



Appeal Decision

Site visit made on 4 October 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2024

Appeal Ref: APP/T0355/D/24/3338884

Seymour House, Ascot Road, Holyport, Maidenhead SL6 3LA

- 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 Mark Murray against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref is 23/02828.
 - The development proposed is described on the application form as 'alteration and additional floor over existing garage/new car garage to the side.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a garage conversion, first floor extension over existing garage, 1no. detached garage and alterations to fenestration. The Council dealt with the proposal on this basis and so shall I. Moreover, the appellant has used this description in their appeal form.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on openness;
 - the effect of the proposed development on protected species; and
 - whether the 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

Whether inappropriate development and openness

4. The appeal site comprises a two-storey property, located off Ascot Road. The property is positioned in a relatively large plot and has been extended in the past.
5. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 'except in very special

circumstances.’ There are, however, certain exceptions. One of those, at paragraph 154, is the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. Policy QP5 of the Borough Local Plan 2013-2033 (LP, 2022) conforms to the general thrust of national Green Belt policy.

6. Neither the Framework nor the LP provide a definition of ‘disproportionate addition’. Therefore, an 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.
7. The Council estimates that the cumulative floorspace of the dwelling, including both existing and proposed additions, would be approximately 184sqm. This appeal scheme proposal amounts to an increase of approximately 59.4%. These figures are accepted by the appellant.
8. Based on the evidence before me and my observations on site, I consider the proposed first floor extension, in isolation, not to form a disproportionate addition to the original dwelling, albeit in this instance this would be at the upper end of what could reasonably be considered proportionate. I accept that the first floor extension would increase the overall volume of the property. However, its footprint would not change and the overall scale of the extension, to my mind, would be limited in extent relative to Seymour House.
9. However, the floorspace and volume of the proposed triple garage structure do not appear to have been included in the above measurements. This element of the scheme would clearly be detached from the main dwelling and could not therefore be considered an extension. There is no substantive evidence before me to demonstrate that the garage structure would meet any other exceptions under paragraph 154.
10. Taken together, the proposed development would be inappropriate development in the Green Belt which is, by definition, harmful. The proposed development would therefore conflict with the relevant provisions of LP Policy QP5, which in summary seeks to protect the Green Belt from inappropriate development. This is consistent with the Framework insofar as development in the Green Belt is concerned.

Openness

11. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both a physical and visual dimension. ‘Open’ can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
12. The appeal property is visible, in part, from the adjacent highway and neighbouring properties, and notwithstanding the existence of other properties near to the appeal site, the openness of the Green Belt is readily apparent beyond.
13. Whilst I have concluded that the first floor addition would not constitute inappropriate development, I have concluded that the garage structure would be inappropriate development. Although I accept that the proposed garage is relatively limited in its overall scale and mass, at single storey, and has been

designed with sensitivity to prevailing building forms, materials and detailing, it would nonetheless result in built volume and massing where this does not presently exist. It would also draw development closer to the site entrance than is currently the case. For these reasons, the proposed garage structure would inevitably lead to a loss of openness, both physically and visually. Accordingly, the proposed development would cause harm to the openness of the Green Belt. This harm could reasonably be described as moderate.

Protected species

14. A document entitled Preliminary Ecological Appraisal (PEA), Newt Habitat Suitability Index (HSI) and Public Records Search, dated February 2024, has been submitted in support of the appeal.
15. This report, in summary, concludes that the proposed development would have no or minor adverse impacts on ecology & biodiversity. I have no reason to disagree with those findings.
16. Overall, based on the evidence before me, I conclude that the proposed development would have an acceptable effect on protected species and biodiversity, in accordance with the relevant provisions of LP Policy NR2. This policy, in summary, seeks to ensure that protected species and habitats are safeguarded from harm or loss. This is in a similar vein to the provisions of the Framework insofar as the protection of biodiversity and habitats is concerned.

Other considerations

17. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Wider planning considerations are paramount but nevertheless the particular effects of the proposed development in this location are a matter to which I give significant weight in assessing the proposal.
18. The extension is proposed as accommodation required for the carers of the occupiers of the dwelling. The dismissal of the appeal means that the occupiers would be unable to derive the benefits of the accommodation as proposed. Therefore, the appeal decision has the potential to disproportionately effect the existing residents and these equality implications add considerable weight in favour of allowing the appeal.
19. However, I have no evidence before me to indicate that suitable carers accommodation could not be provided elsewhere within the previously extended main house, or if there is a need for a carer to stay at the property overnight. Moreover, I have no substantive evidence before me that demonstrates that the extension must be of the size that is proposed.

Green Belt Balance

20. The development would constitute inappropriate development which, by definition, causes harm to the Green Belt. Substantial weight must be given to inappropriate development.

21. The development would provide accommodation which is contended to be required for carers. Nevertheless, personal circumstances seldom provide the sole basis for finding of very special circumstances. Although I find in this case that the combination of other considerations should be given considerable weight, this does not clearly and demonstrably outweigh the substantial weight that must be attached to the harm to the Green Belt. Looking at the case as a whole, very special circumstances do not exist.

Conclusion

22. The proposed development would be inappropriate development in the terms set out by the Framework and would result in harm to the openness of the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
23. The harm identified would not be clearly outweighed by the other considerations and, therefore, the very special circumstances necessary to justify the proposed development do not exist. Consequently, the appeal is dismissed.

A Price

INSPECTOR