



Appeal Decision

Site Visit made on 22 June 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/T0355/W/21/3266551

Land at Hope House, Binfield Road, Shurlock Row, Reading RG10 0QJ

- 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 Kier De'Ath against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01053, dated 6 May 2020, was refused by notice dated 8 October 2020.
 - The development proposed is erection of a detached dwelling with associated driveway and parking, following demolition of existing equestrian buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.
3. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision. I consider that there have been no fundamental changes relevant to the main issues in this appeal and therefore no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

Main Issues

4. The main issues of the appeal 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 of the proposed development on the character and appearance of the area, including the Shurlock Row Conservation Area (CA) and protected trees, and
 - If the development is inappropriate, 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 the development.

Reasons

Whether Inappropriate Development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
6. One exception is the limited infilling or the partial or complete redevelopment of previously developed sites. This is providing the development would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to the openness of the Green Belt where the development would contribute to meeting an identified affordable housing need.
7. Policy GB1 of the Local Plan¹ sets out the exceptions to inappropriate development which differ from those in the Framework. Reference is made to limited infilling, partial or full redevelopment in the context of designated major development sites only. GB2 of the Local Plan states that new development, including redevelopment in the Green Belt is permitted where it would maintain the openness of, and not conflict with the purposes of, including land in the Green Belt, along with certain other criteria. The Local Plan predates the publication of the Framework and GB1 and GB2 of the Local Plan are not entirely consistent with it. Therefore, they attract limited weight.
8. Even if I were to consider the site to be previously developed land, there is a need to consider the effect of the proposal on the openness of the Green Belt. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
9. The footprint of the proposed dwelling would be less than that of the existing buildings to be demolished. However, the height of the proposed dwelling would be greater than any of the existing buildings. Furthermore, with a basement, ground and first floor levels proposed, the cumulative floor area would be considerably greater.
10. Due to their small height, individually small footprint and location behind mature landscaping, even though spaced out the existing buildings are very well screened with only limited and long-distance partial public views of them. Similarly, the proposed dwelling, would not be overly conspicuous, with only glimpsed views over some distance through the retained vegetation.
11. Nonetheless, the size of the garden identified would be far greater than the area covered by the existing buildings and include large areas that, at the time of my visit, were absent of development or structures. Therefore, a wider area of land could be covered by domestic paraphernalia. The initial section of new driveway would be partly seen from the road with the removal of vegetation. Moreover, the existing buildings are not of a residential appearance.
12. Consequently, the proposal would reduce, and have a greater impact on, the openness of the Green Belt in spatial and visual terms compared to the existing

¹ Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003)

circumstances. While the harm would be small, this would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness.

13. The Framework identifies that self-build housing can be either market or affordable housing. No appropriate mechanism has been put before me to secure the dwelling as self-build or affordable housing. Therefore, the scheme cannot be considered under the Green Belt exception set out in the second part of paragraph 149g).
14. As such, when judged against the wording of national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition. It would conflict with Policies GB1 and GB2 of the Local Plan and the Framework. The proposal would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. Furthermore, it would fail to assist in safeguarding the countryside from encroachment.

Character and Appearance

15. The appeal site is partly located within the CA. This relates to the areas of contention regarding removal of trees. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
16. From my observations, and the Conservation Area Statement Shurlock Row, the significance of the CA lies, in part, in the linear form of development emanating from the core of the settlement along The Street with frequent mature landscape features giving a verdant appearance.
17. The existing buildings to be removed are individually small scale. Their external materials and low height mean they assimilate into the vegetation. They have an ancillary, agricultural and equestrian appearance with other similar types of outbuildings nearby. The site has the appearance of the countryside.
18. There is a less consistent pattern of development on this side of the road than there is opposite the site and within the main part of the village. There would be ancillary buildings and structures between Hope House and the proposed dwelling and no consistent scale or appearance to properties nearby.
19. Notwithstanding this, development nearby is generally in a linear form and even properties with large plots, such as Hope House and the neighbouring property, are seen in views together from the road. No specific examples of similar or larger separation distances within the immediate area have been drawn to my attention. The proposed dwelling would be considerably further from the nearest property than is typical of the area. It would therefore appear detached and separate from other properties and appear as an incursion into the rural landscape.
20. The proposed roof pitch would not be overly steep. But the overhang would be substantially larger than any of the existing buildings on the site or any others I saw in the area, including barns. While there are large roofs at some nearby properties, these often relate to taller, multistorey buildings. The overhang and roof size would be at odds with the surrounding area and overwhelm the rest of the building. In addition, the high number and distribution of the openings and solar panels on the roof would give a muddled and overly complicated

- appearance. This would be at odds with the more simplistic arrangement at existing dwellings in the area and outbuildings at the site.
21. Although conditions could be imposed regarding existing and proposed landscaping that would largely screen the site, these should not be used to try to hide development which is inherently unacceptable.
 22. My concerns relate to the appearance and position of the proposed dwelling itself which is outside and well screened from the CA. These aspects would not harm those elements of the setting of the CA that make a positive contribution to the significance of it either directly or through its setting. However, they would be harmful to the character and appearance of the area.
 23. The appellant's Arboricultural Survey and Impact Assessment (April 2020) identified trees to be removed and retained at the site. The Arboricultural Appeal Statement has provided clarification of the number of trees/stems, which I saw on site, and root protection areas.
 24. The verdant appearance of the site and the surrounding area contributes positively to the wider area and the CA. Nevertheless, tree cover is not continuous at the site or nearby. There are already frequent gaps in the mature roadside vegetation for access points on both sides of the road.
 25. Trees G3, T10, T8, T11 and G7 are tall features that form part of the wider mature landscaping visible in views approaching the site from the CA. They are seen as part of the wider vegetation at Hope House that includes other trees along the existing driveway and several layers of vegetation within the site and further along the roadside boundary. Approaching from the other direction the roadside trees limits their visibility.
 26. Only the loss of G3 would have any obvious effect from roadside views when in leaf as it largely obscures views of T10, T8, T11 and G7 behind. Even with the removal of all of these for the new driveway there would still be a considerable amount of tree cover in the foreground and background in views of the site. A significant amount of tree cover would remain, and the verdant appearance of the site would be retained.
 27. There would only be minor incursions into the root protection areas of some retained trees with the vast majority of these areas being unaffected. Small changes to the route of the driveway would largely avoid them altogether. Measures to protect the trees during construction are proposed along with an arboricultural method statement. There is already a driveway in place adjacent to some of the retained trees, including T1 and T2 at the access, and the information before me indicates that some services already follow this route.
 28. There is no compelling evidence before me to suggest that the future health and longevity of the retained trees would be significantly affected or compromised by works to allow any additional service connection or other elements of the scheme. Access through the alternative route is already served by hardstanding in parts. Protection measures are suggested, and conditions could be imposed for these were the appeal to be allowed regarding the construction process, method statement and protection of features.
 29. As a result, the proposal would preserve the character and appearance of the CA and accord with Policy N6 of the Local Plan in relation to providing appropriate details and protection for landscape features.

30. Notwithstanding this, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with Policies DG1 and GB2 of the Local Plan as well as the Design Guide². These, amongst other things, state new buildings should be compatible with and not harm the character of the countryside from its design and settlement pattern. Furthermore, it would not comply with the Framework where it states development should be sympathetic to local character.

Other Considerations

31. The Council are currently unable to demonstrate a 5-year supply of housing land. Nevertheless, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is an example of such an area/asset and the proposal is contrary to the relevant policies of the Framework in regard to these.
32. The proposal would align with the aim of the Framework to significantly boost the supply of homes and that small developments can make an important contribution. However, being for a single dwelling such benefits would be minor. Economic and social benefits associated with the construction and occupation of the property to the area and the Council would be limited for the same reason. I therefore give these matters limited weight.
33. While the Framework gives support for designs which promote high levels of sustainability, there is no detailed information regarding the zero energy concept of the property or how this would be achieved. Therefore, I afford this little weight. That there have been no refusal reasons relating to matters such as living conditions, biodiversity, flooding or highway safety is a neutral factor.
34. The dwelling is said to be for the appellant's family, enabling them to stay in the area and be self-build or affordable housing. There is no mechanism before me to secure the property as such, no compelling evidence of the local housing market and it has not been shown that this scheme represents the only way of achieving these aims. On this basis, I give these matters and benefits of shared facilities and journeys limited weight.
35. I acknowledge that the design has been amended from a previous submission in an attempt to overcome issues. However, I have assessed the scheme before me and found it would result in harm.

Conclusion

36. The development is 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 lead to a small loss of openness to the Green Belt and there is further harm to the character and appearance of the area. The other considerations in this case do not clearly outweigh the harm that I have identified.
37. Consequently, the very special circumstances necessary to justify the development do not exist. The development is contrary to Policies GB1, GB2 and DG1 of the Local Plan and the Framework.

² Royal Borough Of Windsor and Maidenhead Borough Wide Design Guide

38. Therefore, for the reasons given I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR