

Appeal Decision

Site visit made on 1 August 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 09 August 2017

Appeal Ref: APP/X0360/D/17/3177132
134a Church Road, Earley, Reading RG6 1HR

- 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 Derek Smith against the decision of Wokingham Borough Council.
 - The application Ref: 170806 dated 13 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is single storey rear extension to existing bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposal on the living conditions of the neighbours at No 134, with particular regard to loss of outlook; and
 - b) the effect of the proposal on interests of ecological importance.

Reasons

Issue a) Living Conditions

3. The appeal property is a detached bungalow on the eastern side of Church Road and within a predominantly residential area. There are a wide variety of property styles in the surrounding area. The property to the north, No 134, is a detached two storey house set forward of the appeal property, whereas there is a more modern redevelopment to the south which extends to the rear of the appeal property. The appeal property benefits from a long rear garden.
 4. The proposal would remove an existing rear conservatory and would introduce a rear extension along the northern boundary adjoining No 134 and shorter rear extension to replace the existing conservatory. I have noted the guidance in the Council's adopted Borough Design Guide Supplementary Planning Document 2012 (SPD). The extension would exceed the Council's advice of rear extensions not extending more than 4m from the rear where they are close to a side boundary. The principal consideration is set out in the SPD to be the impact
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on neighbours. In this respect the neighbouring property to the north is set forward of the appeal property, with a projecting rear extension and conservatory in approximately the centre of the rear of the property and its plot. The neighbours already have some views of the existing appeal property and they would be aware of the proposed extension from a number of windows at the rear of their property and from within their rear garden. However, given the modest height of the proposed extension and angle of the pitched roof closest to the common boundary, the distance between the properties and the remaining available outlook from the neighbouring property I do not consider that there would be material harm to the neighbours' outlook, both from windows at the rear of the property as well as from their rear garden area. As a result of these factors I am also satisfied that the proposal would not have an overbearing or enclosing effect for the neighbours.

5. The SPD guidance also provides more general advice, including that an extension must be well considered and complement the existing building. I consider that the layout and design of the proposed extension would respect the character and appearance of the existing dwelling, taking into account the scale and form of the existing dwelling and particularly in terms of the scale and roof form of the proposed extension. The replacement extension to the rear would continue the existing roof form to the main bungalow with a lower ridge line to the side extension which would follow the lower ridge line to the front annexe. I consider that the proposal as a whole would result in a balanced composition and would not be an over development of the property or the plot.
6. I am therefore satisfied that the proposal would not have a material impact on the living conditions of the adjoining neighbours at No 134 with particular regard to loss of outlook. It would not be a disproportionate extension or over development of the property in this respect or in terms of affecting the character and appearance of the existing property. There would be no conflict with Policy CP1 and CP3 of the Council's adopted Core Strategy 2010 (Core Strategy) or the National Planning Policy Framework (Framework) all of which seek a high quality of design and for development to respect the amenities of current and future occupiers. I have noted that the proposal would not comply with all of the detailed guidance in the SPD. However, I have found that the proposal would be acceptable and would not harm the living conditions of the neighbours, and in the particular circumstances of this case I consider that there would be justification for an exception to be made to this part of the SPD.

Issue b) Interests of Ecological Importance

7. I am advised by the Council that the appeal site falls within an area where the Council has identified the potential for bat roosts. No information to contest this view has been submitted by the Appellant, and notwithstanding the very limited information before me, I have no reason to take a different view. The Appellant has not submitted a preliminary bat roost assessment, but invited a condition to be imposed in the event of planning permission being granted.
8. Guidance at paragraphs 98 and 99 of Circular 06/2005: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System* makes it clear that the presence of a protected species and the effect of the proposed development on such species is a material consideration in the assessment of a development proposal, and that the presence or

otherwise of such species needs to be addressed prior to the grant of planning permission. The guidance is clear that the imposition of a condition on a planning permission to investigate the impact of the proposal on protected species is not an appropriate way forward and that the position needs to be addressed prior to the grant of planning permission.

9. I am therefore unable to conclude that the proposal would be unlikely to have an impact on protected species within or near the site. There is clear conflict with Section 11 of the Framework and Circular 06/2005 to conserve and enhance biological diversity. It would also conflict with Policies CP3 and CP7 of the Core Strategy, as well as Policy TB23 of the adopted Managing Development Delivery Local Plan 2014 and Section 11 of the Framework which set out similar objectives in this regard.

Other Considerations and Conclusion

10. Although not referenced in the Council's report on the application, I have been provided with an uncompleted Tree Preservation Order, Reference 1154/2006 (TPO) which includes an oak tree on the appeal site. The TPO Plan is also not attached. The status of the TPO is not clear but the proposal before me would not affect an oak tree and the Council has not suggested otherwise.
11. I have found that the proposal would not harm the living conditions of the neighbours at No 134, with particular regard to loss of outlook and would not be a disproportionate addition or over-development of the site under my first main issue. However, this does not override the harm I have concluded under my second issue in respect of harm to interests of ecological importance, which leads to refusal of permission.
12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR