



Appeal Decision

Site visit made on 6 June 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/T0355/W/21/3285155

The Firs, Mill Lane, Horton, SLOUGH, SL3 9PN

- 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 Vipen Lal against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01100, dated 8 April 2021, was refused by notice dated 6 September 2021.
 - The development proposed is described as 2 storey side and single storey rear extension including change of use to 1 x one bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The policies of the Royal Borough of Windsor and Maidenhead Local Plan adopted in 2003 referred to in the reasons for refusal provided on the Council's decision notice have been superseded by policies contained within the Royal Borough of Windsor and Maidenhead Local Plan 2013 – 2033 (the Local Plan) which has been adopted since the Council made its determination. Both main parties have been given the opportunity to comment on the relevance of the new Plan policies.

Main Issues

3. The main issues raised in respect of this appeal are: -
 - a) 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 and the effect of the proposal on the openness of the Green Belt;
 - b) The effect of the proposal on the character and appearance of the host property and the area;
 - c) Parking provision; and
 - d) Whether harm by reason of inappropriateness would be clearly outweighed by other considerations. If so, would those amount to the very special circumstances required to justify the proposal?

Reasons

Inappropriate development and openness

4. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy SP1 of the Local Plan states that the Green Belt will be protected from inappropriate development in line with Government policy. Policy QP5 of the Local Plan protects the Green Belt from inappropriate development and states that planning permission will not be granted, unless very special circumstances are demonstrated.
6. The exceptions set out in paragraph 149 of the Framework include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
7. Paragraph 137 of the Framework indicates that openness is one of the essential characteristics of Green Belts. The proposal would result in a new dwelling and that would reduce openness by virtue of creating increased built development in the Green Belt. It would be a larger development than that of the existing single storey garage to the side of the property.
8. I acknowledge that there is an extant planning permission in place for a two-storey side extension to the existing dwelling. Nonetheless, the proposal before me differs in that a new dwelling with domestic curtilage, associated outdoor paraphernalia and parking provision would be created and this would intensify the use of the site. Despite being directly linked to the existing dwelling, the site would appear more intensively used and this would add to both the spatial and visual impact of the development. Taking these matters collectively, there would be detriment to openness. Whilst the effects would be moderate, there would be a degree of harm arising from this development.
9. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt. Having a greater impact on the openness of the Green Belt than the existing development the proposal would not comply with exceptions set out in paragraph 149. Therefore, the proposal would be inappropriate development which, by definition, would be harmful to the Green Belt. Being inappropriate development brings the proposal into conflict with Policies SP1 and QP5 of the Local Plan.

Character and appearance

10. The dwellings in the area are sited within large plots. The proposed dwelling would be attached to the existing dwelling and erected within the side gap between the dwelling and the boundary. This space is narrow when compared to the plot sizes and property widths of the existing dwellings along this part of Mill Lane. The proposed dwelling would appear cramped having a squeezed into the site appearance. The constrained parking arrangement would limit the

opportunity for providing soft landscaping and this would compound the cramped appearance of the development. Furthermore, the development would be out of keeping with the pattern of larger plots and properties within the area. Consequently, the appearance of the dwelling would be visually harmful to the Mill Lane street scene.

11. I acknowledge that the materials to be used within the development would be similar to those of the existing dwelling and that the development may also appear similar to that of the permitted two storey extension. However, as noted above, the proposal is for a new dwelling with its own curtilage and parking provision. The proposal before me can and should be considered on its own individual merits.
12. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the host property and the area. The proposal would, therefore, conflict with Policies QP1 and QP3 of the Local Plan. These policies seek, amongst other matters, all developments to positively contribute to the places in which they are located and to achieve a high-quality design by respecting and enhancing the local environment paying particular attention to urban grain.

Parking provision

13. The plans show there to be a study and bedroom at first floor level. However, despite the recent situation of home working and learning, the room shown to be a study is of a size that could reasonably be used by occupiers as a second bedroom. The Council refers to the Royal Borough of Windsor and Maidenhead Parking Strategy and points out that there would be a shortfall in parking within the site as the strategy requires two spaces for a two-bedroom property.
14. The proposal would not provide sufficient parking within the site, and this would lead to vehicles being parked upon the highway. The road is relatively narrow and there are no pavements along Mill Lane until one turns the bend in the highway. The presence of a parked vehicle within this part of Mill Lane would obstruct the free flow of traffic along this highway.
15. For these reasons, I conclude that the proposed development would provide insufficient parking and this would be detrimental to those using Mill Lane. The proposal would, therefore, conflict with Policy QP3 which seeks, amongst other matters, easy and safe access and movement for pedestrians, cyclists, cars and service vehicles.

Other considerations

16. I have given consideration to the economic climate with increasing property prices and the need for the occupiers to live in a comfortable home that would facilitate occupiers to work remotely or children to be home schooled. The dwelling could provide good living standards for its future occupiers. These are benefits of the scheme and hold moderate weight in favour of the proposal.

Conclusion

17. I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework as it would not preserve the openness of the Green Belt as required by the Framework. The proposal would conflict with Policies SP1 and QP5 of the Local Plan. Therefore, the proposed

development would be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, the proposal would conflict with Policies QP1 and QP3 of the Local Plan as the development would have a harmful effect on the character and appearance of the area and would provide insufficient off-street parking. The other considerations that hold moderate weight do not clearly outweigh the harm that I have identified.

18. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework.
19. For the reasons given, I conclude that the appeal should fail.

Nicola Davies

INSPECTOR