



Appeal Decision

Site visit made on 21 November 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/T0355/D/23/3318228

Sunnyside, Stanwell Road, Horton, Slough SL3 9PE

- 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 Mrs Parwinder Kaur Sian against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02089, dated 27 July 2022, was refused by notice dated 10 January 2023.
 - The development proposed is New electric entrance gates, brick boundary wall and hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form states the development is retrospective and a wall and gates were present at my visit. However, the wall was not in full accordance with the plans as the external pillars are not pronounced as shown on the submitted plans. I have had regard to this in determining the appeal.
3. In the banner heading I have had regard to the description in the Council's decision notice and the appeal form, which is more succinct than the application form. However, both refer to a hardstanding area, not referenced as being applied for in the application form. The Council has confirmed that it benefits from permitted development rights under Class F of Part 1 of the GPDO¹. Therefore, I have confined my consideration to the gates and wall.
4. On 5 September 2023 the government published the revised National Planning Policy Framework (2023) (the Framework). The only substantive revisions relate to national policy for onshore wind development. In-light of the issues for consideration in the determination of this appeal, I have not sought the Council's or appellant's comments upon the changes.

Main Issues

5. The main issues are:
 - the effect of the development upon the character and appearance of the area; and,

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015.

- whether or not the development is inappropriate development in the Green Belt.

Reasons

Character and appearance

6. The appeal site lies on a prominent corner plot at the junction of Coppermill Road and Stanwell Road. Dwellings in the vicinity are of a variety of ages and architectural styles but are generally one or two storeys, with well-sized front gardens, bound from each other and the highway by a variety of boundary treatments. Despite the variety, most built boundary treatments are generally of a relatively modest level or have a degree of openness to their design.
7. They often incorporate a mix of walling, piers, fencing, railings, with many including colours that match or tone with the host property resulting in some coherency. On the opposite side of the roads is countryside and some commercial premises, bound either by trees and hedgerows or galvanised or painted palisade fencing. The treatments result in a relatively well-defined yet relatively open or filtered street scene within the visual context of the site.
8. The previous part fenced and part open treatment, would not have been out of keeping with the character and appearance of the area. The appeal development includes a large expanse of solid red brick wall, piers and solid composite gates which lack relief and interest. Constructing the development to include the pronounced pillars would mitigate this to only a very minor degree. The development either as built or as sought creates a significant mass of a rather solid and urbanised appearance.
9. The appearance is also significantly at odds with the appearance of the rendered and well-proportioned bungalow. The height, design and materials result in a development significantly and harmfully out of keeping with those within its visual context and the area. I cannot conclude it meets the design aspirations of the Framework as suggested in the appellant's statement. The harm is visible from significant lengths of Coppermill Road and Stanwell Road.
10. As very little evidence is provided of the appearance and extent of a previously approved 1.83m high fence², I cannot conclude it would have had the same or similar effects as the appeal proposal. There are some elements of boundary treatments in the vicinity, that have certain similar attributes, which I saw at my visit. However, from what I saw of these, the brickwork elements are either more limited in length or height, and/or they incorporate railings or palisade fencing with a more open and filtered appearance with much less massing. Therefore, none of the examples are directly comparable to the appeal proposal and do not justify allowing the appeal. Though it might be possible to address some aspects of the scheme by the imposition of suitably worded planning conditions, within the scope of changes possible in this appeal scheme, the harm could not be adequately addressed.
11. For the reasons set out above, the development is harmful to the character and appearance of the area. It conflicts with Policy QP3 of the Borough Local Plan 2013 – 2033 (February 2022) (the BLP) and Policy NP/HOU1 of the Horton and Wraysbury Neighbourhood Plan (2020). These expect development to be of a high quality locally appropriate design that respects and makes a positive

² Ref. 96/74526/FULL.

contribution to local character in respect of matters such as height, design, massing and materials. It would also conflict with Principle 9.1 of the Borough Wide Design Guide (2020) which states boundary treatments will be expected to reflect the positive character, draw upon local design references, and advises long lengths of unrelieved hard boundary treatments will be resisted.

Inappropriate development

12. Paragraph 147 of 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 identifies the construction of new buildings should be regarded as inappropriate, subject to various exceptions in paragraphs 149 and 150. Policy QP5 of the BLP seeks to protect Green Belt, with the definition and approach to inappropriate development and exceptions, as defined by the Framework, so in these regards it is consistent with it.
13. The Council concludes the development is materially larger than the previous development and does not qualify as one of exceptions under paragraph 149. This analysis appears to be primarily in respect of paragraph 149d) for the replacement of a building. As the walls height and the gates attached are materially larger than those they replace, it does not meet paragraph 149d).
14. However, the appellant advocates the development would not represent a disproportionate addition to the host dwelling, suggesting it meets the exception at paragraph 149c) by not resulting in disproportionate additions over and above the size of the original building. The Framework and Policy QP5 do not define disproportionate but Annexe 2 of the Framework defines the original building as being as it existed on 1 July 1948 or, if constructed after 1 July 1948, as built originally.
15. The Council's analysis does not explain why, given its proximity, relationship and its function, the development is not considered an extension or alteration to an existing building. Though the dwelling has been previously extended³ and fencing replaced⁴, the description suggests they might be comparatively limited developments, and the extensions included the demolition of a garage.
16. The development performs the function of enclosure to a private outdoor space, does not appear to project perceptibly outside the previous boundary extent, constituting a limited increase in the dwelling taken as a whole. In its assessment of paragraph 149 of the Framework, the Council has provided little of substance to explain why other possible exceptions are not met and has not justified its conclusions in respect of all reasonably possible exceptions. I do not find the appellant's case fully robust in this regard. However, based upon the very limited evidence before me, the Council's case does not demonstrate the development does not meet the exception at paragraph 149c).
17. For the reasons set out above, the development appears to be an exception to inappropriate development in paragraph 149c) of the Framework. Therefore, it would not conflict with the Framework or Policy QP5 of the BLP, the relevant provisions of which are set out above. On this basis, there is no need to assess the effects upon openness, or, whether any other considerations amount to very special circumstances.

³ Ref. 04/84753/FULL.

⁴ Ref. 96/74526/FULL.

Planning Balance

18. As it would enclose the main outdoor living garden space, a boundary would need to be of sufficient height to provide privacy and a safe secure play and recreation area. Though it is higher than the appeal site boundary fences with the front gardens of two neighbouring properties, it also needs to be of a suitable height for the secure keeping of family pets. However, it is not justified why the proposal is necessary around the entire highway facing frontage. It is also not demonstrated that suitable less visually intrusive and more sympathetic alternatives have been investigated and discounted. The same can be said having regard to the security of the appellant's family, litter, abandoned cars opposite, and dust and detritus deposited from vehicles.
19. While my visit can only represent a brief snapshot in time, along Stanwell Road, vehicles slowed for the roundabout, so speed did not appear excessive. I am not provided with detailed recorded accident or incident records to show they regularly occur, highway conditions are inherently unsafe, or that two incidents of fence damage while the appellant has lived at the property were not unfortunate and isolated incidents. Even were they not, it has not been demonstrated an adequate reinforced boundary cannot be provided in a less obtrusive way. I see no reason why car covers would not mitigate some effects on cleaned cars. The justifications set out, overall, attract limited weight.
20. Based upon the view the proposal does not constitute inappropriate development in the Green Belt, this would be a neutral matter. The development can achieve an adequate visibility splay. The Council does not object in respect of the gates not having a 7m metre setback given there are others in a similar position. No objection is raised upon flood risk grounds given existence of permitted development rights. Were I to agree, the absence of a policy conflict or harm in these regards would be neutral matters.
21. The overall policy compliance, need and benefits of the development attract limited weight. However, these are outweighed by the harm I have found from either the as built, or the as sought scheme, to the character and appearance of the area.

Conclusion

22. The development is contrary to the development plan read as a whole. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR