
Appeal Decision

Site visit made on 29 January 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/T0355/W/19/3237079

Bath Cottage, Bath Road, Littlewick Green, Maidenhead SL6 3QR

- 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 Cube Group against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01231, dated 1 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is outline planning application for a proposed infill dwelling including access and parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved except for access. I have had regard to the details provided in relation to this matter and have considered all other elements as illustrative. I have determined the appeal on this basis.
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. The Royal Borough of Windsor and Maidenhead Local Plan – Incorporating Proposed Changes October 2019 (emerging plan) is yet to be adopted. From the details before me there is potential for further changes to the emerging plan. In addition, I am not aware of any unresolved objections to policies relating to this appeal. Consequently, it carries limited weight in my decision.
5. Although not included in the decision notice, the main parties make reference to Policy GB3 of the Royal Borough of Windsor and Maidenhead Local Plan in their submissions. As such, as with the changes to the emerging plan from the version quoted in the decision notice, parties have had an opportunity to comment. Therefore, it would not prejudice any party were I to take these policies into consideration in my reasoning and I have done so.

Main Issues

6. The main issues of the appeal are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- The effect of the proposal on the character and appearance of the area; 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

Whether Inappropriate Development

7. The appeal site is situated in the Green Belt. The Framework outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
8. One of the exceptions is limited infilling in villages. Another exception is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need. The Framework does not provide a definition of 'limited', 'infill' or 'villages'.
9. Policy GB1 and GB2 of The Royal Borough of Windsor and Maidenhead Local Plan (LP) sets out the exceptions to inappropriate development and includes certain residential development. This is providing they maintain the openness of, and do not conflict with the purposes of, including land in the Green Belt, along with certain other criteria. Policy GB3 refers specifically to infill residential development as being within the boundaries of a recognised settlement and closing a small gap in an otherwise built up frontage.
10. The LP predates the publication of the Framework and the relevant policies are not entirely consistent with the Framework. I give this conflict considerable weight.
11. Policy QP5 of the emerging plan states that proposals will be considered appropriate where they are consistent with the exceptions listed in national planning policy. Limited infilling is said to be appropriate outside identified settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope.
12. The scheme would be contrary to Policy GB3 of the LP as the site falls outside any 'settlement' as defined in the LP. However, the main parties, and the emerging plan, acknowledge that factors other than whether a site is located within the settlement boundary are relevant.
13. There are a cluster of properties surrounding and orientated towards the village green at Littlewick Green. These and the properties adjacent to them are

predominantly set back from the main road. They are surrounded, and to some degree enclosed, by fields and trees. In contrast, the appeal site is located in an outward facing group of primarily frontage residential plots on the other side of the main road.

14. There is a footway between these separate groups of properties and a further group opposite the appeal site. Moreover, there are services and public transport linkages near the site, and it shares the same postal address as the village. Nevertheless, although there are a number of properties outside the settlement boundary, the cluster where the appeal site is located is physically and visually detached from development around and near to the village green.
15. The distance to the settlement boundary may not be significant and over time further development has brought the triangular cluster that the appeal site forms part of closer to the village. Notwithstanding this, with the intervening fields and layout of properties around the green there is a clear break between the group of dwellings near the appeal site and the village of Littlewick Green. As such, the appeal site does not form part of the village.
16. The property at the adjacent plot to the appeal site fronts Burchetts Green Lane. Therefore, the proposed dwelling would be seen as the last property at the end of the street. It would not close a small gap in a built-up frontage or be seen as filling a space between existing properties. Consequently, it would not be infill development.
17. Even if I were to consider the site to be previously developed land, there is a need to consider the effect of the proposal on the openness of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
18. I recognise that the application is outline with matters of landscaping, layout, scale and appearance reserved and any permission could be subject to conditions. Nonetheless, the illustrative information before me indicates that the existing single storey garage at the rear of the site would be removed. Also, that the proposed dwelling would be proportionate in size with Bath Cottage and would be positioned to respect the prevailing building line. As such, it would be more prominent in views from Bath Road and along the main road. Moreover, the dwelling would be 2 storey, at a greater height and volume than the existing garage.
19. Therefore, the proposal would reduce the openness of the Green Belt in spatial and visual terms compared to the existing circumstances. While the harm would be moderate, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.
20. As such, when judged against the wording of national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would conflict with Policy GB1, GB2 and GB3 of the LP, Policy QP5 of the emerging plan and the Framework.

Character and Appearance

21. There is an irregular pattern, building line and design of properties along this part of Bath Road. Nonetheless, with the exception of East Cottages, which is

said to have been subdivided into terrace plots, there is a spaciousness to the row that the gaps between the built form contributes to.

22. I acknowledge that details of the property are only indicative. Nonetheless, from the information before me and given the width of the proposed plot, the separation between Bath Cottage and the proposed dwelling would be significantly less than between the other detached properties fronting Bath Road. While I note the indicative scale and appearance of the proposed property would be similar to the existing one, the introduction of a dwelling in close proximity to another would erode the spacious character of this row of properties.
23. Although a new access would be created, I saw that views of frontage parking areas, are not uncommon in this row of properties. Were the appeal to be allowed, conditions could be added in relation to landscaping and boundary treatments to reduce the prominence of these areas and prevent an urbanising effect.
24. Nevertheless, the proposal would be harmful to the character and appearance of the area. the scheme would fail to accord with Policies GB2, H11 and H10 of the LP, Policy Gen 2 of the Hurley and Waltham Neighbourhood Plan (NP) and Policies QP1 and QP3 of the emerging plan. These, in part seek to prevent harm to the character of an area, an incompatible density of development and require high standards of design. It would also fail to accord with the Framework where it states developments should be sympathetic to local character.
25. Policy SP5, now Policy QP5 of the emerging plan and Policy GB1 of the LP, are included in the decision notice regarding this issue. However, as they do not relate specifically to character and appearance, they weigh neither for nor against the scheme in this regard.

Other Considerations

26. The Council accept that they do not have an up-to-date 5 year housing land supply. However, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such an area/asset and the proposal is contrary to the relevant policies of the Framework in regard to these.
27. Nevertheless, the proposal would contribute towards the housing supply and mix in the area. While any contribution is worthwhile, being for only one dwelling such benefits would be very limited. I therefore give this matter little weight.
28. There are no refusal reasons relating to matters such as living conditions, highway safety or parking provision. Nevertheless, the absence of other harm is a neutral factor. While I note comments regarding an appeal at Oakley Green¹, I assessed the scheme before me on its own merits and found that harm would arise.

¹ APP/T0355/W/19/3220424

Conclusion

29. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a moderate loss of openness to the Green Belt and harm the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified.
30. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GB1, GB2, GB3, H11 and H10 of the LP, Policy Gen 2 of the NP and Policies QP1, QP3 and QP5 of the emerging plan and the Framework.
31. Therefore, for the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR