

Appeal Decision

Site visit made on 24 June 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/X0360/D/19/3226240

37 Crockhamwell Road, Woodley, Reading RG5 3LE

- 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 Ms Nicola Treverton against the decision of Wokingham Borough Council.
 - The application, Ref. 182995, dated 18 October 2018, was refused by notice dated 23 January 2019.
 - The development proposed is a detached outbuilding (part retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the outbuilding on the living conditions for the occupier of No. 11 Drovers Way as regards outlook.

Reasons

3. The Council's concern is that the outbuilding rises above the top of the full width rear boundary fence line of No. 11 Drovers Way and in so doing is oppressive in views from the garden and living room of that property, a single storey terraced bungalow.
 4. From my visit to that property I consider that the Council is correct to reach that conclusion. The living room is single aspect and with the garden only 7m in length the additional height of the outbuilding above the rear fence does draw the eye as causing the closing down the outlook from the living room and garden of the bungalow with a resultant undue sense of enclosure.
 5. On the other hand, permitted development rights for the appeal property comprise a fall-back for the appellant not significantly different from the outbuilding as erected. And any reduction in height achieved by enforcement action pursuant to the dismissal of this appeal could be in part offset by the appellant moving the building to effectively adjoin the fence, thereby bringing it closer to No. 11 Drovers Way.
 6. The actual height of the building is disputed between the Council and the appellant, whilst my measurement on my visit has provided a third and different (greater) dimension to both the others. This may be due to (i) the varying ground level around the building; (ii) a difference in the exact point where the
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measurement was taken; (iii) some work having been undertaken since the issue was first raised, or (iv) a combination of some or all of these factors.

7. In summary, the present position is that there is not currently reliable evidence as to the difference between the height of the building and the height that could be erected under permitted development. And the implementation of the fall-back may result in a development causing equal harm to the existing building. An additional factor is that it is Government policy that conditions should be imposed when they have the potential to make a development acceptable when without them it is unacceptable.
8. However, in weighing the planning balance in this case, I consider that in addition to the conditions already suggested by the Council the appeal scheme could be amended to include additional screening between the building and No. 11 Drovers Way. This could take the form of raising the height of the fence with trellis and climbing plants; adaptation of the roof to allow planting along its edge and trailing plants down the wall, or perhaps the planting of a hedge in the existing gap.
9. Bearing in mind that if none of these options emerge with agreement between the Council and the appellant as to their feasibility and acceptability there would be a justifiable requirement for the building to be lowered, I do not consider that I am in a position to allow the appeal subject to conditions.
10. Accordingly, as I conclude that the building has an unacceptable effect on the outlook for occupiers of No. 11 Drovers Way the appeal fails. In the absence of effective and permanent screening it would be in conflict with harmful with Policies CP1 & CP3 of the Wokingham Borough Core Strategy 2010; the objectives of the Borough Design Guide Supplementary Planning Document 2012, and paragraph 127f) of the National Planning Policy Framework 2019.

Martin Andrews

INSPECTOR