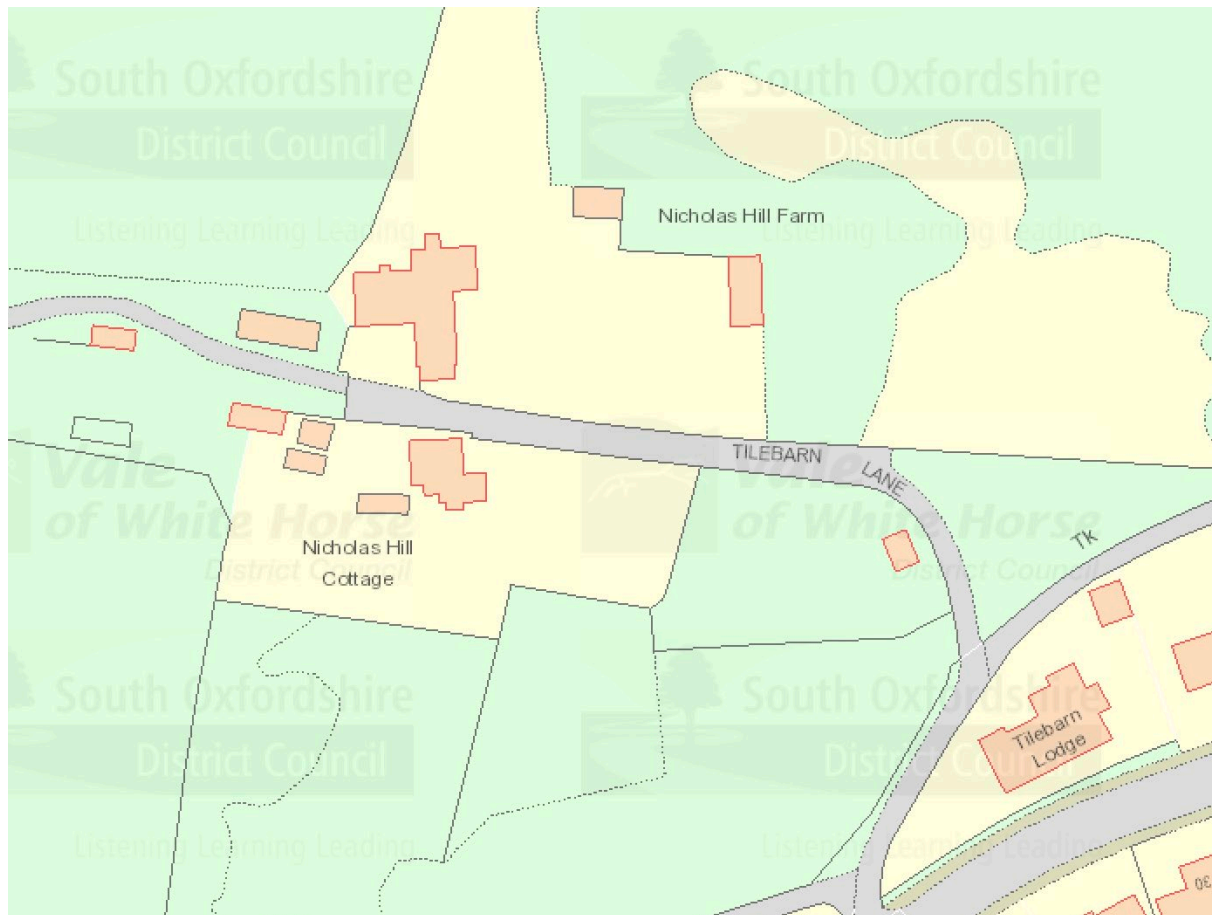


## Appeal Statement

***Replacement of existing dwelling with new self-build dwelling  
and garage.***

***Nicholas Hill Cottage Tilebarn Lane Henley RG9 1RN***

***March 2026***



Neil general notes:

Part of lower ground floor is basement

Check your font sizes – some is 11 and some is 12

Check over the areas I've put in and %s as I may be incorrect.

Planning permission for the above proposal was refused by the Council for the following reasons:

1. The proposed replacement dwelling would be of considerably greater scale, height and prominence than the existing house and other dwellings in the locality which lie within the Chilterns National Landscape. The proposal would result in adverse impacts on the character of the site and the National Landscape and on local views, and would be contrary to Policies ENV1, DES1, DES2 and H18 of the adopted South Oxfordshire Local Plan 2035 and Policy SD3 of the Henley and Harpsden Neighbourhood Plan, and the duty set by Section 85 of the Countryside and Rights of Way Act 2000. In addition, the proposal does not meet the high test to conserve and enhance the landscape and scenic beauty of the National Landscape required by paragraph 189 of the National Planning Policy Framework.

2. That, particularly having regard to its increased height and bulk, the proposed replacement dwelling would have an overbearing effect on the neighbouring property to the north. The development would therefore be intrusive and unneighbourly, and detrimental to the amenity of occupants of that property, and contrary to policy DES6 of the adopted South Oxfordshire Local Plan 2035.

## **Policies**

### **South Oxfordshire Local Plan 2035**

ENV1 Landscape and Countryside  
DES1 Delivering high quality development  
DES2 Enhancing Local Character  
H18 Replacement Dwellings

#### **Policy H18: Replacement Dwellings**

1. Proposals for the replacement of an existing dwelling located outside the built-up areas of settlements will be permitted provided that: i) the residential use of the existing dwelling has not been abandoned.  
ii) the existing dwelling is not subject to a temporary or time limited planning permission; iv) within the Green Belt, the proposed replacement dwelling is not materially larger than the dwelling it replaces\*; and  
v) the proposal can demonstrate that satisfactory vehicular access and parking arrangements and adequate amenity areas are retained for the replacement dwelling.

Note: there is no Para iii in the policy above

The supporting text is as follows

*4.84 In the Green Belt, replacement dwellings should not be materially larger than the dwellings they replace. The Council will, therefore, normally only grant planning permission for the replacement of a dwelling within the Green Belt which is not materially greater in volume than the dwelling it replaces, taking into account any permitted development rights which remain unused. Not materially greater in volume means that, in addition to any unused permitted development*

*rights, an increase of up to, but no more than, 10% in volume may be acceptable provided that the overall impact would not be any greater than the existing dwelling on the character and appearance of the site and the surrounding area. Where the existing dwelling has garage accommodation, which is to be demolished, applications for the replacement dwelling should also include replacement garage accommodation or the volume of the replacement dwelling should be reduced commensurately. 4.85 Where planning permission is granted for a replacement dwelling with a volume which is inclusive of permitted development rights, the Council will impose a condition removing permitted development rights for extensions/ additions to the new house. Where applications are submitted to extend replacement dwellings, the Council will take into account the size of the dwelling it replaced. In all cases, the Council will seek to ensure that the new dwelling does not have a greater impact on the character of the site and its surroundings than the existing dwelling due to its scale, size, form or materials used. In the Areas of Outstanding Natural Beauty, the Council will give great weight to conserving and enhancing the natural beauty of the area, wildlife and cultural heritage.*

## **Henley and Harpsden Neighbourhood Plan**

### SD3 Local Character

Policy SD3: Local Character Development proposals should respond positively to the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height and massing. In particular, they should demonstrate high quality, sustainable and inclusive design and architecture that respects the relevant Character Area, as shown in the Conservation Area Appraisal Management Plan.

- a) Development proposals should have regard to the importance of responding creatively to, and where practicable enhancing, the setting of the surrounding area, having regard to the character of adjacent buildings and spaces, including scale, orientation, height and massing.
- b) For each of the respective Character Areas identified on the Policies Map, proposals should respect the design, use of materials and views identified in the Character Area.
- c) High quality materials should be used that respect the local setting and contribute positively to the particular Character Area or Conservation Area or the general surrounding area if outside of these designations.

## **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

### Issues

The Council identified the following issues:

- Principle of development
- Design Character and impact on the landscape
- Residential amenity
- Access and parking

## Drainage

### Principle of development

The Officer's delegated report indicates that the principle of development is unacceptable due to the size of the replacement dwelling. It states that ***in all cases the Council will seek to ensure that the new dwelling does not have a greater impact on the character of the site and its surroundings than the existing dwelling due to its scale, size, form or materials used.*** We have reproduced the Policy H18 and the supporting text and are not able to find any reference that the Council can rely on when making this statement. The Policy and the supporting text reference the size of replacement in the Green Belt but we see no reference to any restriction of size under any other designation. Equally the supporting text is silent in respect of other designations and the restrictive size of the dwellings arising therefrom.

This is a fundamental misinterpretation of policy, and we note that it reflects on the assessment of the other factors that the Council consider later in the report. Particularly in respect of the potential for impact on the landscape where the paragraphs continually reference the materially different sizes between the two dwellings existing and proposed. The harm that the Council identify arises from the premise that the replacement house does not meet the requirements of H18 and the need therefore to find harm to support the in-principle objection.

### Impact on the National Landscape

This assessment has a number of elements:

- 1) The impact of the proposal on the Farmhouse adjacent in terms of size and history.
- 2) The impact on longer views to the site and the change that would occur as a result of the replacement including the impact of existing topography and vegetation on the replacement proposals

#### 1. History of the house now at Nicholas Hill Farmhouse.

Before assessing the impact on the area it is important to put the site and surroundings into perspective. There are two houses in close proximity of each other, Nicholas Hill Cottage and Nicholas Hill Farmhouse, one either side of the track. Nicholas Hill Cottage owns approx. 15 acres of the farmland around the site, whereas the Farmhouse owns only the curtilage around it.

The plan below shows the two houses as a block plan. The Farmhouse once was a pair of farmworkers cottages not dissimilar to that adjacent, the subject to this appeal as seen by the plan accompanying the 1982 application below and included in their design statement.

There have been a number of applications since 1982 each one allowing an extension to the house or garage or pool

The history is as follows:

P82/S0424 Extensions and alterations to enlarge existing dwelling (and provide staff accommodation).

P03 /E0807 Erection of rear porch and infilling of covered way to form utility room. Replacement of rear mono-pitched roof with glazed roof,

P04/0397 Demolish single storey extension and replace with two storey extension. Amend front entrance with porch. Re-form embankment to north side of dwelling

P06/E1382 Detached triple garage and pool house.

P07/E0801 Detached single storey pool plant room, store and covered eating area.

The house has been in the AONB for the whole of this time, none of the applications were found to conflict with the openness and attractiveness of the AONB/Countryside. The Farmhouse is now approx. 382m<sup>2</sup>. The shed and pool house is not included in this figure. Whilst we accept the argument that all cases are made on their merits, the size of the house, its massing and height are material considerations when assessing the impact of this dwelling on the National Landscape. Also, when considering whether a replacement dwelling of the size proposed can be refused on impact grounds given a house, within metres, has been allowed to grow to a similar size incrementally.

The footprint of the Farmhouse at the time when it was a pair of modest cottages measured 54m<sup>2</sup> and has grown to around 190m<sup>2</sup> footprint plus 81.5m<sup>2</sup> for the pool house and shed around a 250% increase, not dissimilar to that proposed. We do not agree with the Council's percentages (188m<sup>2</sup> existing, including outbuildings and 338m<sup>2</sup> proposed) which is approx. 179% increase. Everything the Council is criticising in size and mass of the proposed building has already been allowed on the House only metres away from it.

On this basis, and on the basis that the policy approach to the AONB/National Landscape has not materially changed over the years since the 1980's, all we are doing is the same as already has been allowed on the house adjacent, but slightly smaller. We are being entirely consistent with the planning history of the area. There is no criticism from the Council that the cumulative bulk of the two buildings causes harm and so this cannot be a consideration.



## The relationship between the houses

Para 6.3 of the delegated report details the policy background and although not clearly expressed seems to imply a criticism of the proposed house on that basis the existing is modest and 'does not present itself significantly on the surrounding area'.

It goes on and states the new dwelling would be larger and different looking with a larger footprint and as such *it runs contrary to the form and appearance of the neighbouring building which has historically been read in conjunction with, as a secondary building to the larger farmhouse....the replacement dwelling would not respond well with the character and form of the surrounding built form and by reason of its form and appearance of its height bulk and length of ridge would adversely impact the character of the rural area'*

The writer has made some assumptions about the history of the site and has not fact checked themselves. They have assumed that the Nicholas Hill Farmhouse has 'historically been the predominant building and the Cottage is the subservient one of the pair. As stated, and shown above, the neighbouring 'Farmhouse' was in fact two small farm-worker's cottages that was developed from 1982 into the large house that it is today. I would suggest that the word historically does not apply to 1980's development.

Given the evidence above the statements are fundamentally incorrect and the rationale that the Cottage was the smaller subservient dwelling is wrong. Therefore, the character and form assumption, the smaller house clashing and competing with the larger as seen is also wrong. If anything, the situation is the other way round and that now we have the larger house, the Cottage growing back to the status that it once assumed and was overtaken by development in last twenty years of the last century.

There is no criticism of the architectural design of the house, other than perhaps the long ridge but that comes from the design on the hillside.

2. The impact on longer views to the site and the change that would occur as a result of the replacement including the impact of existing topography and vegetation on the replacement proposals

As can be seen in the photograph in the delegated report, and as will be seen on the site visit, the site is well enclosed by mature vegetation. The photograph either deliberately or not does not show the existing houses or the housing estate dwellings on Deanfield Road set much higher than both dwellings to the south. So, it is hard to see the context or perhaps understand how well screened the houses at Nicholas Hill actually are.

The site is located in the bottom of the valley and effectively, including the 15 acres of land with the Nicholas Hill Cottage forms a large bowl. There is housing to the south at a higher level. There is housing to the west again at a higher level. The two houses sit in that context, and the wider impact is extremely localised

There are houses to the south and what was paddocks between the pair of houses and the residential road. To the north is a large coppice that formerly

contained pig styes and other farm buildings all belonging to the Cottage not the Farmhouse. There are no views from the higher land to the north from Pack and Prime Lane over the site.

There are also domestic buildings proposed to be removed as part of this application to reduce the clutter of the site. Long views into and out of the site are very limited. All the land around is owned by the appellant and there are plenty of areas that can be landscaped especially to replace the two garden trees proposed to be lost. The contours of the land that the Council are indicating makes the situation worse as it raises the house level also continues upwards and forms a screen to the development from the west.



#### Impact of glazing on the National Landscaping

The design of the house is 'modern'. It incorporates design that is encouraged indeed essential from a sustainability point of view. Lack of reliance on artificial heating by allowing more light into properties etc. All glazing would have to be considered within the insulation requirement of Building Regs to come within the requirement of the Council policy background. It is hard to decipher the sense in the Council's criticism of the amount of glazing. They suggest that at nighttime the owners of the house will turn on all the lights and allow open views into the house from the footpath so clearly pointed out by the Council in making other parts of their case. They suggest that people are going to be living in a goldfish bowl type existence where they have no privacy and wantonly pollute the surrounding wider National Landscape with light. We look forward to the evidence produced to support the light pollution issue. As we have seen nothing as yet.

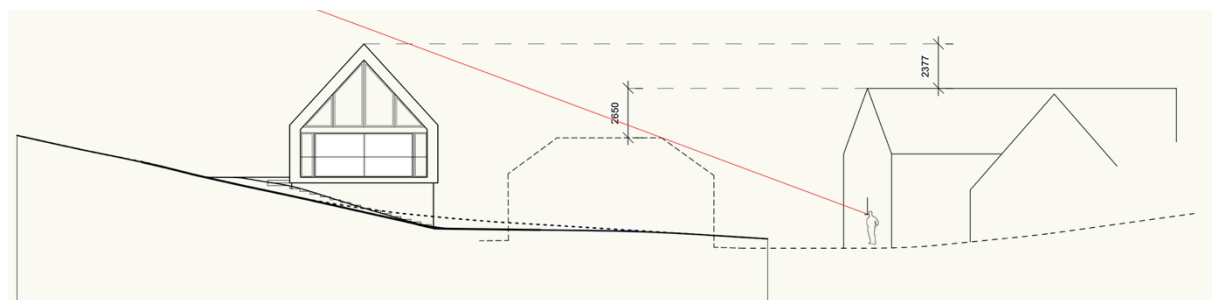
Planning law and decisions are made on the grounds that people will act reasonably. Such extreme allegations such as these have no basis or likelihood. They do not seem

to have heard of curtains for instance which 95% (or more) of all houses in the country have and use. But the Council want to believe and convince others that the owners of this house will behave as per the minority. It is baseless and also casts doubt on all other arguments that they promote to seek to justify the refusal.

## Residential Amenity

The Council have put in their report the section drawing that we submitted with the application. We submitted this as it clearly is not unhelpful to our case. However, the Council have been selective in the information they seek to make a deal of and which they consider helps their case. They concentrate on the fact that the proposed house is higher than both the neighbouring house and the existing. They are correct. However, they for some reason do not mention that the neighbouring house is over 2m higher than the existing. They do not mention that the neighbouring house is only 10m from the neighbour as well. They do not mention that the existing house overbears (based on their consideration) on The Cottage. They do not mention that the proposed dwelling although higher is 21m away from the Farmhouse and that the change in height of the dwellings is as a result of taking the house further way and further up the slope. There is no reasoned assessment.

They have not made the measurement in respect of the impact on the house. I attach the same section but showing a person standing in the front window nearest to the existing house. You will see that the existing house has more of an impact on that window than the proposed house. There is no accusation of loss of light or overshadowing but only overbearing. Overbearing is when a building is so close and high that it feels you are walking down an alley way with walls dominating views and feeling oppressive. The reality is there no overbearing as a result of the new dwelling being higher



Section AA - Site section as proposed

## Access and traffic

No objections from Council

## Drainage

No Objections

There is no conflict with H18 either in the text or policy itself.

The neighbouring house at Nicholas Hill Farmhouse has grown by extension and none of the applications were considered by officers to adversely affect the AONB, individually or

cumulatively. The existing neighbours house is approximately the same size as that proposed and has arisen from a smaller starting base than the proposals subject of this appeal, being two small workers cottages.

The Council have erred in that they considered the Farmhouse to have been the dominant building, but it is the other way around with the Cottage owning all the farmland. They indicated that the Farmhouse was historically the preeminent house. This is wrong.

The new house will have little impact on the wider national landscape. It is lower than all other housing in the locality apart from the neighbouring house being in the bottom of the valley. It is well screened by existing landscaping. It is screened by the topography as well being in the valley. All the land around I owned by the appellant.

There is no impact on the neighbouring house by reason of overbearing. The orientation of the neighbouring house is not towards the proposed house.