



Appeal Decisions

Site visit made on 17 November 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal A Ref: APP/T0355/D/20/3258306

4 Hythe End Road, Wraysbury, Staines TW19 5AR

- 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 Sam Oxlade against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 20/01171, dated 11 May 2020, was refused by notice dated 13 July 2020.
- The development proposed is described as demolition of existing garage to front of site, raising of existing main roof height and erection of dormer windows on the river facing and north facing elevations, erection of porch at ground floor level and first floor extension over existing lounge area. Construction of replacement single garage on site frontage.

Appeal B Ref: APP/T0355/D/20/3261687

4 Hythe End Road, Wraysbury, Staines TW19 5AR

- 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 Sam Oxlade against the decision of Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 20/02201, dated 19 August 2020, was refused by notice dated 19 October 2020.
- The development proposed is described as construction of single storey front extension to form garage following demolition of existing double garage. First floor front extension, raising of main roof ridge height with hipped roof, ground floor side infill extension and replacement of the existing flat roof of the rear dormer with 3 no gable sections, rear balcony and alterations to fenestration following demolition of the existing garage.

Decisions

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. I am not aware of whether there are any unresolved objections regarding the Royal Borough of Windsor and Maidenhead Local Plan (Borough Local Plan 2013 - 2033 Submission version (emerging plan) and the examination is yet to resume. Consequently, it carries limited weight in my decision.

Main Issues

3. The main issues of the appeals are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
- The effect 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. If so, would this amount to the very special circumstances required to justify the development.

Reasons

Whether Inappropriate Development

4. Saved Policies GB1 and GB2 of The Royal Borough of Windsor and Maidenhead Local Plan (LP) set out the exceptions to inappropriate development and considerations for developments in the Green Belt. Saved Policy GB4 of the LP and Policy SP5 of the emerging plan state that for extensions, approval will only be given where the extension would not cause a disproportionate addition over and above the size of the original dwelling.
5. Policy GB4 of the LP states that floorspace will be a guiding factor, however percentage increases are not the sole determining factor. Bulk, scale and the effect on the openness and purposes of the Green Belt as well as their impact on general appearance will also be considered.
6. The Framework outlines that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions to inappropriate development in the Green Belt is where development is for 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.
7. Whether an extension is disproportionate or not will be a matter of judgement as no definition of disproportionate is given in the Framework or the LP.
8. Taking the appellant's figures, the cumulative increase in floorspace of previous and proposed extensions on the original building would be in the region of 67% for Appeal A, and 63% for Appeal B. To my mind this would be a considerable increase.
9. The properties in the same row are of a mixed style and appearance. As such, the schemes would not harm the general appearance of the area. The appeal schemes would be set back and down at the front of the property in comparison to the current building. Nevertheless, the reductions, even taking account of the changes made between the two schemes, are not substantial. Moreover, there would be significant bulk added to the first floor of the property and the maximum height of the dwelling would be increased.
10. In this instance, the size of the combined extensions would result in additions to the original building that would be disproportionate in the terms of the Framework, the LP and emerging plan. For these reasons, therefore, the appeal developments would be inappropriate development in the Green Belt and would conflict with Saved Policies GB1, GB2 and GB4 of the LP and Policy SP5 of the emerging plan and the Framework.

Effect on Openness

11. Openness, in terms of the Green Belt, has a spatial and visual aspect.
12. While the schemes would reduce the ground level floor space, the proposals would considerably increase the overall size of the building. Therefore, spatially openness would be reduced.
13. The proposals would be seen with two storey buildings nearby, including those either side of the site. Foliage and the cul-de-sac location would aid in screening the schemes from certain views. Nevertheless, the additional bulk and mass of the extensions would be obvious from other properties. Although there may be limited users of the road to the front, the enlargements would also be seen from there. While the front extension would be screened from across the river, the increased ridge height would be clearly visible from those public views.
14. Consequently, in visual terms and spatial terms the proposals would have a greater impact on the openness of the Green Belt than the existing development. Although the harm would be small, this would be contrary to Saved Policies GB1, GB2 and GB4 of the LP and Policy SP5 of the emerging plan. This would also fail to accord with the Framework where it states openness is an essential characteristic of the Green Belt.

Other Considerations

15. Replacement dwellings, such as those at 6 Hythe End Road and at the appeal site itself, would have fallen under a different exception of Green Belt policy. That exception refers to the existing rather than original dwelling and are therefore materially different to the appeal schemes.
16. Although policy may not have altered since permission for a replacement dwelling at the site was granted, that has now lapsed. Consequently, while the fallback is a consideration, it attracts limited weight in this instance.
17. The improvements to the rear elevation of the property would be small and attracts only minor weight, as does the limited reduction in footprint with regard to flooding. The lack of highways or living conditions refusal reasons are neutral impacts
18. The Inspector in the previously allowed decision¹ for an extension in the Green Belt I have been referred to considered that scheme would have been barely noticeable in the public realm. This is distinct from the proposals before me where the extensions would be obvious. I do not have detailed information of other extensions in the street that have been permitted so I cannot be sure they are comparable to the schemes before me.

Conclusion

19. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that I have identified.

¹ APP/T0355/D/20/3252691

20. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Saved Policies GB1, GB2 and GB4 of the LP and Policy SP5 of the emerging plan and the Framework.

21. Therefore, for the reasons given I conclude that the appeals are dismissed.

Stuart Willis

INSPECTOR