



Appeal Decision

Site visit made on 10 October 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2023

Appeal Ref: APP/T0355/D/23/3316727

Cleeve, Brayfield Road, Bray, Maidenhead SL6 2BW

- 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 Harry Bowden against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02386, dated 25 August 2022, was refused by notice dated 28 November 2022.
 - The development proposed is described as 'demolition of existing conservatory and the erection of single storey rear extension and first floor side extension'.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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,
 - its effect on the character and appearance of the dwelling and the Bray Village Conservation Area, 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

Inappropriate Development in the Green Belt

3. The appeal site is a detached house in the village of Bray, on land which is designated as Green Belt. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. It goes on to set out some exceptions, which include '*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*' (paragraph 149c). Framework Annex 2 defines the 'original' building as being the building as it existed on 1 July 1948.

4. Policy QP5 of the Borough Local Plan¹ (BLP) confirms that national Green Belt policy will be applied to development within settlements in rural areas that are within the Green Belt.
5. A Green Belt Assessment² provided with the application clarifies how the dwelling has been altered over time. It shows that the 'original' building for purposes of the Framework and Policy QP5 was on two storeys running back from a main front gable and included a two storey rear addition dating from before 1 July 1948. The Council provides a different floorspace figure for this original building. However, I have not been presented with any substantive evidence contradicting its extent as illustrated on the Green Belt Assessment.
6. The original building has already been significantly extended to one side. Both parties indicate that a substantial two storey addition perpendicular to the original front gable was added in the 1950s and an attached double garage was added in the 1980s. There is also a small conservatory to the rear, although this would be replaced as part of the appeal proposal.
7. The proposed extension would introduce an additional first floor element above the footprint of the attached garage, elongating the pitched roof of the 1950s extension. In combination, the massing of the two-storey, post-1948 additions would appear broadly comparable to that of the original building. The proposed single storey element to the rear would further enlarge its overall scale.
8. Taking account of the existing and proposed additions, the scale of the extended dwelling would be broadly double that of the original building. This is consistent with the existing and proposed floorspace figures given on the Green Belt Assessment drawing and also with the Council's assessment that there would be a 91% cumulative increase in floorspace. Although an alternative figure of just over 50% is suggested by the appellant, the evidence does not clearly explain how that is derived from the floorspace figures provided both on the Green Belt Assessment and in the Appellant's Statement of Case.
9. The absence of any specific percentage threshold in either the Framework or Policy QP5 does not imply support for the scale of additions proposed. While the additional first floor accommodation would be relatively modest when considered in relation to the existing building and previously approved extensions, that is not the relevant test for the purposes of the Framework. When considered cumulatively, the bulk and massing of the existing and proposed additions would be clearly disproportionate to the scale of the original building.
10. Taking all these factors into consideration, the proposal would result in disproportionate additions over and above the size of the original building. I therefore conclude that it would be inappropriate development in the Green Belt as defined in the Framework and in Policy QP5 of the BLP.

Effect on Openness

11. The proposed extensions would increase the external massing of the building, including additional volume at first floor level which would be clearly visible from Brayfield Road. As such, there would be some loss of openness both in

¹ Royal Borough of Windsor & Maidenhead Borough Local Plan 2013-2033, adopted 2022

² Drawing no 20/29 P112, dated 2 August 2022

spatial terms, due to the increased building mass on the site, and in visual terms by virtue of the publicly visible first floor element.

12. Given that there is an established dwelling on the site, which is located in a street of detached dwellings of comparable scale, the harm arising from the loss of openness would be limited. Since the rear extension would replace an existing conservatory, this would also limit the net increase in building mass. Nevertheless, I conclude that there would be some loss of openness, with associated harm to the Green Belt, albeit at a modest and localised level.

Character and Appearance

13. The existing dwelling is identified in the Bray Village Conservation Area Appraisal 2009 (CAA) as an important non-listed building, as are many of the other dwellings along Brayfield Road. Against that background, the Council regards the dwelling as a non-designated heritage asset and having taken account of the evidence in the CAA I have considered the appeal on that basis.
14. As well as the concentration of listed buildings within the Medieval core of the village, the significance of the Conservation Area includes a more spacious and deliberately designed area of 19th and 20th century expansion to the east. This area, where the appeal site is located, is characterised by detached dwellings, many of which were constructed by a single property developer in the early 20th century. They are of varied designs but draw from a consistent palette of materials and architectural features. Tree lined streets and mature gardens give Brayfield Road a spacious character, contrasting with the tighter grain of the Medieval village core.
15. Like other outbuildings and later additions, the modern attached garage on the appeal site is not highlighted as being part of the 'important non listed building' on the map attached to the CAA. Nevertheless, the limited height of this single storey addition has the merit of maintaining a clear sense of separation between Cleeve and the adjacent dwelling, above ground floor level. The amount of space between the dwellings along Brayfield Road is otherwise quite varied. But each dwelling stands in its own mature garden and has a clearly separate identity from its neighbours. These features contribute to the spacious and leafy character which is part of the significance of the Conservation Area.
16. The proposed extension would significantly reduce the sense of separation above ground floor level. There would be only a small gap between the extended upper storey and the boundary, which in turn would result in a very restricted gap between Cleeve and its neighbour. While there are some other examples of extended dwellings located very close together, it is also apparent that these examples have eroded the spacious character of the townscape and undermined the planned and spacious layout which is identified in the CAA as a distinctive feature of Brayfield Road.
17. Within this context, the further erosion of space resulting from the proposed extension would be harmful to the significance of the Conservation Area. The proposal would fail to preserve its spacious character or the appearance of the individual dwellings standing in mature garden plots.
18. The proposed extension would draw on the architectural language of dwellings on Brayfield Road, using appropriate external materials. The half-hipped roof form and dormer window would reflect detailing on other nearby dwellings

which are also identified as important non-listed buildings in the CAA. Although the continuous ridge would not clearly point to the evolution of the building, the front elevation would be articulated in other ways and the original front gable would remain the most prominent feature. To that extent, I find that the proposed design would not be harmful to the appearance of the non-designated heritage asset.

19. The proposed rear extension would not be visible within the street scene and the Council found that it would be acceptable within the Conservation Area. Based on the evidence before me, I have no reason to reach a different view.
20. The existing garage is of little architectural merit and the proposed design would arguably be more architecturally cohesive. However, this is at the expense of the erosion of space within the street scene. Removal of the conservatory would not reduce the spread of development, given that the proposed rear extension would have a larger footprint.
21. For the reasons given above, I conclude that the proposal would fail to preserve the character or appearance of the Conservation Area and would be harmful to its significance as a whole. Given that the proposal would affect only a single property, and there are other nearby examples of dwellings with limited lateral separation, the harm to the significance of the Conservation Area would be less than substantial. However, that does not imply that it should be treated as a less than substantial objection to the proposal and I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The proposal would provide increased accommodation for the occupiers, which would maximise use of the site. However, this is primarily of private benefit, given that no objective evidence has been provided of any unmet need for enlarged family housing in the area. The dwelling is occupied and appears well maintained. The plans indicate that it provides accommodation capable of family occupation. Therefore, there is no substantive evidence that alterations are required to secure its optimum viable use.
24. While the extension would provide the opportunity to deliver energy efficiency improvements, the evidence does not clearly demonstrate that these would exceed normal requirements under the Building Regulations or that they would include wider improvements to the fabric of the existing building. On that basis, any public benefit associated with managing energy consumption or carbon emissions would be inherently limited.
25. When considered in combination, the public benefits of the proposal would be very modest. I have accordingly given them limited weight. Set against those benefits is the considerable importance and weight I have attributed to the harm to the Bray Village Conservation Area, in line with the statutory duty outlined above. On that basis, the harm to the designated heritage asset is not outweighed by public benefits.

26. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Bray Village Conservation Area. I furthermore conclude that any public benefits associated with the proposal would not outweigh the harm to the significance of the Conservation Area, in conflict with relevant paragraphs of the Framework.
27. For the same reasons, the proposed development would conflict with Policies HE1 and QP3 of the BLP. These policies, amongst other things, require that development proposals demonstrate how they preserve or enhance the character, appearance and function of heritage assets and also respect the local and historic character of the environment, including with regard to urban grain, layout and rhythm.
28. The proposal would also conflict with Principle 10.1 of the Borough Wide Design Guide 2020, which states amongst other things that extensions which erode gaps which contribute to the character of the street scene will be resisted. While the Design Guide states that it should be applied flexibly, in this case the harm to the Conservation Area weighs against taking a more relaxed approach. However, since I have concluded that the design would maintain a sufficiently subservient relationship with the original building, it would not conflict with Principle 10.4 in the same Design Guide.

Other Considerations

29. Planning permission has been granted for alternative extensions on the site, including conversion of the garage to habitable accommodation and erection of a similar rear single storey extension. There is also evidence of a Certificate of Proposed Lawful Development in relation to erection of a detached home gym.
30. While the appellant suggests that previous permissions amount to a fallback position, none of them involve a first-floor extension or propose the same cumulative increase over the size of the original building. Therefore, there is no clear evidence that they would be inappropriate development as defined in the Framework. They would be less harmful to the openness of the Green Belt, since the overall volume of building would be smaller. They would not erode the spacious character of the Conservation Area to the same extent. Therefore, while I have had regard to the potential fallback position, and accept that it may be implemented, it nonetheless carries very limited weight.
31. I have had regard to the enhanced family accommodation which the proposal would provide and the appellant's established connection to the local area. However, I am mindful that similar situations arise throughout areas designated as Green Belt. Therefore similar arguments could be repeated elsewhere, with a harmful cumulative effect on the Green Belt's essential characteristics. On that basis, I have given the provision of additional family accommodation modest weight.
32. My attention has been drawn to an extension permitted at a nearby property known as Lorien, which the appellant states involved a 79% increase in floorspace. While this is also a substantial increase, based on the floorspace figures provided it appears to be somewhat less than the cumulative increase proposed at the appeal site. I have furthermore been provided with little evidence as to the circumstances which led to the extension at Lorien being permitted. It is in any case a well-established principle of the planning system

that each case should be considered on its own merits and that is what I have done.

33. For the reasons given above, I have given any potential enhancement in energy efficiency limited weight. Absence of harm associated with the living conditions of neighbouring occupiers, parking, drainage or refuse arrangements are neutral factors which weigh neither for nor against the proposal.

Green Belt Balance

34. I have concluded that the proposal would be inappropriate development in the Green Belt as defined in the Framework and the BLP. There would be some loss of openness, albeit at a modest and localised level. The proposal would also fail to preserve the character or appearance of the Bray Village Conservation Area.
35. Framework paragraph 148 requires that the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal be given substantial weight. In this case, I have also given considerable weight and importance to the harm to the significance of the Conservation Area.
36. While a number of factors have been highlighted in favour of the proposal, I have given those factors modest weight for the reasons set out above. Therefore, the harm to the Green Belt and other harm arising from the proposal is not clearly outweighed by any other considerations. In consequence, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

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

Jane Smith

INSPECTOR