



Appeal Decision

Site visit made on 18 March 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/T0355/W/24/3352921

Bath Cottage, Bath Road, Littlewick Green, Maidenhead SL6 3QR

- 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 and Mrs Werakso against the decision of The Council of the Royal Borough of Windsor and Maidenhead.
 - The application reference is 24/01276.
 - The development proposed is relocation of the front entrance with new canopy, part single, part first floor, part two storey side/rear extension with attached store, 2no. rear bay windows, new mansard roof, 2no. front dormers, 3no. rear dormers, increase in height to the existing chimney, alterations to fenestration, new drop kerb and relocation of the existing vehicular access following the demolition of the single storey rear elements and detached outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for relocation of the front entrance with new canopy, part single, part first floor, part two storey side/rear extension with attached store, 2no. rear bay windows, new mansard roof, 2no. front dormers, 3no. rear dormers, increase in height to the existing chimney, alterations to fenestration, new drop kerb and relocation of the existing vehicular access following the demolition of the single storey rear elements and detached outbuilding at Bath Cottage, Bath Road, Littlewick Green, Maidenhead SL6 3QR in accordance with the terms of the application, reference 24/01276, 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 numbers 0173-GA-0015 Rev P01, 0173-GA-0016 Rev P01, 0173-GA-0017 Rev P01, 0173-GA-0018 Rev P01, and 0173-GA-0019 Rev P01.
 - 3) Notwithstanding the details shown on the approved drawings, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
 - 4) No development shall take place above slab level until details of biodiversity enhancements, to include but not be limited to one bat roosting opportunity installed integral to the building (tile, brick, or box), have been submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall thereafter be installed prior to the first occupation of the development hereby permitted.

- 5) No external lighting shall be erected or installed on the site other than in complete accordance with an external lighting scheme that has first been submitted to and approved in writing by the local planning authority. The external lighting scheme shall include:
- A lighting layout plan with beam orientation
 - A schedule of lighting equipment
 - Measures to be taken to avoid glare
 - Measures to be taken to avoid adverse impacts on wildlife
 - Details of locations of bat boxes, tiles, and/or bricks.

Preliminary Matters

2. The description of development reflects the wording agreed between the parties during the application process.
3. The appeal documents included a Preliminary Ecological Appraisal (PEA) and Ecological Survey Report (ES). These documents were not before the Council when it determined the application. The additional information does not alter the appeal scheme but rather provides technical information to address the Council's concerns regarding the effect of the proposal on protected species. The Council has reviewed the PEA and ES as part of the appeal process, and has stated that the content is satisfactory, subject to suggested conditions. Based on the evidence I have no reason to take a different view. I am satisfied that no procedural unfairness arises from me considering the documents, and I have therefore proceeded on the basis that the second reason for refusal, and any conflict with Policy NR2 of the Borough Local Plan 2013-2033 (Adopted 8 February 2022) (LP) no longer applies.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have had an opportunity to comment on the revised Framework as part of the appeal process. The paragraph numbers in this decision refer to the latest version of the Framework.

Main Issue

5. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

6. The appeal site lies within the Green Belt. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate, other than in a few exceptions. Policy QP5 of the LP also seeks to protect the Green Belt from inappropriate development, as defined by the Framework, unless very special circumstances are demonstrated.
7. The Council assessed the scheme against the exception now listed in paragraph 154 c) of the Framework, which states that the extension or alteration of a building is not inappropriate development provided it does not result in disproportionate additions over and above the size of the original building. However, the appellant's evidence refers me to other exceptions including paragraph 154 g) of the

Framework, which states that development in the Green Belt is not inappropriate where it comprises *“limited infilling or the partial or complete redevelopment of previously developed land (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt”*.

8. The appeal site is occupied by Bath Cottage and its garden, as well as an outbuilding and areas of hardstanding. The proposal would partially redevelop the site through the demolition of some structures, and the construction of various extensions and alterations to the host property and its grounds. Due to the site's location outside of a built-up area, the garden area is not excluded from the Framework's definition of PDL. The site therefore comprises PDL.
9. Notwithstanding that some existing structures would be removed as part of the proposal, the scheme would significantly enlarge the width, height, and overall volume of built form on the site, and the extended dwelling would fill most of the space between the side boundaries of the plot. At two-storeys high, and given its width, the side extension would block views from Bath Road through to the gardens and upwards towards the sky. Therefore, there would be a loss of openness in both visual and spatial terms.
10. However, owing to its location at the end of a short and well-treed lane, there are very limited views of the site from the surrounding area, including the A4 road. Indeed, the development would only be observable from the footpath and road immediately outside of the site and in glimpsed views through trees from neighbouring properties. Even then, the appeal site is well-enclosed by other buildings and vegetation such that there are limited opportunities for longer views through the garden towards open space. When considered together with the modest scale and nature of the proposal, the loss of openness would be localised. It follows that, whilst there would be harm to the openness of the Green Belt, the harm would not be substantial.
11. On this basis, I conclude that the proposal falls within the exception set out in paragraph 154 g) of the Framework and therefore it would not be inappropriate development in the Green Belt. On that basis, it is not necessary for me to consider the proposal against the other exceptions in the Framework, or for very special circumstances to be present. Therefore, there would be no conflict with Policy QP5 of the LP.

Conditions

12. The Council provided a list of suggested conditions, which I have considered against the tests set out in the Framework. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability.
13. In addition to the standard time limit condition, I have attached a condition to define the permitted drawings to provide certainty.
14. I have imposed a condition to control external materials to protect the character and appearance of the area. The Council suggested this could be a compliance condition, however the details on the submitted plans are limited and do not include references to colour for example. Therefore, I have required the details to be submitted for approval.

15. A biodiversity enhancement scheme is required to be submitted through a condition, to ensure the site delivers biodiversity enhancements.
16. A condition is included to prevent external lighting other than where this has been approved by the Council. This is necessary to protect local character, and to safeguard protected species.
17. It is not necessary to include an informative advising the appellant to cease works if protected species are unexpectedly found to be present because this is covered by separate legislation.

Conclusion

18. For the reasons given above the appeal should be allowed.

E Catchside
INSPECTOR