
Appeal Decision

Site visit made on 22 March 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th April 2017

Appeal Ref: APP/Q3115/W/16/3162053

18 Greys Road, Henley-on-Thames, Oxfordshire RG9 1RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Henley Glass against the decision of South Oxfordshire District Council.
 - The application Ref P16/S2489/FUL, dated 18 July 2016, was refused by notice dated 12 October 2016.
 - The development proposed is a first floor extension and dormer window to provide additional office space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed first floor rear extension would preserve or enhance the character of the Henley Main Conservation Area and its effect on the living conditions of neighbours with particular reference to the daylight to and outlook from the rear windows of 16 Greys Road.

Reasons

Character and Appearance

3. The site is a two storey Victorian terraced building in Henley town centre, which lies within the Henley Main Conservation Area and is occupied by the appellant's glazing business. It adjoins Nos 20 and 22, a sixteenth and seventeenth century timber framed Grade II listed building, and there is a prominent view of its first floor rear elevation and roof from the large public car park behind it. In considering whether to grant planning permission for the development I must have special regard to the desirability of preserving this listed building or its setting and pay special attention to the desirability of preserving or enhancing the character of the Conservation Area.¹
4. The Council has determined that the extension would, on balance, have an acceptable impact on the setting of the adjacent listed building and I do not disagree. But it avers that the extension's size, design, bulk and massing would not be in keeping with surrounding built form and fail to preserve or enhance the character of the Conservation Area.

¹ S 66(1) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

5. The proposed first floor extension would only extend across that part of the existing ground floor extension nearest to the main two storey part of the building. But it would be the full width of the original terraced house and predominantly obscure the attractive flint faced elevation of the building including its existing window openings. Whilst the pitched and hipped roof of the extension would match the angles of the property's main roof the new roof would rise above the existing eaves line of the building exacerbating its dominance of the rear elevation.
6. In general the rear of the Victorian terrace, which is prominent from the car park behind, is in its original form. There is a smaller first floor extension at No 8 which also rises above the eaves of that property. But, as the Council points out, that extension pre-dates the planning system and it is less prominent than the extension proposed here would be, which would also be very noticeable from the entrance to the car park adjacent to No 22. I agree for these reasons that it is not comparable to the proposal.
7. The Victorian terraced houses have what appear to be original dual pitched roof single storey rear projections shared between two houses. Nos 16 and 18 share such a pitched roof projection. The first floor extension would destroy the form of this original projection by building over it and removing the pitched roof at No 18, unbalancing this pair of properties.
8. For the reasons set out above, I conclude that the width of the proposed extension and its design which would breach the existing eaves of the building would fail to respect the scale and character of the existing Victorian terrace, this character being an important element of the Conservation Area. The proposed development would therefore fail to preserve the character and appearance of the Henley Main Conservation Area, albeit the harm arising would be 'less than substantial' in terms of paragraph 134 of the National Planning Policy Framework (NPPF).
9. I appreciate that the business requires additional office space and that the physical constraints of the existing building require the extension's roof to breach its eaves line. But the public benefit of providing additional employment by strengthening an established business is insufficient to outweigh the harm identified above. The proposed extension would fail to comply with NPPF paragraphs 131 and 132.
10. Policies CSQ3 and CSEN3 of the South Oxfordshire Core Strategy (SOCS) and Policies G2, CON7, D1 and E5 of the South Oxfordshire Local Plan 2011(LP) together require development including proposals by businesses to respect the character of the site and its surroundings and preserve or enhance the character and appearance of Conservation Areas. For the above reasons the proposal would not comply with these development plan Policies.

Living Conditions

11. I acknowledge that the proposed extension has been dramatically reduced in depth from the previous proposal dismissed at appeal last year² and that as a consequence it would not affect the living conditions of neighbours apart from No 16. But it is still deep and would undoubtedly have a significant effect on

² APP/Q3115/W/16/3142018

the daylight entering the nearest first floor window and to a lesser extent the other first floor window and the ground floor French windows at No 16.

12. The appellant maintains that the nearest first floor window serves a staircase rather than a habitable room. Whilst this may be so No 16 is a relatively narrow property and the openings in its rear elevation are not large and face northwest. The light to and outlook from these windows are therefore important to the living conditions of its occupiers. This nearest window would be severely affected in terms of daylight and outlook and the proposed extension would be generally overbearing and oppressive to the occupiers of No 16, who would be likely to feel increasingly hemmed in by the first floor extension in addition to the full depth existing ground level extensions.
13. For these reasons I conclude that the extension would significantly harm the living conditions of the neighbours at No 16. It would be contrary to LP Policies G2 and E5 which together require development not to have such adverse effects. It would also fail to comply with relevant national policy in the NPPF, in particular with paragraph 17.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR