
Appeal Decision

Site visit made on 15 November 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 December 2016

Appeal Ref: APP/R0335/D/16/3160046

2 Moss End Cottages, Bowyers Lane, Warfield, Bracknell RG42 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Wilkins against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00466/FUL, dated 12 May 2016, was refused by notice dated 2 August 2016.
 - The development proposed is the construction of a single storey rear extension as part of a dual application with neighbouring property.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension as part of a dual application with neighbouring property, at 2 Moss End Cottages, Bowyers Lane, Warfield, Bracknell RG42 6EP in accordance with the terms of the application, Ref 16/00466/FUL, dated 12 May 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13-171-01 SURVEY Floor Layout Plans; 15-171-13 SCHEME PROPOSALS Plans & Elevations.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt, and;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
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Reasons

Whether inappropriate development

3. The Council refers to Policy CS9 of its Core Strategy 2008 (CS) and to saved Policy GB1 of its Local Plan 2002 (LP). Policy CS9 seeks to protect the Green Belt from inappropriate development. Policy GB1 says that approval will not be given for any new building in the Green Belt unless it is acceptable in scale, form, effect, character, and siting, would not cause road safety or traffic generation problems and is for one of several purposes, including the replacement, alteration, or limited extension of existing dwellings.
4. While the sub-text of saved Policy GB1 refers to disproportionality and describes this as normally being extensions exceeding 40% of the gross floor area of the original building, it is more prescriptive than the National Planning Policy Framework (the Framework) and therefore not entirely consistent with it. Annex 1 of the Framework says that the weight accorded to policies in plans should accord with their degree of consistency with it. This therefore limits the weight I can attach to this policy.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. A number of exceptions to this are set out in paragraph 89 of the Framework. Of these, the most relevant to this case is that which allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. The Council measures the gross floor area of the original dwelling as 68.1m², to which it says, an extension of 47.7m² was added following a consent in 1997, resulting in an increase of around 70% over the original dwelling. The proposed extension in this case, of 11.6m², would make the extended dwelling around 87% greater than the original. The Council considers that as the proposal would connect the outbuilding to the house, then its floor area should be included in the area of the extensions. However, notwithstanding this, and comparing the original building to the one that would result if the proposal were to go ahead even without accounting for the outbuilding, the outcome would be disproportionate. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt, and contrary to CS Policy CS9.

Openness

7. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The present arrangement of space on-site concentrates development, including garden sheds, alongside the boundary with the adjoining neighbour, retaining a good degree of openness around the house. Whilst there is an outbuilding of substantial size relatively close behind the house, it is separated from it by a gap, which retains the open spatial aspect and allows views through to areas beyond the enclosing site boundary. The roof of the proposed extension would also be visible from the Maidenhead Road.

8. I note that the proposed extension would reflect the eaves and ridge heights of the outbuilding, and there would be no visual intrusion into the openness of the Green Belt. However, the increase in the volume of development on the appeal site when compared with the existing situation would reduce the amount of undeveloped built form in the gap between the dwelling and the outbuilding behind the house. This would diminish the openness of the Green Belt. This weighs against the proposal.

Other considerations

9. The Framework advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
10. The appellants suggest that there is potential to provide an alternative, single-storey rear extension under permitted development, which the Council does not dispute. The appellants have not provided me with a Certificate of Lawful Development to this effect. However, given the difference between the potential development under permitted development and the scheme in this appeal, and the fact that the appellants' development plans are advanced and have been prepared in consultation with the adjoining neighbour's proposals, the prospect of the fall-back extension being realized is a factor to which I accord considerable weight.
11. Such an extension would reach to within around 200mm of the outbuilding, and the appellants claim, could have a ridge 200mm higher and an eaves 900mm higher than the proposal for which planning permission is sought. Taking into account the rear dormer in the roof of the house, I doubt such a high extension would be implemented. However, developing a roof which would stop just short of the outbuilding roof-slope would make the visual relationship between the roofs awkward and the gap between the external walls of the buildings peculiar. The resulting development would, in my opinion, cause more harm to the openness of the area around the house by visual intrusion than the loss of open space by a development which would join the house to the outbuilding in a substantially more sensitive form, and which would be shorter than might otherwise be the case.
12. Substantial harm arises from inappropriate development in the Green Belt. However, in this case I attribute considerable weight to the prospect of the construction of the alternative scheme under permitted development, which would be significantly less visually sensitive than this proposal. Balanced against the very moderate harm to openness which I have identified, very special circumstances do exist in this case to justify inappropriate development in the Green Belt.

Conditions

13. To provide certainty, in addition to the statutory time condition, it is necessary to impose a condition requiring the development be carried out in accordance with the approved plans. Given the sensitivity of the surrounding landscape it is necessary to control the external facing materials. However, noting the arrangement of openings and space in the adjoining neighbour's plot, I see no

necessity to tie this proposal to the implementation of the adjoining neighbour's proposal.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR