



Appeal Decision

Site visit made on 20 December 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2023

Appeal Ref: APP/T0355/D/22/3294292

Watersmeet House, 18 Kingswood Creek, Wraysbury, Staines TW19 5EN

- 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 Billa Hothi against the decision of Royal Borough of Windsor and Maidenhead Council.
 - The application Ref 21/02478, dated 11 August 2021, was refused by notice dated 24 December 2021.
 - The development proposed is described as 'retrospective alterations to roof space and construction of 2x front facing dormers, 1 front facing velux, and 3 rear facing dormers to provide additional habitable space and front open porch'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have recently adopted the Borough Local Plan 2013- 2033, adopted 8 February 2022. The Council have been given the opportunity to comment on the implications of the new plan, and the appellant the opportunity to respond accordingly. I have determined the appeal on the basis of the most up to date development plan.
3. I observed during my site visit that the development has been carried out.

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 of the proposal on the openness of the Green Belt, and;
 - Whether any 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

5. The appeal site is in a residential street comprising predominately chalet style bungalows, set around an inlet of the river Thames.
6. The Framework in paragraph 137 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 establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraph 149. One such exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

7. Policy QP5 of the Borough Local Plan (the BLP) reiterates the aims of the Framework in this regard, namely that planning permission will not be granted for inappropriate development as defined by the Framework, unless very special circumstances are demonstrated. Neither the Framework nor the BLP provide a definition of what constitutes a disproportionate addition to a building, however the Framework refers to size.
8. Based on the evidence before me, the property was extended by a single storey rear extension and roof alterations including dormers, which were granted planning permission in July 2016¹. The property was later extended by a loft conversion including dormers following the grant of planning permission in December 2017². That permission included the removal of a single storey side extension which has not occurred.
9. Planning permission was granted for a replacement house on the site in February 2015³, however this was not implemented. Planning permission was also refused for roof extensions with retention of the single storey side extension in November 2016 and consequently dismissed at appeal⁴.
10. The appeal scheme before me is similar to that granted in 2017, but includes the retention of the single storey side extension. Based on the appellant's figures, the development together with earlier extensions would entail an uplift in floor area of 75.5% above the original, which is significant. Based on the photographs evidenced, the property has also undergone a significant increase in scale and bulk over time as a result of its extensions. Overall, when compared to the size of the original house, the proposal together with the earlier extensions, has resulted in disproportionate additions over and above the size of the original building.
11. As a consequence the proposal is inappropriate by definition and harmful to the Green Belt. The proposal conflicts with Policy QP5 of the BLP, and the aims of the Framework.

Openness

12. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The appeal site lies among other residential properties which line this side of Kingswood Creek. The openness of the area is established by the low eaves levels of the properties, the gaps between them and the generous plot sizes, as well as the open space and woodland on the opposite side of the road.

¹ 16/01120/FUL

² 17/0337/FULL

³ 15/00484/FULL

⁴ 16/02695/FULL and APP/T0355/D/16/3164115

13. The roof level extensions, as well as the side extension to the property, are evident in views from the street and from the rear. While the visual effects of the proposal on openness are limited to these localised views, the effects are none the less significant. Taken together with the scale and bulk of the proposal alongside earlier extensions, the appeal scheme decreases both the spatial and visual aspects of the Green Belt's openness.

Other Considerations

14. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
15. The appellant refers to the 2015 planning permission for a replacement house which would have been larger than the appeal scheme. This permission was a consideration when the Council assessed the 2017 application⁵ and it was extant at that time. This is no longer the case and I understand the replacement house could no longer be implemented. As the Framework applies different considerations to the assessment of extensions and replacement buildings in the Green Belt, I do not find that this permission dictates that the appeal scheme represents proportionate additions. For these reasons taken together, I afford little weight to the grant of planning permission in 2015.
16. While conflict with the purposes of including land with the Green Belt is limited in this particular case, this does not alter the fact that the proposals are inappropriate development and harmful by definition, as set out in the Framework.
17. Overall, the weight of the other considerations in this instances would not be sufficient to outweigh the harm to the Green Belt, to which I am required to give substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

18. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal is dismissed.

C Shearing

INSPECTOR

⁵ 17/0337/FULL