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## Appeal Decision

Site visit made on 28 May 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

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**Appeal Ref: APP/Q3115/W/25/3362058**

**Land at Newtown Road, Henley on Thames, RG9 1HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Knole Homes Ltd against the decision of South Oxfordshire District Council.
  - The application Ref is P24/S4056/S73.
  - The application sought planning permission for Erection of terrace of 4 dwellings (amended tree planting plan, contaminated risk assessment and drainage design received 1st February 2024), without complying with a condition attached to planning permission Ref P23/S2980/FUL, dated 9 April 2024.
  - The condition in dispute is No 2 which states: That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 1392-P4A, 1392-P1, 1392-P2 and 1392-P3, except as controlled or modified by conditions of this permission.
  - The reason given for the condition is: To secure the proper planning of the area in accordance with Development Plan policies.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether Condition 2 is reasonable and necessary with regard to the character and appearance of the area.

### Reasons

3. Based on my observations the appeal site forms part of an area with a varied character, which includes buildings with different roof designs including hipped roof forms. However, the proposed building would principally form part of the street scene along Newtown Road. In particular, whilst there is a degree of variation in the scale and appearance of individual buildings along this road, these mainly feature flat or shallow pitched roof forms. In this context, the appeal site already benefits from an extant planning permission for a development of 4 dwellinghouses in a two-storey design with a mansard style roof, arranged in a staggered terraced form fronting onto Newtown Road. This was granted under planning permission ref: P23/S2980/FUL ('the approved scheme').
4. The mansard style roof of the approved scheme, which is in part recessed behind the walls of the building and features steep roof slopes and a flat central section, reflects the flat and shallower roof forms of buildings along Newtown Road.
5. The proposal seeks to change the approved mansard style roof for a hipped roof form. Despite a lower eave's height, the proposal would increase the overall height

of the building, making this appreciably taller than the approved scheme. Consequently, this would add considerable bulk and massing to the roof form of the proposed building. In particular, the taller and bulkier roof form of the proposed building would contrast starkly with the prevailing roof forms of buildings along Newtown Road.

6. Moreover, because part of the proposed building would be close to the highway and features a staggered footprint. The design and scale of the proposed roof form would be particularly apparent in views from the adjacent highways.
7. Whilst I have taken account of other examples of larger buildings and those in the area which feature hipped roofs, I have determined the appeal on the basis of its site-specific circumstances and in the context of Newtown Road. As such, these other examples do not alter my findings.
8. Overall, the proposed building with its revised roof form, would not reflect the buildings along Newtown Road and would detract from the street scene. As such, the proposal represents poor design and would harm the character and appearance of the area. As such, the disputed Condition 2 is necessary to safeguard the character and appearance of the area.
9. Accordingly, the proposal conflicts with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2011- 2035 and Policy SD3 of the made Joint Henley and Harpsden Neighbourhood Plan ('NP'). Together, these policies seek to secure developments of a high-quality design which enhance the character of the area. These policies are consistent with the design aims of the Framework.

#### *Other considerations*

10. The Council is currently unable to demonstrate a 5-year supply of housing land, which on the information before me stands at about 4.5 years. Ordinarily in such circumstances, Paragraph 11d) ii) of the Framework would apply.
11. However, in light of the conflict with the NP and paragraph 14 of the Framework, the Council asserts that paragraph 11d) of the Framework does not apply, which the appellant disagrees with. However, as set out below, even if I were to apply paragraph 11d ) ii) of the Framework, this does not alter my conclusion.
12. In accordance with the Framework, the provision of new housing in the proposed location would deliver some social, economic and environmental benefits. Given the small scale of the proposed scheme (4 dwellings) and because the appeal site already benefits from an extant planning permission, which would also deliver 4 dwellings and similar benefits, I attach very limited weight to the benefits arising from the proposed scheme.

#### **Planning balance and conclusion**

13. I have found that the proposal would harm the character and appearance of the area. This, and the development plan conflict arising from this aligns with the design aims of the Framework and in my view attracts substantial weight. On the other hand, the proposal would provide housing which is consistent with the Framework. This, and the benefits associated with it are afforded very limited weight.

14. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal, would significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development does not apply and this indicates that planning permission should be refused, and the appeal should be dismissed.

*M Aqbal*

INSPECTOR