



Appeal Decision

Site visit made on 17 March 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2020.

Appeal Ref: APP/T0355/D/20/3244412

3 Stewart Close, Fifield, Maidenhead SL6 2PD

- 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 Mrs Marney Nicholls against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/02728, dated 30 September 2019, was refused by notice dated 29 November 2019.
 - The development proposed is for a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is in the Green Belt. Accordingly, the main issues are:
 - whether the appeal scheme represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site comprises a two-storey semi-detached dwelling located on a corner plot in the village of Fifield, which has previously been extended with two storeys of extensions to the side. The proposed single storey side extension would extend further to the side of those existing extensions, partially across the property's existing driveway and patio areas.
4. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt other than in specified circumstances. Those exceptions include 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.

5. Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations, Adopted June 2003) (the Local Plan) states that in the Green Belt, approval will only be granted for certain types of development, unless very special circumstances exist.
6. Policy GB4 states that the extension of a dwelling in the Green Belt will only be approved where it would not cause a disproportionate addition to the size of the original dwelling.
7. The aims of Local Plan Policies GB1 and GB4 are broadly consistent with those of the Framework insofar as they relate to developments which may not be inappropriate in the Green Belt. Those Local Plan policies are more expansive in their assessment criteria than those in the Framework, which substantially post-dates the Local Plan. Accordingly, I have afforded weight to those criteria only insofar as they are consistent with the Framework.
8. I have been referred to the Policies SP1 & SP5 of the emerging Borough Local Plan Submission Document (June 2017), however, I have attributed limited weight to these due to the current status of that emerging Local Plan.
9. The Council states that, when taken together with the previous extensions to the building, the proposed development would result in a cumulative increase in floorspace of 82% over and above that of the original dwelling. Those figures have not been disputed with reference to any substantive evidence to the contrary, therefore I am content to rely on them.
10. The proposed extension would be set down from the roof of the two-storey side extension and would reflect the roof design and material finishes of the dwelling, while also retaining areas of garden space around it. I also note that the neighbouring occupier is supportive of the size of the proposed extension. However, it would further extend the width, massing and projection of existing extensions to the original building, and the evidence before me indicates that, when combined with those previous extensions, the proposed development would result in an increase in floorspace of 82% compared to that original building. Cumulatively, as a result of the proposed development the extensions to the property would represent a substantial uplift in floorspace and, also having regard to their cumulative scale and massing, in my view, would comprise a disproportionate addition over and above the size of the original building.
11. I conclude therefore that the proposed development would be inappropriate development in the Green Belt having regard to the Framework, and to Local Plan Policies GB1 and GB4 insofar as they are consistent with it. Inappropriate development, according to the Framework, is harmful to the Green Belt by definition, and should not be approved except in very special circumstances.

Openness

12. The Framework at paragraph 133 states that the essential characteristics of Green Belts are their openness and their permanence, and a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The consideration of openness can have a spatial and visual dimension and for the purposes of this appeal, I have considered both of these aspects.
13. By extending further into the patio and driveway areas to the side of the appeal dwelling, albeit to a relatively limited degree, the proposal, when taken

cumulatively with the property's existing extensions, would inevitably have a further erosive effect on the spatial openness of the Green Belt in this location.

14. The side of the dwelling that would be extended is partially screened by a boundary fence, nevertheless the proposed extension would be visible and seen rising above the fence from Stewart Close, whilst also perceptible through the driveway when observed from Fifield Road. Whilst it may be sympathetic in appearance and materials to the existing dwelling, the proposal would inevitably further increase its width, bulk and scale, particularly at ground floor level. The additional massing, and the resultant effects on the openness of the Green Belt, would be clearly evident in views of the site and would further erode the visual openness of the Green Belt compared with the present circumstances.
15. I have been advised that the appeal extension would be smaller than a ground floor side extension that was previously refused at the property. Although the appellant has sought to reduce the size of the extension, it would nevertheless be disproportionate in this case for the reasons given.
16. Consequently, the proposed development would have an adverse effect on the openness of the Green Belt. Given the cumulative effect of the proposal I have judged the harm to openness to be moderate in this case.

Other considerations

17. I have been referred to several examples in the locality where properties have been extended. However, I have not been given the full details of these cases and cannot be certain from the very limited evidence before me as to the circumstances or policy context in which they were built, or whether they were directly comparable to those in the case before me. Furthermore, the approval nearby of new structures such as dwellings, a gymnasium and a hospice, would be materially different in nature to the proposal before me for an extension, and would thus be subject to consideration under different policies, including with regard to the Green Belt. Accordingly, I have given these examples limited weight in favour of the appeal. In any event I have considered the current appeal scheme on its own planning merits.
18. The appeal proposal would provide additional living space for the appellants in the form of a utility room and enlarged kitchen, a benefit to which I give some limited weight in favour of the proposal.
19. The Parish Council were unanimously in favour of the proposal, however, a lack of objection does not indicate a lack of harm, as I have found in the case of the proposal, therefore, I have given little weight to this.
20. No specific harm with regard to neighbouring living conditions, on-site parking, or the character and appearance of the dwelling and surrounding area has been referred to in the submissions. On the basis of the evidence before me I have no reason to conclude otherwise. However, the absence of harm in those regards would be neutral, rather than a factor weighing in favour of the proposal.
21. The appellant has commented on the actions of the Council, however, these are matters between the two main parties which have had no bearing on the outcome of my decision, which is based on the planning merits of the proposal.

Green Belt Balance

22. The appeal proposal would be inappropriate development in the terms set out above and lead to a moderate loss of openness to the Green Belt. The Framework requires substantial weight to be given to harm to the Green Belt. Weighed against that are the other considerations above. However, for the reasons given those would not clearly outweigh the harm I have identified.
23. Therefore, I conclude that the very special circumstances necessary to justify the development do not exist, and that the development would conflict with the requirements of Local Plan Policies GB1 and GB4 and the provisions of the Framework, as set out above.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR