



Appeal Decision

Site visit made on 11 September 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/T0355/D/19/3235659

Warwicks, The Street, Shurlock Row, Reading RG10 0PS

- 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 Clare Fairbrother against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01339/FULL, dated 14 May 2019, was refused by notice dated 10 July 2019.
 - The development proposed is single storey side infill extension, garage conversion and changes to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side infill extension, garage conversion and changes to fenestration at Warwicks, The Street, Shurlock Row, Reading RG10 0PS, in accordance with the terms of the application Ref: 19/01339/FULL dated 14 May 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Existing Plans' – Drawing No: 1801 01 (Feb 2019); 'Existing Elevations' – Drawing No: 1801 02 (Feb 2019); 'Proposed Plans' – Drawing No: 1801 03 Rev A (Apr 2019) and 'Proposed Elevations' – Drawing No: 1801 04 Rev A (Apr 2019).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building(s).

Main Issues

2. As the proposed development is within the Green Belt, the main issues 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 the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area including the Shurlock Row Conservation Area (SRCA); and
 - if the development is inappropriate, 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 necessary to justify the development.

Reasons

Inappropriate development

3. Paragraph 145 of the National Planning Policy Framework 2018 (the Framework) sets out categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they are buildings for agriculture and forestry; buildings that provide appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; or are buildings which represent limited infilling in villages or the partial or complete redevelopment of a previously developed site. In this case, the relevant exception to new buildings being inappropriate development in the Green Belt, as identified within the Framework, is 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.
4. The Council argues that the original building has been significantly increased through previous developments at the property. It is indicated that this amounts to an increase of around 60.4% in floor space. Moreover, I note that the internal floor space on the site has further increased by about 20.5m² due to the building of a detached garage for which planning approval was sought and granted. As such, it is stated that the overall built form on the site in terms of floorspace has increased by approximately 87% over and above that of the original dwelling.
5. In the absence of any evidence to the contrary, whilst modest in its position, size, scale, design and appearance, when considered cumulatively along with previous extensions in terms of floorspace, it is evident that the proposal would result in a disproportionate addition to the original dwelling. On that basis and in accordance with the Framework, I must conclude that the proposal would be inappropriate development in the Green Belt.

Green Belt openness and purposes

6. A fundamental purpose of Green Belt policy, as set out in Paragraph 134 of the Framework, is to safeguard the countryside from encroachment. The proposed scheme would result in built development where there is presently none. In addition, it is acknowledged that the footprint of the building over and above its original floorspace would be further increased. Notwithstanding this, given the position, scale and design of the proposed link between the appeal dwelling and the detached garage, I find that the visual and physical impact of the scheme as a whole on the openness of the Green Belt would be materially no greater than that which currently exists.
7. Furthermore, on the basis that I consider the appeal site to be characterised as being within the built form of an established settlement within the countryside, I find that the proposal would not lead to an encroachment of development into the open countryside. As such, its impact on the related Green Belt purpose would be no greater than is currently the case.
8. Paragraph 144 of the Framework is clear that any Green Belt harm should be given substantial weight. However, taking into account all that I have seen and read, and acknowledging the inevitable effect of any new development on openness, I conclude that the impact of this proposal on Green Belt openness, its purpose of safeguarding the countryside from encroachment or on any other Green Belt purposes, as set out in the Framework, would be no greater than is currently experienced with the existing development.

9. Consequently, I conclude that the proposed development would have no greater material effect on the openness of the Green Belt or the purposes of including land within it than the existing development on the site. Therefore, it would comply with Policies GB1 and GB2(A) of the Windsor & Maidenhead Local Plan (the Local Plan) and the relevant sections of the Framework.

Character and appearance

10. The original host property, 'Warwicks', dates from 1870, and is within the built confines of Shurlock Row and the boundary of the Shurlock Row Conservation Area (SRCA). As such, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, I have an obligation to pay special attention to the desirability of preserving or enhancing the character or appearance of the SRCA. In doing so, I find that the proposal, particularly in terms of its scale, design, appearance and the position of the link element, would have no material adverse effect on the character or appearance of the SRCA. Moreover, I note that the Council states the proposal would be sensitive and sympathetic to the host building and the SRCA. As a result, I am satisfied that the scheme would have a neutral effect and would therefore preserve the character and appearance of the SRCA and its significance as a designated heritage asset would not be diminished.
11. Moreover, in my view the scale, mass, design, position and appearance of the proposal would not result in a development that would be substantively harmful, I to the character or appearance of its wider surroundings. I note that it has been requested that the materials to be used on external surfaces of the proposed development match those of the existing buildings. This can be appropriately addressed through a planning condition. Moreover, I acknowledge the concern relating to the juxtaposition of the flat roof of the proposed link with the pitched roofs of the existing buildings. Nonetheless, having had regard to such matters, it is my view that given the small-scale nature of that element of the proposal, overall the scheme would complement and be in keeping with the host property. As such, I find that any harm relating to these concerns would not be of any material substance.
12. The Council has confirmed that the proposal would meet the requirements of several local development plan policies and that it would retain the appearance of a garage serving its host property from the street. Therefore, taking all of these matters into account, I find that the proposal would have no significant detrimental impact on the character or appearance of the property or its surroundings.
13. Consequently, I conclude that the proposal would have no material adverse visual or physical impact on the character or appearance of the host property or its surroundings, including the SRCA and its significance as a designated heritage asset. Therefore, it would comply with Policies GB1 and GB2(A) of the Local Plan, Policies SP1 and SP5 of the emerging Windsor and Maidenhead Borough Plan and the relevant sections of the Framework.

Other considerations

14. The appellant refers to planning approval ref: 09/02090/FULL at the appeal property where that scheme was partly implemented. It included a link porch between the house and garage but this was not implemented. The details of it are not before me and as such, I cannot comment on them. In any event, each proposal must be assessed on its own merits. Nonetheless, the approval of that scheme demonstrates that the principle of a link between the dwelling and garage in this location and within the Green Belt has been accepted by the Council. I have taken account of this and given moderate weight to it in my overall assessment.

15. I have had regard to the appellant's points relating to the Council's wider acceptability of the proposal in terms of it being in keeping with the character and appearance of its surroundings, its limited impact on the amenity of nearby residents and properties and on parking. I also note that the proposed garage conversion would not in itself introduce any extra mass or bulk in the Green Belt as it is already built. Furthermore, I also acknowledged that the design of the scheme when viewed from The Street would maintain the appearance of a garage albeit with the small addition of the linking porch. In my assessment, I find that the proposal would be acceptable regarding these matters and therefore with the Council's assessment in this regard. As such, I have cumulatively taken into consideration the weight that each component in favour of the proposal carries and applied it to the overall balance against Green Belt harm.
16. The appellant states that the proposal attracted no objections from neighbours or the parish council. In my view, a lack of objection does not automatically result in an acceptable scheme and therefore I give this limited weight in my assessment.
17. Taking the above into account, whilst considered to be 'inappropriate development' in the Green Belt, I find that the proposal would have minimal visual and physical impact on Green Belt openness and the character and appearance of the area. With no material impact on the purposes of including land within the Green Belt, and notwithstanding the substantial weight to be given to any Green Belt harm, I find that the cumulative effect of the positive and neutral impacts of the proposal combined with these other considerations would clearly outweigh the harm identified. As such, I conclude that 'very special circumstances' exist which are required to justify the proposed scheme.

Conditions

18. For reasons of clarity, character and appearance, I have attached conditions about compliance with approved plans and the provision of external materials to match the existing buildings. In addition to the standard time condition, I consider these conditions to be necessary and reasonable to ensure an acceptable development.

Conclusion

19. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst the effects on openness and the Green Belt would be very limited, any Green Belt harm attracts substantial weight. Moreover, very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
20. The proposal would be inappropriate development in the Green Belt and inevitably would impact on Green Belt openness and its related purposes. Nonetheless, the scheme would have no greater material impact on Green Belt openness and its purposes than the existing development. Moreover, it would have no material adverse impact on the character or appearance of the host property and its surroundings, including the SRCA as a designated heritage asset. Accordingly, in considering the proposal as a whole, its planning history, its effect on its surroundings, relevant policy and guidance and all other considerations, I find that very special circumstances exist to justify the proposal. For these reasons, and having regard to all other matters, I conclude that the appeal should succeed.

A McCormack

INSPECTOR