



Appeal Decisions

Site visit made on 1 July 2025 by M Jones

Decisions by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal A Ref: APP/Q3115/D/25/3360008

Cornerways, Baldon Row, Toot Baldon, Oxfordshire OX44 9NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Lewis Gerring against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S3206/PDS.
 - The development proposed is to add new first floor storey.
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Appeal B Ref: APP/Q3115/D/25/3363099

Cornerways, Baldon Row, Toot Baldon, Oxfordshire OX44 9NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Lewis Gerring against the decision of South Oxfordshire District Council.
 - The application Ref is P25/S0206/PDS.
 - The development proposed is to add new first floor storey.
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Decisions

Appeal A

1. Appeal A is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for an application for prior approval (Class AA) in respect of the enlargement of a dwelling house by adding new first floor storey at Cornerways, Baldon Row, Toot Baldon, Oxfordshire, OX44 9NE in accordance with the terms of the application, Ref P24/S3206/PDS, and the plans submitted with it, including BLO-001; LOC-001 and LS/02 PD11 Rev A pursuant to Article 3(1) and Schedule 2, Part 1, Class AA, paragraphs AA.2 and AA.3 of the GPDO.

Appeal B

2. Appeal B is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO for an application for prior approval (Class AA) in respect of the enlargement of a dwelling house by adding new first floor storey at Cornerways, Baldon Row, Toot Baldon, Oxfordshire, OX44 9NE in accordance with the terms of the application, Ref P25/S0206/PDS, and the plans submitted with it including BLO-002; LOC-001 and LS/02 PD12, pursuant to

Article 3(1) and Schedule 2, Part 1, Class AA, paragraphs AA.2 and AA.3 of the GPDO.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. There are two appeals on this site. They differ only in relation to the roof ridge height, eaves height and positioning of the dormer windows and rooflights. I have considered each proposal on its individual merits but to avoid duplication I have dealt with both schemes together, except where otherwise indicated.
5. Appeal A refers to the first application for prior approval, which would have a taller ridge height and taller eaves, and dormer windows and rooflight windows positioned lower in the roof slope. Conversely, the proposed Appeal B additional storey would have a lower ridge height with lower eaves, with the dormer windows and rooflight windows being positioned higher up the roof slope as a result.
6. Under Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys subject to limitations and conditions set out under paragraphs AA.1 and AA.2, which includes a requirement that the developer applies for prior approval to the Local Planning Authority.
7. Paragraph AA.3.(3) provides that an application may be refused where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.
8. Paragraph AA.3.(12) requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
9. For Appeal A, the Council considered that it had insufficient information to determine whether the proposal complied with criterion AA.1.(h) of Class AA, which relates to the floor to ceiling height of the additional storey, measured internally. The Council went on to assess the external appearance of the dwellinghouse in relation to paragraph AA.2.(3)(a)(ii) and it is clear that, had it considered the proposal complied with the relevant conditions and limitations of Class AA, it would also have refused prior approval on that basis.
10. In relation to criterion AA.1.(h), the appellant has submitted a new drawing at appeal stage for Appeal A (LS/02 PD11 Rev A), with a section and dimensions included to show the floor to ceiling height of the proposed additional storey, measured internally. The new drawing simply clarifies the dimensions of the proposed development and does not introduce any changes to the scheme itself. Consequently, the new drawing does not prejudice any party and so I accept its submission. The drawing demonstrates that the proposal complies with criterion AA.1.(h) of Class AA and, therefore, I consider that this overcomes this element of the Council's refusal for Appeal A.

11. Although the Council's concerns for Appeal A in relation to the prior approval matters relate only to the external appearance of the dwellinghouse, objections have also been received relating to the impact of the Appeal A proposal on the amenity of adjoining premises. Therefore, I will also assess amenity, in the interests of fairness.
12. For Appeal B, the Council's reason for refusal only relates to the prior approval matter of the external appearance of the dwellinghouse and no objections have been received in relation to amenity. In this appeal, there is no dispute between the parties that the proposal would comply with the limitations in paragraph AA.1 and the conditions in paragraph AA.2.(2) of Class AA.
13. For both Appeals, there is also no dispute with regard to the prior approval matters in paragraphs AA.2.(3)(a)(iii) or (iv). From the evidence before me, I see no reason to disagree.

Main Issues

14. Therefore, for Appeal A the main issues are the effect of the proposal on the external appearance of the dwellinghouse and on the amenity of adjoining premises with particular regard to outlook, light and privacy.
15. In relation to Appeal B, the main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons for the Recommendation

External Appearance

Appeals A and B

16. The courts have held that where prior approval is required in relation to the effect of development on the 'external appearance' of a building or dwellinghouse, it will be a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with adjoining or nearby properties. In this case, given the context of the site and representations made, I consider that it is necessary to consider both elements.
17. The appeal site consists of a detached hipped roof bungalow with rear dormer set within a generous plot with large front and rear gardens. The dwelling is largely screened from view from the road and adjacent public bridleway by tall vegetation and a garage. The site lies on Baldon Row in a small group of dwellings in a rural location outside Oxford, with fields in front and behind, and is located between Toot Baldon and Marsh Baldon. The appeal site is outside of the Toot Baldon conservation area, which lies across the field to the north and contains a number of listed buildings. There are also several Grade II listed buildings along Baldon Row, including Fair Oaks adjacent to the appeal site. The Grade II* listed Church of St Lawrence lies to the west of the site.
18. The adjoining property, Hunter's Moon, is a one and a half storey dwelling of similar height to the appeal dwelling but with a contemporary design including a front gable end extension, also set within a generous plot. The other neighbour, Fair Oaks, is a thatched property separated from the appeal site by a public bridleway and two rows of dense vegetation. The dwellings on Baldon Row and within the wider local

area, including Toot Baldon and Marsh Baldon, have a variety of different sizes, ages, designs and forms. They include dwellings with two storeys of a similar size and height to the proposals, including some of contemporary design, as well as more traditional cottage style dwellings.

19. I have been provided with extracts from The Baldons Neighbourhood Plan Design Guide (2018), which provides a useful description of the character of the local area. It describes the overall scale of residential development in the Baldons as modest with an open and spacious feel everywhere. It highlights the important relationship of development with the surrounding open countryside and the absence of tall, dominant or crowded buildings, with development having a simple and understated vernacular and built form.
20. The proposed developments for both Appeals A and B would add a storey with 3 new front and rear gabled dormer windows and rooflights. The proposals would raise the roof ridge height by approximately 2.4m for Appeal A and approximately 1.9m for Appeal B and would remove the existing rear dormer.
21. Both the Appeal A and B proposals would increase the height and mass of the dwelling. However, when seen in the context of its large plot, it would not be an inappropriate size or appear unduly bulky or crowded. The siting of Cornerways set back in its plot along with the vegetation on its boundaries means that neither of the proposed developments would be unduly prominent in the street scene.
22. Furthermore, in both schemes the additional storey would be similar to the existing ground floor in terms of design and materials, which would ensure that the appeal dwelling would retain its simple and understated design. The roof form and pitch would also reflect the existing style and so would be in keeping with the dwelling's character. The size and design of the gabled front and rear roof dormers would be proportionate and would complement the ground floor fenestration.
23. The existing dwelling is of different appearance to others in the area, however continuing this form and design with an additional storey would not make it appear unduly urban, particularly with the dormers breaking the eaves, which is a common feature in this rural area. Consequently, for both proposals, the developments would be compatible with the design of the existing dwelling and not harmful to it.
24. There is no strict prevailing style, scale or size of dwellings in the area. Although both schemes would increase the size of the dwelling it would remain modest in overall scale. The site sits in a somewhat elevated position but is well screened from most public views, so even with the taller Appeal A scheme, only the upper part of the dwelling would be visible in close or longer distance views. It would also be seen in conjunction with other two-storey dwellings in the local area, glimpses of which are common from surrounding roads and paths. Therefore, it would not disturb the existing pattern of rooflines in the area.
25. The proposals would make the appeal dwelling taller and bulkier than Hunter's Moon, but this would not appear out of keeping given the general mix of designs and forms of dwellings in the area. These two dwellings already have a different design, form and size and there is a sizeable gap between them, which means that the visual relationship between them is not strong, and they are perceived as separate entities rather than as a pair. This is a common feature of Baldon Row where each dwelling is of a different design.

26. Moreover, dense vegetation in front of both properties abutting the highway means that it is difficult to see both properties together from the public realm, which further limits the impact of either appeal proposal on the appeal dwelling's relationship with Hunter's Moon. Accordingly, neither appeal proposal would appear overly dominant in relation to Hunter's Moon.
27. Due to its position and intervening screening, Fair Oaks is only glimpsed from the road via the access, and it is not possible to clearly see both it and Cornerways together from the public realm, including from the public bridleway, especially in spring and summer when the vegetation is in leaf. The vegetation and distance between the dwellings mean that the proposals would have a minimal impact on the appeal dwelling's relationship with Fair Oaks. The other listed buildings are well separated from the appeal site, and even the taller of the appeal proposals would have a limited visual impact in views along the road to or from these properties. Therefore, neither Appeal A nor Appeal B would harm the setting of these listed buildings.
28. The listed church and conservation area are several hundred metres from the appeal site. While the additional height proposed in both appeals may result in the roof being glimpsed across fields from these heritage assets, most of each development would be screened by vegetation and, in any event, other roofs are already visible in these views. Consequently, neither Appeal A nor Appeal B would harm the setting of the church or the conservation area.
29. In this context, therefore, the height, massing and understated design of both the Appeal A and Appeal B proposals would be comparable to surrounding buildings and would not appear unduly large by comparison with adjoining properties. Both schemes would maintain an appropriate size and appearance in relation to development in the local area and would not appear dominant or discordant in the street scene.
30. I am advised that planning permission is in place for a single storey rear extension to Cornerways, and concerns have been raised about the cumulative massing of this with an additional storey. There is no guarantee that the appellant would implement both schemes if either appeal proposal was allowed. However, even if they did, the rear extension would have a very limited visual impact due to its siting and the screening around the site, therefore any cumulative impact would be limited.
31. For the above reasons, neither the Appeal A nor the Appeal B proposal would harm the external appearance of the dwellinghouse. Consequently, there would be no conflict with the National Planning Policy Framework (the Framework) which seeks that planning decisions ensure that developments are sympathetic to local character and history, including the built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Amenity

Appeal A

32. The proposed Appeal A development would include first floor rear windows which would allow for some oblique views into part of the rear garden of Hunter's Moon. However, Hunter's Moon has a garage located between the main dwelling and the boundary fence with Cornerways, which extends back into the garden. This would

partly obscure views from the rear first floor windows of the proposed development. The space between the properties would also limit views into the rear garden. In any event, some degree of overlooking is already possible from the rear dormer and rooflights of Cornerways, so the change as a result of the proposal would not be significant. Therefore, I consider that additional overlooking of the rear garden of Hunter's Moon would be limited and not sufficient to be harmful to the privacy of its occupiers.

33. The respective positioning of the dwellings may mean that the increased height of the dwelling under the Appeal A scheme would result in some additional shading of Hunter's Moon. However, this would only be for a short period in the late afternoon, and would affect the frontage and garage of Hunter's Moon. Therefore, the proposed Appeal A scheme would not result in a harmful loss of light for the occupiers of Hunter's Moon.
34. The proposed development would sit above the footprint of the existing dwelling so no part would come closer to the boundary with Hunter's Moon. While the additional storey would be visible from the garden of that neighbour, the existing unrestricted outlook onto its large rear garden would be unaffected by the development. Furthermore, given the gap between the dwellings, the proposed development would not appear unduly overbearing or oppressive. It would also only be glimpsed from the front or rear habitable rooms of Hunter's Moon and would not therefore have a harmful impact on the outlook from these rooms when compared with the existing situation.
35. There would possibly be some very limited views from the rear first-floor windows of the Appeal A proposal into part of the garden of Fair Oaks when vegetation is not in leaf, however there would be no overlooking of the actual dwellinghouse due to its position relative to Cornerways. Therefore, any overlooking of Fair Oaks' garden would be minimal and not harmful to the privacy of its occupiers. Given the distance and vegetation between it and Cornerways, the development would not have any material impact on the amenity of the occupiers of Fair Oaks with regard to light or outlook.
36. Consequently, the proposed Appeal A development would not harm the amenity of any adjoining premises with regard to privacy, light or outlook. Therefore, it would not conflict with the Framework requirement to achieve a high standard of amenity.

Other Matters

37. The neighbouring occupiers at Hunter's Moon made reference to a planning application for a pitched roof on the existing garage which was apparently refused partly due for reasons relating to its location in the Green Belt. However, the GPDO does not prevent Class AA applying to dwellings in the Green Belt. Therefore, Green Belt policy does not apply to this type of prior approval procedure and so I am unable to take this into account when assessing the proposals.

Conditions

38. The development permitted by these appeals is subject to the conditions set out in Schedule 2, Part 1, Class AA, Paragraph AA.2 and AA.3 of the GPDO. These include timescales and a requirement to comply with the approved details, and a condition relating to the materials to be used. There is, therefore, no need for additional conditions in relation to these matters.

Conclusions and Recommendations

39. For the reasons given above and having had regard to all other matters raised, I recommend that both Appeal A and Appeal B should be allowed.

M Jones

APPEAL PLANNING OFFICER

Inspector's Decisions

40. I have considered all the submitted evidence and my representative's reports and agree with the reasoning and recommendations. On that basis both Appeal A and Appeal B are allowed.

L McKay

INSPECTOR