



Appeal Decision

Site visit made on 26 August 2025

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/Q3115/C/23/3326682

17 Shiplake Bottom, Peppard Common, Henley On Thames RG9 5HH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Grace Davis against an enforcement notice issued by South Oxfordshire District Council.
 - The notice was issued on 7 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer roof extension in the rear roof slope of the dwelling house.
 - The requirements of the notice are: (i) Demolish or otherwise take down all the unauthorised development and reinstate the rear roof slope of the dwellinghouse to match the rear roof slope, eaves, materials and finishes of the dwellinghouse as it stood prior to the commencement of the unauthorised development and in conformity with (a) the drawing attached to this notice (referred to and titled "rear elevation") which was submitted under the planning application ref: P02/S0688 and (b) the photo attached to the notice (referred to and titled Photo 1-rear of dwelling prior to unauthorised development) for purposes of illustration. (ii) Remove from the land all materials resulting from the works required by (i) above.
 - The period for compliance with the requirements is nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is corrected by in the heading after 'Issued by...' deleting 'South Oxfordshire Horse District Council' and substituting it with 'South Oxfordshire District Council.' Subject to the correction the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The reference in the enforcement notice heading to the name of the Council responsible for its issue is clearly a clerical error. The Council are named accurately elsewhere on the notice. Since there can be little real doubt concerning who issued the notice, there is no uncertainty. Therefore, I shall exercise the power in s176(1) of the Act to ensure that the Council name is specified accurately in the heading. There would be no injustice in doing so.
3. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

4. The main issues in this ground of appeal are:

- The effect of the development on the character and appearance of the dwelling and the surrounding area.
- The effect on the living conditions of occupiers of neighbouring residential property, having regard to privacy and overbearing.
- The consequences of refusing planning permission and upholding the enforcement notice for the appellant and their family.

Reasons

Character and appearance

5. The appeal property contains a modern, semi-detached, two-storey dwelling. The dwelling is located in an established residential area largely made up of properties of varying scale and appearance, including two storey dwellings as well as bungalows. Some properties are in a chalet-style, with flat roof box dormers including on the principal elevations. Other properties have cottage-style dormers on their principal elevations. The varied scale and roof scape of local properties contributes to the mixed suburban residential character and appearance of the environs.
6. The notice attacks a flat roofed box dormer, erected on the rear facing roof slope of the dwelling. The dormer occupies almost all the rear roof slope. The overall height of the roof is only slightly below the main roof line of the dwelling and the neighbouring attached property. The dormer is built up off the rear wall, largely obscuring the original roof profile at the rear of the dwelling and removing most of the original rear eaves. The cladding on the face of the dormer slightly overhangs the rear wall of the dwelling.
7. Due to the above factors, the dormer dominates the rear elevation of the dwelling and has substantially eroded its original roof form, as well as having upset the balanced appearance at the rear of the pair of dwellings, being viewed as an incongruous addition from the neighbouring street as well as from Shiplake Bottom. The light grey coloured cladding on the face and cheeks does little to break up the dormer's substantial profile or to integrate it visually with the original roof. This all fails to reflect the Council's Joint Design Guide Supplementary Planning Document (SPD), which advises that single, large flat roofed, box dormers should be avoided and that new dormers should, amongst other things, be set within the roof slope, sit well above the eaves line, also sitting well below the ridge line, and should be set in from the gable ends, with the size, pitch and ridge height informed by the character and appearance of the existing building and the local vernacular.
8. In addition, the dormer does not compare favourably in terms of its scale, design and external materials with other roof dormers in the locality. Whilst varying in their size, design and external finishes, such structures are generally more modestly proportioned in comparison, most being set well back from the main eaves with a much lower roof line than their host dwelling and typically occupying a smaller portion of the roof slope. There are some examples of roof dormers with contrasting external finishes. However, for the most part the colour tones of the external materials are similar to those of the rest of the roof, assisting in integrating the dormers visually with their host dwelling. Also, other dormers are generally not so high above ground level, with most being at first floor, not second floor level. The roof dormers at 2 Beech Rise (No 2) at the rear of the property sit slightly above the main roof line and are finished in white UPVC cladding but in most respects reflect the prevailing characteristics of other structures at roof level. As a result, the

dormer does not sit comfortably with the general pattern of local development and is seen as an alien feature in the surroundings.

9. Planning permission was granted in 2018 to erect a two-storey extension at the property along with a garage but has since expired¹. The approved scheme has little relevance to the visual impact of the dormer, as it relates to a different form of residential extension. Moreover, although almost certainly of more substantial scale compared to the dormer, the approved scheme would not have had the same or similar visual consequences.
10. The appellant suggested modifying the dormer as an alternative to demolition. Although this was raised in the ground (f) appeal it is more relevant to ground (a), as planning merits considerations would be involved. A photomontage of a significantly smaller dormer occupying a lesser portion of the rear roof slope was provided. Even so, in the absence of detailed drawings, it is not possible to be sufficiently certain that such modifications would overcome the harm identified. It is open to the appellant to make a revised planning application for a dormer of a more modest scale along the lines of the photomontage supplied, the final decision on which would rest with the Council in the first instance.
11. Consequently, the dormer unacceptably erodes the character and appearance of the dwelling and that of the surrounding area. This is in conflict with Policy DES1 of the South Oxfordshire Local Plan (LP), which requires new development to be of high-quality design, including by respecting the local context working with and complementing amongst other things the scale, height, type and details of the surrounding area. Also, the dormer conflicts with LP Policy DES2, which requires the design of new development to reflect features which contribute positively to local character and to enhance and complement the surroundings.

Living conditions

12. The two windows in the face of the dormer light a bedroom and an ensuite shower/WC. Views from the new bedroom window towards No 2 are limited to some extent by a substantial maturing Oak tree, protected by a Tree Preservation Order, standing close to the boundary. This is still likely to be the case when the tree is not in leaf. Besides, as the side of No 2 is open to public view, the level of privacy experienced is not the same as what might reasonably be expected in more private spaces, i.e., a rear garden. The ensuite window is fitted with obscure glazing. SPD advice relating to separation distances between new dwellings has little bearing in relation to residential extensions. As a result, the dormer has not significantly eroded levels of privacy enjoyed by occupiers of the neighbouring property.
13. The dormer is readily apparent in views from No 2 but it is not experienced as an especially overbearing feature. The dormer is some distance from the boundary with No 2. Also, No 2 is at a significantly higher ground level.
14. Therefore, whilst I have given careful consideration to the representations made by an interested party, in my view the dormer does not unacceptably erode the living conditions enjoyed by the occupiers of neighbouring residential property. There is no conflict with LP Policy DES6, which requires new development to not have significant adverse impacts on the amenity of neighbouring uses in relation to loss of privacy or light, and dominance or visual intrusion. Also, there is no inconsistency in this respect with the SPD, which advises that residential extensions should not unacceptably harm the amenity of future and existing adjacent occupiers.

¹ Council Ref: P17/S1939/HH

Consequences for the appellant and their family

15. Article 8 of the Human Rights Act 1998 affords individuals the right to respect for their private and family life and home. The right is qualified, such that interference may be justified where it is in accordance with the law and in the public interest. Where the Article 8 rights are those of a child, Article 3(1) of the United Nations Convention on the Rights of the Child requires that child's best interests to be a primary consideration.
16. According to the appellant, they would have to vacate the property during the remedial works if the appeal were to be dismissed and the notice upheld, in the interests of the health, safety and wellbeing of their young child. However, I find it difficult to reconcile this claim with the relatively modest scale of the works. Since such works would usually largely be confined to the roof, most habitable space in the dwelling would not be significantly affected. In my experience, roof alterations of a similar scale are often undertaken whilst the occupiers are in residence. Accordingly, the appellant's child would not have to live in unsuitable conditions if they remained at the property during the works.
17. It is not part of the appellant's case that their child is facing unusual or especially challenging personal circumstances, such as, for example, an acute health condition, which would be adversely affected by the works. Although the works would undoubtedly be costly for the appellant, based on the estimate provided, there was no suggestion that they would be exposed to a greater risk of losing their home as a result. Therefore, the remedial works should not, in my view, significantly disrupt the child's stable home life and the limited interference in their Article 8 rights would be proportionate in the circumstances.

Conclusion-Ground (a) appeal

18. The dormer harms the character and appearance of the dwelling and the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (f) appeal

19. The ground of appeal is that the requirements of the notice are excessive.
20. An enforcement notice can have the purpose of remedying the breach of planning control, including by requiring the affected land to be restored to its condition before the breach took place, and/or it can have the purpose of remedying any injury to amenity caused by the breach.
21. It is clear on the face of the notice that its purpose is to remedy the breach. By complying with the notice steps, including demolishing the unauthorised dormer and reinstating the original rear roof slope, the property would be restored to its condition prior to the breach taking place.
22. Whether modifying the unauthorised dormer would overcome the planning objections is dealt with in the ground (a) appeal. In the context of ground (f), any variation to the steps which stopped short of requiring the unauthorised dormer to be demolished and the original rear roof slope reinstated would not restore the property to its condition before the breach took place and so would not achieve the purpose of the notice. In particular, steps which provided for the unauthorised dormer to remain in a modified form would sustain part of the breach.
23. Therefore, the notice steps are not excessive; they are proportionate, being the minimum works necessary to remedy the breach. The ground (f) appeal fails.

Ground (g) appeal

24. The ground of appeal is that the period allowed for complying with the notice requirements is too short.
25. Demolishing the unauthorised dormer and reinstating the rear roof slope would be a small-scale and relatively straightforward task for a suitably experienced building contractor. No specialist plant or equipment would be needed and the remedial works are unlikely to take more than a couple of months at most to complete. There are likely to be a significant number of suitable contractors who would be available to undertake the works given a reasonable period of notice. There is no firm evidence of a marked shortage of contractors, of clients experiencing lengthy waiting times before works can commence, or of long delays experienced in procuring building supplies.
26. The works are likely to have a significant adverse effect on the appellant's finances. Even so, there is no firm evidence which might indicate that securing any necessary funding would be particularly difficult for the appellant or that such arrangements could not be made fairly quickly. Nine months also provides sufficient time to explore the submission of a revised planning application along the lines set out above.
27. Accordingly, the compliance period is not too short and is reasonable. An appropriate balance is struck between remedying the breach as soon as practicable whilst also not placing a disproportionate burden on the appellant. Extending that period on the other hand would do little more than perpetuate the breach. In particular, extending the compliance period to two years would blunt the urgency of taking enforcement action and would be tantamount to a grant of temporary planning permission. The ground (g) appeal also fails.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR