
Appeal Decision

Site visit made on 10 January 2022 by B Phillips BSc MSc MRTPI

Decision by L McKay MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/Q3115/D/21/3286524

1 Rose Tree Cottages, road running through Stoke Row, Stoke Row, Henley-on-Thames RG9 5PN

- 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 A Stow against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2628/HH, dated 8 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is a replacement garage.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement garage at 1 Rose Tree Cottages, Henley-on-Thames, RG9 5PN in accordance with the terms of the application, Ref P21/S2628/HH, dated 8 June 2021, subject to the conditions set out in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellant has submitted an amended block plan 6067 Rev A. This drawing corrects an inconsistency on the previously submitted drawing between the proposed elevations and floorplan regarding the location of the log store area. As this does not alter the scheme and only corrects a minor discrepancy, I can accept this plan without prejudicing the interest of the Council or any other party.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Stoke Row Conservation Area (SRCA), and conserve and enhance the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons for the Recommendation

5. The SRCA is focused around the village green which is its historic core. The Stoke Row Conservation Area Character Study (2000) sets out that the open spaces, particularly the green itself, and groups of trees predominate and the cottages and other buildings are subservient to this. Most buildings are small

cottages but there are also larger properties with spacious grounds. The significance of the CA is therefore derived from the pattern of development, the open and verdant nature of the area and the historic fabric and vernacular details of the buildings which are interspersed within it.

6. The appeal site is part of a recently extended semi-detached pair, set facing the main road running through the settlement of Stoke Row. The property has its side elevation facing the village green and an existing detached garage accessed via The Common, a road that runs around the green. Its simple form and set back from the road are typical of these smaller cottages and it makes a positive contribution to the SCRA. The appeal property and its neighbours are identified in the Character Study as Buildings of Note and are non-designated heritage assets (NDHA).
7. The existing timber garage building is set forward of the appeal property and while it is limited in scale and partly screened by existing hedging, it, is visible from the green and the main road. It is of some age and in poor condition, and detracts from the setting of the NDHA and the architectural quality of the SRCA. Its demolition would not therefore harm the area or heritage assets.
8. The proposed replacement garage would be slightly larger in footprint and taller than the existing garage, reaching 4.3m in height to the ridge. It would therefore be more visually prominent than the existing structure. However, its scale and design mean that it would remain comfortably subservient to the larger main house. There are other outbuildings and ancillary development visible from the green, and the materials proposed would be consistent with other such ancillary buildings.
9. Furthermore, although closer to the road than the existing garage, the wide verge between the proposal and the road would remain. Combined with its set back from The Common, this would retain a sense of openness. The recent extension to Rose Cottage has reduced the spaciousness within the site slightly, but the proposal would be largely in the same location as the existing built form and the large front garden would remain, as would the mature trees.
10. While it is unclear from the drawings whether the existing hedge could be retained, sufficient space would remain for replacement planting. The Council's concerns that such planting may not be retained are noted, however this is true of the existing shrubs, which do not appear to be subject to any protection. A condition to require provision and retention of planting for 5 years is therefore reasonable. Consequently, the proposed garage would not be significantly more prominent in views across the green or from the main road than the existing structure and the verdant, spacious character of the site and surroundings would be conserved.
11. The site lies within the AONB, where the National Planning Policy Framework (the Framework) directs that great weight should be given to conserving and enhancing the landscape and scenic beauty of the area. The proposed garage would not be prominent within the street scene and would be of suitable design for this sensitive historic environment. It would therefore conserve the scenic beauty of the area and this part of the AONB.
12. Accordingly, the proposal would preserve the character or appearance of the SRCA and conserve the landscape and scenic beauty of the AONB. In this respect, it complies with Policies DES1, DES2, ENV1, ENV6 and ENV8 of the

South Oxfordshire Local Plan 2011-2035 (2020), which collectively seek to ensure that new development is high quality, sensitively designed, does not harm the historic environment, conserves or enhances the character of the CA and the character and natural beauty of the AONB. These policies are consistent with the design requirements of the Framework. There would also be no conflict with the guidance contained within the South Oxfordshire Design Guide, which seeks to ensure that extensions and outbuildings respond to and respect the character and appearance of the area.

Other Matters

13. I note the objection from a neighbour that criticizes the lack of measurements on plan, however the plans are drawn to scale as required. In relation to tree protection measures and landscaping, a Arboricultural Method Statement (AMS) has been submitted, and I note that the Council's Forestry Officer has no objection to the scheme subject to conditions (as discussed below) requiring compliance with this document, in addition to details of foundation design and landscaping.
14. I acknowledge the comments of the neighbour regarding the details of the document; however, the proposed garage and its access drive would be located further from the retained Ash tree than the existing garage and drive. The Tree Protection Plan Phase 2 drawing shows the rooting area of the Ash Tree being outside the new access area, and even if there are roots in this direction, the no-dig constriction of the driveway would ensure no adverse effect on them. The AMS includes sufficient detail to ensure that the relevant tree is protected adequately.
15. I note that the current driveway is unusable due to prominent tree roots. The parking situation would not therefore alter from the existing situation during the construction period. I am satisfied that the requirement to consult a qualified arboriculturist and/or the Council should any unforeseen circumstances arise would ensure that the principal goals of the AMS are adhered to.
16. In the scheme before me no first floor is proposed in the garage. With regard to possible future alterations and additions to it, these would be considered by the Council and would likely require further planning permission, given the siting of the garage forward of the dwelling.

Conditions

17. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
18. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed a condition specifying materials to be in accordance with those set out on the plans and other supporting documents, in order to safeguard the character and appearance of the area, including details of windows and rain water goods.
19. I have imposed conditions relating to tree protection, foundation design and landscaping, to safeguard the verdant character and appearance of the area. I have altered the wording of the condition relating to the foundation design as

suggested by the Council's Forestry Officer, so that demolition of the existing structure can occur before the submission of details are required, as the two are separate. Similarly, the landscaping details should be submitted and approved prior to the beneficial use of the garage rather than prior to the commencement of any work, as a pre-commencement requirement in this instance is not necessary, given that the approved details need not be implemented until 12 months after the commencement of development.

20. Finally, I have altered the wording of the condition relating to compliance with the submitted AMS to remove unnecessary repetition of details already within the AMS.

Conclusion and Recommendation

21. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be allowed subject to the conditions set out in the attached schedule.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions attached.

L McKay

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Composite plan no. 6067 Rev A, TPP PHASE 2 – 05580/2021 R2, TPP PHASE 2-05525/2021 R2.
- 3) The external walls of the development hereby permitted shall be clad in the materials specified on plan 6067 Rev A, the roof tiles shall be hand made plain clay tiles, all rainwater goods shall be metal and all windows and doors shall be constructed of timber.
- 4) Prior to commencement of construction of the new garage hereby permitted, a specification of the foundation design for the garage demonstrating absolute minimal soil excavation, soil compaction or soil contamination within the root protection area of the adjacent tree; shall be submitted to and approved in writing by the Local Planning Authority. Written approval must be obtained prior to commencement of any building work other than demolition. The specification shall include cross-sectional plans for the foundation for the garage to demonstrate that it will be installed above the existing ground level, other than for the installation of piles for the garage, the location and scale of which shall be shown on the plans.
- 5) A scheme for the landscaping of the site, including the planting of live trees, hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial use of the garage hereby permitted. The scheme shall be implemented as approved within 12 months of the commencement of the approved development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees, hedge plants or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree, hedge plant or shrub or equivalent number of trees, hedge plants or shrubs, as the case may be, of a species first approved by the Local Planning Authority, be planted and properly maintained in a position or positions first approved by the Local Planning Authority.
- 6) The development shall be carried out in accordance with the submitted Arboricultural Method Statement (June 2021 Ref SCD 05580 / 2021 R2). The tree protection measures set out in that Statement shall be put in place in accordance with the details, timing and phasing set out in that Statement and thereafter retained in situ for the duration of development. The protection measures, including arboricultural monitoring, shall be implemented in accordance with the Arboricultural Method Statement throughout the demolition and construction works.