



Appeal Decision

Site visit made on 7 April 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025.

Appeal Ref: APP/Q3115/D/24/3350101

Greys Lodge, Road from Henley to Greys Green, Rotherfield Greys, Oxfordshire, RG9 4PJ

- 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 Mrs Dowsett of Radish Properties Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S0704/HH.
 - The development proposed is a) Erection of garden outbuilding with recreational facilities (Pool & Gym with sauna/shower room); study, guest bedroom and bathroom ancillary to the enjoyment of the dwelling house known as Greys Lodge
 - b) Construction of ramped pathway terrace using permeable finishes
 - c) Installation of Cess Pit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development has been changed by the Local Planning Authority (LPA). For the purposes of this decision, I have used the description of development from the application form, which contains errors, item b) referring to 'permedable' finishes, which I take to be 'permeable', whilst the third item is also listed as item b) but should be referenced as item c). As these matters are not determinative, I have not referred to the parties for agreement to amend them.

Main Issues

3. The main issues are i) the effect of the proposals on the character and appearance of the area, and ii) the principle of development having regard to local and national policy.

Reasons

Character and Appearance

4. The appeal proposal is located within the residential curtilage of a property on the western side of the road between Henley-on-Thames and Greys Green. The property is approximately 150m north of the hamlet of Rotherfield Greys, the nearest property being 'Upper Pindars' some 60m south on the opposite side of the road, and the larger 'Pindars - The Old Rectory' which is opposite the site, set back from the road by some distance, and at a lower level, with significant screening provided by a belt of mature trees and hedges.

5. The appeal proposals are sited at the southern end of the residential curtilage of 'Greys Lodge', a lodge dwelling formerly associated with Pindars opposite and is located within the Chilterns National Landscape (CNL) (formerly Area of Outstanding Natural Beauty) (AONB).
6. The property has been the subject of several extensions in the past which has increased its size, but it is still modest. The dwelling sits at the northern end of its' residential curtilage, opposite the vehicular egress point of Pindars. The overall site is approximately 85m in length, with a vehicular access point to the road together with garage, surface parking and turning area located at its' mid-point.
7. The appeal proposals would be remote from the existing dwelling, being some 35m to the south, on the other side of the garage and vehicular access. The area of garden within which the proposal is sited is an open grassed area which is raised in level from the highway by around 1.75m. There are mature trees around the garage building and at the southern end of the plot. A mature hedge of approximately 1.4m height internally, is present to the eastern boundary with the highway, though irregular gaps are present in this, allowing views into the site. The sites' western boundary is visually open, with a timber post and rail fence, in need of repair, separating it from the adjacent field and open views south to the village on the other side.
8. The proposal would be by comparison with the existing dwelling, substantial in size, being almost equal to the footprint of the host dwelling. It would introduce a separate building at some distance to the host dwelling, such that it would not be read as being subservient to or associated with that dwelling but would appear as a new building associated with the garage and access against which it would be read.
9. Whilst the appellant has asserted that the proposal would, in the choice of materials and in its form, resemble an agricultural barn, I find design features, such as the cat-slide roof, repetitive elongated windows, triangular bay windows and the conflicting roof materials proposed, would be at odds with this description, and would fail to respect the character and appearance of the host dwelling and the surrounding area, and thus would fail to conserve and enhance the CNL.
10. Whilst it is acknowledged that views into the site are restricted to some extent by the existing hedge on the boundary with the highway, this hedge is not so dense that it would preclude views of the proposal. The elevated nature of the site, coupled to the height of the proposal, and the restricted height of the hedge, would render it visible to anyone travelling along the road, particularly in a southern direction, where clear views of the proposal would be provided through the vehicular access opening.
11. There would also be clear views of the proposal from properties on the other side of the field to the south and south-west of the site, changing the character of the CNL at this locality.
12. For the above reasons I find that the proposals are contrary to Policies DES1, DES2 and ENV1 of the South Oxfordshire Local Plan 2035 (SOLP), which require, amongst other things, that development respects the existing landscape character, reflects the local context in scale, height, grain and details that make up the character of the surrounding area, and should only be permitted where it conserves or enhances the character and natural beauty of the CNL.

Principle of Development

13. Policy H20 of the SOLP relates to the extension of dwellings, alongside which it also relates to the erection of ancillary buildings within the curtilage of a dwelling. It notes that such development will be permitted subject to meeting three criteria. The first relates to limiting the size of a proposal relative to the original size of the host dwelling for development within the green belt. The second criteria relate to the provision of adequate parking, whilst the third requires there to be sufficient amenity area for the enlarged dwelling. The appeal proposal was identified on the application form as being 'ancillary to the enjoyment of the dwelling house known as Grey Lodge'. Policy H20 of the SOLP would therefore apply.
14. As the appeal site is not within the green belt, the first criteria, restricting the relative size is not relevant in this case. The proposal provides adequate parking to meet the requirements of the highway authority, and the size of the residential curtilage is large enough to ensure sufficient amenity for the enlarged dwelling. Accordingly, I do not find that the proposal would be contrary to the criteria of Policy H20 of the SOLP, and the principle of development would therefore be acceptable. However, whilst there is support from Policy H20 of the SOLP, the proposal must also meet the other policies of the SOLP.
15. It is a matter of fact and degree as to whether, or not, the development would be occupied as ancillary to the main dwelling house or as an independent separate dwelling. The appellant has gone to considerable length in making the proposal accessible for disabled users, with ramped access to the entrance, larger door openings and wheelchair turning circles identified in key areas of accommodation. However, there is no indication of any attempt being made to provide a means of direct wheelchair access between the host dwelling and the proposal, which would be expected if the proposal is ancillary to the existing dwelling.
16. There is also no evidence before me which identifies any such disability needs by the appellant or a member of their family, in support of the appeal. Therefore, having due regard to the public sector equality duty for a person with protected characteristics under the Equality Act 2010, I have given little weight to this matter in my decision.
17. The LPA have asserted that due to the remoteness of the proposal from the host dwelling, its design, which would allow subsequent internal alterations without the need for further application, its' separate drainage, heating and servicing, and sufficient independent amenity space, the proposal exhibits too many characteristics of a new separate dwelling. As a result of these factors and the lack of continuity in provision of disabled access between the host dwelling and proposal, I concur with the LPA's finding. Taken together the evidence suggests very strongly that, as a matter of fact and degree, what is proposed, on the balance of probabilities, would be able to function as a separate independent dwelling unit.
18. Were the appeal proposal a new independent dwelling, it would need to comply with Policies H1 and H16 of the SOLP. The appeal site is not within land designated for new housing in the SOLP, there is no neighbourhood plan for the area within which the site could be designated, and it also does not accord with any of the other criteria identified in Policy H1. Accordingly, the site would then turn to Policy H16 of the SOLP, where support for development within smaller villages may be found. However, Policy H16 only provides support for infill development, the

criteria for which requires the site to be in a small gap within otherwise continuous built-up frontage, or closely surrounded by buildings. As the proposal does not accord with this description, as a new dwelling, it would be contrary to Policies H1 and H16 of the SOLP.

Other Matters

19. The third reason for refusal identified by the LPA related to the appeal application having insufficient information to allow a proper assessment of the impact of the proposal on the trees and other landscape features of the site which contribute to the character and appearance of the area. As I have already found the proposal to be contrary to Policy ENV1, and to be harmful to the character and appearance of the area. I have therefore, not dealt with this reason for refusal as a separate issue, it being integral to the effect of the proposal on the character and appearance of the area.

Conclusion

20. For the reasons set out above, I conclude that the appeal proposals would be contrary to the development plan as a whole and that there are no material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR