.

6.22 **Drainage**

Neither the Council's Drainage engineer, nor Thames Water, raise objection to the proposal provided that the drainage hierarchy is followed with respect to surface water disposal. Officers are satisfied that the specific surface water drainage details can be agreed by way of condition.

7.0 **CONCLUSION**

7.1 Officers consider that the proposal complies with the relevant Development Plan policies and national guidance. The proposed change of use is considered acceptable in principle and an appropriate level of employment provision would be retained within the site. The extension would be of an appropriate scale and design which would not compromise the special architectural and historic interest of the listed building or the significance of the wider conservation area. There would be no overriding impacts in terms of residential amenity or highway safety.

8.0 **RECOMMENDATION - [P23/S2462/FUL](#)**

**Grant Planning Permission subject to the following conditions**

**1 : Commencement 3 years - Full Planning Permission**

**The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.**

**Reason: By virtue of Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.**

**2 : Approved plans**

**That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, PL130, PL131, PL210 Rev C, PL211 Rev B, PL113 Rev B, PL110 Rev E, PL111 Rev E, EX 103 RevA, EX 90 RevA, PL 95 RevA, EX 200 RevA, EX 201 RevA, EX 100 RevA, EX 101 RevA, PL 121 RevB and PL 120 RevA, except as controlled or modified by conditions of this permission.**

**Reason: To secure the proper planning of the area in accordance with Development Plan policies.**

**3 : Office to be implemented prior to first occupation of house**



**The approved additional office extension shall be completed and occupied prior to first occupation of the dwelling hereby approved.**

**Reason: In order to ensure that an adequate level of employment provision is retained within the site, in accordance with Policy EMP3 of the South Oxfordshire Local Plan 2035 and Policy WS7 of the Thame Neighbourhood Plan**

**4 : Schedule of Materials**

**No development above slab level shall take place until a photographic schedule of all materials to be used in the external construction and finishes of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.**

**5 : Surface Water Drainage**

**Prior to the commencement of development, with the exception of any demolition, a full surface water drainage scheme, shall be submitted to, and approved in writing by, the Local Planning Authority. The design of the surface water drainage system will be in accordance with the non statutory technical standards for sustainable drainage systems, including details of BRE 365 soakage testing, levels, size, position and construction of drainage works. The drainage scheme shall be sized to accommodate a minimum of the worst case 1 in 30 year storm, with evidence to demonstrate that the site can accommodate the worst case 1:100 year storm + 40% Climate Change storm, without any flows exiting up to this storm event and any storage on site not causing a nuisance or flooding to property. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the development hereby approved.**

**Reason: To ensure the proper provision of surface water drainage in accordance with Policy EP4 of the South Oxfordshire Local Plan 2035.**

**6 : Archaeological Watching Brief**

**The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.**

**Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2023).**

**7 : Archaeological Archive**

Following the approval of the Written Scheme of Investigation referred to in condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

**Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2023).**

**8 : Parking & Manoeuvring Areas Retained**

Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with the approved plan PL 110 E and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.

**Reason: In the interests of highway safety and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.**

**9 : Cycle Parking Facilities**

Prior to the construction of the development hereby approved above slab level, details of cycle parking facilities for the offices and the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented prior to first use of the development and thereafter retained in accordance with the approved details.

**Reason: To encourage the use of cycles as a means of transport in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.**

**10 : First Floor Link**

The glazing to the north west elevation of the first floor link shall be glazed in obscured glazing with a minimum of level 3 obscurity and shall be fixed shut prior to the first occupation of the associated part of the development, and it shall be retained as such thereafter.

**Reason: To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035.**

**11 : Withdrawal of Permitted Development**

Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting

that Order), no part of the commercial space hereby approved shall be converted to residential use without obtaining planning permission from the Local Planning Authority.

**Reason:** The specific circumstances of this site warrant the Local Planning Authority having control over conversion to residential use to safeguard the employment use of the site in accordance with Policy EMP3 of the South Oxfordshire Local Plan 2035.

8.1 **RECOMMENDATION - [P23/S2463/LB](#)**

**Grant Listed Building Consent subject to the following conditions.**

**1 : Commencement 3 years – Listed Building Consent**

The works hereby permitted shall be begun not later than three years from the date of this consent.

**Reason:** To comply with the provisions of section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

**2 : Approved plans (listed building)**

That the works hereby approved shall be carried out in accordance with the details shown on the following approved plans, PL 131, PL 130, PL 210 RevC, PL 211 RevB, PL 111 RevE, PL 110 RevE, PL 113 RevB, EX 103 RevA, EX 90 RevA, PL 95 RevA, EX 200 RevA, EX 201 RevA, EX 100 RevA, EX 101 RevA, PL 121 RevB and PL 120 RevA, except as controlled or modified by conditions of this consent.

**Reason:** To secure the proper planning of the historic environment in accordance with Development Plan policies.

**3 : Partition Walls**

Prior to commencement of the relevant part of the works details of the construction of the partition wall, including section drawings, between the dwelling and office hereby approved shall be agreed in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details.

**Reason:** To safeguard the special architectural or historic interest of the listed building in accordance with Policy ENV7 of the South Oxfordshire Local Plan 2035.

**4 : Schedule of Materials**

A photographic schedule of all materials to be used in the external construction and finishes of the works hereby permitted shall be first submitted to and approved in writing by the Local Planning Authority.

**Reason: To safeguard the special architectural or historic interest of the listed building in accordance with Policy ENV7 of the South Oxfordshire Local Plan 2035.**

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