
Appeal Decision

Site visit made on 12 January 2017

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/R0335/D/16/3161645

Queenswood House, Drift Road, Winkfield, Windsor, SL4 4RL.

- 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 A Morev against the decision of Bracknell Forest Council.
 - The application Ref. 16/00543/T/RTZ, dated 1 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is the erection of a garage for a temporary period of 2 years.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary period of two years for the erection of a garage at Queenswood House, Drift Road, Winkfield, Windsor, SL4 4RL, in accordance with the terms of the application, Ref. 16/00543/T/RTZ, dated 1 June 2016, and the plans submitted with it, subject to the following condition:
 - 1) The garage hereby permitted shall be retained for a limited period of up to two years from the date of this decision. At the expiry of that period the garage shall be removed from the land and the land restored to its former condition.

Preliminary matter

2. Representations made by local people raise concern about the extent of the application site, as defined by the red line on the location plan, and suggest that this extends far beyond the established residential curtilage of the property. On the evidence before me I am unable to make a determination on this but it appeared to me at the site visit that the actual location of the proposed garage is within the close residential curtilage of Queenswood House. Therefore, concerns about the wider area of the site can be clarified in the reasoning of the decision.

Main Issues

3. The main issues are whether the erection of the garage constitutes inappropriate development in the Green Belt; the effect on its openness and on the character and appearance of the area.
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Reasons

Background

4. The appeal site contains a modest detached house situated in its own garden and with other open land with mature trees about it. The surrounding area is a mixture of woodland/heathland on the north-east side of Drift Road and scattered individual houses, mostly in large grounds, and a mobile home park, to the south west side of the house. The site and surrounding land forms part of the Green Belt
5. It is proposed to erect a garage building for a temporary period of two years. The appellant's agent says that the structure is needed to replace the previous garage that has now been demolished because of its poor state. Further, the new garage has already been put up and the appellant's agents says that it is needed for a temporary period while the owners apply for planning permission for a replacement dwellinghouse. The garage measures 6m by 4m by 2.5m high and is constructed in a timber frame with a semi-transparent plastic covering, and is used for the storage of garden equipment rather than vehicles.
6. At my site visit I noted the presence of the temporary building and the other concrete footings and metal stanchions around the driveway.

Whether inappropriate development and the effect on openness

7. Saved Policy GB1 of the Bracknell Forest Local Plan (2002) indicates that new buildings in the Green Belt will not be approved except in very special circumstances unless it is for, amongst other categories, 'the construction of a domestic outbuilding which is incidental to the enjoyment of an existing dwelling'. However, this restriction on 'inappropriate development' in the Green Belt is not consistent with the more recent National Planning Policy Framework (NPPF). The NPPF sets out in paragraph 89 that the construction of new buildings should be regarded as 'inappropriate development' unless the work falls within the stated exceptions. The relevant one to this appeal is 'the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces'.
8. Although the previously existing garage has now been demolished, the appellant's photographic evidence shows that this was in a poor state structurally. Further it appears to me that the proposed garage is very similar in size to that building and I consider that it would not be materially larger. Nor would the proposed structure have an effect on the openness of the Green Belt as it would have about the same apparent bulk although sited in a different position within the garden of the property.
9. Overall, I find that the building now proposed would not be 'inappropriate development' as defined by the NPPF and would not harm the openness of the Green Belt.

Effect on character and appearance

10. On the face of it the proposed building with a plastic membrane covering would not be of a design or overall form consistent with the local vernacular and the structure would be sited at the front of the site forward of the existing dwelling.

However, I noted at my site visit that there is a high evergreen hedge along the site frontage and the access is gated with solid gates, therefore the garage structure is not prominent and is hardly seen from the public realm.

11. As the structure is only intended to be located there for a limited period I consider the visual harm created by the cladding material to be very limited and acceptable on a temporary basis.

Planning Balance

12. Bringing together the conclusions I have reached on the main issue, I have found that the proposal accords with the government policy in the NPPF and that more weight should be given to this material consideration than the saved Policy GB1, or the more general policy put forward in Policy CS9 of the Core Strategy. The proposal is not 'inappropriate development' in the Green Belt nor does it harm its openness. I have also found that the screening of the site means that the proposal will only cause very limited harm to the character and appearance of the area and this is acceptable on a temporary basis.
13. These factors are not outweighed by any other considerations and I will therefore allow the appeal. Given my comments in paragraph 2 above I must make it clear than any temporary permission for the erection of the garage in the position indicated on the submitted 'site layout' plan and this decision has no bearing on any of the other building or uses shown on this plan or the 'Location Plan'.
14. In terms of conditions, in addition to the statutory period for the commencement of development, the Council suggest a condition that the external materials of the garage shall match the existing development but that condition is not appropriate as the garage structure is only intended to be present on site for a limited period. I agree however, that a condition requiring the removal of the structure at the end of the period is necessary in order to protect the appearance of the area in the longer term.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed on the basis that I have described.

David Murray

INSPECTOR