

Appeal Decision

Site visit made on 28 March 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/R0335/D/17/3170227

The Birches, Kings Ride, Ascot, SL5 8AL

- 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 Declan Malone against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/01171/FUL, dated 14 November 2016, was refused by notice dated 1 February 2017.
 - The development proposed is erection of a two storey side and rear extension in addition to conversion of garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development description set out within the application form, decision notice and appeal form all differ. However, I consider that the description set out within the decision notice accurately reflects the scheme. Therefore, I have included this within the above banner.

Main Issues

3. The appeal site is located within the Green Belt and from the evidence before me, I consider the main issues of the appeal 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
 - 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 (VSC) necessary to justify it.

Reasons

Whether the proposal would be inappropriate development?

4. The National Planning Policy Framework (the Framework) at Paragraph 89 sets out that the construction of new structures in the Green Belt should be considered as inappropriate. There are a number of exceptions to this set out in Paragraph 89 of the Framework, which includes the extension or alteration of
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- a building provided that it does not result in disproportionate additions over and above the size of the original building.
5. Saved Policy GB1 of the Bracknell Forest Borough Local Plan (2002) (the LP) sets out that approval will not be given, except in very special circumstances, 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 a number of purposes, which includes the limited extension of existing dwellings. I consider Saved Policy GB1, in the main, to be consistent with the Framework in this regard and therefore I afford it significant weight. The supporting text also provides more information on what may be a limited extension and identifies that the Council will normally consider any increase to be "disproportionate" if it exceeds 40% of the gross floor area of the original building. Whilst I have borne this in mind, I am nonetheless mindful that the Framework does not define a disproportionate addition.
 6. The Council has calculated that the scheme, when taking into account a previous single storey extension to the original dwelling, would result in a 75% increase in the gross floor area of the original building when it was built, which the appellant suggests was in 1995. If the previously detached garage that became connected to the dwelling as a result of the permitted single storey extension is taken into account as part of the original building, then the scheme would constitute a 55% increase in gross floor area. The appellant has not challenged these figures and I see no reason to disagree with them.
 7. It is clear to me, having undertaken my site visit, that the proposal represents a very large addition to the host dwelling. Whilst it would largely be built on the footprint of the dwelling as it stands today, at first floor level, the width of the dwelling would increase to approximately 13.1 metres from some 7.7 metres. This would represent an increased width at first floor level of 70%. I acknowledge that the dwelling is not largely visible from the surrounding area. However, the scheme would be seen by the occupants of the neighbouring properties. Further, I observed that despite the presence of industrial units to the west and south, the area has a pleasant leafy and rural context. The proposal for such a large addition, would further contribute to the urbanisation of the area.
 8. Given all of these matters, I conclude that the scheme by virtue of its scale, would represent a disproportionate addition to the dwelling, when the previous extension is taken into account. Consequently, the proposal represents inappropriate development, which is by definition harmful to the Green Belt and conflicts with Policy GB1 of the LP and Section 9 of the Framework. The scheme also conflicts with Policy CS9 of Bracknell Forest Borough Core Strategy (2008) (the CS), which seeks to protect the Green Belt from inappropriate development.
 9. I acknowledge the appellant's own analysis relating to the 'true purpose' of the Green Belt designation and the meaning of inappropriateness in the context of the openness of the Green Belt. However, this does not alter my findings that the proposal represents inappropriate development in the Green Belt, contrary to the relevant development plan policies and the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt. The proposed development would increase the bulk of the host dwelling and therefore would reduce openness. However, in isolation, the loss of openness would be relatively minor and would not be highly visible from the surrounding area. Nonetheless, there would be a small degree of harm that would be in addition to the above harm.

Other matters

11. The appellant has referred to a neighbouring property known as Inglewood, where the appellant suggests a similar sized extension has been allowed. The appellant has also supplied a drawing that shows a comparison between the two schemes in terms of floor plan areas. The appeal statement from the appellant sets out that there is only a difference of 2.77 square metres between the schemes, representing around 1% difference in size of what were originally mirrored properties. However, having regard to the drawing provided I am not sure where this figure has been calculated. The appellant's own calculations seem to show that a total increase for The Birches, taking into account the previous extension, results in an additional 67 square metres of floor space. In contrast, the drawing indicates that for Inglewood there was in the region of 53 additional square metres permitted. Further to this, the drawing also seems to suggest that Inglewood had a greater gross floor area when the properties were originally built.
12. I have not been provided with the details of the planning application for Inglewood, other than the reference number. It is therefore difficult for me to fully consider the particular merits of that case. But the appellant's drawing does indicate that Inglewood was a larger dwelling to begin with and the extensions that were allowed were smaller in scale than is the case here. As a result, the schemes appear to be materially different and are not 'strikingly similar' as the appellant maintains. In any event, each proposal must be considered on its own merits. Given the matters above, I am not of the view that the development at Inglewood alters my findings in this case and therefore this matter carries limited weight in my decision.
13. The appellant has also referred to a development for 39 dwellings in the Green Belt, which is sited in close proximity to the appeal site. This involves the removal of the existing industrial units. I am mindful that the planning merits and considerations of that case are very different to this one and the developments are not comparable. Consequently, I afford little weight to the other development and it does not affect any of my findings above.
14. The Council has referred to potential fall-back options, as a result of permitted development rights. The appellant has not sought to suggest that any permitted development rights would be exercised should the appeal be dismissed or provided details of any such schemes. Consequently, I have afforded little weight to any fall-back scenario that could have the potential to be implemented.
15. I accept that the design of the extension would be in keeping with the architectural style of the existing dwelling. However, I consider this to be a matter of neutral weight.

Overall conclusion

16. The proposed development would constitute inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a minor loss of openness.
17. I have attached only limited weight to the comparisons made to the permitted development at the neighbouring property Inglewood and the fact that a development in the Green Belt for 39 dwellings has been allowed close to the appeal site. Further, I have afforded little weight to any potential fall-back position, as a result of permitted development rights.
18. I consider that these other considerations do not clearly outweigh the totality of harm that has been identified. Consequently, very special circumstances do not exist. The proposed development is therefore contrary to Policies CP1 of the Bracknell Forest Council Site Allocations Local Plan (2013), Policies CS1, CS2 and CS9 of the CS and Saved Policies EN8 and GB1 of the LP. Further, the scheme conflicts with Section 9 of the Framework.
19. The scheme therefore conflicts with the development plan when taken as a whole. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR