
Appeal Decision

Site visit made on 6 November 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/T0355/W/19/3236019

Ann Cherry Cottage, Howe Lane, Binfield, Bracknell RG42 5QS

- 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 and Mrs P Dewey-Bruce against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01728, dated 25 June 2019, was refused by notice dated 23 August 2019.
 - The development proposed is demolition of bungalow and replaced with two storey house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner heading above from the application form. Although different to that on the decision notice and appeal form, confirmation that any change was agreed has not been provided.
3. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework.
4. While the Royal Borough of Windsor and Maidenhead Local Plan (Borough Local Plan 2013 - 2033 Submission version (emerging plan) has been submitted for examination, I am not aware of any unresolved objections or the exact stage it has reached. Consequently, it carries limited weight in my decision.

Background and Main Issue

5. The proposal would be development in the Green Belt and it is not disputed by the main parties that the scheme would be inappropriate development. I am aware of a previous appeal at the site¹ where the Inspector considered that there were very special circumstances and allowed the appeal. Both main parties agree that very special circumstances again exist. From the information before me, I see no reason to reach a different finding.
6. Therefore, the main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

¹ APP/T0355/W/17/3179164

Reasons

7. There is some variety to the scale and appearance of dwellings in the area. However, individual properties have a general consistency in the proportions and layout of their features. At the proposed property there would be an irregularity to the size, proportion and alignment of windows and openings. This would be discordant with the more simplistic arrangement, and often fewer number, of openings on existing buildings in the area. While I note comments regarding solar gain and energy efficiency, this would result in a confused and disjointed appearance to the property.
8. Elements of the building would be barn like. The eaves and overall height of the building would not be significantly different to that of the previous appeal scheme. While agricultural buildings and converted barns in the area do on occasion have a similarly steep roof to that proposed, the number of openings in the roof space of the proposed dwelling would result in an untypically busy roofscape. This would be incongruous with the less disrupted roofscape of nearby buildings of a similar style.
9. Although chimneys are present on some nearby properties, this is not the case for all dwellings. Therefore, the absence of one at the proposed dwelling would not be uncharacteristic. There would be a mix of external materials on the proposed dwelling. However, this would not be unique and the materials can be found at existing properties in the area. Moreover, were the appeal to be allowed, a condition could be imposed regarding these.
10. The Council have not disputed that the overall footprint of the proposed dwelling would be less than if the existing bungalow were to be extended under the certificate of lawful development² or from the scheme allowed at appeal. Nevertheless, the extension would largely replicate the style of the existing property and other bungalow properties nearby. Moreover, while also being for a 2 storey property, the previous appeal scheme would have a more traditional design and regular pattern of openings in keeping with the traditional properties nearby. Therefore, the proposal before me would be more harmful to the character and appearance of the area than these other schemes.
11. My attention has been drawn to other buildings in the area with regard to their scale and appearance. Nonetheless, while there are some similarities to the proposed dwelling, none of the examples provided have the same variety in the appearance and distribution of their openings or disrupted roofscape. Therefore, they are not directly comparable to the scheme before me.
12. The proposal would result in unacceptable harm to the character and appearance of the area. It would fail to accord with Policies DG1 and H10 of The Royal Borough of Windsor and Maidenhead Local Plan and Policy SP3 of the emerging plan. These, in part, seek to ensure developments are compatible with and respect local character. It would also be contrary to the Framework where it states developments should be sympathetic to local character.

Other Matters

13. The Council have indicated that they are not able to show a five year supply of deliverable housing sites. However, this does not automatically lead to the granting of planning permission.

² 15/01310/CPD

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The design aims of the policies the scheme would be contrary to are consistent with the Framework and the conflict with them attracts substantial weight.
15. While the existing property may require upgrading, there is limited information before me in this regard. As the scheme relates to a single dwelling, benefits arising from sustainable building materials and energy efficient facilities would be small. Moreover, it has not been shown that the proposed scheme is the only way of achieving this.
16. The proposal would bring about improvements with regard to flood risk and flood plain capacity. Nonetheless, while this weighs in favour of the scheme, there were also similar improvements with the previous appeal scheme that did not result in the same harm to the character and appearance of the area. Furthermore, there is limited information before me regarding any benefits associated with clearing ditches and cleaning up hedgerows.
17. The lack of identified harm with regard to highway safety or living conditions of nearby occupiers are neutral impacts. Moreover, the harm to the character and appearance of the area would conflict with the environmental objective of achieving sustainable development.
18. I have given weight to the benefits of the development in my decision and in some respects, the development aligns with local and national policy. Nonetheless, even when taken collectively, in this case, I consider that the harm to the character and appearance of the area significantly and demonstrably outweighs them.

Conclusion

19. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR