



Appeal Decision

Site visit made on 28 September 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/T0355/W/20/3254430

Land at Queen Acre Cottage, Windsor Road, Water Oakley, Bray, SL4 5UJ

- 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 Wayne Owen against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/00674, dated 3 March 2020, was refused by notice dated 7 May 2020.
 - The development proposed is demolition of existing dwelling and erection of replacement 3 bedroom chalet style bungalow.
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Decision

1. The appeal is dismissed.

Main issues

2. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the area;
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development

3. The site is in the Metropolitan Green Belt. A detached house already exists at the site and the proposal is to replace this building. Paragraph 145 d) of the Framework allows for replacement of a building in the Green Belt, provided the new building is for the same use, which the proposal would fulfil, and not materially larger than the one it replaces.

4. There are outbuildings to the rear of the main house, including an office and a shed. The Framework describes replacement of a building in the singular, but the Courts have established that there is no reason in principle why a group of existing buildings cannot be replaced by a single building in the Green Belt, as long as the relationship between them is appropriate.
5. However, in this case the Council is clear that the office building to the rear of the house is unauthorised. The appellant has argued that it is lawful through passage of time, but no evidence has been provided to demonstrate that this is the case and it is not the purpose of this appeal to establish whether the buildings are lawful or not. I have therefore not included the office building in volumetric calculations.
6. The Courts have established that 'materially larger' is an objective measure of size. In this case, the existing building has a volume of about 407 m³ (411 m³ if the shed is included). The replacement dwelling would have a volume of approximately 466 m³ and would be 1.4 metres higher. I note that the footprint of the building would reduce overall, but I consider that volume and height are critical parameters when assessing size of the building. I conclude that the proposed building is materially larger than the existing building and therefore constitutes inappropriate development in the Green Belt.
7. The proposal would therefore be in conflict with the Framework and Policies GB1, GB2 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted 2003)(the 'LP') which together require that proposals in the Green Belt are not inappropriate, including the requirement that replacement dwellings are not materially larger than the existing development on the site.

The effect on openness

8. The proposed building would be significantly larger by volume and height than the existing building and would be more visible when seen from the public domain over the boundary fence. For these reasons, there would be a reduction in openness in the Green Belt.
9. For the avoidance of doubt, this reduction in openness also precludes the site from being considered under Framework paragraph 145 g), which allows for redevelopment of previously developed land, providing it does not have a greater impact on openness than the existing development.
10. The proposal would therefore conflict with the Framework and Policy GB2 of the LP, which require that proposals do not reduce openness.

Any other harm - character and appearance

11. The existing building is a one-storey extended barn conversion. It is set back 30 metres from the highway behind large entrance gates and largely screened from the road by a high, close boarded timber fence. The proposed development would be a storey higher and clearly visible from the public domain.
12. Houses are sporadic in the vicinity and surrounded by open fields, which gives the area a semi-rural and open character. I observed at the site visit that the form and finish of other buildings along Windsor Road was variable, but most were of traditional form and none were in the proposed 'chalet style'. I consider that the adjacent dwelling is exceptional by virtue of its previous use as a pub.

The existing building on the appeal site reads as a converted barn and is therefore sympathetic to the prevailing agricultural character of the area. In contrast, the proposal would clearly appear as a modern, purpose built 2-storey dwelling, which is not consistent with the semi-rural pattern and form of development in the area.

13. The proposal is therefore in conflict with Policies H11 and DG1 of the LP, which require that harm should not be caused to the character of the surrounding area.

Other Considerations

14. I note the potential benefits from use of high-quality materials, additional planting along the boundaries and reduction in hardstanding to the rear, which may contribute in a minor way to the appearance of the immediate area. Any benefits associated with the removal of the outbuildings is less clear, given that there is not reasonable evidence before me to demonstrate that they are lawful.

Planning balance and conclusion

15. The development would constitute inappropriate development in the Green Belt because it would be materially larger than the building it would replace, and it would have a greater impact on openness. This is a matter to which I afford substantial weight in the planning balance. I have also found that there would be some limited harm to the character of the area through introduction of a contemporary, domestic building in an otherwise semi-rural setting. I conclude that the harm to the Green Belt by way of inappropriateness and the other identified harm above, would not be clearly outweighed by the identified other considerations so as to amount to the very special circumstances necessary to justify it. I therefore conclude that the appeal should be dismissed.

B Davies

INSPECTOR