



Appeal Decision

Site visit made on 12 March 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/T0355/W/20/3263030

Little Acre, Ascot Road, Holyport, Maidenhead SL6 3LD

- 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 Dr Lakshmi Kanthan against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01879, dated 26 July 2020, was refused by notice dated 5 October 2020.
 - The development proposed is a new outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of proposed development in the banner heading above is taken from the appeal form and decision notice as it is more succinct than that shown on the application form.
3. A building was under construction on the site at the time of my visit. The main building was largely completed, though the proposed tiling to the roof had not been implemented. For the avoidance of doubt, I have considered the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site is located in the garden associated with a large detached dwelling. Close to the main house, I was able to see other associated buildings, shown on the plans as an annexe, garage and swimming pool building. The development is located approximately 23m to the south of the dwelling, close to the southern boundary and accessed via the lawns and paths. The intended use of the building is stated to be incidental to the enjoyment of the dwelling house, as a barbeque structure including roof space for storage.
6. The Framework states that development within the Green Belt is inappropriate unless it falls within one of the exceptions set out in paragraphs 145-146 of the revised Framework. The development would not fall into any of the categories listed. Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (the Local Plan) reflects the Framework, setting out different types of development that would be approved in the Green Belt. The development would not fall within any of the categories listed by the Local Plan or the Framework.
7. As such, the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I shall return to this matter below.

Openness

8. The essential characteristics of Green Belts are their openness and their permanence. One of the purposes of the Green Belt is to keep land permanently open. In this case, the development would result in a building where previously none existed. The building is also not insignificant in scale largely in part due to the height (4.8m) and design with a deep roof element resulting in a building, of which the majority of the roof stands above the adjacent hedge and represents approximately half of the building, giving the impression of a substantial top-heavy building. Whilst I acknowledge that the roof element is provided for storage, the extent of windows and doors to the roof element is unusual and the height and pitch of the roof element is a contributory factor to this tall and bulky building.
9. The building is located further into the garden, away from the existing main house and associated hardstanding and outbuildings there and represents an increase in built form on the site to the detriment of the openness of the Green Belt.
10. The site is set well back from the road and is not easily seen from the public footpath due to the mature vegetation and the change in levels. I was able to see a neighbouring residential property, from which the development is likely to be seen. As such while the change in nature of the site would be clearly visible to the occupants of the dwelling itself, the overall visual impact on openness would not be significant.
11. Notwithstanding the above, the absence of significant visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt. When considered as a whole, the spatial impact of the development means that it

would clearly fail to preserve the openness of the Green Belt. This adds to the harm resulting from being inappropriate development in the Green Belt.

Character and appearance

12. The development is a new addition into a previously undeveloped area of the garden, being somewhat detached from the main dwelling and associated outbuildings which are clustered around it.
13. The appellant points out that the outbuilding is sited in a linear zone of built form, illustrated by aerial images. Whilst I accept that there is built form along and just off the road, the outbuilding is clearly detached from the main area of development around the main house and is an introduction of a bulky building where once there was no structure. Even so, the nearby plots as seen from the aerial imagery show a variety of large detached houses with many having outbuildings which appear to be well associated with, and on the whole kept close to the main house or area of built form.
14. Whilst I accept that the garden and plot are substantial, and this is typical of the dwellings in the nearby area, outbuildings associated with the dwellings tend to be located close to the existing dwelling. As a result, the introduction of the outbuilding has an urbanising effect, and is disruptive to the character of the wider area due to this interruption of the grain of the plot arrangements.
15. Views into the site from outside will differ, with some parts being more visible and prominent than others. I consider that the siting of the building to the south of the main dwelling and associated outbuildings would introduce a new and bulky addition to the garden, in particular as seen from the neighbour to the south west. Nonetheless, when viewed beyond the site, it is unlikely that the building would be considered as a separate dwelling or annexe.
16. The materials are to match the existing dwelling and so there is some association to the main house area, however the unusual design introduces a bulky and dominant addition into the garden. Whilst I acknowledge that the building is proportionately small when compared to the existing hardstanding and buildings around the dwellinghouse, the building does however increase the density of development on the site, and given it is some distance from the existing development clustered around the main house, I conclude that there is an unacceptable interruption to the pattern and grain of the character and appearance of the area.
17. The appellant directs me to previous decisions relating to the existing garage building, however that building remains close to the existing dwellinghouse and this does not alter my findings as described above.

Other considerations

18. The appellant argues that the development would be acceptable if not for an existing condition which removes certain permitted development rights. This has been the subject of a separate appeal. The appellant states that a number of outbuildings similar to the development before me could be constructed without the need for planning permission. Notwithstanding, as the condition remains in place there is no potential fallback on this basis. As such I have not given any weight to this argument.

Very Special Circumstances

19. The proposal constitutes inappropriate development in the Green Belt. I have given the harm associated with this substantial weight. There would also be some additional harm through the effect of the development on the openness of the Green Belt. As explained above, I have given only moderate or limited weight to the other considerations cited in support of the development. Taken together, these would not clearly outweigh the harm to the Green Belt identified above.
20. 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 development do not exist.

Conclusion

21. The development would therefore be in conflict with Local Plan Policy GB1 and the provision of the Framework. For this reason and as described above, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR