

ITEM NO: 05Application No.
19/00832/FULWard:
Winkfield And
CranbourneDate Registered:
13 September
2019Target Decision Date:
8 November 2019

Site Address:

**Clare Cottage Winkfield Street Winkfield Windsor
Berkshire SL4 4SW**

Proposal:

Erection of a detached car port and storage outbuilding.

Applicant:

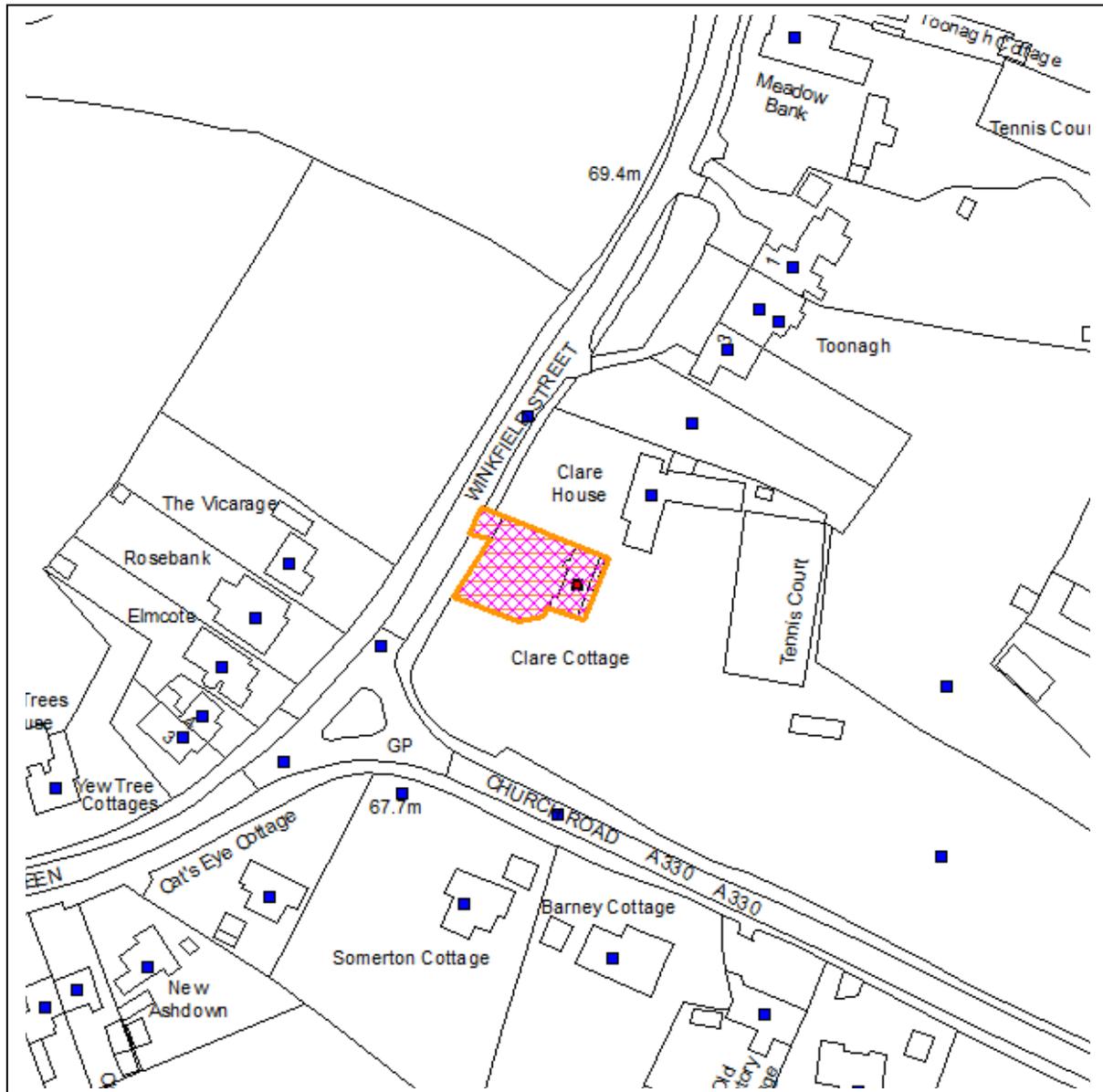
Mr Robert Withers

Agent:

Mr Neil Davis

Case Officer:

Olivia Jones, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1. SUMMARY

- 1.1 The proposal is for the erection of a single storey detached outbuilding for use as a car port and storage shed.
- 1.2 The development would not result in an adverse impact on the amenities of the neighbouring occupants, highway safety or trees. However, the creation of a new building would be inappropriate development to the detriment of the open and rural character of the Green Belt.

RECOMMENDATION

Planning permission be refused in line with the reason in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application has been reported to the Planning Committee at the request of Councillor Virgo who wishes for the proposal to be considered in the context and visual amenity of the area.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within Green Belt

Within the Northern Villages Study Area of the Character Area Assessments SPD

- 3.1 The proposed outbuilding is located forward of the front elevation of the dwelling. It would be located on the existing driveway, screened to the south and west by vegetation. There is a protected tree (TPO 1327) located to the north of the application site.
- 3.2 The surrounding area is rural in appearance, and is located outside the settlement boundary, within the Green Belt.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history can be summarised as follows:

14082
Extension
Approved 1968

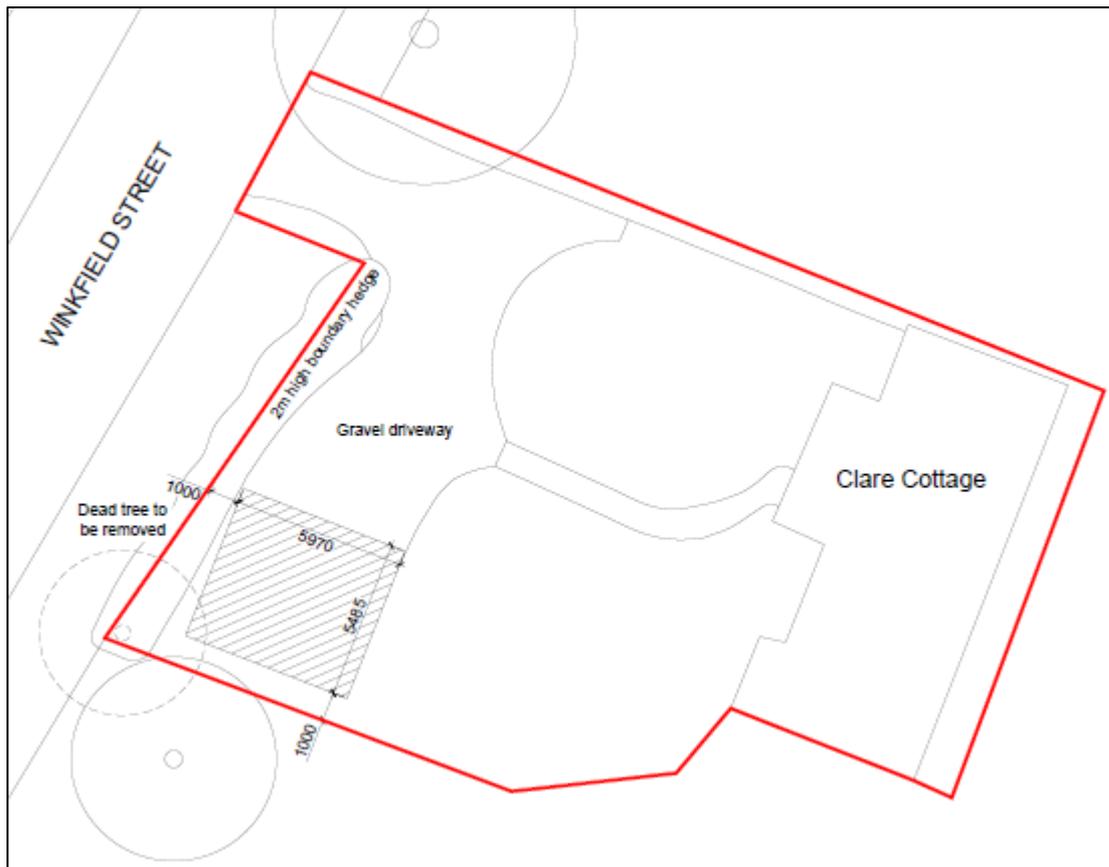
10/00668/FUL
Erection of first floor side extension and alterations to roof, single storey front extension forming porch and detached car port to front.
Approved 2010

10/00760/FUL
Erection of two storey front extension
Approved 2010

17/01012/FUL
Erection of a car port.
Refused 2017

5. THE PROPOSAL

- 5.1 The proposed outbuilding would form a car port and a storage shed. The building would be located forward of the front elevation, to the south of the driveway entrance. The outbuilding would have a depth of 5.48 metres, a width of 5.97 metres and a maximum height of 3.83 metres. The roof would be dual pitched with a maximum eaves height of approximately 2.42 metres.
- 5.2 The proposed outbuilding would be constructed of timber posts, with timber cladding to the walls and clay tiles to the roof.



6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

- 6.1 No response received to date.

Other Representations

- 6.2 One letter of support was received from the occupants of the neighbouring property, Clare House.

7. SUMMARY OF CONSULTATION RESPONSES

Highway Authority

- 7.1 No objection.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and associated policies are:

	Development Plan	NPPF
General policies	CS1 and CS2 of the CSDPD	Consistent
Green Belt	'Saved' policies GB1 and EN8 of the BFBLP	Partially consistent
Design	CS7 of the CSDPD	Consistent
Amenity	'Saved' policies EN1, EN2 and EN20 of the BFBLP	Consistent
Highways	'Saved' policy M9 of the BFBLP CS23 of the CSDPD	Consistent - Para. 105 refers to LPAs setting their own parking standards for residential development
Supplementary Planning Documents (SPD)		
Parking Standards SPD Design SPD Character Area Assessments SPD		
Other publications		
National Planning Policy Framework (NPPF)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Amenity
- iv. Transport and Highways Considerations
- v. Impact on Trees

i. Principle of Development

9.2 The application site is located outside the defined settlement, within the Green Belt. The NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, with certain exceptions. The erection of a domestic outbuilding is not listed as an exception, and therefore the principle of a new building within the Green Belt is unacceptable and should be refused in line with the NPPF.

9.3 The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The Planning Statement submitted with this application acknowledges that the proposal is inappropriate development, however proposes that there are very special circumstances (VSC) in this case that justify the proposal. These suggested VSCs are as follows:

- (a) The proposed building would have a minimal impact on the openness of the Green Belt, given it is located in a more built up area, is a small building with a catslide roof minimising its impact, and it is well screened from views outside the application site.

- (b) Planning permission was approved in 2010 for the erection of a car port of a similar size and a similar location. The application acknowledges that national planning policy has changed since 2010, however argues that the impact on the Green Belt would still have been taken into account when the application was assessed in 2010.
- (c) Due to the layout of the application site, there is no possibility for the applicants to exercise their permitted development rights in terms of the construction of an outbuilding.
- (d) That there are currently no outbuildings serving the property (except for a small dilapidated wooden shed), nor is there a garage, and there is therefore no space for the storage of outside equipment.
- (e) Due to the layout of the application site, any extension to the house itself for the purpose of storage of cars or other outside equipment would result in an unacceptable loss of light to this property.
- (f) The car port and storage shed are required for safety.

9.4 In respect of point (a), it is acknowledged that the proposed outbuilding would be screened from public view by the existing hedge and vegetation, however the impact on the Green Belt is not restricted to what is visible from public view. Openness is an essential characteristic of the Green Belt, and it is clear that openness should not only be viewed in its visual context, but also its spatial context. The presence of permanent built form where there was none previously is contrary to the intention of Green Belt policy, and therefore is harmful to the Green Belt. This view is supported by various High Court judgements.¹

9.5 This position is also supported by the Planning Appeal Decision in Annexe A (reference 15/00823/FUL). This was an application for an outbuilding at Winkfield Place Lodge on Drift Road. The Inspector in this case agreed that the outbuilding was proportionate to the application site and screened by vegetation. However, the Inspector concluded that these circumstances did not negate the fact that the openness of the Green Belt would be adversely impacted.

9.6 In respect of point (b), it should be noted that approval was granted in 2010 – prior to the introduction of the NPPF, a material change in planning policy. Prior to the introduction of the NPPF, ‘Saved’ Policy GB1 of the BFBLP allowed for the erection of residential outbuildings within the Green Belt. The NPPF, introduced in 2012, made the Green Belt regulations stricter, and specified that all new buildings, irrespective of whether they were residential outbuildings or not, would be inappropriate and should be refused. While Green Belt considerations had been undertaken when assessing the planning application in 2010, Green Belt policy did not yet allow for a refused application on those grounds. Whilst this planning permission does carry some weight, it was not implemented and has now expired, and was for a smaller development.

9.7 The VSC test sets out that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. It has been established that the proposed outbuilding would harm the openness of the

¹ Timmins v. Gedling Borough Council [2014] EWHC 654 (Admin)
Turner v. SSCLG [2016] EWCA Civ 466

Green Belt, and therefore the requirement for the outbuilding, for reasons of storage and safety, does not outweigh the impact on the Green Belt.

- 9.8 The application makes reference to a dilapidated wooden shed which is not large enough to store a car and does not offer adequate protection for the storage of outside equipment. National and local Green Belt policy allows for the replacement of a building with a building 'not materially larger' than the one it replaces. The applicant could therefore construct a marginally larger shed for the storage of outside equipment. The justification of safety is therefore not considered sufficient to overcome the harm to the Green Belt.
- 9.9 In terms of the car port element. This would give minimal increased protection from theft, as the car port is open-sided. The anti-theft justification for the car port is therefore not considered sufficient.
- 9.10 It is true that the applicants do not benefit from permitted development rights that would allow for the construction of an outbuilding to the rear without applying for planning permission. This may give some weight to the storage shed argument, however as stated under paragraph 9.8 a storage shed could be constructed. In terms of the garage, it is not common for property layouts to allow for the construction of a garage or car port to the rear, and not always the side, of a property. It is therefore not considered that the layout of the existing property puts the applicant at specific disadvantage compared to many properties.
- 9.11 Therefore, the proposed outbuilding would be inappropriate development in the Green Belt, and the very special circumstances put forward are not considered sufficient to outweigh the harm to the openness of the Green Belt.

ii. Impact on the Character and Appearance of Surrounding Area

- 9.12 The application site is located within Area E of the Northern Village Study Area, Character Area Assessments SPD. This area is characterised by linear development, comprising of a loose collection of individual houses set in large grounds. These houses vary in terms of architecture, period and setting. Some more historic buildings create a strong edge to the predominately rural street, while others are set back within their plots. The area has a green feel to it with hedges, and tall trees throughout plots and along boundaries.
- 9.13 The proposed outbuilding would be constructed of timber, with clay roof tiles. These materials are considered to complement the existing dwelling, and the surrounding area. Should planning permission be granted, it is recommended that details of these materials are provided by planning condition.
- 9.14 There is a hedge along the front elevation which is approximately 2 metres high, and the proposed outbuilding would project above this hedge by 1.83 metres. The roof would pitch away from the road and would therefore appear less prominent when viewed from the street.
- 9.15 The Design SPD discourages the erection of garages or car ports to the front of properties. However, given the substantial screening of the outbuilding from the highway it is not considered that it would appear prominent or detract from the character of the area. Should planning permission be granted, it is recommended that this hedge is secured by planning condition to retain the screening of the car port.

iii. Impact on Residential Amenity

9.16 The proposed outbuilding is located a sufficient distance from the nearest dwelling (Clare House) that it would not be considered to have an adverse impact on the occupiers of this property.

iv. Transport and Highways Considerations

9.17 The proposed outbuilding would be constructed on an existing driveway. This car port is sufficiently large to provide a parking space, and therefore, should planning permission be granted, it is recommended that this car port is secured by planning condition for the parking of vehicles to ensure sufficient off-street parking is provided.

9.18 It is not considered that the proposed development would result in an adverse impact on highway safety.

v. Impact on Trees

9.19 There is a tree to the north of the application site which is covered by TPO 1327. The footprint of the proposed outbuilding would not encroach into the root protection area (RPA) of this tree, and therefore the proposed outbuilding would not be considered to adversely impact this tree. The RPA extends into the existing driveway, and therefore tree protection should be provided during construction. Should planning permission be granted it is recommended that this protection is secured by planning condition to prevent storage of materials etc. within the RPA of this tree.

9.20 To the south of the site is a row of trees. The closest trees are narrow and are not considered sufficiently important to the character of the area on their own to warrant protection. The larger trees approaching the corner of Winkfield Street and Church Road are at least 15 metres from the application site, and therefore would not be adversely impacted by the proposed development.

10. CONCLUSIONS

10.1 The proposal is considered to be inappropriate development within the Green Belt which by definition is harmful, contrary to Policy CS9 of the CSDPD, 'Saved' Policies EN8 and GB1 of the BFBLP, and section 13 of the NPPF; it is therefore considered unacceptable in principle. There are no 'Very Special Circumstances' that would outweigh the potential harm to the Green Belt by reason of inappropriateness.

10.2 The proposed development is not considered to result in an adverse impact on the character and appearance of the area, residential amenity, highway safety or trees. However this would not form 'very special circumstances' that would outweigh the harm to the Green Belt by reason of its inappropriateness. Therefore it is recommended that the application be refused.

11. RECOMMENDATION

11.1 The application is recommended to be **REFUSED** for the following reason:-

01. The proposed erection of a detached outbuilding is considered to be inappropriate development within the Green Belt which by definition is harmful. The proposed development is therefore contrary to Policy CS9 of the Core Strategy Development Plan Document, 'Saved' Policies GB1 and EN8 of the

Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant, and also by giving due weight to the information provided within the applicant's Planning Statement. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

02. This refusal is in respect of the following plans and other submitted details received by the Local Planning Authority:

- Location Plan, Drawing Number: L01, Received 13.09.19
- Proposed Site Plan, Drawing Number: P01, Received 13.09.19
- Existing Site Plan, Drawing Number: S01, Received 13.09.19
- Proposed Plans and Elevations, Drawing Number: P02 A, Received 06.11.19
- Planning Statement, Received 13.09.19

Appeal Decision

Site visit made on 27 April 2016

by **Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

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

Decision date: 29 April 2016

Appeal Ref: APP/R0335/D/16/3143811

Winkfield Place Lodge, Drift Road, Winkfield, Berkshire, SL4 4RL

- 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 A Cartwright against the decision of Bracknell Forest Council.
 - The application Ref 15/00823/FUL, dated 27 July 2015, was refused by notice dated 2 November 2015.
 - The development proposed is garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are a) whether the proposal constitutes inappropriate development in the Green Belt, b) its effect on the openness of the Green Belt and on the character and appearance of the area, and c) if it is 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 the development.

Reasons

3. The National Planning Policy Framework (the Framework) sets out several categories of new buildings which are not inappropriate development in the Green Belt as does saved policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan adopted 2003 (the local plan). Policy CS9 of the Core Strategy Development Plan Document adopted 2008 (CS) seeks to protect the Green Belt from inappropriate development.
4. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development apart from a few specified exceptions which do not include domestic outbuildings. This is a more stringent test than that set out in local plan policy GB1, which states that domestic outbuildings may be approved in the Green Belt in accordance with certain criteria. The local plan predates the Framework and, in my opinion, policy GB1 carries limited weight in this appeal because it is not consistent with the more stringent test for establishing whether or not a proposed development is inappropriate set out in more recent Government policy.

Inappropriate development

5. As a domestic outbuilding, the proposal is not included in the exceptions set out in the Framework and I therefore conclude that it is inappropriate development in the Green Belt. Such development is, by definition, harmful and is contrary to the guidance in the Framework and to CS policy CS9. The resultant harm should be given substantial weight in determining the appeal.

Openness and character and appearance

6. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The appeal site is a large detached dwelling set in large gardens with a number of existing outbuildings and other structures. The proposed garden room would have a floor area of approximately 47sq m and a ridge height of 4.5m and would be located approximately 9-10m to the side of the main house and forward of its main front elevation. Although it would not necessarily be unduly out of scale in the context of the size of the house and gardens, I consider that the proposal would be substantial in respect of its floor area and overall height and bulk and so, in real terms, would result in a material and significant reduction in the openness of the Green Belt.
7. The house is set back from the road and the property as a whole is screened from views from Drift Road by mature mixed hedging and trees. The garden room would be located in a part of the garden which is further screened by hedges. While this limited visibility mitigates the impact to some extent, it does not overcome the intrinsic harm to openness. I conclude that the proposal would erode the openness of the Green Belt, contrary to the guidance in the Framework.
8. The appeal property is located in a rural area adjacent to the extensive wooded area of Windsor Forest. The site contains several mature trees and extensive hedging. I consider that the design and proposed materials of the garden room would be acceptable in this context in that they are sympathetic to the style of the existing house. The plot is large and the proposal would be set well back from the road and largely screened from public views. These factors would limit the impact of the development on the landscape.
9. I conclude that the proposal would not cause unacceptable harm to the character and appearance of the area.
10. The harm caused by the inappropriateness of the development carries substantial weight, as does the harm to the openness of the Green Belt. I have found that there would be no adverse effect on the character and appearance of the area. However, the latter does not add weight in favour of the development, it merely reduces the amount of 'other harm' against it.
11. For the reasons given above and having regard to all other matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. There are, therefore, no very special circumstances to justify the development. It conflicts with Core Strategy policy CS9 and the Framework and the appeal is dismissed.

PAG Metcalfe INSPECTOR
