

Appeal Decision

Site visit made on 6 December 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/T0355/W/16/3155315

Longlea, Fifield Road, Fifield, Maidenhead SL6 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Rowen Atkinson of Atkinsons Private Nursing Homes against the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/01090, is dated 8 April 2016.
 - The development proposed is alteration and roof extension of the existing care home (C2 use) to provide assisted living flats (C2 use).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to the emerging Draft Borough Local Plan. This is currently the subject of Regulation 18 consultation and therefore its draft policies carry little weight at this time.

Main Issues

3. Within its appeal questionnaire documents, the Council sets out what its reasons for refusal would have been had it been in a position to determine the application. These relate to the proposal's impact upon the Green Belt and the loss of privacy for a neighbouring residential property.
 4. I therefore consider the main issues to be:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt,
 - ii) The effect of the proposal on the openness of the Green Belt;
 - iii) Whether the proposed development would safeguard the living conditions of the occupiers of the neighbouring residential property (Lle Hyfryd), with particular regard to privacy.
 - iv) If the development is inappropriate within the Green Belt, would this harm, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
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Reasons

Inappropriate development

5. Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 sets out the Council's general approach for considering proposals in the Green Belt including the forms of development that would not be inappropriate. Policy GB2 set out further Green Belt criteria. The National Planning Policy Framework ('the Framework') is more up to date in this respect. Paragraph 89 includes 'not inappropriate' development to include 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 appellant has provided calculations referring to the increase in floor area above the size of the existing building. However, paragraph 89 of the Framework specifically refers to the original, rather than the existing building. The *original building* is defined in Annex 2 of the Framework as *a building as it existed on 1 July 1948, or if constructed after 1 July 1948, as it was built originally*.
7. The appeal building has been significantly extended on several previous occasions. The Council calculates that the currently proposed extension, when added to previous extensions, would result in an approximate cumulative 225% increase in floor space over the size of the original building. Whilst there would be no increase in overall footprint (indeed this would be slightly reduced through the demolition of the existing conservatory) I consider that the proposal would result in a substantial increase in the massing of the rear section of building above the existing ground floor accommodation, including the creation of flat roofed two storey section. In addition to previous extensions, this represents a very significant cumulative increase in its size, which I consider would amount to a disproportionate addition over and above the size of the original building. The proposal would therefore amount to inappropriate development within the Green Belt.
8. The Framework makes clear that the Government attaches great importance to Green Belts and that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. As referred to above, the proposed extensions would not increase the overall footprint of the development. Nevertheless, the proposal would increase the height, bulk and massing of a large part of the building through the addition of first floor accommodation. Whilst the extended part of the building would still be lower than the existing front section, the increased bulk and massing would be significant.
10. I note that the site is located at the edge of a cluster of existing buildings and the proposed development would not be visible from the road. However, the fact that the proposed development is located amongst or close to other buildings, or is not prominent in public views does not mitigate against the impact upon the openness of the Green Belt that would result from the increase in height and massing of a substantial part of the building. An increase in the height of an existing building can have an impact on openness even though there is no increase in its footprint.

11. On this basis the proposal would result in moderate harm to the openness of the Green Belt in this location. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Living conditions

12. The proposals would include first floor side facing windows and associated first floor terraced areas in the south elevation of the building, close to the side boundary of the site. An existing residential property (Lle Hyfryd) is located on the opposite side of this boundary. Whilst there is an existing hedge adjoining this boundary, it appears to me that the side windows and terrace areas would have direct views over the outdoor amenity area and side French door windows of the adjacent residential property. Given the close relationship of the two properties, I consider that this would be likely to result in an unreasonable loss of privacy for the occupiers of Lle Hyfryd.
13. The proposal would therefore result in an adverse impact on the living conditions of the occupiers of the neighbouring property, contrary to the amenity aims of paragraph 17 of the Framework.

Other considerations

14. The appellant states that there is a need for the proposed development because the proportion of elderly persons within the population of Berkshire is high and expected to grow resulting in a greater demand for care facilities for the elderly and the requirement for choice in the type and level of care provided. Paragraph 7 of the Framework highlights the social role of sustainable development including providing for the needs of present and future generations. The Framework also seeks to encourage healthy and inclusive communities.
15. Nevertheless, whilst I acknowledge the general overall trends in respect of accommodation for the elderly, the appellant has not provided any detailed substantiated evidence to support the need for additional accommodation in this location or to show that there is not sufficient availability in terms of other suitable sites where additional accommodation for the elderly could be provided which do not result in harm to the Green Belt. I also note that the scheme is intended to update the existing building into a more appropriate configuration, though no further details are provided for why the extensions are essential to do this. I have therefore given only moderate weight to these arguments.

Conclusions

16. I have found the proposal to represent inappropriate development which would have an adverse impact on the openness of the Green Belt. In accordance with the Framework I have given this harm substantial weight.
17. I have given moderate weight to the provision of additional accommodation for the elderly and adding to and updating the existing facilities upon the site. However, this would not clearly outweigh the harm resulting to the Green Belt and the harm arising from the adverse impact upon the privacy of the occupiers of the neighbouring residential property. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

18. Policy GB1 of the Local Plan is not wholly consistent with the Framework and is therefore not up to date, though its overall aims are generally consistent with the Framework. I have found that the proposed development is not in accordance with either policy GB1 or the Green Belt aims of the Framework.
19. In circumstances where relevant policies are out-of-date, the Framework indicates that permission should be granted, unless there are specific policies in the Framework (such as land designated as Green Belt) which indicate that development should be restricted. Green Belt policy indicates that development should be restricted in this case. Overall, therefore, the proposal does not represent sustainable development.
20. Therefore, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR