
Appeal Decision

Site visit made on 28 March 2022 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/T0355/D/21/3278520

Durlstone, Milley Road, Waltham St Lawrence, Reading RG10 0JR

- 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 & Mrs Simon Reid against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/00890, dated 19 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is demolition of existing outbuilding and erection of ancillary replacement outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuilding and erection of ancillary replacement outbuilding at Durlstone, Milley Road, Waltham St Lawrence, Reading RG10 0JR in accordance with the application, Ref 21/00890, dated 19 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the main dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: 1103/21/02, 1103/21/01, 1101/16/03 and 1101/16/04 rev A.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Council referred to the now superseded National Planning Policy Framework 2019, and in particular the provisions of paragraph 145 with regards development in the Green Belt. The main thrust of the provisions outlined in paragraph 145 of the now superseded 2019 iteration of the Framework are comparable to the provisions now outlined within paragraph 149 of the more recent iteration 2021 iteration of the Framework. I am satisfied therefore that the issues at hand in this appeal are not affected by the

policy change and that neither party would be prejudiced by my reference to the more recent document.

Main Issue

4. The main issue in the appeal is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the development plan.

Reasons for the Recommendation

5. The appeal property is a large detached two storey dwelling. The property has two existing outbuildings, one is located along the rear boundary of the garden and the other is located adjacent to the western boundary close to the rear of the dwelling. The proposed development involves the demolition and replacement of the outbuilding closest to the rear of the dwelling. A Public Right of Way (PRoW) runs adjacent to the west of the property boundary.
6. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception in the Framework is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (Part d).
7. Saved Policy GB2 of The Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003) (the 'Local Plan') is generally consistent with the Framework in this regard as it seeks to ensure that replacement buildings in the green belt do not result in a material increase in the scale of development at a site. Saved Policy GB3 of the Local Plan concerns new residential dwellings and is therefore not applicable. Policy SP1 of the Borough Local Plan (2013-2033) Submission Version Incorporating proposed changes October 2019 (published for consultation November 2019) (the 'Submission Version Local Plan') seeks to ensure that the green belt will be protected from inappropriate development.
8. Policy QP3 of the Submission Version Local Plan, whilst not specifically relating to development in the green belt, seeks to ensure development respects and enhances the environment paying particular regard to scale, bulk, massing and proportions. Whilst the Submission Version Local Plan has not yet been adopted, the draft policies are still capable of carrying some very limited weight in the decision-making process where they are broadly consistent with the Framework.
9. The parties do not agree on the overall volume or uplift in floorspace as a result of the proposal. The Council state that there will be an increase in volume of 50m³ and that the footprint would increase by 17m², whereas the appellant has corresponding figures of 25m³ and a footprint increase of just over 1m². The appellant does not dispute the Council's calculation that the height of the outbuilding would increase by 1m.
10. From the planning application drawings and evidence before me, it would appear that the appellants' figures more accurately represent the uplift in volume and footprint of the proposal. I am content that the uplift in footprint volume and height of the proposed replacement outbuilding would represent an overall very modest increase in scale and would not be unacceptably large. The eaves height of the new outbuilding would be similar to the existing building

and the overall height would not be excessive. The proposed replacement outbuilding would therefore not appear materially larger than the building it would replace.

11. For these reasons, I find that the proposal would not comprise inappropriate development as it would accord with Part (d) of paragraph 149 of the Framework, Policy GB2 of the Local Plan and Policy SP1 and QP3 of the Submission Version Local Plan.

Conditions

12. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the Framework and Planning Practice Guidance.
13. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included the condition requiring the materials match those of the main dwelling in order to maintain the character and appearance of the area.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR