



Appeal Decision

Site visit made on 19 October 2020 by Ben Phillips BSc MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/T0355/D/20/3249295

Ridgeway Lodge, Cannon Lane, Maidenhead SL6 4QQ

- 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 Perry Musty against the decision of Royal Borough of Windsor and Maidenhead Council.
 - The application Ref 19/03209, dated 18 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is described as the demolition of porch area and outbuildings. Two storey infill extension with new open porch and roof lights.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is located within the Metropolitan Green Belt (GB). Accordingly, the main issues are:
 - Whether the proposed development would be 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 proposal on the openness of the Green Belt; and
 - 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 for Recommendation

Whether Inappropriate Development

4. Policy GB1 of the Local Plan (2003) (LP) stipulates that within the Green Belt, approval will only be given, save in very special circumstances for a limited number of types of development. Residential development in accordance with Policies GB3-GB5 of the LP is one such exception, as is limited infilling subject

to certain criteria being met, which the appellant asserts is applicable in this case.

5. The Framework establishes in paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling is referred to as an exception to new building in the Green Belt at paragraphs 145 e) of the Framework where it would comprise limited infilling in villages, and at 145 g) where it relates to limited infilling of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development. Whilst the proposed extension would infill parts of the dwelling it would not fall under what is normally considered as infilling for the purposes of Green Belt policy, which usually relates to proposals for new dwellings on single plots, forming a relatively small gap between existing buildings, normally within a built-up area.
6. Accordingly, and given that the proposal would comprise an extension to the host dwelling, I have assessed the proposal under part c) of Framework paragraph 145, which, along with LP Policy GB4, which set out that the extension or alteration of a building is not regarded as inappropriate in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building.
7. What is considered to be a 'disproportionate addition' is not defined within the Framework and LP Policy GB4 sets out that each case will be considered on its merits with regards to disproportionality. The policy does not set out a floor space percentage limit but reiterates *'that floorspace will be a guiding factor in assessing whether a proposal is in accordance with the policy. However, percentage increases are not the sole determining factor.'*
8. There is no disagreement between the parties that the property has previously been extended or that the existing extensions to the property amount to an increase in floor area of 94% over and above that of the original dwelling. Although the new extension would be modest in size in itself, it would, taken with existing extensions, result in an increase in size of the original dwelling's floorspace of 110%.
9. I consider that the doubling or more of the original floorspace of the original property would be significant and would amount to a substantial increase in the form, bulk and overall scale and size of the original building. Policy GB4 does mention factors such as size of the plot and nature of the surrounding area, and I accept that the site itself would not be overdeveloped by the proposal and the nature of built form in the surrounding area varies. However, it is clear that the scale of the existing additions has led to a substantial increase in the size of the original building and a further increase in size as proposed would result in an original building that would be engulfed by extensions.
10. In light of the above I conclude that the appeal proposal, taken with existing extensions would comprise a disproportionate addition over and above the size of the original building and would result in inappropriate development in the Green Belt, as described in LP Policy GB4 and paragraph 145 of the Framework.
11. Paragraph 143 of the Framework says inappropriate development is harmful by definition and paragraph 144 identifies that substantial weight should be given to any harm to the Green Belt.

Openness

12. Given its modest scale, the replacement porch would have a limited impact on the wider property and would be seen in the context of the existing two storey property. It has a neutral effect on openness particularly given the removal of the lean-to entrance feature and its largely open design.
13. However, the proposed side extension would add considerable bulk to the property, extending its ridgeline at its highest point. The massing of the property would noticeably change and would be visible from the road. There would therefore be a visual impact upon openness in addition to, a spatial impact that would result in a reduction in openness of the Green Belt. The removal of the outbuilding and lean-to entrance as proposed would not compensate for this loss of openness to the Green Belt.
14. Although the reduction in openness would be limited and localised when assessed against the Green Belt as a whole, the Framework makes it clear that openness is an essential characteristic of the Green Belt and any harm to it should be given substantial weight.

Other Considerations

15. The appellant points to various fall-back positions possible under permitted development rights, including the retention of the outbuilding. Whilst drawings have been provided, it is not the place for this appeal to determine the lawfulness or otherwise of potential development. Whilst these extensions may be permitted development, I have limited evidence before me to demonstrate that there would be a greater than theoretical possibility that such development might take place. This therefore limits the weight I can give this matter.
16. The Appellant points out that no other harm would be caused. This would be expected of a well-designed development and is a neutral factor which does not weigh in favour of the proposal. It is however acknowledged that the proposal would regularise and simplify the form of the dwelling, which at present has been extended in a piecemeal fashion. As such I give this moderate weight.

Green Belt Conclusion

17. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of the loss of openness. These matters carry substantial weight. Moderate weight can be given to the considerations cited in support of the proposal. I therefore conclude that they do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
18. The proposal is therefore contrary to LP Policies GB1 and GB4 and the protection of Green Belt land aims of the Framework which seek to preserve the openness of the Green Belt and require the Green Belt to be protected from inappropriate development.

Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR