The Planning Inspectorate

Appeal Decision

Site visit made on 25 February 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/W0340/D/19/3242638
22 Sedgefield Road, Newbury RG14 7TZ

- 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 Mrs H Johnston against the decision of West Berkshire Council.
- The application Ref 19/01070/HOUSE, dated 1 July 2019, was refused by notice dated 14 October 2019.
- The development proposed is erection of single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension at 22 Sedgefield Road, Newbury RG14 7TZ in accordance with the terms of the application, Ref 19/01070/HOUSE, dated 1 July 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

   3) The development hereby permitted shall be carried out in accordance with the following approved plans received by the Local Planning Authority on 30 September 2019: 2018-04-001; and, 2018-04-002. The measurements of the extension hereby approved shall be taken from the proposed elevations and floor plans shown on drawing No 2018-04-002 and not from the proposed block plan.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 21 Sedgefield Road, with particular regard to sunlight and outlook.

Reasons

3. The appeal property is positioned to the north-west of the adjoining property at No 21. No 21 has not been extended to the rear and the shared boundary consists of a timber fence.

4. The Council's House Extensions Supplementary Planning Guidance 2004 (the SPG) states that extensions that overshadow a neighbour's property should be avoided and it is especially important if the extension is to the south of the

neighbouring property. The guidance recognises that the amount of overshadowing will depend on the plan area and the height of the extension, its orientation and variations in ground level. As a guideline, the SPG advises that a single storey extension should not project beyond a line drawn at 60 degrees from the middle of the nearest ground floor window of a habitable room of an adjacent property.

5. The proposed single storey rear extension, at around 4.7 metres deep, would infringe the 60 degree line measured from the nearest ground floor habitable window of No 21. However, there is always an element of judgement required in applying such a test taking into account the context of the development, as recognised in the SPG.

6. In this case, the facing wall of the proposed extension would only be approximately 0.6m higher than the existing boundary fence. This fence could also be increased in height to 2 metres under permitted development rights further reducing the area of exposed facing wall. The ridge height of the proposed extension would be around 3.6 metres high and this would be at a point approximately 3 metres away from the boundary. In the intervening area, the height would gradually increase.

7. Therefore, the proposed extension would not protrude significantly above the height of the boundary fence and so any additional loss of sunlight beyond that caused by the fence would not be significant. Furthermore, the position of the proposed extension to the north-west of the adjacent garden would minimise any loss of sunlight to No 21.

8. In respect of outlook, for the reasons set out above, the proposed extension would not significantly protrude above the existing fence. No 21 has a relatively wide garden and so the proposed extension would not appear overbearing or cause an unacceptable sense of enclosure. Consequently, the proposed extension would not cause a significant loss of outlook to No 21.

9. I therefore conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 21 Sedgefield Road. The proposal would therefore accord with Policy CS14 of the West Berkshire Core Strategy 2006 – 2026 and guidance in the West Berkshire Quality Design Supplementary Planning Document 2006, which, amongst other things, state that new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Whilst there would be some conflict with guidance contained in the SPG, this is outweighed by the lack of harm that the proposed development would cause.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty. In order to maintain the character and appearance of the dwelling and the surrounding area, I have also imposed a condition requiring the external surfaces of the development to be finished in materials to match those used in the existing building.

11. The Council has suggested a condition requiring details of a tree protection scheme to be submitted for approval, however given the considerable distance

to the protected trees to the rear of the appeal site I do not consider this to be necessary.

Conclusion

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

C Osgathorp

INSPECTOR