

# Appeal Decision

Site visit made on 24 September 2020

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 October 2020**

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**Appeal Ref: APP/T0355/D/20/3252691**

**6 Coppermill Road, Wraysbury, Staines TW19 5NT**

- 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 Michael Best against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/02092, dated 18 July 2019, was refused by notice dated 27 February 2020.
  - The development proposed is to erect a single storey extension at flank and rear.
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## Decision

1. The appeal is allowed and planning permission is granted to erect a single storey extension at flank and rear at 6 Coppermill Road, Wraysbury, Staines TW19 5NT in accordance with the terms of the application Ref 19/02092, dated 18 July 2019, subject to the conditions set out in the attached Schedule.

## Main issues

2. There are three main issues, these are:
  - Whether the proposed development would be inappropriate or not inappropriate development in the Green Belt.
  - The effect of the proposed development on the openness of the Green Belt; and
  - If the proposed development would be inappropriate development, 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 proposed development.

## Reasons

### *Inappropriate or not inappropriate development*

3. Policy GB4, when read in conjunction with policy GB1 of The Royal Borough of Windsor and Maidenhead Local Plan (LP), provides that the Council will only approve proposals for the extension of an existing dwelling where it would not cause a disproportionate addition over and above the size of the original dwelling.<sup>1</sup>

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<sup>1</sup> Draft policies contained in the emerging Local Plan contain similar provisions, but these carry limited weight

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4. Paragraph 145 of the National Planning Policy Framework (the Framework) explains that the extension or alteration of a building may not be inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. LP policy GB4 is thus consistent with national policy in this regard.
5. The term 'original building' for the purposes of the Framework and LP policy GB4 means a building, as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally. The term 'disproportionate additions' is not defined in the Framework or the LP, and is a matter for planning judgment.
6. The Council's account of the property's history shows that the property was built before 1948 and has been substantially extended since 1 July 1948. The floorspace of the original building was about 70m<sup>2</sup>, which has roughly doubled since as a consequence of its previous extension. The further extension proposed now would entail around 54m<sup>2</sup> of additional floorspace. In the Council's view this would amount to a disproportionate addition when compared with the size of the original dwelling, taking the cumulative effect of the previous extension into account.
7. The appellant contends that the Council has failed to demonstrate just how their figures have been arrived at. However, the Council's calculations are clearly set out in the officer report on the application. The appellant casts doubt on their accuracy in that it is claimed, with reference to a plan said to have been found in a local library, that the Council took no account of previous demolitions. However, no copy of the plan referred to has been submitted in evidence, and the appellant has produced no calculations of his own.
8. The appellant contends that the Council in discussions has consistently maintained what he describes as the '*mantra of disproportionality*'. To my mind, however, the Council has appropriately referred to local and national policies and has correctly applied their provisions.
9. Accordingly, given that the appellant's response to the Council's empirical evidence is rather polemical, I conclude that the proposal would be inappropriate development in the Green Belt. By definition, and as set out in paragraph 143 of the Framework, inappropriate development is harmful to the Green Belt. Furthermore, paragraph 144 states that substantial weight should be given to any harm to the Green Belt. A clear conflict therefore arises with those provisions of LP Policy GB4 and the Framework already referred to.

#### *The Openness of the Green Belt*

10. The appeal property stands within a lengthy ribbon of development occupying the western frontage of Coppermill Road. Development is less dense on the opposite frontage, particularly given the presence of the dominant grassed embankment of a reservoir. As stated by the applicant the road contains examples of fairly modern development along its length, although the planning circumstances relating to the cases referred to by the applicant have not been fully explained. The single storey extension proposed, in itself, leaving aside previous extensions, would be fairly modest in size.
11. It has been established by the Courts that openness has both a spatial and visual aspect. The impact of the extension would be barely noticeable in the public realm since it would replace an existing garage, and would be largely shielded by extant property. The Council takes the view that '*the bulk and*

*scale of the proposal is not considered to be visually prominent, to the extent that it would have a detrimental impact on the openness of the Green Belt'. I concur with that view. Accordingly, whilst the modest extension would impact on openness in that it would entail building part of the structure where none currently exists, the effect on openness would be barely perceptible. This attracts significant weight in favour of the proposal.*

#### *Other Considerations*

12. The Council assessed the impact of the development on the character and appearance of the locality and concluded that this was an acceptable extension in design terms, which would not have an unacceptable impact on the street scene. I would go further. The proposal would have a negligible impact on the street scene and on the character and appearance of the locality in view of its visually sheltered position.
13. The Council also concluded, and I agree, that the proposal would have no harmful impact on the living conditions of neighbouring occupiers.
14. These considerations attract moderate weight in favour of the development.

#### **Planning Balance and Conclusions**

15. I have found harm to the Green Belt in terms of the proposed development being inappropriate and this attracts substantial weight against. However, significant weight is attached to the fact the effect on openness would be barely perceptible. That the proposal would have no detrimental impact on the character and appearance of the locality or on neighbouring living conditions attracts moderate weight in favour.
16. I also attribute significant weight to my view that the development, if implemented, would not detrimentally prejudice the continued achievement of any of the main purposes of the GB or the fundamental aim of GB policy, set out in paragraphs 133 & 134 of the Framework.
17. I therefore conclude that the harm caused by reason of the development's inappropriateness, particularly since there is no other harm, is clearly outweighed by other considerations, including the barely perceptible impact on openness, so as to amount to the very special circumstances necessary to justify the development. I shall therefore allow the appeal.

#### **Conditions**

18. In the interests of visual amenity a condition in respect of materials is imposed. In the interest of certainty and for the absence of doubt, a condition is imposed to ensure that the development is built in accordance with the approved plans.
19. I have regard to all other matters that have been raised, including the views of the Parish Council, but none of the matters raised outweigh those which led me to my conclusions. Accordingly, the appeal is allowed.

*G Powys Jones*

INSPECTOR

### **Schedule of 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: The location plan and Drawings Ref KJT/Coppermill/101D, 103D & 111D.
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.