



Appeal Decision

Site visit made on 8 February 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/R0335/D/23/3331289

The Cottage, Lovel Road, Winkfield, Bracknell Forest, Windsor SL4 2EU

- 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 David Clarke against the decision of Bracknell Forest Council.
 - The application Ref 23/00355/FUL, dated 29 May 2023, was refused by notice dated 11 August 2023.
 - The development proposed is a two-storey flank extension with single storey conservatory to the rear of the flank extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. I have given the main parties an opportunity to comment on the new Framework, however no comments have been received. The policies of the Framework that are material to this case have not fundamentally changed. I have therefore proceeded to determine the appeal having regard to the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the appeal property and the surrounding area including trees within the site;
 - if the proposal is inappropriate development, whether the resulting harm and any other harm, is clearly outweighed by other considerations, to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

4. Section 13 of the Framework establishes the national policy objective to protect the Green Belt and to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 154 of the

Framework sets out several exceptions where development would not be inappropriate, one of which relates to the extension or alteration of a building. This applies on the proviso that the development would not result in disproportionate additions over and above the size of the original building.

5. Policy CS9 of the Core Strategy Development Plan Document 2008 (Core Strategy) sets out that the Council will protect the Green Belt from inappropriate development. The use of the wording 'limited extensions' within Saved Policy GB1 of the Bracknell Forest Borough Local Plan 2002 (Local Plan) differs to the term 'disproportionate additions' as used in the Framework. Nevertheless, the general thrust of the policy is broadly consistent with the provisions of paragraph 154.
6. The Framework does not define what is meant by disproportionate additions. The reference to size can incorporate volume, height, external dimensions, footprint, or visual perception. The assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement. The supporting text to Saved Local Plan Policy GB1 however goes on to indicate that the Council will normally consider any increase to be disproportionate if it exceeds 40% of the gross floor area of the original building.
7. The appeal property comprises a detached, 2-storey dwelling and occupies a prominent, roadside location. The evidence sets out that the appeal property has been extended under permitted development rights. In combination with these previous extensions, the Council's delegated report indicates that the proposal would result in a floor area increase far greater than the 40% size parameter indicated within Saved Policy GB1. The Council's estimates are not disputed by the appellant.
8. The proposed development would significantly increase both the footprint and volume of the appeal property by virtue of its external dimensions. This would increase the massing of the property at ground and first floor level resulting in a significantly greater visual bulk. For these reasons, I find that the proposal when assessed cumulatively with the previous extensions would represent a disproportionate addition over and above the size of the original building.
9. Consequently, the appeal proposal would be inappropriate development in the Green Belt. This is by definition harmful and carries substantial weight. It would therefore conflict with paragraph 154 of the Framework together with Policy CS9 of the Core Strategy and Saved Policy GB1 of the Local Plan.

Openness

10. Openness is identified in the Framework as one of the Green Belt's essential characteristics and can be perceived both spatially and visually. The loss of the undeveloped space at the side and rear of the appeal property together with the introduction of considerable built form at ground and first floor level would significantly increase both the floor space and volume of the appeal property. In spatial terms, this would have a reducing effect on the openness of the Green Belt. Moreover, and whilst noting that glimpsed views of the site's more rural surroundings would remain, the overall scale increase would result in a significantly greater mass and visual bulk which would be readily perceived by users of the highway and residents of neighbouring properties.

11. For these reasons, I find that the proposal would result in moderate harm to the openness of the Green Belt. This would add to the harm arising from the proposal being inappropriate development.

Character and appearance

12. The appeal site is occupied by a detached, 2 storey dwelling which fronts the road. The central doorway together with the positioning of the windows on the principal elevation provide a pleasing symmetry and balance. The wider area is characterised largely by linear development comprising a mix of detached dwellings and terraces which are of varying size, age, and architectural style. Despite the eclectic mix and more recent developments including infill and householder extensions, there is general consistency in the proportions of the existing built form along Lovel Road.
13. The external finish and proposed fenestration would be in keeping with the appeal property and the general locality. However, contrary to the Council's Design SPD 2017 SPD), the proposed 2-storey extension would not be set back from the front elevation of the appeal property, and it would almost double the existing building width. The roof form and ridge height of the proposed 2-storey extension, whilst not wholly uncharacteristic of the area, would nevertheless exceed the height of the main roof by a considerable margin. It would therefore not be in scale with the existing roof form.
14. The scale of the proposed porch and single storey rear extension would be relatively modest. However, the cumulative size, scale and massing of the proposal would lack subservience to the appeal property. This would result in an unduly dominant form of development which would disrupt the balanced displayed at the appeal property together with the general consistency of the existing built form. Given the openness to the front of the property and its positioning on the road, when approaching the property, the proposed extension would read as a prominent and obtrusive addition to the street scene. This would be harmful to both the character and appearance of the appeal property and the locality.
15. There are several trees located in the rear garden which lie on the side boundary, furthest away from the proposal. Although these trees are not overly prominent within the street scene, they nevertheless contribute to the verdant, semi-rural character of the site's surroundings. Were I minded to allow the appeal, I am satisfied that a suitable condition requiring the submission of a Tree Protection Plan would be sufficient to ensure that the integrity and well-being of the trees would not be adversely affected during the construction phase. As such, their contribution to the character of the locality would not be undermined.
16. In conclusion, I find that the proposed development would harm the character and appearance of the appeal property and the surrounding area. It would therefore be contrary to Saved Policy EN20 of the Local Plan and Policy CS7 of the Core Strategy. Together, and amongst other aspects these policies seek to ensure that proposals are of a high-quality design which is sympathetic to the appearance and character of the area. It would also be inconsistent with the design objectives of the Council's SPD and the Framework.

Other considerations

17. My attention has been drawn by the appellant to a nearby property which was extended some years ago¹. Unlike the appeal application, this proposal was determined in accordance with Saved Policy GB3 of the Local Plan. The evidence indicates that this policy is not consistent with the Framework in that it sets out a different, less stringent approach to the assessment of proposals for development in the Green Belt. The policy context therefore is not the same.
18. Further, whilst of a similar design and form to the appeal proposal, based on my own observations on site and the evidence before me, it appears that the overall width is marginally smaller. Thus, the visual mass and bulk differs to the appeal proposal. Moreover, by reasons of the intervening distance and built form, the extension at Robin Cottage does not inform the immediate context of the appeal site nor is it visually related. This development therefore does not weigh in favour of the appeal proposal.
19. In coming to this view, I have had regard to the appeal decision² at 27 The Drive. In allowing the appeal, the Inspector found that the harm to the Green Belt was outweighed by 'other considerations' including an extension to the neighbouring property. However, this was a conjoined dwelling and thus the neighbouring extension informed the immediate context of the site. It is therefore materially different to the appeal scheme. Furthermore, the extended dwelling was found to be of a comparable scale to other adjacent dwellings. This is not the case here. This appeal decision therefore does not lead me to a different conclusion.
20. The appellant submits that the appeal proposal would improve the existing living accommodation and future proof the property with scope to include accessible ground floor accommodation for an elderly relative. However, it has not been demonstrated that the proposal is the only way of achieving this. Indeed, the suggested amendments put to me by the appellant are indicative that the current scheme is not the only option. Limited weight is therefore afforded to this consideration.

Other Matters

21. I have limited by considerations to the plans submitted with the planning application which were those considered and consulted upon by the Council. Whilst mention is made of possible amendments to address the refusal reasons, these amendments do not form part of the current proposal and it would not be appropriate for me to offer comment.
22. The appellant's frustrations regarding the lack of Council engagement are understandable. However, this has no bearing on my considerations of the merits of the proposal. Furthermore, the lack of objection from consultees does not make the development acceptable.

Conclusion

23. The Framework identifies that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful.

¹ 02/00558/FUL

² APP/T0355/D/22/3300670

The appeal proposal would constitute inappropriate development in the Green Belt, which carries substantial weight. As well as harm by reason of inappropriateness, the proposal would cause a harmful loss of openness, thereby adversely impacting one of the essential characteristics of the Green Belt. I attribute moderate weight to the harm caused in this respect. It would also be harmful to the character and appearance of the area.

24. For the reasons set out above, the harm to the Green Belt would not be clearly outweighed by the other considerations. The very special circumstances required to justify a grant of planning permission therefore have not been demonstrated. Thus, the appeal is dismissed.

H Wilkinson

INSPECTOR