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## Appeal Decision

Site visit made on 14 October 2025 by T Morris BA (Hons) MSc

**Decision by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

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**Appeal Ref: APP/T0355/D/25/3368604**

**Meadow View, Bedford Lane, Sunningdale, Ascot, Windsor and Maidenhead SL5 0NP**

- 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 Jon Curtis against the decision of Royal Borough of Windsor and Maidenhead.
  - The application Ref is 25/00605.
  - The development proposed is part two storey, part single storey side and rear extensions to the existing house with the introduction of 2 no. rear dormers.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - i) 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;
  - ii) the effect of the proposal on the openness of the Green Belt;
  - iii) the effect of the proposal on the character and appearance of the area, including the impact on a protected tree;
  - iv) the effect of the proposal on protected species; and,
  - v) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

### Reasons for the Recommendation

*Whether inappropriate development*

4. The appeal site comprises a two-storey semi-detached dwelling located in the Green Belt. Paragraph 154 of the Framework states that development is

inappropriate in the Green Belt unless it meets certain exceptions. One such exception, at paragraph 154(c), is for 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. The Framework defines an original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

5. The Framework does not define the specific meaning of disproportionate in relation to the exception in paragraph 154(c). Similarly, Policy QP 5 of the Royal Borough of Windsor & Maidenhead Borough Local Plan (2022) (LP), does not provide any specific meaning of 'disproportionate' in terms of development in the Green Belt. The Council's officer report indicates that the floorspace increase would be approximately 62%. The overall scale and volume would increase accordingly. The appellant has not provided me with his own calculations, nor sought to dispute the Council's position regarding the floorspace increase.
6. A comparison between the existing and proposed plans and elevations only serve to confirm that the proposed extensions would have a large size and scale, such that I am not satisfied that the original dwelling, would in visual terms, remain the dominant element within the appeal site. I am therefore satisfied that in both visual and numerical terms, the proposal amounts to substantial and disproportionate additions over and above the size of the original dwelling.
7. The Council's evidence refers to a number of certificates of lawful development relating to proposals for 'a large outbuilding and a side element,' which it suggests could also be built out at any time. Whilst there appear to be 2 such applications pending consideration, I have not been updated on the outcome. From the planning history provided by the Council a certificate of lawfulness of proposed development was granted in 2019. Although this may provide a fallback position of a greater than theoretical possibility of implementation, I do not have specific details of that development. If it were to be provided in addition to the development now proposed, it is likely to exacerbate the disproportionate additions to the dwelling, resulting in cumulative harm to Green Belt openness.
8. I note that the property is within an established frontage of dwellings, and that the open and spacious aspect of the site, as well as its landscape features would be retained. However, these are not decisive factors on this main issue, which is focussed on whether the additions to the original building would be disproportionate.
9. I therefore conclude that the proposal would be inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt. It would be contrary to Policy QP 5 of the LP, which requires that the Green Belt is protected from inappropriate development unless very special circumstances are demonstrated.

### *Openness*

10. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness has a spatial and a visual dimension.
11. The proposal would introduce a significant amount of additional bulk and mass to the host dwelling. It would therefore inevitably materially reduce the openness of

the Green Belt in spatial terms. From a visual perspective, while the extension would increase the size of the dwelling, I accept that it would benefit from some screening along Bedford Lane, albeit it would still be visible in glimpsed views above the hedgerows. In addition, whilst the extension would be visible across the fields to the rear of the site, this would generally be limited to long views only.

12. In these circumstances, the proposal would result in some harm to the openness of the Green Belt, albeit the harm would be of a limited extent. It would be contrary to paragraph 142 of the Framework which states that openness is one of the essential characteristics of the Green Belt.

#### *Character and appearance*

13. Given its location in the Green Belt, the host dwelling is located in an open and semi-rural area. The dwelling is set within spacious grounds and benefits from a large garden to the rear. It features a traditional design and architectural details, including a steep dual-pitched roof with a front gable section and a small dormer window to the rear roof slope. Overall, with its traditional design and spacious surroundings, the host dwelling is a highly attractive property which contributes positively to the character and appearance of the surrounding area.
14. The adjoining dwelling is of a similar design, albeit with a two-storey extension to the rear which has a pitched roof. It has a large scale and mass which dominates the original dwelling in views from the rear.
15. The proposed rear extension's flat roof section would be extensive and would jar with the existing pitched roof form of the dwelling. A bulky and incongruous addition would ensue which would be harmful to the attractive and traditional appearance of the dwelling, eroding the asymmetrical side elevation which forms an attractive feature. That the flat roof section would not be overtly visible does not justify the proposal, given that the requirement for high quality design is integral to the Framework. It would in any case, be partially glimpsed from the road. The contrasting roof forms would be compounded by the proposed shallow pitched hipped roof to the side given, that there are no hips on the existing property.
16. On this main issue, I have also had regard to the Council's Borough Wide Design Guide (2020) (DG), which is a supplementary planning document. This specifies that roof alterations should be sympathetic and subservient to the design of the main building. This includes that where a building has been designed to reflect traditional pitched roof forms, flat roofs should not be used as a means of spanning overly deep buildings. The proposal clearly conflicts with this guidance. Therefore, the DG further reinforces my view that the large flat roof section would be harmful to the character and appearance of the host dwelling.
17. I appreciate that there is some variety to development in the area, including a contemporary dwelling adjacent to the site, as well as other dwellings which have been extended. Despite this, the harm that I have identified in terms of the character and appearance of the host dwelling is focussed on its individual design. Therefore, that there is some variety in the surrounding area does not lead me to a different conclusion on this matter.

### *Protected Tree*

18. A large tree protected by a tree preservation order (TPO) is an impressive natural feature within the rear garden, that contributes positively to the verdant, semi-rural character of the area. The plans indicate that the proposed rear extension would encroach upon the crown spread and thus potentially the root protection area of the tree. The proposal could therefore adversely affect its health and condition. In the absence of any baseline data, it would not be appropriate to leave this matter to be dealt with via a planning condition as any required mitigation would not be known, nor whether any amendments are required to the proposal itself to avoid harm to the tree.
19. Due to its size and proximity, the proposal may lead to future pressure for the tree to be lopped, topped or felled. With no substantive evidence to the contrary, the proposed development would increase the risk of harmful works to the tree that would substantially reduce its contribution to the character of the area.

### *Conclusion – Character and Appearance*

20. I find that the proposal would result in a detrimental effect to the character and appearance of the area, including a protected tree. It would be contrary to Policy QP 3 of the LP and Policy NP/EN2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (2014) (NP). This policy requires developments to achieve high quality design which respects the character of the local environment and carefully considers the impact on existing trees.

### *Protected Species*

21. Given the site's semi-rural location, its large rear garden with trees and general proximity to potential habitats including grassland and woodland, there is the possibility of the presence of protected species such as birds and bats in the area. I also note that the dwelling itself has the potential to accommodate protected species particularly given the small plain tiles on the roof. The provision of a scoping survey would be a reasonable requirement as a minimum.
22. The appellant acknowledges the lack of ecological information to support the proposal but suggests that such matters could be appropriately and reasonably dealt with by pre-commencement conditions. I disagree. ODPM Circular 06/2005 (the circular) states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established *before* the planning permission is granted [my emphasis]. Otherwise, all relevant material considerations may not have been addressed in making the decision.
23. Without an ecological survey I cannot be certain of the presence of protected species and if so, what mitigation if appropriate, may be required. The circular advises that ecological surveys should only be left to a planning condition in exceptional circumstances. No such circumstances have been advanced here. Moreover, paragraph 193 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
24. For the above reasons, I cannot be certain that the proposal would not adversely affect protected species. It would therefore be contrary to Policy NR 2 of the LP,

which requires that proposals demonstrate how they preserve or enhance the natural environment, where there is a reasonable likelihood that habitats are affected.

### *Other considerations*

25. Paragraph 153 of the Framework states that inappropriate development should not be approved except in very special circumstances, and that such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. I acknowledge that a previous application for a two-storey rear extension was allowed at appeal in November 2019<sup>1</sup>. However, as I only have the appeal decision and not the full plans and elevations before me, I am unable to make a full comparison between the two. In any case, the previous appeal decision states that the floorspace increase was approximately 37%. This is smaller than the 62% increase in the proposal before me. This is reflected in the dotted red outline on the plans and elevations for the current appeal, which indicate that the previous extension was smaller in scale.
27. Furthermore, and with regards to the flat roof section and its effect on the character and appearance of the host dwelling, I understand that the previously allowed appeal proposal also had a flat roof section, although again I do not have the full plans and elevations to show this. However, the dotted red outline on the side elevation of drawing ref: 17.127.120 for the current appeal, reveals that the flat roof section of the previous scheme was smaller than that which is currently proposed.
28. For the above reasons, the Inspector's decision on the previous appeal seems to be based on a different proposal than that before me. Furthermore, the three-year time limit of the date of that decision has expired. Consequently, due to the differences between the two appeals, as well as that permission having lapsed, I can attach no more than limited weight to it.
29. Further considerations have been put forward, including that the property is the appellant's family home and that they wish to bring it up to modern standards, including for the benefit of family members. It is also the appellant's intention to keep the property in the family in the long term. However, such personal circumstances rarely outweigh general planning considerations, and I can only give such matters limited weight. It has not been demonstrated that there would not be less harmful ways of providing additional living accommodation for the dwelling.
30. The absence of harm to neighbouring properties, and indeed the support from neighbours are not matters which would overcome the totality of the harm of the proposal. Concerns with the way in which the Council dealt with the planning application is a matter for the parties.

### **Planning Balance**

31. The Framework requires that substantial weight be given to any harm to the Green Belt, including harm to its openness, and states that very special circumstances will not exist unless harm to the Green Belt by reason of inappropriateness, and any

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<sup>1</sup> Appeal Decision 3235624

other harm resulting from the proposal, is clearly outweighed by other considerations.

32. The proposal would amount to disproportionate additions to the original dwelling such that it would be inappropriate development in the Green Belt, which would also be harmful to openness. I give substantial weight to this harm. In addition, the proposal would be harmful in terms of its effects on the character and appearance of the area, including the impact on a protected tree. There is also insufficient evidence before me to conclude that the proposal would not be harmful to protected species. Consequently, the totality of the harm identified would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.

### **Conclusion and Recommendation**

33. The proposed development would conflict with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, which would alter this conclusion. I therefore recommend that the appeal should be dismissed.

*T Morris*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

34. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*M Clowes*

INSPECTOR