
Appeal Decision

Site visit made on 6 December 2016

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/W0340/D/16/3160068

19A Wintringham Way, Purley on Thames, Reading 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 Paul Fryer against the decision of West Berkshire Council.
 - The application Ref 16/01307/HOUSE, dated 11 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is squaring off of the existing platform and steps to the rear of the property with new safety barrier and gate onto steps for safe rear access to the property.
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Decision

1. The appeal is allowed and planning permission is granted for squaring off of the existing platform and steps to the rear of the property with new safety barrier and gate onto steps for safe rear access to the property at 19A Wintringham Way, Purley on Thames, Reading RG8 8BH in accordance with the terms of the application, Ref 16/01307/HOUSE, dated 11 May 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed floor plans and elevations Rev A (2/01/16), block plan and location plan.
 - 2) Unless the approved scheme is implemented within 6 months of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), 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.

Procedural matter

2. At the time of my site visit the decking had been built. For the avoidance of doubt I confirm that my determination of the appeal is solely based on the
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drawings and evidence submitted to me relating to the proposed development, not on the works as constructed.

3. The Officer's Report relating to this appeal raised the issue of the proposed development requiring a flood risk assessment. I sought the views of the Council who confirmed that in this instance that due to the nature and particular characteristics of the development that it did not consider that such a detailed assessment was required.

Main Issues

4. The main issues in this appeal are: the effect of the proposed development on the character and appearance of the host property and the wider area; and the effect on the living conditions of nearby residents.

Reasons

Character and appearance

5. The appeal property is set within a suburban estate setting, predominantly characterised by a mix of semi-detached and detached brick dwellings within long gardens. From my site visit, it was clear to me that in common with established residential areas, nearby properties have been altered. Indeed, I have been referred to the preponderance of decking to the rear of properties within the wider area, which I was able to see. The ground floor level of the housing has been built at a height which I understand to be as a consequence of the location of the housing in an area which has been subject to historic instances of flooding.
6. Due to the length of the host property's garden, even though the property has already benefited from a substantial ground floor rear extension, the large area of decking at around 0.8 m above ground, does not appear out of scale with the setting of the property. Indeed, the use of decking is consistent with the wider area and in these circumstances does not appear overly dominant, incongruous or out of character with the host property.
7. In addition, I have considered the visual impact of the screening at around 2.6 m above ground. I took the opportunity at my site visit to view the appeal site from the garden and living room of no. 19 Wintringham Way. As there is already a high fence between both properties and as the proposed development would be offset by around a further 1.5 m and that there is already an existing single storey extension, I conclude that the proposed short run of additional fencing at around 3.2 m would not be particularly prominent. Similarly, I was aware of the mature boundary treatment of trees and shrubs between no 19a and 21 Wintringham Way which partially reduces the visibility of the development the subject of the appeal.
8. Therefore, from what I saw on site the completed proposed development would not have a significant impact on the character and appearance of the host property nor on the wider area. As such it would not be contrary to Policy CS 14 Design Principles of the West Berkshire Core Strategy (2006- 2026)¹ (CS) and the guidance contained within the West Berkshire Council Supplementary Planning Guidance 04/2 House Extensions (SPG) relating to the impact of development on the character of an area.

¹ Adopted 2012

Living conditions

9. As set out above, I have concluded that proposed development would not be visually prominent from either neighbouring property. Therefore, the impact on the outlook from both properties would not be significant and would not adversely impact on the living conditions of the immediate neighbours.
10. In considering the potential impact of the screening on overshadowing and loss of sunlight, I have borne in mind that the guidelines contained within the SPG are just that. I have also taken into account the existing impact of the tall existing fencing and existing extension on no 19 Wintringham Way during the morning, and that of the trees and shrubs along the boundary to no 21 Wintringham Way in the evening.
11. Therefore, I consider that the additional impact on overshadowing of the short run of fencing would not have a significantly adverse impact on the living conditions of those living in the neighbouring properties. Therefore, I conclude it would not be contrary to Policy CS14 of the CS.

Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

Conditions

13. The purpose of condition no. 2 is to require the appellant to comply with a strict timetable to complete the development which has already been started and is able to be used without the proposed screening which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is to ensure that the living conditions of the occupants of neighbouring properties is protected.
14. I have required the development to be carried out in accordance with the approved plans to provide certainty. However, I have not attached the suggested condition relating to materials as these are referred to within the approved plans.
15. 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, or Class C, as they would not be relevant to the proposed development which has no roof. I have added Class F (hard surfaces) to Class E (buildings, enclosures, swimming or other pool) to ensure that flood storage capacity, and surface water permeability of the rear garden is not reduced by the introduction of additional buildings and hard surfaces.

L. Nurser

INSPECTOR