

Appeal Decision

Site visit made on 21 December 2016

by Ian McHugh Dip TP MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/T0355/D/16/3159482

3 Golden Ball Lane, Pinkneys Green, Maidenhead, SL6 6NW

- 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 Nigel Braithwaite against the decision of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01700, dated 19 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is a two storey side and rear extension to end terrace house.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy.
 - Its effect on the openness of the Green Belt and on the character and appearance of the area.
 - If found to 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 the development.

Reasons

3. The appeal property is a small two storey end-of-terrace dwelling. It is situated within a group of other dwellings that are positioned along either side of Golden Ball Lane. The site is within the Green Belt.
 4. The proposal is to construct a two storey side and rear extension, which would provide a family room, lobby area, wc and utility room on the ground floor and a bedroom with en-suite at first floor level. An existing dilapidated garage and a small lean-to at the rear of the dwelling would be demolished.
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5. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as being inappropriate in the Green Belt unless it meets with one of the listed exceptions. The list includes 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. Policy GB4 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 2003 (LP) is consistent with the Framework in that regard. Furthermore, Policies GB1 and GB2 of the LP seek (amongst other things) to prevent inappropriate development within the Green Belt and to maintain its openness.
6. Policy GB4 does not provide a specific limit as to what would constitute a disproportionate addition and it states that each case will be assessed on its merits, having regard to (amongst other things) the building, the site and its surroundings. It does, however, state that floorspace will be a guiding factor.
7. In this case, the evidence before me is that the proposal would result in an addition, which would equate to a floorspace increase of just over 70%, when compared to the original dwelling. I note that this figure is lower than the Council originally calculated when it determined the application. However, in my opinion, I consider that such an increase would be disproportionate and, therefore, the proposal would amount to inappropriate development within the Green Belt. Accordingly, the proposal would conflict with Policy GB4 and with the Framework, as referred to above.
8. The Framework advises (paragraph 87) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I therefore attach substantial weight to the harm arising because of the inappropriate nature of the appeal development (as required by paragraph 88 of the Framework).

Openness, Character and Appearance

9. Paragraph 79 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The concept of openness has both a spatial and visual dimension. In this case, the proposal would result in both a substantial area and mass of new building where none exists at present (apart from a small section of the existing garage). In any event, the removal of the garage would not mitigate against the effect of the proposal as it is a relatively small and dilapidated structure.
10. The visual impact of the development would be partially reduced because of the restricted nature of the site, boundary vegetation and the set-back of the front wall of the extension. Nevertheless, in my opinion, the proposal would be harmful to the openness of the site and the Green Belt. This adds to the harm that I have already identified in paragraph 7 above.
11. The proposed extension would be sympathetic to the existing dwelling in terms of its design and materials. It would also be of a style that would be in keeping with the other properties on the northern side of Golden Ball Lane. Accordingly, the proposal would not be harmful to the character or appearance of the appeal property or its surroundings.

Other Considerations

12. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
13. I have concluded that the appeal proposal is inappropriate development and therefore, by definition it would be harmful to the Green Belt. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have also concluded that there would be harm to the openness of the Green Belt.
14. The appellant refers to the Council's processing of the planning application and in particular its initial inaccurate assessment of the floorspace of the proposed extension. It is also argued that there would be little impact on the openness of the Green Belt because of the existing screening; the narrow gaps between properties on Golden Ball Lane; and the removal of the existing garage. It is also stated that the appeal site is not within a conservation area. Furthermore, I have taken into account the perspective drawings of the development, which, in the appellant's opinion, present an accurate representation of the proposal.
15. I have already considered matters relating to floorspace and openness in my reasoning above. In my opinion, the other considerations do not, either separately or cumulatively, clearly outweigh the harm by reason of inappropriateness and the other harm identified. As a result, the very special circumstances that are required to permit the development do not exist. The appeal development would therefore conflict with the provisions of the Development Plan and with the Framework, as referred to above.

Conclusion

16. For the reasons given above, it is concluded that the appeal should be dismissed.

Ian McHugh

INSPECTOR