



Appeal Decision

Site visit made on 24 October 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023

Appeal Ref: APP/T0355/D/23/3320394

Wisteria Cottage, Cheapside Road, ASCOT, SL5 7QH

- 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 Michel Baumgart against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref. 22/03183, dated 25 November 2022, was refused by notice dated 29 March 2023.
 - The development proposed is the erection of a single storey side extension with covered porch, single storey rear infill extension, replace flat roof with pitched roof to single storey rear element, replacement roof and raising of the ridge, 2no. front dormers, alterations to fenestration and 2no. parking spaces following the demolition of the greenhouse and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site lies in the Green Belt;
 - If so, whether 'inappropriate development' and the effect on openness;
 - The effect on the character and appearance of the host building as a non-designated heritage asset; and
 - If inappropriate development whether there are other considerations which clearly outweigh the harm to the Green Belt and result in very special circumstances.

Reasons

Background

3. The appeal site comprises a modest single storey dwelling which lies in the village of Cheapside to the east of Ascot. It has rendered elevations under a slate roof, chimneys on the gable ends and single storey extension at the rear. Although single storey the plans show that there is a small bedroom in the roof space. Internally the property is in a dilapidated state with many of the ceilings removed with the roof exposed and the smell of damp. The Council regard Wisteria Cottage as a non-designated heritage asset (NDHA) (see paragraphs 10-14 below).
4. It is proposed to form a first floor over the main part by raising the roof ridge from 4.5m to 6.2m high (as described by the Council) and installing two

dormer windows on the front elevation as well as rationalising the extensions at the rear. I note that the proposal seeks to overcome the reasons for refusal put forward in 2021 on an earlier scheme for larger extensions.

Policy context

5. The development plan comprises the Council's Borough Local Plan (BLP) adopted in 2022 and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP) made in 2014.

Whether in the Green Belt

6. The appellant's agent asserts that the appeal site does not lie in the Green Belt but rather lies within the settlement boundary of Cheapside. In support of this he refers to an extract of the Proposals Map of the Borough Local Plan 2022. This shows the area of Cheapside coloured what I would describe as lime green. However, the legend to the Policies Map (Map 4) indicates that areas within the Green Belt are shown as light green while settlements are shown coloured light yellow. It is therefore clear to me that Cheapside and including the appeal site is recognised to lie in a settlement which is also covered by the Green Belt. This overlapping is also referred to in the opening paragraph to Local Plan Policy QP5 which says rural areas of the borough 'are defined as land within the Metropolitan Green Belt which includes those settlements which are 'washed over' by the Green Belt'. I therefore find that it is necessary to first consider the proposal in terms of Green Belt policy.

Whether inappropriate development and the effect on openness.

7. The National Planning Policy Framework (the Framework) says in paragraph 149 that the erection of new buildings is 'inappropriate development' unless the proposal falls within one of the stated exceptions. Criteria (c) and (e) are relevant to the appeal case. The former allows extensions and alterations to a building provided that it does not result in a disproportionate addition over and above the size of the original building; and the latter criterion allows limited infilling in villages. LP Policy QP5 also relates to this national policy.
8. The term 'original building' is defined in the glossary to the Framework as the building as it existed at the 1st July 1948, or if constructed after that date as it was built originally. The main part of Wisteria Cottage predates 1948 and the Council suggests that OS maps may show the kitchen and WC extension also being present at that date with the living room being a later addition. The Council advises that the proposed additions together with the living room amount to an increase in floor area of about 58% from the original dwelling and say that this constitutes a disproportionate addition.
9. This figure is not disputed by the appellant however it appears to me that the proposed extension to the kitchen, minor increase to the first-floor space and existing living room do not add up to more than half as much again. In three dimensional physical terms, rather than floorspace, they represent a relatively limited increase in size compared to the original building. In the absence of any policy guidance on what constitutes a 'disproportionate' addition, in the circumstances of this case I find that the overall bulk of dwelling now proposed is not disproportionate to the original dwelling in Green Belt terms. On this basis the proposal is not inappropriate development as described in the

Framework and there would not be a harmful effect on the openness of the Green Belt.

Effect on the non-designated heritage asset

10. The Council regards the cottage as a NDHA because of its historic and architectural interest although it is recognised that the building is altered and extended and is not statutory listed. This designation is supported by the Georgian Group and Save Britain's Heritage who both also suggest that the cottage was reputedly occupied by Queen Victoria's hat maker and is thought to have been visited by the Queen herself. However, this link is disputed by the appellant's agent and there is no other evidence before me to substantiate the claim.
11. Nevertheless, the cottage appears to me as having both historic and architectural interest. It is shown on the front cover of a book entitled 'Cheapside in The Forest of Windsor' as referred to by the appellant and many other parties, which is said to be based on a postcard published circa 1910. Even if I was to accept the appellant's evidence that the cottage post-dates 1901, and therefore is Georgian rather than Victorian, it has clear historic interest as well as architectural interest.
12. Of particular significance is the modest form of the cottage with a simple and uncluttered front roof slope in slate between two gable chimneys and very small gable windows. It is seen in the village street from straight ahead and at an oblique angle from the west in a view similar to the postcard referred to above. The low roof ridge height also allows views over the cottage to mature trees to the south which helps reinforce the setting of the village in a woodland environment. Although there has been much new development in the village over many years, and some of mediocre architectural quality, I am satisfied that the present form of the cottage makes a positive contribution to the village street scene and provides some unique historic interest.
13. Whilst the increase in the height of the ridge of the roof would not be great (at about 1.7m) and the main angle of roof slope would be retained, this change would materially alter the simple character of the building. This character would also be fundamentally changed by the introduction of dormer windows on the front roof slope, rather than small gable windows, as well as the complete demolition of both gable chimney stacks.
14. In design terms I agree with the Council that the proposals would materially harm the character and appearance of the historical cottage as they would fail to respect its present architectural character and would also harm its presence in the street scene. I conclude that the proposal conflicts with BLP Policy QP3 as it would not result in a high-quality design which respects the local architectural and historic character of the building and wider environment. Nor would the proposal conserve the character of the building in a manner appropriate to the significance of the NDHA so BLP Policy HE1 would also be conflicted with.

Planning balance

15. On the main issues I have found that while the site lies in the Green Belt as defined in the BLP, the volumetric increase now proposed is not disproportionate to the size of the original dwelling, taking account of other

extensions carried out since 1947. The proposal is not inappropriate development in the Green Belt and does not harm its openness.

16. However, I have found that the proposal does harm the architectural and historic interest of the present cottage and does not preserve its local significance as a NDHA. The proposal conflicts with the relevant provisions in the BLP designed to ensure good design and preserve buildings of historic and architectural value.
17. This finding has to be balanced with other considerations. The property is in poor physical state internally and it would benefit greatly from early refurbishment to make it suitable for habitation. I also give some weight to the appellant's claimed fallback position where it is said various works and extension can be carried out under 'permitted development rights' but there is no Certificate of Lawfulness before me or detailed scheme as to what may be carried out and the effect that this could have on the building. Neither has it been shown that it is the appellant's clear intention to undertake such work as a 'fallback' and this limits the weight that I can place on this factor. Finally, there is little evidence before me in support of the appellant's claim of limited residential development opportunities in Cheapside at the moment and that did not appear to me to be the case locally when I undertook my site visit.
18. I acknowledge that the cottage is not a Listed Building nor located in a Conservation Area but it is regarded as a NDHA and the proposal would result in harm to the significance of this asset. Great weight has to be given to the asset's conservation.
19. In terms of the guidance in paragraph 203 of the Framework I find that the benefits of the development proposed do not outweigh the harm to the NDHA. Overall, the conflict with the development plan when read as a whole is not outweighed by any other consideration. This means that the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR