

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

21 December 2015

Item: 3

Application No.:	15/03652/FULL
Location:	40 Bisham Village Marlow Road Bisham Marlow SL7 1RR
Proposal:	Replacement detached 2 storey garage with office space on first floor following demolition of existing garage and shed
Applicant:	Dr Swietochowski
Agent:	Mr Jonathan Stackhouse - Julius Bahn Ltd
Parish/Ward:	Bisham Parish

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal is for a two storey outbuilding which will be materially larger than the buildings it will replace; it therefore represents inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. Furthermore the proposed siting and size of the building would result in a loss of openness. No very special circumstances have been demonstrated and none are apparent which would clearly outweigh the harm caused to the Green Belt by inappropriateness or the physical reduction in openness that would occur. Accordingly the outbuilding is contrary to Policies GB1 and GB2 of the Local Plan and paragraphs 87, 88 and 89 of the National Planning Policy Framework (NPPF) March 2012.
- 1.2 In August 2015, a two storey outbuilding was dismissed at appeal on the grounds of inappropriate development in the Green Belt because it would be materially larger than the buildings it would replace; the only difference between the two developments is that the current proposal is 0.3m lower in height, with a resultant smaller useable floor area at first floor level. The Inspector's appeal decision is a material consideration that has been afforded significant weight in arriving at the recommendation.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):	
1.	The proposal is inappropriate development in the Green Belt and would result in loss of openness.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway, only if the recommendation is to refuse the application, to give the MDC Panel the opportunity to review this application on its merits.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is an end terrace house in a group of three, situated in the countryside in the village of Bisham. It lies in the Bisham Conservation Area and the Green Belt. The actual site of the development is part of the front garden; there is an existing wooden garage with a floor area of 14 sqm and a height of 2.5 m and a wooden shed with a floor area of 5.4 sqm and a height of 2.2 m, the two totalling 19.4 sqm. The house is accessed via a lane which leads to the adjacent farm. The front of the site opens onto open fields, while to the side are farm buildings.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

15/00257 Replacement detached 2 storey garage with office space on first floor following demolition of existing garage and shed.

Refused 19.3.2015
Appeal dismissed.

- 4.1 The proposal seeks to replace the garage and shed with a two storey outbuilding consisting of a garage and garage/garden room on the ground floor and a home office on the first floor. The ground floor area would be 39 sqm, the total floor area, including those parts of the floor area which are at or above head height, would be 57 sqm, and the height would be 5.2 m. The building would be wooden with a tiled roof, and would have a bi-fold window facing West and three rooflights facing East, garage doors and a first floor window facing North, and an outdoor staircase on the South elevation. The difference from the previous proposal which was dismissed at appeal is that it would be 0.3m lower in height, the rooflights would be on the opposite elevation, and the total floor area would be reduced from 61 sqm to 57 sqm because of the reduced useable floor area on the first floor due to the lowered roof.

	Height m	Length m	Width m	Floor Area sqm
Existing buildings	2.5 & 2.2	5 & 3	2.7 & 1.9	19.4
Appeal	5.5	6.6	6.1	61
Current Proposal	5.2	6.6	6.1	57

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

- 5.1 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Green Belt	Conservation Area	Sufficient Parking Available
	✓		✓	✓
Local Plan	DG1	GB1, GB2	CA2	P4

Other Local Strategies or Publications

- 5.2 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment
 - RBWM Parking Strategy
- More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm
- Bisham Village Conservation Area appraisal – view at
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the openness of the Green Belt by reason of its inappropriateness and any other harm caused by the proposal;
- impact on the amenities of neighbouring properties;

- iii car parking; and
- iv impact on the conservation area and the character of the area.

Green Belt

- 6.2 In accordance with the NPPF, the replacement of a building is considered appropriate development in the Green Belt provided the replacement is in the same use and is not materially larger than the one it replaces. In this case the proposed development involves the demolition and replacement of two existing buildings. The total floor space of the existing buildings is approximately 19 sqm, whilst the floorspace of the proposed building is 57 sqm which represents an increase of 200% in floor space terms. The height of the proposed two storey building would be 5.2 m. Given this increased floorspace and height, this would be significantly bulkier and be of a much larger scale, which would be materially larger than that which it replaces. It would be only 0.3m lower than the previous scheme which was dismissed at appeal.
- 6.3 The Inspector for the previous appeal stated at paragraphs 8 and 9 (see Appendix E for the full Decision Letter) the following: *“Whether a replacement building would be materially larger involves a consideration of relative sizes and other matters such as siting or visibility are not relevant. In this regard I consider that the floor areas and heights....provide a useful indication. The fairly modestly sized wooden garage and shed to be replaced....the new building would be more than twice as high. Furthermore, the floorspace would be more than three times larger and the footprint about double those areas of the existing buildings taken together. It is clear from these statistics, as well as consideration of the submitted drawings and the existing buildings at my site visit, that the new building would be substantially bigger and, therefore, materially larger than those to be replaced taken together. The proposal would therefore constitute inappropriate development in the Green Belt. Under the terms of the Framework inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.”*
- 6.4 The proposed replacement outbuilding in this revised proposal would be substantially larger than the buildings it would replace, and therefore is considered inappropriate development in the Green Belt. Inappropriate development is harmful to the Green Belt and can only be approved in very special circumstances (VSC). Furthermore VSC will not exist unless the potential harm to the Green Belt by reason of the development’s inappropriateness, or any other harm, is clearly outweighed by other considerations. In this case no VSC have been demonstrated and none are apparent. Therefore, the proposed replacement garage is inappropriate development and is contrary to Paragraphs 87, 88 and 89 of the NPPF.
- 6.5 In assessing the impact on the Green Belt, it is also necessary to consider the impact on the openness of the Green Belt. Local Plan Policy GB2 identifies that permission will not be granted for new development or the redevelopment, change of use, or replacement of existing buildings within the Green Belt if it will have a greater impact on the openness of the Green Belt. The proposal would result in a building of considerably larger footprint, height, scale and bulk which would have a significant impact on the openness of the Green Belt, and the proposal is therefore contrary to Policy GB2 of the Local Plan and the NPPF.
- 6.6 The Inspector for the previous appeal stated at paragraph 11 the following: *“The openness of the Green Belt results from an absence of built development. The noticeably greater height and footprint of the new structure by comparison with the buildings to be replaced would result in significant additional built volume. In consequence, the openness of the Green Belt would be significantly reduced, regardless of matters such as the presence of other nearby buildings, the materials used, or the prominence of the building in the locality. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, the harm in this respect should be afforded a significant degree of weight.”*
- 6.7 The negligible reduction in height from the previous proposal which was refused and dismissed on appeal, a reduction in height of 0.3m, and a minimal decrease in useable floor area of 4 sqm due to the lowering of the ridge height, is not sufficient to address the in principle harm to the Green Belt and harm to openness of the Green Belt. The new building would be more than twice

as high as the existing buildings, and the floorspace would be three times larger and the footprint double those areas of the two buildings taken together. The Inspector on the previous appeal found that this was inappropriate development in the Green Belt and under the terms of the NPPF inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight.

Neighbouring amenity

- 6.8 The 3 rooflights previously proposed for the West elevation are now shown on the East elevation, and would no longer face the neighbouring annex and courtyard. It is considered there would no longer be an issue of loss of privacy, and the proposal would no longer be contrary to one of the core planning principles of the NPPF which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Car parking

- 6.9 The proposal would provide sufficient on-site car parking and as such there is no concern in respect to this aspect. The proposal accords with the Council's Parking Strategy 2004, and with Policies DG1 and P4 of the Local Plan.

Impact on the Bisham Village Conservation Area and the character of the area

- 6.10 The site is in the Bisham Village Conservation Area. The two storey dwellings in the terrace of three properties, including no. 40, are relatively tall and imposing. There are also nearby farm buildings and domestic outbuildings, some of which are reasonably substantial. The new building would have relatively low eaves with the upper floor mostly in the roof. In addition the part hips would further limit its bulk. The Inspector found on the previous appeal that the new building would not appear unduly tall or bulky in its context. He went on to observe that the new building would be next to the side of a modern farm building. As a result it would not significantly limit views of the noticeably longer elevation visible from the access road into Town Farm. He found that in any event, this and the other farm buildings nearby reflect the rural character of the surroundings and are not, in his view, unsightly. The simple existing wooden sheds at no. 40, especially given their fairly modest scale, are not visually detrimental either. Although of an acceptable appearance in itself, the new building would not represent a visual benefit. As a result of these factors he found that the character and appearance of the Conservation Area would be preserved but not enhanced. This is considered to be the case with the current application. The proposal is therefore considered to accord with Policy CA2 of the Local Plan, and the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Material Considerations

- 6.11 The Inspector in the previous appeal noted that it was claimed that the existing garage is too small to accommodate a modern car. However he noted that no detailed evidence has been provided to demonstrate this and there is off road parking within the curtilage to the front of the garage. It is explained that the building would be used for various ancillary domestic purposes such as parking cars, storing tools and bicycles, keeping plants, as an office and to carry out hobbies such as painting. The Inspector went on to say that there is nothing to show that this would remedy any significant deficiency in the accommodation that might, for example, prejudice continued residential use. He concluded that such matters cannot therefore be afforded other than fairly modest weight. This is the case with the current application.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The application was advertised in the Maidenhead Advertiser on 19.11.2015.

The planning officer posted a site notice advertising the application at the site on 12.11.2015.

Two emails were received objecting to the application, summarised as:

Comment	Where in the report this is considered
This oversized new building has only been reduced by 300mm, and has previously been rejected at appeal and should be again.	6.2-6.7.
The trivial reduction in height and volume will not improve the impact on the Green Belt.	6.2-6.7
The 3 roof lights were not an element which impacted on the previous appeal decision.	6.8
The Parish Council, though initially supporting the previous proposal, subsequently revised their comments in favour of the owners of no. 41.	This is not a relevant material consideration in the determination of the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	To be reported in the update.	N/A

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Existing plans and elevations
- Appendix D – Proposed plans and elevations
- Appendix E – Inspector’s Decision Letter for

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The outbuilding will be materially larger than the buildings it will replace, and therefore represents inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Furthermore the proposed siting and size of the garage would result in a loss of openness. No very special circumstances have been demonstrated which clearly outweigh the harm caused to the Green Belt by inappropriateness or the physical reduction in openness that would occur. Accordingly the outbuilding is contrary to Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and paragraphs 87, 88 and 89 of the National Planning Policy Framework (NPPF) March 2012.