



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: 8 March 2021

Appeal Ref: APP/R0335/D/20/3261798

Queenswood House, Drift Road, Winkfield, Windsor SL4 4RL

- 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 Andrey Morev against the decision of Bracknell Forest Council.
 - The application Ref 19/01107/FUL, dated 19 December 2019, was refused by notice dated 7 August 2020.
 - The development proposed is described as, "I propose the construction of a car shelter with space for one car. The roof of the car shelter will have grass and plants installed. The shelter will be multifunctional, and when not in use for a car, can be used as an outdoor sheltered space. The metal columns will be covered in living green walls and/or wood."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a carport at Queenswood House, Drift Road, Winkfield, Windsor SL4 4RL in accordance with the terms of the application, Ref 19/01107/FUL, dated 19 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Insofar as they relate to the development hereby permitted, the development shall be carried out in accordance with the following approved plans: CARPORT (JAN-20) and PLAN. FENCE. VIEW A AND VIEW B. (JAN-20).

Preliminary Matters

2. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as the 'erection of carport'. I have used this description in my consideration of the appeal and decision since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. The Council's decision notice stated that solely the car port was considered as part of the application, with no other developments shown on the submitted plans forming part of that decision. I have considered the appeal proposal on the same basis.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The Framework¹ 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, but none refer to outbuildings.
6. The parties have focussed on paragraph 145 c) which considers 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. Reference has been made to *Dawe*², which held that an outbuilding could be considered to be a normal domestic adjunct of the host property and hence an extension to it, even though it is detached. Saved Policy GB1 of the Local Plan³ also provides that the construction of domestic outbuildings incidental to the enjoyment of an existing dwelling may be permissible in the Green Belt provided that their scale, form, effect, character and siting are acceptable.
7. Although the Framework does not explicitly mention outbuildings, this does not mean that saved Policy GB1 is inconsistent with it, as both saved Policy GB1 and the Framework presume against new buildings in the Green Belt subject to exceptions, with saved Policy GB1 merely providing an additional exception. Considering this, and the position established by *Dawe*, outbuildings can be considered as an extension to a dwelling.
8. As the proposal would be used to store vehicles, it would be functionally related to Queenswood House, which is a residential dwelling. Although it has been stated that it would be larger than the Council's dimensions for car ports given in the Parking Standards Supplementary Planning Document (2016), I feel that its scale, height and bulk would be in keeping with its landscaped surroundings, and it would be subservient in scale to Queenswood House.
9. It would also be located close to Queenswood House, and considering its usage as a car port, its positioning near the road and beside the driveway would result in an acceptable relationship with its host property. As such, I consider that the proposal would be considered as an extension to Queenswood House, and it is sufficiently clear based on what I have seen that it would not result in a disproportionate addition over and above the size of the original building, in compliance with paragraph 145 c) of the Framework.
10. The proposal would be situated in a fairly discrete location and would be largely screened from wider views by soft landscaping. It would be a lightweight structure adorned with natural finishes and a green roof. It would thus have an acceptable impact on the character and appearance of the area. Thus, and taking into account my earlier findings, complying with saved Policy GB1. In light of the above, the proposal would not be inappropriate development in the

¹ National Planning Policy Framework 2019

² *Sevenoaks DC v SSE & Dawe* (QBD 13.11.97 CO1322-97)

³ Bracknell Forest Borough Local Plan 2002

Green Belt, and would also comply with Policy CS9 of the Core Strategy⁴, in this respect.

Other Matters

11. The detached garage previously on the appeal site has been dismantled and removed. According to the evidence this was due to its condition. This had consequences in terms of gaining planning permission for a replacement structure. In relation to this, and with respect to the nationality of the appellant and subsequent misunderstanding of planning matters, I have had regard to the aims of the Public Sector Equality Duty contained in the Equality Act 2010. In particular, I have considered the need to minimise the appellant's disadvantage in these circumstances. That said, I have found that the appeal scheme would not be inappropriate development in the Green Belt with respect to the development plan and the Framework. Whilst not determinative in this case, this has had the effect of resolving any disadvantage the appellant may have been subject to due to the above reasons.
12. It has been suggested that permitted development rights should be removed going forward but as a scheme for the erection of an outbuilding in a residential curtilage, I do not feel such an approach can be justified. I note the dwelling already benefits from parking areas, but it does not follow that, for this reason, a scheme for the erection of a carport should be refused, particularly since it would not give rise to any planning harm. Concerns relating to the validation of the planning application are not matters assessed through the planning appeal process.

Conditions

13. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the Framework and the Planning Practice Guidance. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development and the approved plans respectively. In the interests of preciseness, I have specified that the plans have been approved insofar as they relate to the erection of a carport only.
14. I have not imposed a condition requiring the control of the external materials since sufficient detail thereof is shown on the approved plans which are covered by a separate condition.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

⁴ Bracknell Forest Borough Local Development Framework: Core Strategy Development Plan Document 2008