
Appeal Decision

Site visit made on 10 October 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd November 2017

Appeal Ref: APP/T0355/D/17/3182376

2 Wellington Cottages, Warren Row Road, Warren Row, Berks RG10 8QX

- 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 & Mrs Phil and Donna Cavell against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 17/01012/FULL, dated 17 March 2017, was refused by notice dated 26 May 2017.
 - The **development proposed is erection of a timber framed outbuilding.**
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Decision

1. The **appeal is allowed and planning permission is granted** for erection of a timber framed outbuilding at 2 Wellington Cottages, Warren Row Road, Warren Row, Berks RG10 8QX in accordance with the terms of the application, Ref 17/01012, dated 17 March 2017, and the plans submitted with it.

Preliminary matters

2. The description of development given above differs from that given in the original application. In the interests of clarity I have amended the original description to remove aspects of it which do not constitute development.
3. A late plan was submitted showing the removal of the log store. I considered whether any party would be prejudiced by being deprived of an opportunity to comment on it, and as it comprises a minor element of the scheme, have concluded that they would not. I have therefore accepted it.
4. **The appeal structure has already been built**, and the log store has now been removed.

Main Issues

5. The main issues are:-
 - whether the development would constitute inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt and the purposes of including land in it; and
 - if the development would be inappropriate, 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 needed to justify it.
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Reasons

Inappropriate development

6. The host building is one of a terrace of modest houses with long and relatively narrow gardens to front and back. The appeal structure is a new, timber clad outbuilding in use for a home office. It replaces an earlier structure, a garage. The site is within the Green Belt.
7. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt is inappropriate, but one of the exceptions, set out at bullet point 4 of this paragraph, includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. The replacement building is a structure ancillary to the dwelling, and not therefore in a different use. However the dispute between the parties is as to whether it is materially larger than the building it replaces. No development plan policy has been put before me in which the threshold for a materially larger building is defined, and the Council has not given any indication of where this threshold would lie. Additionally, the parties do not agree over the dimensions of the replaced building.
9. In terms of the footprint, the Council has calculated that the replacement building represents an increase of 55% in relation to the garage structure which it replaces. The appellants have put evidence before me to indicate that the concrete plinth which the new outhouse occupies was re-laid over the previous one, and that the removal of the log store has reduced the footprint of the structure to one similar to that of the original building. This evidence, in the light of photographs of the previous structure and my observations of the replacement building, appears convincing. Consequently, I conclude that it is unlikely that there has been a significant increase in footprint, nor that, in the absence of any clear threshold set in development plan policy, any increase which has occurred could be considered material.
10. The appeal building has a relatively steeply pitched roof, and in terms of volume, the Council has estimated an increase of 180% on the basis of an estimate of the ridge height of the former garage. As, however, the former roof was not visible due to thick vegetation, and photographs of the interior and exterior of the former garage are inconclusive, this estimation cannot be not be verified. Additionally, the appellants have submitted evidence to suggest that the pitch may have been higher than that estimated by the Council based on the relatively low roof pitch of existing garages in the vicinity. There is therefore nothing before me to confirm the accuracy of the Council's calculation of volume or to demonstrate convincingly that any increase in volume has been sufficiently great to be considered material.
11. For these reasons therefore, I conclude that the appeal building would meet the exception set out in bullet point 4 of Paragraph 89 of the Framework and would not comprise inappropriate development in the Green Belt. It would as a result comply with policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 (the LP) which seeks to resist inappropriate development within the Green Belt,

Effect on openness

12. Openness is an essential characteristic of the Green Belt. As, however, I have found that the development would not constitute inappropriate development in the Green Belt, and as the replacement exception set out in bullet point 4 of paragraph 89 of the Framework is not dependent on the effect on openness, there is no requirement to consider the actual effect of the outhouse on the openness of the Green Belt and the purposes of including land within it.
13. As development which is considered to be not inappropriate is, by definition, deemed not to have a harmful effect on openness, the development would not conflict with policy GB2 of the LP, which seeks to resist development **which would have a greater impact on the openness of the Green Belt than an existing development on the site.**

Other considerations

14. The appellants have put to me that the quality of the replacement building and the personal circumstances of Mr Cavell would amount to the very special circumstances which would justify the development, were it inappropriate within the Green Belt. As, however, I have found that there would not be harm to the Green Belt by way of inappropriate development, it is not necessary to reach a conclusion on this matter.

Other Matters

15. Neighbouring occupiers have suggested the appeal building is inappropriate to its setting at the end of a narrow terrace garden. **However, it replaces a previous garage, and is a domestic outbuilding in a group of other outbuildings arranged along the end of the gardens of Nos 2 and 3. It is partly screened by fences and vegetation. I find that it would not therefore be particularly inappropriate in this setting.**
16. **It is also suggested that the mass and scale of the building means that it is an oppressive element which compromises the enjoyment of the neighbouring back garden. However, as I have concluded above, the scale and mass of the building would not be materially greater than the garage formerly on the site, and it would, with the removal of the log store be set back from the boundary with the adjoining garden. Furthermore it adjoins only the very end of the long neighbouring garden. It therefore seems unlikely to have a harmful effect on the living conditions of neighbouring occupiers.**
17. Neighbouring occupiers are also concerned that it is or **could be used for a separate dwelling house, but as this would require a separate grant of planning permission, I conclude that these concerns are not well founded.**
18. The issue of loss of a right of way from the garden of No 3 through that of No 2 has also been raised, but that is a matter not for my determination.

Conclusion

19. As, therefore, I have not found any harm arising to the Green Belt or in respect of any other material consideration, and for the reasons given above, I conclude that the appeal should be allowed. As the appeal building has already been erected, and as no conditions have been suggested by either party, I conclude that none are necessary and I have added none.

S J Buckingham

INSPECTOR