



Appeal Decision

Site visit made on 5 June 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/Q3115/W/22/3311398

Cookley Orchard, Swyncombe, Henley-on-Thames RG9 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs R and L Seward against South Oxfordshire District Council.
 - The application Ref P22/S3077/FUL, is dated 26 August 2022.
 - The development proposed is Replacement house and erection of a garage. (As amended by energy statement received 21 September 2022).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs R and L Seward against South Oxfordshire District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Following the submission of the appeal against non-determination, the Council has submitted a letter, which provides clarity in terms of the main reason why the Council would have refused planning permission had it been able to do so. Therefore, the main issue below is taken from this document.

Main Issue

4. The main issue is whether the proposed development would conserve or enhance the scenic beauty of the landscape within the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

5. Cookley Orchard is a detached brick built bungalow situated in the village of Cookley Green within the Chilterns AONB. The village green is situated to the northwest of the appeal site, intersected by the B481. The bungalow forms a small group with other dwellings around the green, which are of a more traditional built form. The established materials of the surrounding dwellings are render, brick, or stone with brick detailing. These details contribute towards the positive features that make up the character of the local area.
6. The substantial garden associated with Cookley Orchard extends to the south of the existing bungalow, with mature trees enclosing it to the east and west.

However, the rear garden is more open to the south, with views towards the verdant open countryside, which lies beyond.

7. Whilst the existing bungalow is not particularly characteristic of the Chilterns AONB, it does currently sit discreetly in the landscape due to its single storey height and small footprint. Consequently, the site retains its rural character within the village setting and contributes positively to the scenic beauty of the landscape within the AONB.
8. The contemporary form of the proposal, which includes a flat roof and large glazed areas, would not, in themselves, be harmful. However, due to the height and massing of the proposal, and the number and scale of large windows proposed, which is emphasised by the protruding upper floor, the replacement dwelling would be a top-heavy and incongruous structure in the landscape. It would not be in harmony with the more traditional dwellings that surround the appeal site.
9. In regard to materials, the upper floor would be clad in Corten steel. Again, the use of this particular material would not in itself be harmful, acknowledging that it would weather to a rusted finish which would blend into the surroundings. However, used on the projecting upper half, on the scale proposed, would accentuate its impact, which would be jarring with the more traditional materials used in the village. The development would not reflect the positive features that make up the character of Cookley Orchard.
10. The appellant has drawn my attention to other approved planning applications for replacement, contemporary dwellings in the same AONB. However, I have not been provided with the full details. Nevertheless, the fact that similar developments exist in the area is not a reason, on its own, to allow unacceptable development in the above context. I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
11. It is acknowledged that the extensive tree cover enclosing part of the site would be retained and would assist in limiting any public views of the site and assimilate the dwelling into the landscape. However, this would not outweigh the harm that I have identified above. Furthermore, the lack of visibility from public views and the village green does not negate the need for good design, and the overall design of the proposal would be unacceptable for the reasons set out above.
12. I note the concerns raised over the potential for 'light spill' from the large areas of glazing. However, the proposal is a replacement dwelling. The existing bungalow already has large areas of glazing to both the front and rear elevations, including a number of patio doors and some large windows. Consequently, it is not considered that the proposal would result in unnecessary light spill or glare into the wider landscape. Had I have been minded to allow the appeal, an appropriately worded condition would have required further details regarding any coating to reduce glare or mechanical mechanisms, to be submitted and approved. However, given that I am dismissing the appeal on other grounds, I have not pursued this matter any further.
13. I also acknowledge the 'innovative' design of the proposal and that it has been designed to be a sustainable, low energy dwelling. However, the replacement

of the bungalow, which the appellant allege is of poor quality and tired, with a dwelling that would fail to conserve or enhance the scenic beauty of the landscape within the AONB would be unacceptable. Furthermore, whilst the Framework attaches significant weight to innovative designs, it also requires development to fit in with the overall form and layout of the surroundings, which the proposal would fail to do. The lack of any 'experts on house design and landscape impact' from the Council does not alter or outweigh my findings above.

14. The proposal would fail to conserve or enhance the scenic beauty of the landscape within the Chilterns Area of Outstanding Natural Beauty. It would conflict with Policies DES1, DES2, ENV1 and H18 of the South Oxfordshire Local Plan 2011-2035 (Local Plan) (adopted 2020) and Policies DP1 and DP2 of the Chilterns AONB Management Plan. Together these policies, in combination, seek to ensure development, including replacement dwellings, physically and visually enhances and compliments the surroundings and respects the existing landscape character. Development in the AONB should take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection. Development in the AONB should be rejected where, amongst others, it is not appropriate to the local landscape character, or it does not support local distinctiveness.
15. It would also conflict with the Chilterns Building Design Guide (2010) which requires exceptional or innovative designs to be sympathetic to their surroundings and the defining characteristics of the local area and will need to demonstrate the appropriate use of local building materials wherever possible. Furthermore, it would be contrary to the South Oxfordshire and Vale of White Horse Design Guide, which seeks to guide new development to complement/respond positively to the character and local vernacular, and to be sensitive to its context regarding scale, massing and height.
16. The proposal would also conflict with the principles within Chapter 15 of the National Planning Policy Framework 2021 in regard to the conservation and enhancement of the natural environment, in particular with paragraph 176 in regard to conserving and enhancing landscape and scenic beauty within the AONB.

Conclusion

17. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR