



# The Planning Inspectorate

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Your Ref: 12/00768/FUL  
Our Ref: APP/R0335/A/13/2198480  
Date: 15 January 2014

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Dear Madam

**Town and Country Planning Act 1990**  
**Appeal by Dr S Bellamy**  
**Site at Woodside, Woodside Road, Winkfield, Windsor, SL4 2DP**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at <http://www.planningportal.gov.uk/planninginspectoratefeedback>.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Bridie Campbell-Birch

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*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp> You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



## Appeal Decision

Site visit made on 13 December 2013

**by Lesley Coffey BA (Hons) BTP MRTPI**

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

Decision date: 15 January 2014

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**Appeal Ref: APP/R0335/A/13/2198480**

**Woodside, Woodside Road, Winkfield, Windsor SL4 2DP**

- 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 Dr Simon Bellamy against the decision of Bracknell Forest Borough Council.
  - The application Ref 12/00768, dated 13 September 2012, was refused by notice dated 26 November 2012.
  - The development proposed is the erection of a 4 bedroom detached house including a self contained annex, detached garage and open-air swimming pool following the demolition the existing dwelling and outbuildings.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The floorspace and volume figures shown on the submitted plans differ from those within the appellant's planning statement dated 13 September 2012. The latter were calculated at source using AutoCAD software, and as such are likely to be more accurate than those shown on the plans. I have therefore assessed the proposal on the basis of these figures.

### Main Issues

3. I consider the main issue to be whether the proposal constitutes inappropriate development within the Green Belt, and if so, 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

#### *Inappropriate Development*

4. The appeal property is a two storey dwelling within the Green Belt. It has been extended previously and comprises a 5 bedroom dwelling with a two bedroom annex on the first floor. There are a number of ancillary outbuildings, including a garage immediately adjacent to the dwelling, a detached building known as the laundry, situated adjacent to the boundary with Orchard Bungalow, and a gazebo. The dwelling forms part of a larger estate including areas of woodland which is a Wildlife Heritage Site.

5. It is proposed to replace the existing dwelling, garage and laundry building with a single dwelling and detached garage. The proposal is for a 4 bedroom dwelling with a one bedroom annex.
6. Policy CS9 of the Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (The Framework) seek to protect the Green Belt from inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework provides that replacement buildings may not be inappropriate, provided the new building is in the same use, and not materially larger, than the one it replaces.
7. Policy GB1 of the Bracknell Forest Borough Local Plan (2002) has a similar presumption against new buildings within the Green Belt. Exceptions to this include replacement dwellings, where they are acceptable in scale, form, siting and would not harm the character of the Green Belt. The accompanying text explains that provided the replacement dwelling is not materially larger than the one it replaces it will normally be acceptable in principle. It also confirms that ancillary buildings are not normally taken into account when assessing proposals for replacement dwellings. In addition, policy GB1 takes account of whether an extension to the original dwelling, consistent with the policy overall, would be likely to be acceptable. Policy GB1 is broadly consistent with paragraph 89 of the Framework in so far as it relates to inappropriate development and the size of replacement dwellings within the Green Belt. I therefore accord it moderate weight.
8. The Council granted planning permission for a two storey extension to the existing dwelling in June 2012. This permission has not been implemented and therefore the floorspace it would provide does not contribute to the size of the existing dwelling for the purposes of assessing whether the proposal is inappropriate development as described by Local Plan policy GB1 or paragraph 89 of the Framework. Notwithstanding this, it is a material consideration in relation to the appeal and I consider it below.
9. The existing dwelling has a floorspace of about 588 square metres including the attached garage. The proposed dwelling would have a floorspace of about 715 square metres. This would represent a 21.61% increase in floorspace. Although the atrium and roof void area would not add to the floorspace of the proposed dwelling, they would add significantly to its overall size. The replacement dwelling would have a volume of about 3060 cubic metres, this represents an increase of about 790 cubic metres (34.8%) by comparison with the existing dwelling and garage. Due to its linear form and staggered footprint, the existing dwelling is greater in overall width and depth by comparison with the proposed dwelling. Notwithstanding this, the proposed dwelling would be much greater in overall size and would be materially larger than the existing dwelling.
10. The proposed four bay garage cannot be considered as a replacement for the garage currently on the appeal site since this has been taken into account in assessing the size of the existing dwelling. Nor can it be considered to be a replacement for the laundry building which is a different use. Furthermore, the proposed garage would be considerably larger than either the existing garage or the laundry building and would constitute inappropriate development within the Green Belt.

11. I therefore conclude that the proposed dwelling and garage would constitute inappropriate development within the Green Belt and would fail to comply Local Plan policy GB1, Core Strategy policy CS9 and the policies within the Framework.

*Other Harm to Green Belt*

12. The proposed dwelling would occupy an area that is currently undeveloped. The balustrade and dormer windows at roof level would give the impression of a third storey. Due to its greater height and overall size, it would be considerably greater in scale than the existing dwelling on the appeal site.
13. The proposed garage would also be a substantial building and would be situated about 30 metres from the proposed dwelling. The existing dwelling, garage and laundry building would all be removed. Notwithstanding this, due to the much greater size and scale of the proposed dwelling and garage the proposal would give rise to a significant loss of openness to the Green Belt thereby adding to the harm by reason of inappropriateness.
14. The proposed dwelling would occupy a more prominent position within the appeal site by comparison with the existing dwelling. It is a well designed and well proportioned building. It is proposed to use high quality materials including handmade bricks, Portland Stone detailing and handmade clay tiles. The proposed dwelling would be an attractive building and would complement the parkland in which it would be located, and would not harm the visual amenities of the site. The proposed garage would be situated in a similar position to the proposed dwelling and would not be obtrusive in views from within or outside of the site. I therefore conclude that the proposal would not harm the visual amenities of the Green Belt.

*Other Considerations*

15. The appellant states that should the appeal fail he will implement the extant planning permission for a two storey extension to the existing dwelling. The resultant dwelling would be greater in floorspace and marginally greater in volume by comparison with the proposed dwelling. Due to the piecemeal manner in which the existing dwelling has been extended, the proposed dwelling would have a more compact footprint by comparison with the extended dwelling.
16. Notwithstanding this, the appeal proposal also includes a substantial garage which is also inappropriate development. The Council recently granted a lawful development certificate for a garage in a similar position to the proposed dwelling. This would be some distance from the existing house and would require the extension of the driveway. Although it would be similar in terms of its footprint, it would be only 4 metres high at its highest point. Therefore the garage which forms part of the appeal proposal would be considerably greater in overall height and bulk.
17. Thus, even when assessed against the extended dwelling, and taking account of the garage which could be built by virtue of permitted development, the appeal proposal would give rise to a significant loss of openness. Accordingly neither the permitted extension, nor the lawful development certificate add weight in favour of the appeal proposal.

18. By comparison with the permitted scheme for the extension of the dwelling, the proposal would enhance the character of the surrounding parkland and I accord moderate weight to this matter. The proposed dwelling would be designed to be more energy efficient than the existing dwelling. Whilst this would be a benefit of the proposal, I do not consider that this is reliant on either the size or the design of the proposed dwelling. I therefore attach little weight to this matter.
19. There are a number of trees on the site protected by a Tree Preservation Order. The proposed dwelling would be situated about 22 metres from T1, a large horsechestnut tree. Whilst there would be no harm arising from the construction of the proposed dwelling, the proposed drive would encroach upon the root protection area to a limited extent. The arboricultural report submitted with the application includes measures to protect the trees during construction. I am therefore satisfied that the proposal would not have an adverse effect on the health of the tree.
20. A Phase 1 and Phase 2 Environmental Survey found evidence of bats within the roof structure of the existing dwelling. It is intended that the existing dwelling will remain in-situ until the replacement dwelling is complete. Its demolition will not occur until late October in order to limit potential harm to any maternity roosts present. In addition, four bat boxes will be provided within the vicinity of Orchard Cottage nearby, which comes within the flight path of the bats on the site. The replacement dwelling will include bat provision within the roof and it is proposed to provide a bat loft within the roof of the proposed garage. Whilst the proposal would result in the loss of the existing roost, the mitigation measures proposed would avoid any significant long-term harm to the bats on the appeal site.
21. The appellant referred to other schemes within the Green Belt where the Council has permitted an additional storey of accommodation. No evidence has been submitted to indicate the matters taken into account by the Council when granting planning permissions for these other schemes, including that at Ash Farm, Winkfield Lane. Notwithstanding this, each appeal must be considered on its merits and I do not find that these other developments weigh in favour of the appeal proposal.
22. I acknowledge that there is support from a number of local residents. However, local support or opposition for a proposal is not in itself a ground for refusing or granting planning permission and such support does not justify inappropriate development within the Green Belt.
- 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.*
23. I attach substantial weight to the harm by reason of inappropriateness. In addition, the proposal would reduce the openness of the Green Belt, and this adds to the harm.
24. The benefits of a cohesive architectural design, appropriate to its parkland setting, and the benefits in terms of energy efficiency weigh in favour of the proposal. For the reasons given above I attach little weight to the extant permission for the extension of the existing dwelling or the lawful development certificate in relation to the proposed garage.

25. Whilst I am satisfied that there would be no harm to the trees on the appeal site, or the bats within the roofspace, these matters do not weigh in favour of the proposal, they simply do not add to the harm.
26. I therefore find that these matters taken separately or together do not clearly outweigh the harm that would be caused to the Green Belt. Consequently, very special circumstances do not exist to justify the proposal.

**Conclusion**

27. For the reasons given above I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR