



Appeal Decision

Site visit made on 22 May 2019.

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/X0360/W/19/3222811

High Trees, Wargrave Road, Remenham RG9 3JD

- 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 David Lister against the decision of Wokingham Borough Council.
 - The application Ref: 182690 dated 29 September 2018, was refused by notice dated 12 December 2018.
 - The development proposed is erection of a stained timber clad boat house over existing wet dock following demolition of existing chalet, boat equipment store and w.c
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) Whether the proposed development would be inappropriate development in the Green Belt and the effect on openness;
 - b) The effect of the proposal on the character and appearance of the local area;
 - c) Other considerations; and
 - d) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development and Openness

3. The appeal site relates to a plot of land fronting the northern bank of the River Thames and to the south west of the A321 Wargrave Road. The plot currently comprises an access off Wargrave Road with built development in the north-west corner, including chalet accommodation and store and a separate WC building. There is an existing wet dock for the mooring of boats. The proposal seeks to replace the existing buildings with a new boat house positioned over the existing wet dock. The site is located within the Green Belt.
4. Paragraph 145 of the National Planning Policy Framework (Framework) sets out that the construction of new buildings in the Green Belt is inappropriate except

for a limited number of exceptions including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The Council has referred to Policy CP12 of the adopted Core Strategy 2010 (Core Strategy) and Policy TB01 of the adopted Managing Development Delivery 2014 (MDD), both of which refer back to national planning guidance as published at the time of the Plan. Policy TB01 in particular refers to maintaining the openness of the Green Belt which is an essential characteristic as referenced at paragraph 133 of the current Framework.
6. I have noted the concerns of the Council regarding how the building would be used. However, on the basis that the proposed building would replace the existing building for the same use, it would in my view fall to be considered against paragraph 145 d) of the Framework, as a replacement building, where the principal consideration relates to whether the proposal would be materially larger than the one it replaces. The scale of what might be regarded as materially larger is not further defined in the Framework or under development plan policy.
7. There is disagreement between the Council and the Appellant over the figures to be used in comparing the existing with the proposed. However, even using the Appellant's figures, there would be an increase of between 43% and 58% in the built footprint, depending whether the existing canopy area/ proposed balcony are taken into account and a 45% increase in volume. On the basis of the Appellant's figures, I consider that this scale of increase in both footprint and volume would result in the proposed replacement building being materially larger than the one it replaces.
8. Whilst a mathematical calculation is primarily an objective exercise by reference to size, the proposal in terms of its siting, dimensions and height above ground level would also appear materially larger and more visually intrusive in the landscape than the existing building and would in my view harm the openness of the Green Belt, albeit to a limited degree.
9. The Appellant has contended that the proposal would fall to be considered under the terms of Paragraph 145 b) relating to the provision of appropriate facilities for, amongst other things, outdoor sport and outdoor recreation. The Framework does not define the way in which this exception is to be interpreted, including whether it relates to both public and private facilities. However, the Framework is clear that to fall within this exception, the facilities need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Given my findings above and, even if it were a relevant basis for the assessment as to whether or not the proposal should be regarded as inappropriate or not, I do not consider that it would meet the requirements of the Framework, with particular regard to its impact on openness.
10. Taking all of these factors together, I conclude that the proposal would be inappropriate development within the Green Belt which the Framework states is, by definition, harmful to the Green Belt. The proposal would also lead to limited harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm.

Character and Appearance

11. The forward projection combined with the proposed height and bulk of the proposed building would be more visually intrusive in the verdant landscape than the existing buildings which are set back and nestled in the corner of the site away from the river bank. I appreciate that the development along the riverbank is varied in terms of siting and bulk and massing, including in the proximity of building and structures in relation to the riverbank. However, from my site visit it was my assessment that, with a small number of exceptions, the bulk and massing of built development generally reduces in distance from the main centre of Henley.
12. The appeal site and the plots in close vicinity contribute to the verdant and open nature of the riverside, with development being generally low in scale and set back from the river frontage. Given its forward siting and overall height and bulk I consider that the proposal would appear visually intrusive and would harm the open and verdant character and appearance of the immediate surrounding area. This would conflict with Policies CP3 and CP11 of the Core Strategy as well as the Framework all of which seek a good quality of design which respects the local distinctiveness and protects the intrinsic character and beauty of the countryside. This adds to the harm already concluded.

Other Considerations

13. The Framework requires that substantial weight should be attached to any harm to the Green Belt. Very special circumstances to justify such development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I now turn to the other considerations in support of the development which have been put forward.
14. The Appellant has set out that the proposal would result in a more sustainable development and improved layout which would improve safety for vehicles accessing and egressing the site. Although no specific information has been provided regarding the sustainable form of the building, I agree that the amended layout would be beneficial to the functioning of the site and I therefore afford these matters modest weight in support of the proposal.
15. Reference has been made to the Grade II* listed Park Place and Temple Combe to the north east of the site. I am required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I note that the Council's Delegated Officer Report considers that the proposed works would not pose any adverse or unreasonable impact upon the character and significance of the listed gardens or buildings within, given that the proposed development would be heavily screened by existing mature trees located on the northern side of Wargrave Road. Based on the evidence before me, I see no reason to disagree and this matter is neutral in the overall planning balance.
16. A concern has been raised by one of the immediate neighbours that the proposal would result in harm to their living conditions in terms of both light and overlooking. They have also raised a concern about the impact on their views of the river but the impact on a person's view is not a planning matter. From the limited information before me. I am also mindful that conditions could be imposed to secure obscure glazing to some of the windows and to require

privacy screens to the balcony to protect the living conditions of the neighbours as is reflected in the conditions suggested by the Council. This matter is therefore neutral in the overall planning balance.

17. I agree that matters relating to flood risk and trees have been satisfactorily addressed, subject to the imposition of conditions were there no other matters of concern and planning permission were to be granted. However, the absence of harm in these regards is a neutral factor and does not weigh in favour of the proposal.

Overall Balance and Conclusion

18. I have already found that substantial weight must be given to the harm to the Green Belt by reason of the inappropriateness of the proposal and the harm to openness. The harm from to the character and the appearance of the local area adds to the harm by reason of inappropriateness. The totality of the harm I have concluded is not clearly outweighed by the other considerations, including the modest weight I have given to the benefits of the development. I do not find that the very special circumstances required to justify the proposed development exist. The proposal would therefore be contrary to Policy CP12 of the Core Strategy and Policy TB01 of the MDD with regard to inappropriate development in the Green Belt and the effect on openness. The proposal would also conflict with the Framework with regard to protecting Green Belt land.
19. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR