
Appeal Decision

Site visit made on 22 November 2016

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 13 December 2016

Appeal Ref: APP/W0340/D/16/3158391

19 Wintringham Way, Purley on Thames, Reading, West Berkshire RG8 8BH

- 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 and Mrs Fathi against the decision of West Berkshire Council.
 - The application Ref 16/01076/HOUS, dated 19 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is part single part two storey side extension and rear extension to detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a part single part two storey side extension and rear extension to detached house at 19 Wintringham Way, Purley on Thames, Reading, West Berkshire RG8 8BH in accordance with the terms of the application, Ref 16/01076/HOUS, dated 19 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A4 Location plan, A4 block plan, existing plans, proposed plans, and existing elevations, proposed elevations.
 - 3) The development shall not commence until the existing garage, its footings, walls and slabs are demolished and the spoil is removed from the site and the area is taken down to the rear garden level.
 - 4) The development shall not commence until full details of a scheme for the disposal of surface water and its management and maintenance are submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved scheme and maintained and retained as such thereafter.
 - 5) No development shall take place until full details of the foundation design and construction of the extensions hereby approved are submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained and retained as such thereafter.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking, re-enacting or modifying that Order) no extensions, buildings or other development permitted by Schedule 2, Part 1, Classes A, (*enlargement, improvement or other alteration*), E (*any building or enclosure, swimming or other pool, container used for domestic heating purposes for the storage of oil or liquid petroleum gas*), and F (*hard surfaces*) of that Order shall be carried out.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area ii) on the living conditions of the adjacent occupiers at 17C Wintringham Way in terms of sunlight, natural light, and aspect and iii) having regard to the location of the appeal site within flood zone 3b, whether the proposals would be safe from the risk of flooding and would adequately mitigate for the loss of flood storage without causing increased flooding elsewhere.

Reasons

Character and appearance

3. The two storey element of the proposed extension would widen the front elevation of the existing dwelling by 1.6m. There would be approximately a 800mm wide gap to the side fence and there is a 700mm gap on the other side at 17C Wintringham Way. This combined separation distance would be small, but it would be not unlike others I saw here and there in the locality. Given the wide variety of house designs and types, including a scattering of semi-detached houses amongst the detached houses and the wide variety of spacing between them, the two storey part of the proposed extension would not unacceptably affect the character and appearance of the area or lead to an untypical terraced effect.
4. The proposed rear extension would take the form of a "wrap around" full width shape, but in this context, given the large full width extension at 19A, and others I could see, this would not harm the character of the area.
5. The requirements of policy CS14 *Design principles* of the West Berkshire Core Strategy (2006-2026) adopted July 2012 would therefore be satisfied.

Living conditions

6. The rear wall of the adjacent property, 17C Wintringham Way, is set some distance back from the rear wall of 19. The West Berkshire Council Supplementary Planning Guidance 04/2 *House Extensions* – Part 5 suggests a guideline (my underlining) that a single storey extension should not project beyond a line drawn at 60° from the middle of the window of the nearest ground floor window of a habitable room of the adjacent property. As estimated at the site visit, the 60° line taken from the dining room window of 17C would be likely to be breached already by the existing side wall of 19. Given the northeast – southwest orientation of the houses along this street and the overlapping position of 19 in relation to 17C, the two storey side wall of 19 would already affect morning sun in the summer and possibly very early

morning sun in the winter, reaching the closest ground floor window and garden of 17C.

7. The eaves of the proposed single storey side extension would be approximately 2.4m, measured using the scale bar on the submitted plans and it would be set back from the side fence by approximately 800mm. Where it would extend beyond the line of the rear wall of 19, it would be hipped and so the amount of sunlight and natural daylight reaching the dining room window in 17C would not be significantly reduced, although some early morning sun would be lost from the bottom of 17C's garden.
8. At present (and only since the garage was demolished) the occupiers of the ground floor dining room in 17C look out along the boundary fence towards the south west with an aspect over part of the garden at 19. The proposed single storey extension would extend beyond the rear wall of 19 by 3.2m and this would affect the aspect from the dining room window in 17C to a degree. However, this window and the kitchen window, have a good aspect in other directions. The living conditions in terms of aspect would not therefore be significantly affected.
9. I therefore conclude that although the proposal would not follow the guidelines set by the Council, given the existing relationships between these two properties, the proposed extension would not harm the living conditions of the occupiers of 17C.
10. The side wall of 19A Wintringham Way is separated from the wall of the appeal property by a small shared alleyway. A new window is proposed in the side wall of the appeal property wall at first floor level to serve the proposed bedroom 4. This window would be almost exactly opposite the first floor window of 19A, which I saw was a frosted bathroom window. Due to the narrowness of the alleyway there would be no direct overlooking into any other parts of 19A and there is no requirement in the Council's guidance to protect the privacy of non-habitable rooms. I accept the comments made that this proximity is less than ideal for the occupier of the new bedroom. However, the appellants could put this window in the wall without the need for planning permission.
11. The effect on the occupiers of the adjacent dwelling in Colyton Way has also been raised. Due to the angles between the appeal property and this adjacent property and the separation distances, there would be no material impact on the levels of privacy enjoyed by these occupiers.

Flooding

12. The appellants Flood Risk Assessment points out that the appeal property was not affected in the 2013/14 floods. However, the property is within flood zone 3b, which is functional floodplain, where "water has to flow or be stored in times of flood"¹. Ground water flooding is an issue in this area and the property is within a Ground Water Emergence Zone².
13. The existing garage would be demolished – indeed it was partly removed at the time of my site visit – and the return of this part of the garden to the lower level could be required by a condition. The FRA demonstrates that the total

¹ Environment Agency

² West Berks Strategic Flood Risk Assessment 2015.

additional footprint would therefore be approximately 25m², leaving approximately 70% of the site available for water storage. This small loss of storage capacity must be seen in the context of the permitted development rights that the appellants have to build free standing structures in the garden. The granting of permission would give an opportunity to impose a condition restricting the permitted development rights, thus giving better protection of the flood storage capacity of the site than currently exists. I conclude that the small loss of functional storage would not therefore unacceptably cause flooding elsewhere, subject to a condition to require details of surface water drainage and a condition restricting permitted development rights to erect buildings and lay hard surfaces.

14. The proposed extension would have the same floor level as the existing building and this is approximately 400mm above ground level. Details of the footings and construction of the extensions could also be the subject of a condition so that the Council may be satisfied that the construction incorporates flood resilience.
15. Policy CS 16 *Flooding* requires that development should not have an impact on the capacity of an area to store floodwater. As set out above conditions would ensure that the capacity of the site was retained. The text also requires that floor levels should be set at a minimum of 300mm above datum, plus climate change. The existing building is set at 400mm and the extension would match this. The appeal proposal therefore complies with this policy.
16. Supplementary Planning Document *Quality Design* (2006) Part 4 *Sustainable design techniques* sets out some principles and examples of best practice in dealing with surface water run-off. These are mainly aimed at larger developments, but some of the techniques could be used to mitigate the effects of this domestic extension on the storage capacity of the site, which could be the subject of a condition. Access for maintenance is not likely to be an issue in this domestic setting, where as a last resort, equipment could be taken through the house if the side alley was too narrow.

Other matters

17. The Council has not raised concerns about parking and I saw that the front area was capable of providing spaces for two or three cars, so there would not be an impact on the parking capacity of the street.

Conclusions

18. I have concluded that the proposed two storey extension would not be out of character with the street scene and that the amenity of neighbouring occupiers would not be significantly harmed.
19. For the reasons given above I conclude that the appeal should be allowed.

Conditions

20. I have considered the Council's suggested conditions in the light of the tests set out in paragraph 206 of the National Planning Policy Framework and the guidance in the Planning Practice Guidance. I have applied the standard time limit and required the development to be carried out in accordance with the approved plans, to provide certainty.

21. I have required that the whole of the existing garage walls and slabs are taken down to natural garden level. This in order to reduce the loss of flood storage capacity of the site, as set out in the submitted Flood Risk Assessment.
22. I have attached a condition suggested by the Council, which would withdraw some permitted development rights. However, it would not be reasonable to remove those rights under Class B (alterations to roofs) of Class C (any other alteration to roofs). The Council suggests that this condition is required to protect the character of the area, but I consider that this condition is necessary to prevent other structures and hard surfaces being built in the garden, which would reduce the flood water storage capacity of the site. I have therefore added Class E (buildings, enclosures, swimming or other pool) and Class F (hard surfaces). This is in order that the flood storage capacity and surface water permeability of the front and rear gardens is not reduced by the introduction of buildings and hard surfaces.

Jacqueline Wilkinson

INSPECTOR