



Appeal Decision

Site visit made on 31 January 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/T0355/D/22/3301903

Oakfield, Star Lane, Knowl Hill, Berkshire RG10 9XY

- 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 Andrew Wilson against the decision of the Council for the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/03662, dated 23 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is a new detached double garage and open external store to replace existing detached double garage and large shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am obliged to use the description of the development as included on the planning application form which is different from how the appellant described it in their appeal form, and to which the Council refer to in their decision notice.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate

4. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which is the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. Policy QP5 of the Windsor and Maidenhead Borough Local Plan (WMLP) 2013 – 2033, adopted February 2022 is consistent with this.

5. There is no dispute between parties that the proposal would be in the same use. However, the Council considers that the proposed garage would be materially larger than the one it replaces. The plans indicate that there is an existing garage and storage shed at the site, with footprints of approximately 29m² and 15m² respectively. During my site observations, I noted the storage shed had been demolished, and given that this building no longer exists then paragraph 149 d) of the Framework cannot apply as there is no building to be replaced. Therefore, the former storage shed cannot be used in the calculation.
6. The Framework does not provide a definition of 'materially larger' and therefore an assessment of whether a proposal would be materially larger than the replacement building is a matter of planning judgement. The Council refer to a 30% increase being usually acceptable, however this figure is unsubstantiated in either policy or supplementary planning guidance.
7. The proposed garage and canopy would have a footprint of approximately 63m², which would equate to an increase of 117% when calculated against the 29m² footprint of the existing garage. Even if the footprint of the storage shed was included in the calculations, the proposal would be 43% larger than what previously existed at the site. In either case, the replacements would exceed the 30% increase threshold used by the Council and are therefore considered materially larger than those buildings it would replace. As such the development fails to accord with WMLP Policy QP5 and paragraph 149 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt.

Openness

8. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the appeal proposal would increase the footprint over that of the existing development. Even if I was to account for the demolished storage shed, the footprint represents an increase of 19m² at the site. Furthermore, the proposal would increase the development size in terms of height, and therefore would have an adverse impact on the openness of the Green Belt in spatial terms through the combination of increased footprint and height.
9. With regard to the visual aspect, the main property and the existing garage are visible from public vantage points along Star Lane to the front. The increase in height in the roof level would be clearly visible from the surrounding area and as such, would intrude upon the openness of it. Nevertheless, the site itself occupies a small residential area which includes other two storey developments, and single storey outbuildings like the property opposite at 'Hedgerows', which contrasts with the much less developed open space that surrounds the area. As such, given the variation I conclude in visual terms, the scheme would have no significant effect on the visual aspect of openness of the Green Belt.
10. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

Other considerations

11. Paragraph 148 of The Framework instructs that substantial weight should be given to any harm to the Green Belt, and that '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.
12. I have been referred to a number of examples which the appellant considers show inconsistency in decision making. From the information I have been provided and from my own observations, it is acknowledged that there are similar outbuildings/garages, notably at 'Ashley View' and 'Spring Hill' on Star Lane.
13. From the details before me, the Ashley View plans highlight that the proposed development was 0.5m² smaller than the existing garage, as such could not have been considered materially larger to the previous development. Furthermore, the details provided for Spring Hill appear to relate to a certificate of lawfulness application¹ for which planning permission would not have been required. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, what constitutes an exception under Green Belt policy needs to be determined in the light of the specific circumstances and context of each case. I am not therefore persuaded that these examples are directly comparable to the proposal before me, and they do not alter my views.
14. While the introduction of larger ancillary accommodation would provide the appellant with the ability to park vehicles inside the proposed garage, unlike the existing garage, given the existing levels of hardstanding and areas for off-street parking, the current layout appears to be functional and sufficient to provide an adequate living environment for its occupants. Accordingly, I give this matter limited weight.
15. The Council consider the development has no adverse effect on the character and appearance of the area, the amenity of neighbouring occupants or any impact on trees. Nonetheless, the absence of harm in these regards does not carry positive weight in favour of the development.
16. While I have sympathy for the appellant in that the current garage appears in need of refurbishment and beyond economically viable repair, I have attributed this matter limited weight. Similarly, the fact that the adjoining planning authority (Wokingham Borough Council) has approved a "twinned" application² has also been given limited weight, as I have not been furnished with the full details of their consideration and policy background.

Green Belt balance

17. The development plan and the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

¹ Wokingham Borough Council Planning Ref: 192401

² Wokingham Borough Council Planning Ref: 214039

18. Although there are benefits weighing in favour of the proposal, in this particular case the other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and the harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. The proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other relevant matters raised, the appeal is dismissed.

Robert Naylor

INSPECTOR