



Appeal Decision

Site visit made on 6 October 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2020

Appeal Ref: APP/T0355/D/20/3250518

Maywood House, Old Mill Lane, Bray, Maidenhead SL6 2BG

- 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 & Mrs Matthew and Hayley Boore against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/03469, dated 10 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is described as, "Part single, part two-storey rear extension and conversion of garage into habitable space".
-

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 Green Belt. Accordingly, the main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal with respect to flood risk;
 - if the proposal 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 it.

Reasons for the Recommendation

Whether inappropriate development

4. The Framework establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, as set out in paragraph 145 of the Framework. The one relevant to this appeal is (c): 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 GB4 of The Royal Borough of Windsor and Maidenhead Local Plan (adopted 2003) ('Local Plan') is broadly consistent with the Framework, as is Policy SP5 of the emerging Local Plan. However, as Policy SP5 has not yet been adopted, it has been given limited weight. The supporting text to Policy GB4 provides that a disproportionate addition could occur through one large extension or through the cumulative impact of a series of small ones. These policies assist in safeguarding the five purposes of the Green Belt, and the Green Belt's purpose in relation to its assistance in safeguarding the countryside from encroachment is of particular relevance to this appeal.
6. The parties disagree on the size of the original building. However, the Council has calculated the gross floor area of the original building by reference to the original planning permission for it, and therefore I find the Council's analysis to be persuasive. From this, the Council has surmised that when taking account of previous extensions, the proposed resultant dwelling would entail a percentage increase, over and above the size of the original dwelling, of 62%. This would clearly be a substantial increase.
7. The appellants have referred to a number of other nearby properties which would be of a comparable size to the resultant dwelling¹, and have drawn attention to the overall size of the plot in relation to other properties in the immediate vicinity, and also to the spaciousness of the residential area in general. Nevertheless, the Framework and Policy GB4 require an assessment of the proposal against the original building / dwelling. Accordingly, the proposal has been assessed on its own merits.
8. Whilst objections have not been raised in relation to the design and position of the proposal, the part single, part two storey rear extension element would considerably augment the existing property, in terms of scale and bulk. Considering this, and the substantial increase in floor area, I consider that the proposal would result in a disproportionate addition over and above the size of the original building. The proposal therefore constitutes inappropriate development in the Green Belt for the purposes of the Framework and Policy GB4 of the Local Plan and Policy SP5 of the emerging Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

9. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. Although the rear of the appeal property is surrounded by fencing, and some soft landscaping exists around the boundaries to the garden, the introduction of the extension would materially increase the bulk and massing of the appeal property. Thus, the openness of the Green Belt would be reduced, both visually and spatially. It is recognised that the visual impact would be limited and

¹ Including: River's Reach; Vignoble; Mill Lodge; Graysley; Barley End; Mollen; Weir Lodge; Bray Villa; Mill House; and Old Mill Cottage.

confined to the local area, but nevertheless, harm would result to the Green Belt.

Flood risk

11. The Council has stated that the site falls within Flood Zones 2 and 3, where there is a medium to high risk of flooding respectively, and this has not been disputed by the appellants. Indeed, the Flood Risk Assessment for Planning (2019), submitted by the appellants, states that although the site is protected by the Jubilee River and North Maidenhead Bund which offers up to 1 in 25 protection (4% chance of occurring annually), the appeal site is within Flood Zone 3a (High Risk). In such areas, Policy F1 of the Local Plan seeks to control development and sets out that extensions in excess of 30 sq.m will not be permitted unless certain circumstances apply. The 30 sq metres is taken to include all additions completed since 26 September 1978 which required express planning permission.
12. In this regard, the Council has stated that the footprint of the existing dwelling has already been extended by 46 sq metres since 1978, and the appellants have not disputed this calculation. As such, the proposal would conflict with Policy F1 in terms of the size of the extension proposed.
13. Policy F1 does not however preclude development which exceeds the thresholds within it, so long as it can be demonstrated that certain criteria is met. In this case the development as proposed, would be unlikely to reduce the capacity of the flood plain to store water. Although the frequency of flooding of the site is likely to have been reduced following the construction of the flood defences, the submitted evidence indicates that within the modelled 1:100 year event the appeal site could be inundated with flood water. During such an event there would therefore be a high probability that the design and footprint of the extension would impede the flow of water within the site during times of flood, and the likely displacement of flood water could increase the risk of flooding elsewhere. Accordingly, the proposal would conflict with the aims of Local Plan Policy F1 having regard to these matters.
14. I note the measures that would be incorporated into the design of the scheme and the appellants' willingness to subscribe to the Environment Agency's flood warning service, however whilst this would protect the appellants' home and the safety of its occupants and the emergency services during times of flood, it would not address the harm that I have identified or the conflict with the development plan as set out above.
15. I therefore conclude that the proposal would have an unacceptable and harmful effect with respect to flood risk. The proposal would conflict with Policy F1 of the Local Plan, which provides that within areas liable to flood, the size of extensions will be controlled to reduce the risk of flooding, unless certain criteria are met, which in this case would not be achieved. The proposal would also conflict with paragraph 163 of the Framework, which provides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Other considerations

16. The Framework makes it clear at paragraph 144 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special

circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

17. It is not in dispute that the proposal would be acceptable in relation to the character and appearance of the area, the appearance of the host property, and with respect to the living conditions of neighbours. Additionally, there have not been any objections from neighbours, or other residents. However, these are neutral factors, which do not weigh in favour of the proposal. Considerations of localism do not increase the weight accorded, as there could be any number of reasons why those neighbours have not objected.
18. The proposal would improve the living accommodation available to the appellants and their family. However, as this would mainly be a private benefit, this has been given limited weight. Moderate weight has been given to the contention that the proposal would maximise the potential of the site, the existing property, and the use of local facilities.

Balancing of considerations and whether very special circumstances exist

19. The proposal would be inappropriate development in the Green Belt and would result in the loss of its openness. These matters carry substantial weight. Additionally, the proposal would give rise to harm with respect to flood risk. Taken together, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist. Thus, the proposal would not comply with the Green Belt aims of Policy GB4 of the Local Plan, Policy SP5 of the emerging Local Plan, or the Framework, and would therefore be unacceptable. Overall, the proposal would not constitute sustainable development.

Conclusion and Recommendation

20. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR