



Appeal Decision

Site visit made on 11 February 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/Q3115/W/19/3240835

The Cottage, road between Mays Green and Chalk Hill, Harpsden, Henley-on-Thames RG9 4AP

- 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 Ms M Caprotti against the decision of South Oxfordshire District Council.
 - The application Ref P19/S2089/FUL, dated 1 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. During the course of the application, two revised plans were submitted by the applicant, dated 05.09.19, which reduced the height of the proposal. These were named: "External elevations", and, "Plans & Section". However, it is clear that the Council determined the application on the basis of the original plans.
4. The Procedural Guide: Planning appeals – England (March 2020) states that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application, and that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I have considered whether the amended plans should be accepted, taking account of the principle established in *Bernard Wheatcroft Ltd v SSE*¹, and as the revised proposal would materially alter the nature of the scheme, I conclude that the interests of interested parties would be prejudiced if the amended plans were taken into account in this appeal. Accordingly, I have considered the same plans that the Council determined the planning application on.

¹ JPL, 1982, P37

5. During the course of the appeal, the Council requested that Policy H4 of the Joint Henley and Harpsden Neighbourhood Development Plan 2012 – 2027 (Final Submission Version) ('Neighbourhood Plan') be considered in this appeal. The appellant provided representations on the relevance of this policy and I have taken the representations received into account in my consideration of this appeal.
6. During the course of the appeal, the parties were asked for their comments on the effect of the appeal proposal on the setting of Bellehatch Park House (a Grade II listed building). Their comments have been taken into account in the consideration of this appeal.
7. Planning permission was granted² for the subdivision of The Coach House and The Cottage, to enable The Cottage to become a lawful independent dwelling. On the evidence before me, it is not clear whether or not that permission was implemented. Nevertheless, as the parties have proceeded on the basis that the appeal proposal could validly constitute a replacement dwelling, so shall I.

Main Issues

8. The main issues are:

- the effect of the proposal on the character and appearance of the site and the surrounding area, including the Chilterns Area of Outstanding Natural Beauty ('AONB'); and
- the effect of the proposal on the setting of Bellehatch Park House.

Reasons for the Recommendation

Character and appearance

9. The area within the vicinity of the appeal site is rural in character with sporadic development of dwellings and farms, largely set in extensive grounds and screened from the highway by tall walls and mature landscaping. The Cottage is a single storey property with a shallow roof located to the side of The Coach House and sharing a vehicular access with it. It is linked to The Coach House, although the two grounds are separated by a tall boundary wall. Another tall boundary wall fronts the highway which largely screens it from public views.
10. Although there is no dispute between the parties in terms of the proposed volume of the new dwelling being acceptable, it is clear that the replacement of a single storey dwelling with a taller and slightly wider dwelling as proposed would have a greater visual impact, because the resultant building would have a materially greater bulk and mass than the existing dwelling. This change would be particularly noticeable within the appeal site and from close-up views from the nearby highway within the vicinity of the entrance to the site, from where the increased height of the dwelling would be apparent above the height of the party boundary wall. Moreover, the increased prominence of the new dwelling would significantly reduce the current sense of spaciousness that exists between The Coach House and Bellehatch Park House.
11. Given my findings above I am in no doubt that the overall impact of the proposed dwelling would be greater on both the character and appearance of the site and the surrounding area than the building that it is intended to

² Local Planning Authority reference: P16/S3286/FUL

replace. The proposal would not respond positively to or respect the character of the site and its surroundings. Although the impact would be localised, the proposal would fail to comply with criteria (iv) of Policy H12 of the South Oxfordshire Local Plan 2011 ('Local Plan'); it would also conflict with Local Plan Policies D1, G2, and Policy CSQ3 of the South Oxfordshire Core Strategy ('Core Strategy') and Neighbourhood Plan Policy DQS1 which collectively seek development to respect the character of the site and the area within which it is located.

12. The appellant has indicated that the new dwelling would be a self-build and in this regard Neighbourhood Plan Policy H4 is relevant. However, given the harm that I found that would result to the surrounding area, as well as the conflict with the development plan, I find that the proposal would not comprise sustainable development and accordingly the proposal conflicts with this policy also.
13. Although noting the concerns raised about the impact of the proposal on the AONB, I consider that the limited scale of the proposal in relation to this landscape designation, would ensure that the proposal would have a neutral effect on the landscape and scenic beauty of the Chilterns AONB. In this regard the proposal would conserve the landscape character and key features of the AONB in accordance with Core Strategy Policy CSEN1 and the landscape objectives of Local Plan Policy C4. The absence of harm in this regard does not however offset the identified harm.
14. The Council has referred to the South Oxfordshire Design Guide 2016, but no copy of this document has been provided and I am therefore unable to assess the proposal against it.

Setting of the listed building

15. The appeal site is in the vicinity of Bellehatch Park House, a Grade II listed building. I observed that Bellehatch Park House, including some of its windows, is within view from the appeal site. Additionally, the appeal site is likely to have been historically related to Bellehatch Park House. Accordingly, I consider that the appeal site is within the setting of that listed building.
16. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Harpsden Parish Council stated that the listed building is one of the finest houses in Harpsden, and I observed that its significance derives in part from its bold architectural form and pleasing colouring. In accordance with the Framework, when considering the impact of the proposal on the significance of this designated heritage asset (significance deriving not only from the heritage asset's physical presence, but also from its setting), great weight has been given to the asset's conservation.
17. Given the harm that I have identified above, relating to the reduction of the sense of spaciousness that exists between The Coach House and Bellehatch Park House, it is clear that the proposal would not preserve the setting of the listed building. Whilst the harm would be less than substantial, this harm needs to be weighed against the public benefits of the proposal. The appellant has not

put forward any public benefits and considering the great weight that needs to be given to the asset's conservation, the harm that I have identified to the listed building has not been overcome. As such, the proposal conflicts with Policy CON5 of the Local Plan, which provides that proposals for development which would adversely affect the setting of a listed building will be refused.

Other Matters

18. A fall-back position exists, in relation to an extant planning permission³ for the replacement of The Cottage with a two-storey dwelling. Whilst the height of the appeal proposal would not be substantially different to the fall-back position, the impact would be quite different, due to the marked differences in design. In particular, the appeal proposal would have a greater width than the fall-back position, with the fall-back position appearing more compact. Accordingly, I find that the fall-back position would have a lesser impact on the spaciousness of the site and its surroundings. Consequently, I consider that the fall-back position would better suit the character and appearance of the surrounding area than the appeal proposal, and therefore this matter does not alter the conclusions that I have reached.
19. My attention has been drawn to an extant planning permission⁴ relating to two-storey side and rear extensions to The Coach House, and to the redevelopment of a barn at Perseverance Farm. It is likely that such development was considered under a different development plan policy to the proposal before me. Although the appearance of The Coach House would change as a result of these extensions, this matter does not justify harmful development as is proposed in this appeal. Moreover, the proposal would not be viewed in the direct context of Perseverance Farm and development on this site does not provide justification for the appeal proposal either.
20. There is no dispute that the development of the site is acceptable in principle, in relation to the efficient use of land, and that the living conditions of the occupants of adjacent properties would be safeguarded. The existing access arrangements would be maintained, as would provision for parking. It is also recognised that the proposal would retain some space around the dwelling, with additional landscaping, and that the proposal incorporates some design details which reflect the appearance of the area. Nevertheless, whilst these are all factors of merit, they relate to planning and design fundamentals, and so can only be given limited weight. When assessing the proposal as a whole in its context, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion and Recommendation

21. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

³ Local Planning Authority reference: P17/S2035/FUL

⁴ Local Planning Authority reference: P17/S2032/HH

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 dismissed.

RC Kirby

INSPECTOR