



Appeal Decision

Site visit made on 8 July 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/T0355/D/22/3295327

Winterset, Shurlock Road, Shurlock Row, Reading RG10 0PL

- 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 Fergus Wheeler against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03605/FULL, dated 7 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described as 'Erection of a detached garage following demolition of existing garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy GB2 of the Local Plan that was referred to by the Council has been superseded by policies from the Borough Local Plan 2013 – 2033 (adopted 2022), ('Borough Local Plan'), which was adopted since the appeal was submitted. However, the Council's decision also gave weight to the relevant emerging Policy QP5 of the Borough Local Plan, citing it in its reason for refusal.
3. Main parties within their appeal evidence have also acknowledged that the merits of their case remain applicable in the context of the newly adopted Borough Local Plan and relevant sections of the National Planning Policy Framework (the Framework). No party has therefore been prejudiced by this change in policy circumstances.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt; and
 - Whether the harm by reason of inappropriateness 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

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. Policy QP5 of the Borough Local Plan also follows the approach of the Framework.
6. Paragraph 149 d) of the Framework is of most relevance to the appeal scheme. It provides an exception for the replacement of a building provided that it is in the same use and is not materially larger than the one it replaces. The existing garage to be replaced is of a small scale with a footprint of 13sqm, whereas the footprint of the proposed garage would be more than double in size. The proposal is also taller in height and has a significantly greater volume than the existing garage. As such, the development would result in a materially larger building.
7. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy QP5 of the Borough Local Plan, and the associated aims of the Framework.

Openness

8. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal proposal would increase the volume, height and massing of the existing building and in doing so would result in a harmful loss of openness. Whilst this would be limited given the overall scale of the proposal, the Framework establishes that any harm to the Green Belt should be given substantial weight.

Other Considerations

9. Several other considerations have been put forward by the appellant. It is highlighted that the appeal proposal would result in the demolition of two outbuildings from different areas of the property's curtilage. It is therefore suggested that the proposal would only result in a relatively minor increase in total built development at the site. Additionally, the scheme would reduce the spread of development across the appeal site.
10. However, on my site visit it was evident that one of the buildings (a summerhouse) proposed to be demolished as part of the appellant's case for very special circumstances had already been removed. As such, I have given this stated benefit very little weight.
11. The appellant also refers to a position stated by the Council in respect of allowing extensions to dwellings in the Green Belt that are up to a 50% larger than the original building size. I appreciate that extensions to existing dwellings at this order of size are sometimes considered to comply with the exception at paragraph 149 c) of the Framework. However, this exception requires such extensions to not result in 'disproportionate additions' over and above the size

of the original building. I consider this to be a very different test from a replacement building not being 'materially larger'. Little weight is therefore given to this line of argument from the appellant.

12. The evidence also informs of a potential fallback position of a significantly larger double garage and associated driveway that is capable of being developed under permitted development rights (PDR). A certificate of lawfulness has recently been granted (ref: 22/00784) that verifies these work can be lawfully carried out under PDR.
13. Despite this, I have serious doubts as to whether the alternative arrangement would be implemented. The fallback option is in a completely different part of the site and would require a vehicle access route to be created within the rear garden. The access route as shown would conflict with areas of established landscaping, including what appears to be a recently built area of seating. The fallback garage is also shown to be sited in an area where a rather attractive pergola, seating area and associated landscaping has been built. Furthermore, the garage's size and position in relation to the dwellinghouse and external amenity space is somewhat more intrusive than the appeal proposal. Given I am not convinced that the fallback option is likely to come forward, I have attributed it only limited weight.

Other Matters

14. In confirming the status of the adopted Borough Local Plan, the Council has also referred to Policy QP3 as being relevant to the proposal. This is a general design policy that set out various principles to promote high quality design in new developments. The Council's case highlighted that the proposed design of the development would be an improvement on the existing building. Its reason for refusal therefore only related to the proposal being inappropriate development in the Green Belt. Likewise, from the evidence before me I am satisfied that the proposals would be of an appropriate character and appearance, notwithstanding the impacts on Green Belt openness. As such, I am satisfied there would be no conflict with Policy QP3 of the Borough Local Plan.

Green Belt Balance

15. The proposal is inappropriate development in the Green Belt that would result in a small loss of openness. The inappropriateness and the harm to openness carry substantial weight. The Framework establishes that development should therefore not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
16. Overall, I find that together the matters that the appellant has put forward do not amount to very special circumstances that are needed to justify inappropriate development in the Green Belt.

Conclusion

17. For the reasons outlined above, the appeal should be dismissed.

Lewis Condé

INSPECTOR