



Appeal Decision

Site visit made on 29 September 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/X0360/D/20/3246121

27 Sutcliffe Avenue, Early, RG6 7JW

- 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 A Bashier against the decision of Wokingham Borough Council.
 - The application Ref. 192544, dated 25 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the raising of roof to include first floor front/side extension following the conversion of existing loft space and creation of new loft space to create habitable accommodation to include insertion of 1 no. Juliet balcony to rear plus 4 no. rooflights, single storey front extensions, internal alterations to existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have used the description of the development drafted by the Council rather than as set out in the application forms as it better describes the overall nature of the proposal as shown on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties at 25 and 29 Sutcliffe Avenue through loss of light and overbearing impact. The occupiers also raise the issue that the proposal would cause overlooking resulting in a loss of privacy.

Reasons

Background

4. The appeal site comprises a detached bungalow with a long rear garden which lies in a mostly residential area of detached and semi-detached properties of varying heights. Of the immediately adjoining properties, No. 25 is a semi-detached two storey house with a pyramid roof while No.29 is a detached chalet bungalow with accommodation in the roof space lit by dormer windows. It is proposed to turn the existing bungalow into a house by adding a first floor and new roof above which will have a hip at the front and a gable at the rear with a Juliet balcony door/window in the gable.

Loss of daylight/sunlight

5. In considering the issue of loss of light/sunlight I have had regard to the Daylight and Sunlight Assessment (the T16 Assessment) prepared by T16 Design on behalf of the appellant in Feb 2020. This is based on a computer modelling of the relationship between the existing and enlarged properties and uses methodology and guidance put forward by the Building Research Establishment (BRE).
6. Dealing with No. 25 first there are two side facing windows in this property, and the Council says that the first floor one serves a habitable room. The T16 Assessment concludes that there would be no adverse impact on neighbouring residents in terms of daylight and the scheme is compliant with the guidance in terms of sunlight impacts. However, the Council says it has applied different BRE guidance based on a 25° line taken from the mid-point of the window which indicates that the proposed new roof would breach the indicative line and therefore result in a material loss of daylight to the window in No.25. Regarding No.29, this property lies to the south of the appeal site and it is therefore not affected by the trajectory of the sun. On the general aspect of whether overbearing on this property, the Council accepts that the proposal would have a less than harmful impact.
7. Of the assessment tools used by the main parties I have to give more weight to the Council's version as it is set out in Supplementary Planning Guidance – Borough Design Guide (2012) whereas the appellant's BRE approach is not explicitly referred to in local or national planning policy.

At my site visit undertaken about 1300 on a sunny day, I was able to see the shadow cast by the present appeal site property on No. 29. Although just a snap-shot in time, it appeared me that the scale of building bulk proposed and its proximity to the party boundary, would give rise to material overshadowing of the side facing windows in this neighbouring property. Moreover, the extent of vertical building bulk is accentuated by the depth of the ridge of the new roof which would extend from the ridge of the main hipped roof to the gable end.

8. The extent of first floor and new roof proposed would harm the living conditions of No. 25 and so not accord with the requirements of Policy CP3 for new development not to cause detriment to the amenities of adjoining occupiers and their quality of life.

Overlooking

9. The appellant has revised the original drawings of flank windows at first floor level on the side elevations of the enlarged house and these are now shown to be glazed with obscure glass and be non-opening below 1.7m from floor level. This would normally prevent overlooking of neighbouring properties.
10. The main parties agree that these measures can be retained by conditions on a permission. Three of the windows would light bathroom/ensuite where obscure glazing is appropriate, but the larger three-pane window would be the sole window to a study/bedroom and I have doubts over the practical enforceability of a condition requiring this to be obscure glazed at all times. Further, the rear elevation shows a large window to a bedroom in the roof space at second floor level. This would have full height French windows/doors and a Juliette balcony

in front. This rear facing window would be well above the current fenestration of the existing and neighbouring properties and would result in the overlooking of the neighbouring gardens directly, and give rise to the neighbours having the perception of being overlooked, and a loss of privacy, contrary to Policy CP3(a)

Planning balance

11. On the main issue I have found that the scale of additional building bulk proposed would harm the living conditions of the occupiers of No.25 by restricting sunlight and daylight to the property and have an overbearing effect on its aspect. The proposal would also harm neighbours by introducing side facing windows to a bedroom/study where it would not be reasonable to have obscure glazing in perpetuity. The rear facing French doors/windows at second floor level would also result in the overlooking of adjacent gardens.
12. These amount to significant adverse effects and so the proposal would not accord with the relevant policy in the development plan, but this has to be balanced with the benefits of development.
13. The new accommodation in the additional floor would help make more efficient use of the land which is encouraged in the National Planning Policy Framework however, this guidance says that achieving this efficiency needs to be done in the context of ensuring safe and healthy living conditions.
14. Overall, the proposal does not accord with the Framework when this is read as a whole and the conflict with the development plan is not outweighed by any other consideration. This indicates that the appeal should not be allowed.

Conclusion

15. For the reasons give above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR