



Appeal Decision

Site Visit made on 16 February 2021

by Alexander O'Doherty LLB(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/T0355/D/20/3262298

Burfield Grange, 34 Burfield Road, Old Windsor, Windsor SL4 2LG

- 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 Y Hussein against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01686, dated 10 July 2020, was refused by notice dated 7 September 2020.
 - The development proposed is an infill roof extension over existing flat roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - 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

Whether Inappropriate Development

3. The Framework makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. In this regard, the essential characteristics of Green Belts are their openness and their permanence.
4. The Framework further establishes that the construction of new buildings within the Green Belt is inappropriate. There are however a limited number of exceptions to this, one being 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, as set out by paragraph 145 c). This principle is reflected in saved Policy GB4 of the Local Plan¹. The supporting text to which explains that a disproportionate addition could occur through one large extension or through the cumulative impact of a series of small ones.

¹ The Royal Borough of Windsor and Maidenhead Local Plan 1999 (including alterations 2003)

5. Reference has been made to the size of the proposal relative to previous extensions and additions, relative to the buildings in the planning unit taken as a whole, relative to the size of the plot, and relative to the dwelling as it stands. However, paragraph 145 c) of the Framework refers to the size of the original building, and therefore that is the baseline for my assessment. The dismissed appeals referred to from 2005² were determined at a point in time when Burfield Grange was smaller than it is today, and therefore they have not influenced my assessment.
6. As the proposal relates to an existing roof terrace, it would not increase the floor area or the footprint of Burfield Grange, and it would be physically subordinate to the dwelling. It would also continue the existing single storey roofline and replace a parapet wall. However, it is common ground that previous planning permissions at the appeal site have resulted in an approximately 54% increase in floorspace when compared to the original building. In this regard, it is clear that Burfield Grange has been extensively extended in the past, with very significant additions added to the original building. Furthermore, the proposal would result in a volumetric increase across the entire span of the terrace, at approximately 8.5 metres wide by approximately 6.2 metres deep when measured internally, and would meet the ridge height of the existing garages.
7. As such, the proposal would involve a considerable increase in size, which when taken in combination with the previous additions, would result in a disproportionate addition over and above the size of the original building. The proposal would therefore constitute inappropriate development in the Green Belt for the purposes of the Framework and Policy GB4 of the Local Plan. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

8. 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.
9. The proposal would be situated in an elevated position. However, the trees on site would largely screen it from wider views, meaning that its visual impact would be limited. Nevertheless, as the proposal would increase the bulk and massing of Burfield Grange the openness of the Green Belt would be reduced in spatial terms. The impact would be limited and localised, with a minimal encroachment into the Green Belt, but harm would nevertheless result to the Green Belt, through its openness being reduced. This would be in addition to the harm I have identified in regard to the first main issue.

Other Considerations

10. 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.

² APP/T0355/A/05/1182916 & APP/T0355/A/05/1182882

11. The proposal would not be easily viewable in the street scene or the wider area, as it would be located in a visually discrete area. It would infill an area which is already largely surrounded by built form and its roof structure and overall design would complement the dwelling. Its design aesthetic would soften the appearance of the existing roof forms, and the proposed materials would be appropriate. These considerations, which would serve to maintain the character and appearance of the area and the dwelling, are neutral factors, which do not consequently weigh in favour of the proposal. Similarly, the proposal would not adversely affect the living conditions of neighbouring occupiers, or the provision of car parking at the appeal site. The proposal would also not affect flood risk. As these considerations would maintain the status quo, they are also neutral factors.
12. The proposal would improve the living conditions of the existing occupiers of the dwelling, but the benefits thereof would be limited to them privately. Accordingly, this would attract limited weight.

Other Matters

13. The main parties have referred me to emerging policies set out in what will be the replacement Local Plan. The evidence suggests the plan is at examination stage. I have not been advised as to how far it is advanced in that process or whether there are any outstanding objections to the policies relevant to the appeal. In any event it remains emerging and is consequently not part of the adopted development plan. The saved policies of which are more than sufficient for me to come to a view on the main issues of the case.

Conclusion

14. The proposal would be inappropriate development in the Green Belt and would result in a reduction of its openness. These harms carry substantial weight as I have explained. Taken together and for the reasons I have given, I find that the other considerations in this case are not sufficient to clearly outweigh them. Consequently, the very special circumstances necessary to justify the proposal do not exist. Thus, the proposal would not comply with Policies GB1, GB2 and GB4 of the Local Plan and the provisions of section 13 of the Framework, which collectively seek to protect the Green Belt against inappropriate development and to maintain its openness. The appeal is therefore dismissed.

Alexander O'Doherty

INSPECTOR