
Appeal Decision

Site visit made on 27 April 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/T0355/D/20/3261502

The Farm, Bigfrith, Church Road, Cookham Dean, Maidenhead, Berkshire SL6 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Zink against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01789, dated 14 July 2020, was refused by notice dated 14 September 2020.
 - The application sought planning permission for part single part two storey front extension without complying with a condition attached to planning permission Ref 16/02326, dated 30 September 2016.
 - The condition in dispute is No 3 which states that: Irrespective of the provisions of Classes A and B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission, having first been obtained from the Local Planning Authority.
 - The reason given for the condition is: The site is in the Green Belt and whilst the development subject of this permission complies with the Green Belt policy, further development would be unlikely to do so. Relevant Policies- Local Plan GB1, GB2 GB4.
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Decision

1. The appeal is allowed and planning permission is granted for part single part two storey front extension at The Farm, Bigfrith, Church Road, Cookham Dean, Maidenhead, SL6 9PR in accordance with the application Ref 20/01789 dated 14 July 2020 , without compliance with condition number 3 previously imposed on planning permission Ref 16/02326 dated 30 September 2016.

Procedural matter

2. The appellants' names were confirmed by the agent in the letter dated 16 December 2020.

Main Issue

3. The main issue is the necessity of the condition to protect the character and appearance of the area with particular attention to the openness of the Metropolitan Green Belt.

Reasons

4. The Cookham Village Design Statement (VDS) notes the area is defined by its green spaces: buildings are interspersed with substantial areas of woodland, fields, commons and green spaces. The site and the environs are within the Green Belt, there are commons and a loosely knit informally arrangement of low houses, which are subservient to the landscape. The VDS also notes the architectural style of the area, including scale being proportionate to plot size, the pitch of roofs, red brick and clay tile materials.
5. The original building was a barn which predated the 1800s and is adjacent to the main dwelling. The buildings are of local materials and to the vernacular tradition. The site has a large rear garden but a relatively narrow frontage.
6. The condition in dispute removes permitted development for Classes A, B and E of part 1 of the GDO.
7. Paragraph 55 of the National Planning Policy Framework (the Framework) Framework affirms that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.
8. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
9. Similarly, the Planning Practice Guidance note on the Use of Conditions states that conditions restricting the future use of permitted development rights may not pass the tests of reasonableness or necessity.
10. Whilst the case officer's report mentions the size of the 2016 permitted extensions, these appeared to me to be well conceived. The massing of the various elements was broken up to give a varied and rustic character which readily resolved the increase in size. Additionally, the materials and detailing were reflective of the vernacular. Consequently, the resulting building is not harmful to the area and has not been overly extended.
11. Permitted development rights allow for modest changes to buildings which have been prescribed to avoid impact on the character of the area unless there are very particular local circumstances. Whilst I note the case officer's concern about the potential infilling of the gap between buildings, but being only 3.2m wide this would not be significant. Such minor changes/alterations or outbuildings in conjunction with the 2016 extensions would accumulatively not be harmful. The site-specific characteristics here do not justify the tests for condition 3.
12. Generic harm to the Green Belt is mentioned in the reason for refusal. However, Paragraph 145 of the Framework, concerning the Green Belt, allows 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. Thus, nationally, extensions/alterations can be acceptable within the Green Belt. Therefore, as permitted development rights only allow for modest changes to buildings, such changes will not be disproportionate and there is no necessity to remove permitted rights. Indeed, if there was such a necessity it would have been explicit in the Framework.

13. Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan seek to ensure that the character of the site and the surroundings are respected. GB2 seeks to protect the openness of the Green Belt and similarly GB4 reflects paragraph 45 of the Framework by allowing extensions if not disproportionate. The VDS whilst analysing the character of the area also notes the need to avoid disproportionate additions to dwellings in order to protect the Green Belt. It also advocates that extensions should be subordinate and reflect the character of the existing building. I find that the proposal would not be in conflict with these policies and guidance.
14. I therefore conclude that the extensions are acceptable, in terms of impacts on the character of the area and openness of the Green Belt, without the need for permitted development rights to be removed,
15. The case officer's report indicates concern about the loss of potential car parking space if the garage was altered. However, noting the adjacent road is not a through route and the nature of the local area, I do not consider that on road parking would be hazardous if that occurred and note this was not a reason for refusal.

Conditions

16. The other original conditions relate to implementation, which has taken place and consequently they are not now necessary, so are not imposed.

Conclusion

17. I therefore conclude that the appeal should be allowed.

John Longmuir

INSPECTOR