



Appeal Decision

Site visit made on 5 April 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 13 May 2022

Appeal Ref: APP/Q3115/W/21/3287665

18 Harcourt Close, Henley-on-Thames RG9 1UZ

- 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 Ray Hudson against the decision of South Oxfordshire District Council.
 - The application Ref P21/S3826/FUL, dated 21 February 2020, was refused by notice dated 17 November 2021.
 - The development proposed is for the erection of 5 apartments including associated parking and amenity space.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form refers to the appellants' name as simply 'Hudson'. However, the Appeal Form and submissions indicate that the appellant is in fact 'Mr Ray Hudson.' Accordingly, I have reflected this in my banner heading above.
3. A landscaping plan, drawing reference 1158.PL.011t, was submitted with the appeal. This plan did not form part of the application drawings considered by the Council. The drawing simply illustrates the landscaping proposals, which are set out on the layout landscaping drawing 1158.PL.002 ad, on an elevation plan. Although the Council has indicated that it has not seen this drawing, I am satisfied that it does not include any new information that would prejudice any party. As such, I have had regard to this plan when assessing the scheme.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and the living conditions of the neighbouring occupiers, with regard to noise, disturbance and privacy to 55 and 57 Deanfield Road.

Reasons

Character and appearance

5. The appeal site is the side garden of 18 Harcourt Close. No 18 is situated at the end of the Close, which is a low-density residential area adjoining a park and small woodland. The defining features of the Close are the consistent form, scale and finishes of the detached town houses on one side, together with the

greenery from the neighbouring gardens on the other¹. Due to its position at the end of the cul-de-sac, the trees within the site, together with the wooded area to the east, are visible when approaching the appeal site, contributing to the leafy character and appearance of the area.

6. The proposed development would be to construct a three-storey building to house five apartments. The proposed building would be set back from No 18, however, it would be noticeably larger in width, depth and height. The building would be of a considerable size, and together with the large front projections and less conventional form, it would be at odds with the scale, height and simple form of the nearest town house dwellings. The proposed development would also result in a substantial area of parking and turning to the front. The parking area in combination with the scale and height of the front extension would significantly harden the appearance of the site and dominate the frontage. There are some limited landscaping proposals, but these would not offset the harm, which would be detrimental to the leafy character and appearance of the area.
7. I appreciate that the plot is large and when viewed from the roadside at Haywards Close, the building would be seen as a single storey dwelling. Nevertheless, the scale, height and form of the three-storey building and front extensions would be visible from localised views on Harcourt Close and at a distance from parts of Leaver Road. Its prominence from these localised views would exacerbate the impact of the proposal on the character and appearance of the area.
8. Accordingly, the proposed development would be harmful to the character and appearance of the area. The proposed development is contrary to Policies DES1 and DES2 of the South Oxfordshire Local Plan 2020 (LP), Policy DQS1 of the Joint Henley and Harpsden Neighbourhood Plan 2016 (NP) and advice contained within the South Oxfordshire Design Guide 2016 (SPD). These policies and guidance indicate that development should be of a design that is sensitive to its surroundings and makes a positive contribution to the local context and character. The proposed development would also be contrary to the design objectives set out within the National Planning Policy Framework (the Framework).

Living Conditions

9. Part of the existing garden area, accessed via steps, adjoins 55 and 57 Deanfield Road. Due to the level difference, the garden area height is around the neighbours first floor, and comprises a small patio, domestic outbuildings and a mature tree. A communal garden space to be used by all occupants is proposed in this section of the garden. Two domestic outbuildings would be removed, and steps would be formed to the eastern boundary. There would be a 1.8m enclosure proposed around the communal area, together with a hedgerow to the east of the relocated steps.
10. This area borders the private garden of No 57, where a shed and greenhouse are located close to the fence. The rear elevation of this neighbour includes ground and first floor habitable windows facing towards the appeal site. The side elevation and front parking area of No 55 are also visible from this area, with

¹ Rear gardens of properties on Deanfield Road

the neighbours private garden to the east. Two first floor windows with obscure glazing are in the side elevation of No 55 facing the appeal site.

11. With regard to privacy, the proposed enclosure and hedgerow, together with the distance and change in levels would limit any meaningful views from the communal area to the garden and windows of the nearest neighbouring occupiers. As such, the siting of the communal space in this location, and its access by occupants, would not result in any undue loss of privacy to the neighbouring occupiers at No 55 and No 57.
12. There are concerns that all occupants of the flats would use the communal space at the same time, resulting in an unacceptable level of noise and disturbance to the neighbours at No 55 and No 57. However, the communal space would be less accessible, and not much bigger than the proposed private external areas that serve each apartment. As such, it is unlikely that the communal space would be used regularly each day, or that all flat occupants would use it simultaneously for larger and potentially noisier gatherings. Furthermore, the noise impact would be further mitigated by the separation distance to the nearest windows and the proposed fence enclosure around the space.
13. Accordingly, the proposed development would not be harmful to the living conditions of the neighbouring occupiers, with regard to noise, disturbance and privacy to 55 and 57 Deanfield Road. As such, the proposed development would be compliant with the objectives of Policy DES6 of the LP and the advice contained within the SPD. These policies and guidance seek to protect living conditions of neighbouring occupiers with regard to privacy, noise and disturbance. The proposal would also conform to the policies on neighbouring impacts set out within the Framework.

Other Matters

14. I understand that the appellant feels frustrated following pre application negotiations and requests for amendments. However, any negotiations prior to the determination of the scheme, or decisions on alternative applications, is not a matter that affects my findings on the main issues in this case.
15. The appellant has highlighted a previously approved scheme for a single dwelling house on the same site². The consented scheme has commenced on site and there is a reasonable prospect of it being implemented in the absence of an alternative permission. The appellant has indicated that the dwelling would be carried out on a very similar development area to that now proposed. However, the fall-back position is for a single unit of accommodation, which is smaller in scale, height and footprint. As such, in my view the fall-back position would not be as harmful to the character and appearance of the area as the proposal now before me.
16. The appellant outlines that the proposal for five apartments would be making more effective use of land than the consented dwelling. The proposal would, therefore, meet the need for higher density developments in accessible locations, in line with Policy STRAT5 of the LP and the policies of the Framework. I acknowledge that five apartments, in a sustainable location, would be an efficient use of land and contribute to the local housing stock.

² P11/E2126 and P15/S1761/DIS

Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the area, contrary to the Development Plan and the Framework.

Conclusion

17. Whilst I find no harm to the living conditions of 55 and 57 Deanfield Road, this is a neutral effect and does not outweigh the impact upon the character and appearance of the area.
18. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR