



Appeal Decision

Site visit made on 30 September 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/Q3115/W/25/3367360

14 The Hub, Station Road, Henley on Thames RG9 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hub Property Management Co Limited against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S2840/FUL.
 - The development proposed is the change of use from offices (Use Class E) to 25 flats (22 x 2 bedroom and 3 x 1 bedroom) (Use Class C3), construction of associated roof extension at third floor level, internal alterations, private amenity space, car and cycle parking, and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from offices (Use Class E) to 25 flats (22 x 2 bedroom and 3 x 1 bedroom) (Use Class C3), construction of associated roof extension at third floor level, internal alterations, private amenity space, car and cycle parking, and refuse storage at 14 The Hub, Station Road, Henley on Thames RG9 1AY in accordance with the terms of the application, Ref P24/S2840/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. A Marketing Report, Financial Viability Assessment and a planning obligation have been submitted as part of the appeal. In addition, the appellant submitted amended plans to address the effects of the development on the living conditions of the occupiers of the neighbouring properties through the removal of the first and second floor balconies to the rear elevation of the building. Whilst different to the scheme determined at application stage, the Council has carried out a consultation with interested parties on the changes and provided an opportunity to respond in writing. As interested parties have been given the opportunity to comment on the additional information and amended plans, which do not fundamentally change the proposal, I am satisfied that no injustice would occur should I determine the appeal based on these. Thus, as a result of the ongoing discussions between the parties and the submission of further information, the signed Statement of Common Ground confirms that the main parties agree that permission should be granted.
3. Considering the above and with regard to the evidence before me and representations received, the main issues are therefore:
 - whether the scheme would comply with part 2 of Policy EMP3 of the South Oxfordshire Local Plan, adopted December 2020 (SOLP); and

- the effect of the development on the living conditions of the occupiers of the neighbouring properties, with particular regard to overlooking.

Reasons

Policy EMP3

4. The appeal proposal, for the conversion of the building to residential use, would lead to a loss of office space. Policy EMP3 of the SOLP seeks the retention of existing employment land to promote and grow a balanced, sustainable economy and local services. There is no dispute that the proposal would meet the requirements of Part 1 of Policy EMP3. However, the Council alleges that, as the proposal only considers mixed employment uses, it would conflict with the second part of Policy EMP3, which sets out that, where there is no reasonable prospect of land or premises being used for continued employment use, a mixed-use enabling development which incorporates employment space should first be considered.
5. The appellant's submissions indicate that the property was marketed to include uses falling within Class E¹, which includes a broad range of uses including shops, restaurants and cafes, financial and professional services, certain types of indoor sport and recreation and medical services, non-residential crèches, day centre or nursery uses and others. I am therefore satisfied that a range or mix of alternative uses has been explored. It therefore follows that the proposal would not conflict with part 2 of Policy EMP3 of the SOLP.

Living conditions

6. Concern is expressed by interested parties regarding the effect of the proposed development upon the living conditions of the occupiers of the adjoining properties to the rear of the site through increased overlooking. The existing rear elevation of the building which faces towards the residential properties to the rear of the site includes a number of windows. The proposed development would alter the configuration of the existing openings and includes additional openings in the walls of the building to the upper floors. Moreover, the introduction of the residential use would differ in nature and extend beyond the expected hours of operation of the existing office use. For these reasons, while a significant degree of overlooking exists by virtue of the current arrangements, and close relationship between the rear elevation of the building and the dwellings to the rear, the proposal would nonetheless increase the opportunities for overlooking towards the adjoining residential properties.
7. The separation distance between the site and the properties in Hewgate Court which are set back from the boundary of the site, together with the intervening garages would mitigate the effects of the development in terms of overlooking upon those properties positioned furthest from the appeal property, as well as the courtyard/garden area. However, the introduction of the additional window openings, of the number and position proposed, to serve the new residential units, would lead to an increase in overlooking of the residential properties, including their outdoor amenity space, immediately to the rear of the building.
8. It would therefore harm the living conditions of the occupiers of the neighbouring properties, with particular regard to overlooking. Thus, it would fail to accord with

¹ The Town and Country Planning (Use Classes) Order 1987

the aims of Policy DES1 of the SOLP which requires all new development to be of a high quality design that, among other things, respects the local context.

Other Matters

9. The site benefits from extant prior approvals for the change of use of the building into 18no. residential apartments and an upwards extension to provide additional accommodation in the form of six 2-bed and one 1-bed apartments (Class C3) at third floor level. There is nothing before me to suggest that the prior approvals would not be implemented if the appeal is dismissed. I am therefore satisfied that there is a greater than theoretical possibility that the development would take place. As such, these approved schemes represent a fallback position.
10. The proposed alterations to the building, including the number and position of openings in the rear elevation are not dissimilar to that put forward as part of the proposed development. Given that the effect of the fallback would be similar to the proposed development in terms of overlooking, I attribute significant weight to the fallback position in this case.
11. The Council has not raised an objection to the proposed development in relation to the effect on the character and appearance of the area. In light of the design and general scale and bulk of the development, when compared to the existing building, I have no reason to reach a different conclusion. Moreover, given the modest increase in overall volume and height of the building, there is no substantive evidence that the development would have a significant effect on the living conditions of the occupiers of the neighbouring residential properties through loss of outlook or light.
12. The proposed balconies to the rear elevation of the building have been deleted from the scheme, thus avoiding any direct overlooking of the adjoining properties or impact in terms of noise and disturbance from their use. Given the scale and nature of the proposed residential use of the building, there is no compelling evidence that the proposed development would introduce a level or types of noise that would be incompatible with the adjoining residential uses.
13. The Council is satisfied that the proposal would provide suitable living arrangements for future occupiers in relation to the provision of private amenity space and the internal layout of the units. The Council does not object to the proposal in terms of the design and operation of the development and potential to increase crime and disorder. Based on the evidence before me, I have no reason to disagree.
14. While I acknowledge concern regarding the ongoing provision of the car parking spaces to serve the development, these could be secured through a suitable planning condition. The appellant's Financial Viability Appraisal confirms that the proposed development would not be viable should a policy compliant level of affordable housing be included. I have not been provided with any substantive evidence to the contrary. The concerns of occupiers of the neighbouring properties with regards to property values are purely private interests and not considerations I have given any weight to.
15. The Imperial Hotel, a Grade II listed building, lies opposite the site. I am required to have special regard to the desirability of preserving the setting of the listed building. Given the scale and nature of the development and its position relative to

these buildings, I am satisfied that the proposal would not give rise to harm to the setting and significance of the listed building.

Planning Balance

16. For the reasons set out above the proposal would harm the living conditions of the occupiers of neighbouring properties through increased overlooking. It would therefore fail to accord with the aims of Policy DES1 of the SOLP and would conflict with the development plan as a whole.
17. The Council indicate it cannot demonstrate an adequate supply of housing land. That being the case, paragraph 11 d) of the National Planning Policy Framework (the Framework) falls to be considered, whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
18. The development would offer benefits in terms of housing supply, which is a key objective of the Framework, which seeks to significantly boost the supply of housing. It would also reflect policies in the Framework which promote and support the development of under-utilised land and buildings and indicate that great weight should be given to the benefits of using suitable sites within existing settlements for homes.
19. While the Framework refers to a high standard of amenity for existing and future users, the proposal would give rise to similar effects regarding overlooking to that of the fallback position. Consequently, having regard to all material considerations together, including the weight to be attributed to the fallback position, I find the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Therefore, the proposed development would benefit from the presumption in favour of sustainable development as set out at paragraph 11 of the Framework. In this case, material considerations indicate that a decision should be made otherwise than in accordance with the development plan and permission should be granted.

Planning obligations

20. A signed and dated agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted as part of the appeal. It includes an obligation to secure the payment of a contribution towards public transport infrastructure, including real time information screens at Station Road bus stop. This accords with Policies INF1, TRANS2 and TRANS5 of the SOLP which collectively require new development to be served and supported by appropriate onsite and off-site infrastructure and services, including the promotion of bus and/or rail services and to provide for appropriate public transport infrastructure and the South Oxfordshire Developer Contributions Supplementary Planning Document, adopted January 2023 (SPD).
21. Obligations to secure payments towards waste and recycling, including the provision of new recycling/refuse bins and the expansion and efficiency of the household waste recycling centre which serves the site, are also included. These

are required to address the increase in domestic waste arising from the development and demand on waste management services. The obligations accord with Policies INF1 and EP3 of the SOLP which require the provision of appropriate onsite and off-site infrastructure and services to serve the development and adequate facilities to be provided for the sorting, storage and collection of waste and recycling and the SPD.

22. I am satisfied that the financial contributions within the planning obligation are necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably related in scale and kind. They would, therefore, meet the requirements set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 57 of the National Planning Policy Framework.

Conditions

23. I have considered the conditions agreed between the main parties, taking into account the requirements of the Planning Practice Guidance and the Framework. Where necessary, and in the interests of brevity, clarity and precision, I have amended the suggested conditions to better reflect the relevant guidance.
24. The proposal includes details of car parking spaces to serve the development. Thus, a condition to require approval of such is not required. I have therefore amended the suggested condition to require the parking spaces shown to be provided and retained for such purposes, in the interests of highway and pedestrian safety. Conditions relating to the provision of cycle parking facilities and details of a Travel Information Pack are necessary to minimise the reliance on private vehicles and promote sustainable methods of travel.
25. In order to ensure that the development would provide satisfactory living conditions for future occupiers, a condition is necessary to secure a scheme of noise mitigation. A condition requiring a surface water drainage scheme to be agreed is necessary to ensure that the development does not exacerbate flooding in the locality. I have omitted the detailed list of information requirements set out in the suggested condition so that the parties can agree the details based upon relevant guidance and site circumstances at the time that they are agreed. These are pre-commencement conditions as measures may be integral to the construction of the building.
26. In the interests of the living conditions of the future occupiers and occupiers of neighbouring residential properties, a condition is necessary to determine and mitigate noise from the operation of the air source heat pumps, prior to their first use. To ensure that construction workers and future residents are adequately protected from any on-site contamination, I have imposed a condition to require the reporting of any unexpected contamination. In addition, a condition is necessary to ensure adequate capacity and infrastructure is available for the drainage of foul water from the site.
27. Requirements for installing electric vehicle charge points in new homes now forms part of Building Control Regulations. It has not been explained why these regulations and controls do not satisfactorily deal with this matter, as such, this suggested condition is considered unnecessary. In addition, conditions suggested by other consultees, including those relating to air quality and crime prevention, have not been shown to be necessary.

Conclusion

28. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - FL24-2151-030-A Site Location Plan
 - FL24-2151-131-D Proposed Block Plan
 - FL24-2151-146-B Proposed Street Scenes
 - FL24-2151-145 - Proposed Building Section
 - FL24-2151-141-C Proposed Front and Flank Elevations
 - FL24-2151-140-C Proposed Front and Rear Elevations
 - FL24-2151-135-D Proposed Ground Floor Plan
 - FL24-2151-136-A Proposed First Floor Plan
 - FL24-2151-137-A Proposed Second Floor Plan
 - FL24-2151-138-B Proposed Third Floor Plan
 - FL24-2151-139-A Proposed Roof Plan
 - FL24-2151-133-H Refuse Strategy
 - FL24-2151-132-F Parking Strategy
- 3) Prior to the first occupation of the development hereby approved, the car parking spaces shown on the submitted Parking Strategy drawing number FL24-2151-132 Rev F shall be made available for the occupiers of the development. Thereafter the car parking spaces shall be retained unobstructed except for the parking of vehicles associated with the development at all times.
- 4) Prior to the first occupation of the development hereby approved, details of secure cycle parking facilities shall be submitted to, and approved in writing by, the local planning authority. Details shall include the position within the site, size, materials and the means of access. The approved details shall be completed prior to the first occupation of the development hereby approved and thereafter permanently retained thereafter.
- 5) Prior to the first occupation of the development hereby approved, a Travel Information Pack shall be submitted to the Local Planning Authority for approval. The first residents of each new dwelling shall be provided with a copy of the approved Travel Information Pack.

- 6) Prior to the commencement of the development hereby approved, a detailed scheme to provide sound insulation for the residential units against external noise shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed so that the indoor ambient noise levels, do not exceed the values detailed in Table 4 of BS 8233:2014 "Indoor ambient noise levels for dwellings". The approved scheme shall be completed before the residential units are occupied and be retained thereafter.
- 7) Prior to their first use, an assessment of the acoustic impact arising from the operation of the air source heat pumps, including a scheme of attenuation measures to demonstrate the sound rating level from the air source heat pumps does not exceed 35dB at any noise sensitive façade of neighbouring residential premises, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to use and thereafter be permanently retained.
- 8) Prior to the commencement of the development hereby approved, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the principles contained within Drainage Statement REF:5771-STAT-ICS-XX-RP-C-07.002 by Infrastruct CS Ltd, dated 29/11/2024. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 9) Any contamination that is found during the course of the construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 10) Prior to the first occupation of the development hereby approved confirmation shall be provided that either: 1. Foul water capacity exists off site to serve the development; 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. (Where a development and infrastructure phasing plan is agreed, the development shall not be occupied, other than in accordance with the agreed development and infrastructure phasing plan); or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

*******end of conditions*******