

Appeal Decision

Site visit made on 12 October 2017

by K E Down MA(Oxon) MSc MRTPI

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

Decision date: 23rd October 2017

Appeal Ref: APP/T0355/D/17/3179010

4 Forest View Cottages, Forest Green Road, Holyport, Maidenhead, SL6 2NS

- 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 & Mrs Maxwell against the decision of the Council of The Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/01386, dated 26 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is erection of a two storey rear extension, single storey side extension, front dormer window and replacement porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. Firstly, whether the proposed extensions would amount to inappropriate development in the Green Belt; secondly, the effect of the proposed extensions on the openness of the Green Belt and its character and appearance; and thirdly, if the proposed extensions would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

3. The appeal property is a modest, end of terrace, two storey dwelling with a mansard roof, giving it a cottage style. It forms part of the middle terrace of three similar terraces. The appeal property and its neighbours are set back from the public highway on long narrow plots. The area lies within the Green Belt and is rural in character with open countryside opposite and to the rear.
 4. The property appears to be currently un-extended, a single storey rear conservatory having been demolished. According to the Council the original dwelling has a floorspace of some 71 m² and the proposed extensions would add a further 77 m² with 0.72 m² of existing floorspace to be demolished. The
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overall increase in floorspace would therefore be some 76 m², or some 107.5% of the original floorspace. The appellants do not dispute the Council's calculations but consider that a very simplistic approach has been adopted which does not take into account other factors such as plot size, an extant permission for a similar but shallower rear extension and the fact that the rear extension would not be visible from the street.

5. Policy GB1 of The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) (LP), accords with the National Planning Policy Framework (NPPF) in resisting inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. LP Policy GB4 states that the Council will only approve proposals for the extension of an existing dwelling where it would not cause a disproportionate addition over and above the size of the original dwelling. Policy GB2 provides further restrictions on new development in the Green Belt, including resisting development which would result in a material increase in the scale of development on the site. The appellants point out that the LP pre-dates the Planning and Compulsory Purchase Act 2004 and was not adopted in accordance with it. Nevertheless, there is a high degree of consistency with the NPPF in terms of Green Belt policy and the LP policies therefore carry substantial weight.
6. The Council does not seek to define a disproportionate addition in mathematical terms and a disproportionate addition is not defined in the NPPF. However, the LP states that floorspace will be a guiding factor, taken together with the bulk and scale of the proposals, their effect on openness and the purposes of including land within the Green Belt and their impact on the general appearance of the area. The size of the original dwelling, plot size, the character of the surrounding area and the effect of the proposals on views from public places, including the highway will be taken into account.
7. It is clear that the proposed extensions would result in a dwelling that was substantially larger than the original house which is modest in scale. It would increase the footprint and add bulk, particularly to the rear of the dwelling. Although this would not be prominent from public viewpoints, being invisible from the highway and seen at a distance from the rear, it would nevertheless impact on the openness of the Green Belt. Overall, the proposed extensions would considerably increase the size of the original dwelling and more than double the floorspace. This would, in my view, be disproportionate.
8. It is therefore concluded on the first main issue that the proposed extensions would result in a disproportionate addition, over and above the size of the original building, and would amount to an inappropriate development in the Green Belt. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt and the character and appearance of the existing dwelling and surrounding area

9. The NPPF states that the essential characteristics of Green Belts are their openness and permanence. The proposed extensions and in particular the two

storey rear extension would diminish the openness to the rear of the property by extending the footprint of the dwelling and adding bulk at both ground and first floor. Whilst these changes would not be prominent from public vantage points and notwithstanding that the land forms part of a generous plot, this would be harmful to the openness of the Green Belt. The limited impact on the wider area leads me to give this loss of openness moderate weight.

10. The proposed extensions would alter the appearance of the dwelling and in particular the rear elevation. However, this would be apparent mainly from within the garden of the dwelling and from neighbouring gardens. It would not be materially detrimental to the character or appearance of the dwelling or to the neighbouring dwellings, some of which have previously been extended at two storeys to the rear, and would not harm the character or appearance of the wider area.
11. It is concluded on the second main issue that the proposed extensions would have a harmful effect on the openness of the Green Belt but would have no material effect on the character or appearance of the area. There would thus be some conflict with the aims of Green Belt policy, as stated in the NPPF, to keep land permanently open and safeguard the countryside from encroachment.

Other considerations

12. The appellants have drawn my attention to three other considerations which they consider might amount to the very special circumstances necessary to justify the proposal. Firstly, it is suggested that the Council has not had proper regard to an extant planning permission ref. 17/00394/FULL for very similar extensions, the only difference being that the approved rear extension would be 3.3m in depth rather than 4.3m in the case of the appeal proposal. It is suggested that the difference is insignificant and as such, since the approved scheme was not considered disproportionate, neither should the appeal proposal.
13. However, the additional metre at both ground and first floor would add noticeably to the scale of the proposed rear extension, including its floorspace and bulk. The approved scheme, although large, appears from the evidence to be smaller than the size of the original dwelling whereas the appeal scheme would more than double the floorspace of the property and add significantly to its overall size. Although the Council does not seek to define disproportionate in terms of a particular percentage increase, I consider that a more than doubling in size would in most cases amount to a disproportionate increase. There is therefore a clear distinction to be drawn between the approved scheme and that the subject of this appeal. This consideration therefore attracts limited weight.
14. Secondly, the appellants point out that a number of the neighbouring properties have undergone two storey extensions to the rear, similar to the extension proposed. However, I noticed that these extensions, including the one at the adjoining dwelling, do not appear to project to the rear by more than that approved at the appeal dwelling under permission ref. 17/00394/FULL. I am therefore satisfied that the Council has been consistent in its approach and that these other extensions do not provide a justification for the appeal proposal. This matter therefore attracts little weight.

15. Finally, it is suggested that as the extensions have been designed to integrate with the host dwelling and the Council does not object to them on grounds of effect on the character or appearance of the dwelling or the surrounding area or on the living conditions of neighbouring occupiers, the proposal should be considered acceptable. However, Green Belt policy seeks a different and specific protection for designated areas that is not dependent on conflict with these other issues. This consideration therefore carries limited weight.
16. I conclude on the third main issue that the other considerations drawn to my attention, taken either separately or together, are insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, and the additional harm to its openness. The very special circumstances necessary to justify the development do not therefore exist and the proposed extensions would conflict with national policy set out in the NPPF and with LP Policies GB1, GB2 and GB4.

Conclusions

17. For the reasons set out above and having regard to all other matters raised, including the representations of Bray Parish Council, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR