

PLANNING APPRAISAL For Andrew Gilbert Scott & Family

Site:

'Herons Court', Terry's Lane, Cookham, Berkshire, SL6 9RR

AB P&D Contact:

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Total Site Area:

0.428 hectares (1.06 acres) – comprising the site of a large, detached but poor condition house, with detached annexe comprising a flat over garages, a block of eight stables, a part derelict greenhouse and an outdoor pool, set within mature but overgrown landscaped and largely flat residential garden curtilage, all served from a single vehicular access towards the south-western corner of the plot onto Terry's Lane.

Local Planning Authority:

Windsor & Maidenhead District Council

Listed Buildings / Conservation Areas / Tree Preservation Orders:

The existing house appears to have been constructed sometime in the 1930's and whilst quite large and impressive, it is in a poor state of repair, as are many of the outbuildings and the grounds have become overgrown through recent neglect. It is not listed, nor does it lie within the Cookham Dean conservation area. There are many mature specimen trees surround the site boundaries and a number of smaller self-set trees and ornamental shrubs within the garden, but I understand that none are protected by any Tree Preservation Order (TPO).

Green Belt / Important Open Areas & Gaps:

The site lies wholly within designated Green Belt land, but is outside any protected landscape areas.

Development Plan Status & Relevant Policy Guidance:

The Development Plan for this area is the Windsor & Maidenhead Local Plan (1999). It will ultimately be replaced by a new District Local Plan (or Core Strategy) but that replacement Plan has not yet progressed very far, so carries virtually no weight at this stage. The current Local Plan provides the only available plan policy with any weight. However, by virtue of its considerable age, any decisions based on its policies can potentially be challenged because the policies are effectively out of date and need now to be assessed as to their general conformity with the more up-to-date national guidance given in the National Planning Policy Framework (NPPF). Notwithstanding that general matter, the Local Planning Authority continues to base all of its planning application decisions on this Plan, with reference also now being made to the NPPF guidance. Local Plan policies of relevance to any redevelopment proposal on the appraisal site would include: GB1 & GB2 (development within the Green Belt), GB3 (residential development in the Green Belt), GB4 (extensions to dwellings in the Green Belt) and H10 (housing layout and design).

Cookham Dean is not identified as a 'recognised settlement' with a defined village boundary. Consequently, as a village lying within in the Green Belt, new infill development would generally be resisted as being likely to be harmful to the openness of the Green Belt (GB1 & GB2). Such an approach would be consistent with NPPF guidance also. Replacement dwellings and extensions to dwellings would normally be acceptable in principal but the Council usually stipulate that replacement dwellings should "not be materially larger" (GB3 [4]) and extensions should "not cause a disproportionate addition over and above the size of the original dwelling" (GB4). Unfortunately, the Council does not seek to offer any greater definition or guidance as to what it terms either "materially larger" or a "disproportionate addition" unlike some neighbouring Authorities who permit 10% or 35% increases in volume, for example. In this District, each and every proposal has to be considered on its own merits, so there is no consistency and this has quite often led to dispute with planning officers!

Relevant Site History:

Herons Court has only the following very limited planning history:

96/30720/OUT – Outline planning permission was refused on 5th December 1997 for a single residential infill dwelling in the garden of Herons Court to replace the existing annexe flat. The refusal decision was not appealed.

Planning Assessment and Development Opportunities:

None of the appraisal site or any surrounding land lies in the Area of Outstanding Natural Beauty (AONB) but the site and much of the district is designated Metropolitan Green Belt land. That designation seeks to limit development that could harm the openness of the area and/or would lead to the outward sprawl of settlements and which could lead to the potential merging of settlements. The site lies just beyond the outer limits of Cookham Dean conservation area and is probably sufficiently separated that any development at Herons Court would not harm its general wider setting.

Windsor & Maidenhead Council have consistently sought to resist new residential development in the Green Belt countryside outside of the principle settlements and the village of Cookham Dean is not one previously identified with a settlement boundary, where the Council would normally allow small infill developments. Accordingly, any proposal for a new infill dwelling on this plot would be likely to be resisted as being harmful to the general openness of the Green Belt and contrary to Local Plan policies GB1-GB3, just as it was in 1996.

On the positive side, as the Council's Local Plan policies are particularly old, the weight that can be afforded to them is much reduced and the Council has yet to produce any replacement policies that have weight. You could still expect the Council to refuse any such application for a new dwelling but the chances of success at any subsequent appeal would be partially improved since the only policy that would have any material weight in an Inspector's mind would be those contained in the NPPF, not the local policies. However, the NPPF policy is contained in chapter 9. It states that construction of new buildings in the Green Belt is generally regarded as "inappropriate", but there are some exceptions listed:– extensions and alterations to existing buildings "provided that it does not result in disproportionate additions over and above the size of the original building" (like the wording used by the Council in its Local Plan policy GB4); replacement buildings "provided the new building is in the same use and not materially larger than the one it replaces" (again like the Council wording of Local Plan policy GB3); limited infilling in villages, and limited affordable housing "under policies set out in the Local Plan";

or limited infilling or partial or complete redevelopment of previously developed 'brownfield' sites "which would not have a greater impact on the openness of the Green Belt". This would be the only ground upon which one might potentially seek to challenge a refusal for a new infill dwelling on the plot. There are few other specified examples in the NPPF guidance but those are not relevant to a site such as this.

Accordingly, whilst the Local Plan policies are aged and could be argued to be out of date, the thrust of the Council's policies GB3 and GB4 are consistent with NPPF guidance and therefore relevant. The Local Plan does not currently permit infill residential development in Cookham Dean, even though it is clearly an established settlement with a long defined conservation area. It has no defined settlement boundary and is therefore not deemed an appropriate location for infill development. In such circumstances, the only real prospect for challenging the Council and attempting to secure a new infill development on a site such as this would be if one could legitimately argue that the Council was failing to satisfy its housing needs and providing land available to meet and preferably exceed its 5-year supply needs. However, the Council is currently able to demonstrate that it has land available to meet such needs. In those circumstances, the prospect of securing a consent for infill development, even if it could be successfully argued that it would have a safe separate access and would not materially harm the openness of the Green Belt, which itself would be quite difficult, would be limited.

Far more scope exists for either an extension to or a larger replacement of the existing dwelling and its associated outbuildings on the plot. You could also potentially follow the route of some other local properties such as 'Slade House', for example, and seek consent incrementally over time for detached ancillary structures and, having built such buildings, then seek to re-use them or rebuild them as something different. However, that is a very slow and costly means by which to secure new development on a plot.

In this respect, it is worth noting that permitted development rights, even in Green Belts, do enable ancillary domestic buildings to be constructed behind the building line and not within 5m of the house, provided they are not excessively large and/or tall. The size and configuration of this particular plot would clearly lend itself to more development being accommodated without necessarily compromising the openness of the surrounding Green Belt and it could reasonably be argued that the replacement of the existing house and its outbuildings into a larger single or couple of structures with improved garden maintenance would represent a significant enhancement to the character and appearance of the plot and its countryside surroundings.

Prospects of Success:

For an extension(s), or a replacement dwelling and/or ancillary buildings further back on the plot; or for a new infill dwelling:

EXCELLENT	(over 80%)
VERY GOOD	(70% to 80%) for an extension(s) or replacement dwelling
GOOD	(55% to 69%)
BALANCED/NEGOTIABLE	(40% to 50%)
DIFFICULT	(20% to 35%)
POOR/VERY POOR	(less than 20%) for an infill dwelling