



Appeal Decision

Site visit made on 29 May 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/Q3115/W/18/3206259

Bix Hill House, Old Bix Road, Bix, Henley on Thames RG9 6BY

- 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 Mrs L Davies against the decision of South Oxfordshire District Council.
 - The application Ref P17/S3318/FUL, dated 13 September 2017 was refused by notice dated 3 May 2018.
 - The development proposed is demolition of existing house and erection of new house and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's final comments included a plan titled 'Site Plan as existing' (Drawing 0.10 Rev F). This was not submitted as part of the planning application. This shows the appeal site, edged red and a larger area, edged blue, which includes Bix Hill House, the Cottage, along with adjacent land and outbuildings. This plan does not affect the proposal itself or the nature of development as originally proposed. I have therefore accepted this plan in determining the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and the landscape and scenic beauty of the Chilterns Area of Outstanding Natural Beauty (the AONB).

Reasons

4. The appeal site is outside a defined settlement in the open countryside. There is some sparse development nearby in the form of dwellings and associated buildings, which are generally in traditional materials and vernacular style, and in various layout arrangements relative to Old Bix Road. Policy H12 of the South Oxfordshire Local Plan 2011(LP) allows for the replacement of existing dwellings outside the built-up confines of settlements, subject to certain criteria. Amongst other things, this requires that the replacement dwelling is not materially greater in volume than the existing dwelling, would not have an overall impact, which would be greater than the existing dwelling on the character and appearance of the site and the

surrounding area, including this part of the Chilterns AONB, and that the siting, design and materials are in keeping with the locality.

5. Paragraph 172 of National Planning Policy Framework ('the Framework') states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Section 85 of the Countryside and Rights of Way Act 2000 also places a general duty upon public bodies, in exercising or performing any function in relation to land in an AONB, to have regard to the purpose of conserving and enhancing its natural beauty.
6. Located across the road from the Cottage and Bix Hill House, the appeal site slopes up steeply from the road and then forms a plateau with some undulations. Due to its elevated position, open views north from the site are available over the Stonor/Assendon Valley. The appellant's evidence refers to a track from the road which on-site is largely grassed over. With the exception of the remnants of a disused tennis court, steps, gate and a modest summerhouse, it is free of any significant development and is largely covered in semi-mature trees and shrubs. Due to its spacious and green nature, the site positively contributes to the verdant and rural character and appearance of the area and reinforces the natural beauty of the AONB. The topography and location of the site make it particularly sensitive to change.
7. The proposed scheme incorporates a driveway from the road leading to a parking/turning area, a detached double garage and garden. From here a pedestrian track with a ramped access would lead to the replacement single storey dwelling. The dwelling would be raised off the ground on supports and would be of a contemporary rectilinear form with an external terrace. It would be of a modern appearance, utilising a matt grey zinc cladding and glazing along its elevations, and would be finished with a flat sedum roof.
8. Notwithstanding a modest increase in the volume of the new dwelling over that to be replaced (the Cottage), the proposal would result in an overall increase in built development and associated works at the appeal site. It would also involve the removal of some vegetation. Cumulatively, the proposal would result in the considerable encroachment and urbanisation of a largely undeveloped garden in the countryside.
9. The appellant's Preliminary Visual Appraisal concludes that the proposed development would result in localised visual effects. Most notably that near the site on Old Bix Road, the visual effect would be negligible. In my assessment, despite some existing screening, the new development, particularly in views travelling east along Old Bix Road would be prominent. The extent of development proposed includes elevated buildings. In particular, the extensively clad north-west façade of the dwelling and its starkly modern appearance would appear strident. Overall, the extent of development proposed would significantly detract from the spacious and verdant quality of the site. This impact would be greater in winter months when leaf cover would be reduced.
10. On the evidence before me, it is not clear that the additional landscaping would sufficiently mitigate the nature and scale of development proposed. In any event, this would take some time to establish. Moreover, it would not negate the initial intrusion of new development in the AONB. Given that the AONB is protected on account of its natural character and appearance, based on the above reasons, the new development would lead to the significant diminution of this.

11. Although the Cottage and adjacent outbuildings are not of any significant architectural interest, they are of traditional vernacular forms and designs. These are physically separated from the appeal site and located close to existing development (Bix Hill House). Furthermore, the cottage and outbuildings appear as a collection of buildings that are settled within an established streetscene. This type of arrangement is not uncommon adjacent to rural roads. These buildings are also on lower ground relative to the appeal site and with some landscaping about them are therefore largely concealed from the wider landscape. For these reasons, the demolition of these buildings and any proposed planting in lieu of them, would be of limited visual benefit and would not off-set the overall impact of the new development at the appeal site.
12. For the above reasons, the proposed development would have a harmful visual impact on the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the AONB, I attach great weight to this harm. As such, the proposed development would conflict with Policy H12 of the LP. I also find conflict with Policies D1 and G4 of the LP and Policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy, which amongst other things seek to ensure that the design of new developments safeguard the character and appearance of the countryside and its landscape characteristics. Accordingly, I also find the proposal contrary to the Framework with regard to protecting the AONB.

Other Matters

13. The appellant has referred to other approved schemes of various designs and scales within the AONB. Based on the limited information available to me, these include extensions to dwellings, developments within the confines of settlements, and examples of replacement dwellings which are on or close to the footprints of the original buildings. Consequently, these examples are not comparable to the appeal scheme. In any event each scheme is determined on its merits. Furthermore, the existence of other developments in the AONB or works which could be undertaken at the site under the provisions of permitted development do not set a precedent for development that I have found to harm the AONB.
14. In the absence of any technical evidence the suggested highway visibility improvements from the demolition of the Cottage attract limited weight, and along with the limited visual benefits associated with the removal of the Cottage and outbuildings do not outweigh the harm I have identified.
15. The appellant is willing to incorporate alternative external materials for the new dwelling. However, this would not address the totality of the harm I have identified. The pre-application scheme submitted by the appellant is different in detail to the proposed scheme. Therefore, this along with other matters raised by the appellant relating to the processing of the planning application do not influence my findings on the main issue.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR