

Appeal Decision

Site visit made on 18 April 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/X0360/D/17/3167521

18 Colleton Drive, Twyford RG10 0AX

- 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 & Mrs Gibbons against the decision of Wokingham Borough Council.
 - The application Ref 163046, dated 01 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is a part single, part double storey side extension + internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring residents at 1 Wessex Gardens, with particular regard to outlook, and 3 and 5 Wessex Gardens, with particular regard to privacy.

Reasons

Living conditions

3. Colleton Drive and Wessex Gardens are primarily characterised by residential development of varying character with single, two, and three storey houses. The properties are typically setback from the road with front gardens. The appeal property is a detached house located close to the junction with Wessex Gardens; this arrangement has resulted in the plot being roughly triangular in shape with the rear of the properties in Wessex Gardens facing its side and rear garden.
 4. The development is for a two storey side extension, to be located adjacent to the rear boundary with 1 Wessex Gardens, incorporating single storey elements to the front and rear. That neighbouring property is a two storey dwelling; it has a relatively short rear garden with windows looking out from the rear towards the side garden of the appeal site.
 5. Taking account of the short rear garden area at 1 Wessex Gardens, and the two storey nature of the extension, it would appear as a dominant structure when seen from the garden and inside this neighbouring property; resulting in a harmful, visually dominant, effect. Whilst the extension would be located a little over 1m from the common boundary, in compliance with the Council's
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Borough Design Guide – Supplementary Planning Document – June 2012 (the SPD), this also suggests that a separation distance of 12m is provided between the flank of one property and the back of another to limit the sense of enclosure. The extension, including the two storey element, would fall short of this by some distance and would result in a significant increase in the sense of enclosure within the neighbouring garden.

6. Taken together, the set back from the common boundary and the oblique angle of the extension when viewed from the rear of this neighbouring property, would not sufficiently alleviate the harm. Although there is relatively tall boundary planting, this does not represent a permanent screening solution, as it could be removed or lowered. In any event, the extension would be visible above it and so the planting would not fully address the harm that would arise.
7. The existing rear first floor bedroom windows in the appeal property results in a degree of overlooking towards the rear of 3 Wessex Gardens and its rear garden. The extension would introduce a further bedroom window and this would create overlooking at closer quarters and more directly towards the patio and rear patio doors which are currently only seen from an oblique angle. This would harmfully reduce privacy.
8. Although various suggestions have been made to alter the scheme to reduce or remove overlooking, full details of these proposals have not been provided. In any event, to avoid potential prejudice to the interests of others, it would not be appropriate for me to consider possible alternatives to the proposal as part of the appeal process. It is necessary for me to consider the scheme that was before the Council when it determined the application. Furthermore, even if it were possible to amend the current scheme to acceptably reduce overlooking, this would not overcome, or outweigh, the harm to the living conditions of the occupiers of 1 Wessex Gardens.
9. The existing windows at first floor level in the appeal property have an outlook towards the rear of 5 Wessex Gardens. The additional proposed bedroom window would be no closer to the common boundary or the dwelling than the existing windows. Therefore the extension would not materially increase overlooking to this neighbour. This lack of harm does not, however, address the harm I have identified above.
10. I conclude, therefore, that the proposal would result in harm to the living conditions of neighbouring residents. It would conflict with Policy CP3 of the Wokingham Borough Core Strategy Development Plan Document (Adopted January 2010) and the SPD which seeks to ensure that developments are not detrimental to the living conditions of adjoining land users.

Other matters

11. The extension would conform to some advice in the SPD, such as the dropped ridge height. It would also incorporate features to minimise its impact such as obscure glazed windows on the flank elevation, and the first floor not extending beyond the existing rear of the dwelling. These, however, are neutral factors, and do not weigh in favour of the proposal. Other properties in the locality have been extended with side extensions. Each case must be considered on its own merits and I did not see any examples where the proximity and orientation of the plots were the same as this case. For example the extension at 1 Wessex Gardens has an outlook towards the flank wall and open side garden of

the appeal property and not the rear. These other examples do not, therefore, persuade me that the appeal scheme is acceptable.

12. The proposal would provide additional space for the appellants' growing family, utilising a part of the garden that provides limited value to them. I give these factors moderate weight; however they do not outweigh the harm I have identified. The adverse effects are sufficient to mean that the proposal would conflict with the development plan when taken as a whole.
13. I understand that the Council appears to have provided positive pre-application advice about the proposal and, although the appellant sought to amend the scheme to overcome concerns during the application process, the Council determined the proposal on the basis of the originally submitted details. However, the Council's procedures in these respects are not primarily before me as part of my consideration of this appeal, but are matters for the local planning authority in the first instance. Furthermore, for the reasons given, neither of these matters would lead me to alter my findings above in respect of the proposal which I have to consider on its substantive planning merits.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

K Taylor

INSPECTOR