

Appeal Decision

Site visit made on 13 August 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/T0355/D/24/3338386

Locksley House, High Street, Hurley, Maidenhead SL6 5LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Parminder Basran against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02616.
 - The development proposed is a two bay carport.
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Decision

1. The appeal is allowed and planning permission is granted for a two bay carport at Locksley House, High Street, Hurley, Maidenhead SL6 5LT in accordance with the terms of the application, Ref 23/02616, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 23 LHHS SL01 Site Location Plan, 23 LHHS PE01 Carport - Plans & Elevations and 23 LHHS SP01 Carport – Site Location Plans.
 - 3) The materials to be used in the construction of the external surfaces of the carport hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is 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.

Reasons

3. The appeal site contains a large, detached dwelling in a generous garden plot. It is one of several dwellings on similarly spacious plots in the south of the village of Hurley, on land which is included in the Green Belt.
4. Policy QP5 of the Royal Borough of Windsor and Maidenhead Borough Local Plan (BLP) 2022 says, amongst other things, that the Green Belt will be protected against inappropriate development as defined in the Framework,

unless very special circumstances are demonstrated. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it goes on to set out a number of exceptions which include, in paragraph 154c, 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.

5. Case law¹ has confirmed that extensions to buildings for purposes of paragraph 154c are not confined to physically attached structures and can include structures which are physically detached from the building of which they are an extension. The question of whether a detached building should be regarded as an extension of another building is a matter of fact and degree.
6. The proposed carport would stand a short distance from the dwelling, within the existing driveway, in an area which is already used for parking. The design would reflect that of the dwelling, incorporating matching roof tiles and an exposed timber frame, similar to the design of the existing porch. Its use for parking domestic vehicles would be typical of an outbuilding of this nature, within the garden of a dwelling. As such, the building would have a close physical, visual and functional relationship with the host dwelling and can be regarded as an extension to the existing building.
7. While there have been a number of earlier extensions to the dwelling, including first floor and two storey elements, little information has been provided about their scale. The planning history does, however, indicate that a pre-existing extension and detached garages were replaced.
8. The carport would be a single storey structure, with fully hipped roof and open sides, giving it a relatively lightweight and not unduly bulky appearance. It would not create any additional internal floorspace. In terms of its external scale and massing, it would be a modest additional structure which would have only a limited effect on the cumulative scale of built development on the site. Therefore, even if the dwelling has already been enlarged by a significant amount, the development now proposed would not result in disproportionate additions over and above the size of the original building.
9. For the above reasons, I conclude that the proposal would not be inappropriate development in the Green Belt as defined in paragraph 154 of the Framework and Policy QP5 of the BLP. Those policies, amongst other things, allow for the extension of existing buildings in the Green Belt, where such extension would not result in disproportionate additions over and above the size of the original building.

Other Matters

10. Where development is found not to be inappropriate within the Green Belt, the question of its effect on openness and the purposes of including land in the Green Belt does not require further consideration. Nor is it necessary to consider whether there are very special circumstances to justify approving the proposed development.

¹ Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)

11. The appeal site is within the Hurley Conservation Area, the significance of which includes fine quality buildings of varied age, reflecting the linear growth of the village southwards along the High Street. Consequently, the street scene is characterised by well detailed buildings, both historic and more recent, along with an abundance of trees and hedgerows. Towards the south, there are several substantial 20th century dwellings, which the Conservation Area Statement² links to the growing affluence of the settlement during that period.
12. The appeal site is characteristic of that phase of development and the proposed carport would reflect the materials and detailing of the existing dwelling. In the context of the substantial plot, it would be a modest structure, largely screened behind the boundary planting and close boarded gates. The Council concluded that the character and appearance of the Conservation Area would be preserved and based on the evidence before me I have no reason to reach a different view.

Conditions

13. The Council suggested that three standard conditions should be imposed, in the event that the appeal is allowed. These relate to the timescale for implementation, compliance with the application drawings and the use of external materials matching the existing building. I agree that all three conditions are necessary, in the interests of certainty and to ensure that the character and appearance of the Conservation Area is preserved. I have made some minor amendments to the wording, in the interests of precision.

Conclusion

14. The proposed development would accord with the development plan and no other material considerations indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be allowed.

Jane Smith

INSPECTOR

² Hurley Conservation Area Statement 1995