

Appeal Decision

Site visit made on 6 February 2017

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 24 February 2017

Appeal Ref: APP/T0355/D/16/3162229

Mount Lodge, Spring Lane, Cookham Dean, Maidenhead SL6 6PW

- 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 Glenn Draper against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/02235, dated 2 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is the erection of a two car oak car port to afford overhead protection to existing parking area for both an electric car and its charging unit and comfortable transfer for registered disabled user.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (NPPF); whether there would be any other harm to the Green Belt, and if it is inappropriate development, whether any harm to the Green Belt 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

Background

3. The appeal site is located on the east side of Spring Lane at the junction with Long Lane within the Metropolitan Green Belt in Cookham Dean. It contains a detached house with a grassed garden to the side and rear which is bounded by close boarded fencing (around 1.8m high). The dwelling has a gravel drive which provides parking for 2 no. cars.
 4. Planning permission was granted (ref: 08/02069) for the demolition of the existing house and its replacement with a detached house. This included a double car lift to the side of the house that would store 2 no. cars underground and would be connected to the house via an underground walkway. The cars would be parked at the base of the double lift, with the top of the lift, covered in asphalt, acting as ground level. The planning permission has been
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implemented insofar as the house has been built but the car lift has not yet been constructed.

5. Proposed is a detached car port to be located to the north east side of the house. It would project slightly forward of the principal elevation of the house, having a width of around 6m, a depth of around 5m and a dual pitched roof with an eaves and ridge height of around 2 and 3m respectively. It would provide parking for 2 no. cars.
6. The Council confirmed that condition 8 of planning permission ref: 08/02069 removed permitted development rights under Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of the appeal site which includes; "the provision within the curtilage of the dwellinghouse of any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse".

Green Belt

7. The National Planning Policy Framework (NPPF) makes clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this 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". In this regard, the proposal would not be an extension to the dwellinghouse neither would it be an extension or alteration of an existing curtilage building.
8. Against this background, I am satisfied that the proposal would be inappropriate development which the NPPF makes clear is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. While I note that when in the "up" position the base of the lift would be at ground height and the asphalted top of the lift would function like a roof, and that the proposed car port would occupy the same position as the lift but would take up a smaller area, I nevertheless consider that as a permanent structure, the increase in built form resulting from the proposed car port would lead to a minor reduction in the openness of the Green Belt. I make this distinction given the likelihood, notwithstanding the appellant's claim that no condition was placed on the planning permission requiring the lift to be in the down position when not in use, that for the majority of the time the superstructure of the lift would be underground.
10. The NPPF makes clear that the essential characteristics of Green Belts are their openness and permanence so any reduction in these characteristics would be harmful. The NPPF goes on to make clear that substantial weight should be given to any harm to the Green Belt. This is reflected in saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (LP). However, the LP pre-dates the introduction of the NPPF with Policy GB1 referring to Planning Policy Guidance 2 *Green Belts* which was replaced by the policies in the NPPF. As a more recent expression of national policy on Green Belts, the NPPF is a material consideration that outweighs Policies GB1 and GB2.

Other considerations

11. The appellant claimed that when in the open position the large flat roof and the steel uprights and hydraulic rams of the approved car lift would fail to compliment the traditional design of the house. The appellant argued that the proposed oak car port, being of lesser bulk, would be more in keeping with the house and would have a lesser visual impact on the site. He pointed out that he would be happy to enter into an agreement with the council to give up the right to build the double car park lift. In my judgement, the oak framed car port would be likely to be a more visually attractive feature than the lift when in the up position. However, given my conclusion that the lift is more likely to be a transient feature above ground I give this consideration moderate weight.
12. In addition, the appellant pointed out that his wife is registered disabled and her worsening condition means that they need the proposed carport as ancillary to the enjoyment of their home. The appellant confirmed that shelter is required when his wife alights from the car to provide protection from the elements during inclement weather. The appellant also explained that the car lift is unworkable for health and safety reasons due to the large area of safety barrier required. In my judgement, this consideration attracts considerable weight.
13. I note from the officer report that the Council considers that the proposal would be acceptable in terms of its effect on the living conditions of the occupiers of nearby dwellings. However, this is a consideration that does not add further harm rather than being positively in favour of the proposal.

Conclusion

14. The proposal would represent inappropriate development in the Green Belt that would reduce openness. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. In addition, openness is seen as an essential characteristic of Green Belts so a reduction in that quality would also be harmful. The NPPF advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
15. Against this, the environmental benefits and personal circumstances identified by the appellant afford substantial weight in favour of the proposal. However, the NPPF sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the harm I have identified to the Green Belt. Therefore, very special circumstances necessary to justify the proposal do not exist.
16. For the reasons given above, and noting the appellant's claim that no objections were raised to the proposal by the Parish Council or by his neighbours, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR