

Appeal Decision

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

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/Q3115/D/21/3287192

24 St. Marks Road, Henley-on-Thames RG9 1LW

- 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 Naomi Radcliffe against the decision of South Oxfordshire District Council.
 - The application Ref P21/S2771/HH, dated 8 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as "Retrospective planning application for a low, front garden wall (two bricks high) that was removed prior to purchasing the property – date or removal unknown so I have guessed at the dates that the work took place".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of a low, front garden wall (two bricks high) at 24 St. Marks Road, Henley-on-Thames, RG9 1LW, in accordance with the terms of the application, Ref P21/S2771/HH, dated 8 May 2021, and the plans submitted with it.

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 Matters

3. The description of development above is taken from the application form, however its wording is somewhat unclear. The submissions before me clarify that part of a garden wall across the front boundary of the appeal site was demolished contrary to an Article 4 Direction. Following enforcement action by the Council the appellant seeks to maintain the current situation and not rebuild the wall. The Council assessed the proposal on the basis that planning permission was being sought retrospectively for demolition of the section of wall, therefore I have done the same. This is reflected in the decision above, which only refers to acts of development.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the existing dwelling and the Henley-on-Thames St Marks Road Conservation Area (CA).

Reasons for the Recommendation

5. The Henley Conservation Area Character Appraisal (2004) (CAA) sets out that the St Marks Road area was developed as a cohesive whole in the late 19th and early 20th centuries, mainly comprising of red brick, semi-detached dwellings set back slightly from the road behind hedges or brick walls and laid out on a grid pattern. The character of St Marks Road is defined by buildings of varied architecture, *'united by their common building line, set back behind modest front gardens; by their overall height and bulk (two storeys are the most common); and by their relationship with their largely concealed rear gardens.'* The CAA also identifies that some very fine examples of red brick walling make an important contribution to the character of the CA.
6. Front boundary treatments in St Mark's Road are varied. There are many brick walls of various heights, some combined with railings or hedgerows, but many properties also have open frontages and off-street parking. The lack of enclosure of front gardens has therefore altered the character of the street scene and this part of the CA, resulting in loss of part of its historic pattern and the sense of enclosure that would have historically been present. The Council sets out that an Article 4 Direction was imposed partly to preserve the historic front walls within the CA, and seeks to resist their further loss.
7. No 24 is a two storey, semi-detached, red brick property and its traditional architecture and form makes a positive contribution to the CA. The submitted photographs of the appeal site before the wall was demolished show the wall was very low for much of its length, only two or three bricks in height, before rising to a taller section with a hedge behind. It has been suggested that the wall was lowered to this height prior to the making of the Article 4 Direction, however there is no substantive evidence before me of when this occurred or what it looked like before.
8. Such a low wall, with no hedgerow or railings evident, provided very little sense of enclosure. It therefore was not comparable to the strong sense of enclosure and presence in the street scene of many of the other walls in the area, which make a significant and positive contribution to the character and appearance of the area and the CA. Nor was it a fine example of historic red brick front walling seen elsewhere. Therefore, before its removal the low section of wall did not make a materially positive contribution to the character and appearance of the property or this part of the CA.
9. Moreover, the taller part of the wall and the hedge behind it remains in situ, screening part of the site frontage. This part is not proposed for removal. Therefore, the site does not have a completely open frontage and does retain some limited sense of enclosure.
10. Consequently, the loss of the low section of front wall has not harmed the features of the host property which make a positive contribution to the CA and has conserved the character and appearance of the existing dwelling. Given the limited visual impact of the previous wall and the character of St Mark's Road, I find that its removal preserved the character and appearance of the CA as a whole.
11. I therefore find no conflict with Policies DES1, DES2, 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 and

conserves or enhances the character of the CA. Nor do I find conflict with the design and heritage policies of the National Planning Policy Framework or the character aims of the CAA.

Conditions

12. Given that the development has been completed, no conditions are necessary.

Conclusion and Recommendation

13. There are no material considerations that indicate the development 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.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed.

L McKay

INSPECTOR