



Appeal Decision

Site visit made on 23 March 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2020

Appeal Ref: APP/Q3115/W/19/3242502

Orchard Green, Newlands Lane, Stoke Row, Henley-on-Thames RG9 5PS

- 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 Mr Stow against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2442/FUL, dated 31 July 2019, was refused by notice dated 15 October 2019.
 - The development proposed is new garage to serve plot 2, as previously approved and currently under construction.
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Decision

1. The appeal is allowed and planning permission is granted for the erection a new garage to serve plot 2, as previously approved and currently under construction, on land at Orchard Green, Newlands Lane, Stoke Row, Henley-on-Thames RG9 5PS in accordance with the terms of the application, Ref P19/S2442/FUL, dated 31 July 2019, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed development, which lies in the Chilterns Area of Outstanding Natural Beauty (AONB) would preserve or enhance the character or appearance of the Stoke Row Conservation Area (SRCA).

Reasons

3. The SRCA is focused around the village green. Within the vicinity of the appeal site, the buildings are generally of high architectural quality. Buildings are viewed in conjunction with existing trees, often with upper floors and roofscapes being visible above hedges and alongside trees. The significance of the Conservation Area is therefore derived from the underlying building pattern, the open and verdant nature of the area and the historic fabric and vernacular details of the buildings which are interspersed within it.
4. Section 72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 identifies the desirability of preserving or enhancing the character or appearance of the Conservation Area. This is reflected by Policy CON7 of the South Oxfordshire Local Plan (SOLP), which states that development will not be permitted where it would harm the character or appearance of a conservation area. Policy CSEN3 of the South Oxfordshire Core Strategy (SOCS) states that the district's historic heritage

assets (including Conservation Areas) will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place.

5. Views of buildings set within and against existing trees and hedgerows is a key characteristic of the SRCA. The Stoke Row Character Appraisal identifies that open spaces and groups of trees in the SRCA are the predominant features, with the buildings being subservient to this. The ridge height of the proposed garage would be approximately 5 metres high and the building would measure 6.5 metres in length. It would be sited immediately adjacent to the western boundary of the site. Although the proposal would be relatively small in scale and partially screened, it is likely that parts of the proposed garage would be visible through and above part of this existing hedgerow, which serves to filter views of the appeal site from the adjoining Village Green. In this respect, the proposal would appear similar to other types of ancillary development within the SRCA. I also note that the garage would be constructed from appropriate materials, which would be in keeping with the existing historic urban fabric of the SRCA. I therefore find that the proposal would preserve the character and appearance of the SRCA.
6. The proposed garage would be set back from Newlands Road and would therefore retain an open element between it and the road, where new landscaping would be provided. Whilst the presence of the garage would reduce the amount of space available for new landscaping when compared with the approved scheme, I consider that substantial space would still remain to enable high quality and substantial landscaping be provided. A suitably worded condition can ensure the delivery of such a scheme.
7. The proposal would also result in the removal of a tree from the boundary of the site. I note from the appeal submission and from my site visit, that the tree would appear to be in a poor condition and is overgrown with a climbing plant, which would appear to be inhibiting its growth. The landscaping scheme submitted with the proposal for the new dwellings show a considerable amount of new tree planting to be provided in the vicinity of the proposed garage. This additional planting would enhance the area and would sufficiently mitigate for the removal of the tree. A suitably worded condition would ensure the delivery of this new planting.
8. The site lies within the AONB, where great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. Furthermore, I note that the garage would use appropriate materials and is of a design suitable for its location. The building would not be prominent within the street scene and would therefore conserve and enhance the scenic beauty of the area.
9. For these reasons, I therefore conclude that the proposal would preserve the significance of the conservation area nor the AONB and, in this respect, complies with Policies CSEN1, CSEN3 and CSQ3 of the South Oxfordshire Core Strategy and Policies C9, G2, D1, H13 and CON7 of the South Oxfordshire Local Plan 2011, which amongst other things, identifies that the District's historic heritage assets will be conserved and enhanced for their historic significance and their important contribution to local distinctiveness, character and sense of place, and guidance and policies contained within the South Oxfordshire Design

Guide and Policies contained within Part 16 and paragraph 172 of the National Planning Policy Framework.

Conditions

10. The conditions suggested by the Council have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. To safeguard the character and appearance of the area, conditions are necessary with regards to the provision of external materials, and to ensure the landscaping scheme as approved under the application for the erection of the dwellings is implemented.

Conclusion

11. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the details shown on the approved plans.
3. The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.
4. The landscaping scheme as shown on the approved plan, L1 Rev G, including the retention of existing vegetation shall be implemented prior to the first use of the approved development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees, hedging or shrubs so planted, or shown as being retained, dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree, hedging or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.