
Appeal Decision

Site visit made on 28 March 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/E0345/D/17/3169289
51 Watlington Street, Reading, RG1 4RF

- 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 S Gupta against the decision of Reading Borough Council.
 - The application Ref 161942, dated 11 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is single storey rear extension, loft conversion and dormer to rear.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of the occupants of Flat 1, No 49 Watlington Street.

Reasons

3. The appeal site is located on Watlington Street and accommodates a two-storey terraced property. The proposal is seeking to construct a single storey rear extension to relocate the kitchen and to provide a breakfast room. Further, the scheme seeks to convert the loft to provide for an additional bedroom, which would include a rear dormer window and rooflight to the front.
 4. I observed on my site visit that No 49 is a three storey building, which I understand accommodates three flats. No 49 is separated from the appeal site by a small alleyway. The ground floor flat of No 49 (Flat 1) has an angled rear window, which appears to serve a habitable room facing directly onto the location of the proposed rear extension. The other openings of the ground floor flat of No 49 are all obscure glazed and therefore the window serving the habitable room is the only outlook to the rear from Flat 1. The rear extension would project from the rear elevation of the host dwelling by some 3.2 metres and would be in close proximity to the rear window of Flat 1. Whilst there is already a fence in place, the proposed extension, although single storey, would be noticeably greater in height than the fence and would form a solid flank wall directly in front of the existing outlook from the rear window of Flat 1. This would significantly alter its outlook, to its detriment. I consider the proposed extension due to its scale and depth, would result in an unacceptable loss of outlook from the rear window of Flat 1 and would have an overbearing effect. This would cause harm to the living conditions of the occupants of Flat 1.
-

5. I am also mindful that a previous scheme at the appeal site was dismissed at appeal¹. Although that scheme differed and included a greater level of development on the upper floor levels, some of the Inspector's findings are nonetheless relevant. In that case, the Inspector found that the additional bulk and massing of the 2nd floor extension would be overbearing to the occupiers of Flat 1, to the detriment of their living conditions. Whilst acknowledging that this scheme does not include such a structure, the Inspector also found that *'Such adverse effects on the living conditions of the occupiers of the ground floor flat would be exacerbated by the massing of the flank wall of additional single storey rear extension which would also adjoin the flank boundary'* (Paragraph 10). This supports my above findings, particularly as I understand that the rear single storey extension in this case is notably greater in depth than the previous scheme.
6. In terms of access to daylight and sunlight, the Inspector of the previous scheme found that there was unlikely to be any harm in this regard. However, as set out above, the rear single storey extension in this case is greater in depth. Given, the orientation of the proposed single storey extension, its length and its close proximity to the angled rear window of Flat 1, there is potential for the scheme to result in a loss of sunlight and daylight to the rear window of Flat 1. I do not have any suitable drawings before me to show that the scheme would comply with the commonly used 45 degree rule with the rear window of Flat 1 or showing any sunlight calculations. As such, I am unable to determine whether the scheme would or would not result in any material loss of sunlight and daylight. A precautionary approach must therefore be adopted.
7. Given the above, I conclude that the scheme would have an overbearing effect and cause an unacceptable loss of outlook to the rear window of Flat 1. Further, I consider that it cannot be ruled out that the scheme would result in the loss of sunlight and daylight to the rear window of Flat 1. The scheme would therefore cause harm to the living conditions of the occupants of Flat 1. Consequently, the proposal runs contrary to Policies DM4 'Safeguarding Amenity' and DM9 'House Extensions and Ancillary Accommodation' of the Reading Borough Council Local Development Framework Sites & Detailed Policies Document (2012).

Other matters

8. The appellant has set out that the rear single storey extension would normally benefit from permitted development rights. Whilst this may or may not be the case, a Section 78 appeal is, nonetheless, before me to determine and I have considered the scheme on its individual merits.
9. The Council has not raised any concern with regard to the planning merits of the loft conversion and dormer window. I see no reason to take a different view. However, the acceptability of the proposal in relation to these matters does not overcome or outweigh the harm that has been identified above.
10. Interested parties have raised a number of other concerns. However, I am dismissing the appeal on other grounds and therefore such matters do not affect my overall conclusion. As a result, such matters have not had a significant bearing on my decision.

¹ APP/E0345/W/15/3005377, dated 19 October 2015.

Conclusion

11. For the reasons set out above and having regard to all other matters raised, the proposal conflicts with the development plan, when taken as a whole. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR