



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: 13th March 2024

Appeal Ref: APP/R0335/D/23/3328488

3 Mayfield Place, Winkfield, Windsor SL4 2FA

- 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 Maurice Beorby against the decision of Bracknell Forest Council.
 - The application Ref 21/00933/FUL, dated 30 September 2021, was refused by notice dated 4 August 2023.
 - The development proposed is described as 'to lay a new decking area and build and external outbuilding as a summertime games room'.
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Decision

1. The appeal is allowed and planning permission is granted for a decking area and external outbuilding to be used as a summertime games room at 3 Mayfield Place, Winkfield, Windsor SL4 2FA in accordance with the terms of the application, Ref 21/00933/FUL, dated 30 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan;
 - Drawing No. MB1 – Summerhouse general arrangements;
 - Drawing No. 10/3/21 Version 1 – Drawing for windows;
 - Email dated 9 November 2021 – External decking area dimensions.
 - 2) Unless within 3 months of the date of this decision a scheme for the disposal of surface water is submitted in writing to the local planning authority for approval and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of the building for purposes ancillary to the dwelling shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 9 months of the date of this decision, the use of the building for purposes ancillary to the dwelling shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved surface water disposal scheme specified in this condition, the surface water drainage measures shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. I have taken the description of development as cited in the banner heading above from the Council's decision notice as this more accurately identifies the appeal development. This is consistent with the appeal form. I have however removed reference to 'retrospective' as this is not an act of development.
3. 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.
4. I observed at my site visit that the decking area and summertime games room has been provided. However, for the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issues

5. 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 flooding;
 - 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

6. 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.
7. Policy CS9 of the Core Strategy Development Plan Document 2008 (the Core Strategy) indicates that the Green Belt will be protected 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' as used in the Framework. Nevertheless, the general thrust of the policy is broadly consistent with the provisions of paragraph 154.

8. It is the view of the Council that the proposal, as a new detached building, does not fall within any of the Framework exceptions, and on that basis, represents inappropriate development. However, paragraph 154 (c) of the Framework does not specify that structures must be physically attached. An extension for the purposes of that provision can include structures which are physically detached from the building of which they are an extension. Whether such a structure would amount to an extension of the original building is a matter of fact and degree.
9. In this case, whilst physically separate, the proposed building would be functionally related, and have a close physical and visual relationship with the appeal property and its scale would be domestic. It would therefore read as normal domestic adjunct. Under these circumstances, I find that the proposal could be considered as an extension of a building under paragraph 154 (c) of the Framework. In coming to this view, I have had regard to the appeal decision referenced by the Council¹. However, as I do not have a copy of the decision or the submitted plans before me, I cannot make any informed comparisons. It therefore does not lead me to a different conclusion.
10. 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 and is a matter of planning judgement. The appeal property comprises a large, detached dwelling set within a spacious plot at the head of a small cul-de-sac. The proposed building would increase the floor space and volume of the original building. However, having regard to the size of the original building, and given the limited external dimensions and volume of the proposal, I consider that the overall increase would be modest. It would therefore not result in a disproportionate addition over and above the size of the original building.
11. For these reasons, I find that the appeal proposal would not be inappropriate development in the Green Belt. It would therefore accord with the provisions of the Framework together with saved Policy GB1 of the Local Plan in so far as the building would be a limited extension to an existing building.
12. The reason for refusal indicates that the proposal would affect the openness of the Green Belt. However, as I have found that the proposal would not be inappropriate development, paragraph 154 (c) does not require me to consider this aspect any further. I therefore have not done so.

Flood risk

13. Whilst the Council's delegated report sets out that the appeal site is located within an area which is at risk of surface water flooding, it does not indicate that the site is located within Flood Zone 2 or 3.
14. The proposed development would increase the extent of hardstanding within the appeal site. However, the submitted plans show that this area would be relatively modest. Further, the proposal would not introduce a more vulnerable

¹ APP/R03335/D/16/3143811

use. Consequently, having regard to the Framework, I do not consider that a Flood Risk Assessment would be necessary in this case.

15. However, considering the surface water flooding risk, a condition requiring the submission of a drainage strategy would be necessary. Subject to appropriate drainage measures being implemented, I am satisfied that the proposal would be consistent with the objectives of the Framework, where they seek to ensure that development is made safe for its lifetime without increasing flood risk elsewhere.

Conditions

16. Given that the building has been constructed on site, it is not necessary to impose the standard time condition. However, in the interests of certainty, I have imposed a condition requiring adherence to the approved plans.
17. Condition 2 is imposed to ensure that surface water drainage details are submitted, approved, and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the surface water drainage measures before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
18. I have had regard to the Parish Council's request for a condition to be imposed restricting the use of the proposed structure for purposes incidental to the dwelling. However, I do not consider that such a condition would be necessary as any other use unrelated to the dwelling would require the benefit of a separate planning permission.

Conclusion

19. For the reasons given above, having regard to the development plan taken as a whole, and all other material considerations including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR