The Planning Inspectorate

Appeal Decision

Site visit made on 30 November 2020

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/W0340/D/20/3257638
68 Horseshoe Road, Pangbourne RG8 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Brian & Diane Iddon & Morely against the decision of West Berkshire Council.
- The application Ref 20/00933/HOUSE, dated 17 April 2020, was refused by notice dated 15 June 2020.
- The application sought planning permission for a first floor extension over existing flat roof and dormer window to attic.
- The condition in dispute is No 2 which states that: *'The development hereby permitted shall be carried out in accordance with the approved drawings listed below:*
  (i) Site Location and Block Plan 1762.100C received via email from the agent on 05/12/2019
  (ii) Proposed Floor and Roof Plans, Elevations and Section 1762-103B received via email from the agent on 05/12/2019
  (iii) Existing Plans and Elevations 1762-101A received with the application on 11/09/2019'.
- The reason given for the condition is: *'For the avoidance of doubt and in the interest of proper planning.'*

Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing flat roof and dormer window to attic at 68 Horseshoe Road, Pangbourne RG8 7JL in accordance with the terms of the application Ref 20/00933/HOUSE dated 17 April 2020, without compliance with condition number No 2(ii) previously imposed on planning permission Ref 19/02308/HOUSE dated 11 September 2019 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. I note that in section 6 of the appeal planning application form the appellant seeks to change condition 2 by a variation to substitute revised plan number 1762.103D (which is actually marked 1762-103D) for plan number 1762.103C, and is the only part (ie part (ii)) of condition No 2 that is in dispute. I also note that 1762.103C is not a plan referred to by the Council in its decision notice to grant planning permission 19/02308/HOUSE, which in condition No 2(ii) refers to 1762-103B. I have considered the appeal on this basis.

Background and Main Issue

3. Planning permission was granted for a first floor rear extension over an existing flat roof and a rear dormer window to the attic. The appellant seeks to alter the first floor rear extension fenestration and enlarge the dormer window. The main issue is the effect of the enlarged dormer window on the character and appearance of the host dwelling and on the wider area, having particular regard to scale, design and appearance.

Reasons

4. The appeal property (No 68) is one half of a semi-detached pair of two-storey houses in a predominantly residential area of Pangbourne. This part of Horseshoe Road contains two rows of mainly turn of the last century houses of varied design, including detached and terraced houses. The arrangement and orientation of the main gabled and fully hipped roofs alternate along the road, as does the pitch, which at No 68 is reasonably steep and the roof slope from eaves to ridge is quite deep. Many houses are relatively closely spaced, though some have larger gaps, including between No 68 and the detached house to one side (No 70a) which includes a low pitched single storey side garage next to No 68. The varied sequence of pitched roof form and gaps between some houses allows views from the road towards the landscaped gardens behind and the sky above. This alleviates the appearance of built form and provides a noticeable sense of spaciousness which is locally distinctive.

5. The proposed dormer window would occupy a majority of the width of the rear roof slope. However, while this position would be off-centre in relation to the ridge in the roof of the proposed rear extension below, it would be a small departure from symmetry and would not therefore be distinctly 'lop-sided'. In addition, the 'shorter' side of the dormer would be counterbalanced and bookended by its siting next to the reasonably wide and tall end chimney stack. In addition, the dormer would be seen in the context of the entire rear elevation, which would have a variety of overlapping vertical and horizontal parts. It would not therefore be unduly discordant in these regards.

6. The height of the main rear vertical elevation of the dormer would be reasonably narrow and its flat roof would remain appreciably below the main roof ridge of the house. The lower 'cill' edge would stop just below the mid-point of the roof slope, level with the base of the end chimney stack, and the significant bulk and massing of the pitched roof of the first floor extension below would protrude into the front elevation of the dormer and divide most of its apparent width into two discrete parts. In addition, there would be a significant gap maintained between the other end of the dormer and the central chimney stack. Furthermore, the dormer roof would not project in depth away from the roof slope by a substantial distance and be about in-line with the rear edge of the end chimney stack.

7. Consequently, a substantial part of the main roof slope would remain visible and the dormer would not 'dominate' the roof of No 68 and, despite its height above ground, it would remain a subservient structure in the roof and in the context of the entire rear elevation, including the proposed materials which would complement the appearance of the existing house.

8. Despite the gap between No 66 Horseshoe Road and the adjoining house, the proposed dormer would be at the other side of No 68 and as a result be

screened by No 66 and would not therefore be seen in this view. While there would be a more direct view through the gap between No 68 and No 70a, most of the dormer would nonetheless be out of view behind the gable end elevation, ridge line and end chimney stack of No 68. It would not therefore be unduly conspicuous in this view and nor would it materially reduce the gap or spaciousness between these two houses or unduly interfere with the appreciation of openness beyond. Due to the reasonably dense arrangement of development behind No 68 and its rear garden, there are no significant public views available from nearby adjoining roads. The visual envelope of the proposed dormer would therefore be limited and to the very limited extent that it could be seen, this would be a small part only and not therefore unduly prominent or conspicuous from Horseshoe Road.

9. I recognise that the Council's 'House Extensions' supplementary planning guidance, July 2004 (the SPG) cautions that flat-roofed dormers 'should normally be avoided' and should not be 'a means of increasing floorspace in the dwelling'. However, I also note that the SPG is not intended as 'inflexible rules' and that 'alternative approaches may be acceptable'. Furthermore, in planning permission 19/02308/HOUSE the Council has already approved a similar flat roof dormer at No 68 to increase floorspace. The additional floorspace in the appeal proposal would be reasonably modest by comparison and for the reasons explained above the additional bulk and massing of the dormer would not be unduly prominent. I appreciate that the Council considers that it has already permitted a suitable rear dormer window in planning permission 19/02308/HOUSE but I have considered this appeal on its planning merits.

10. Considering the above, the proposed dormer window would not cause harm to the character and appearance of the host dwelling or the wider area, having particular regard to scale, design and appearance. It would accord with Policies ADPP1, CS14 and CS19 of the West Berkshire Core Strategy, July 2012 (the CS). These include that development within Pangbourne should be high quality in design, respect the character and appearance of the area and contribute positively to local distinctiveness. It would be consistent with the National Planning Policy Framework (the Framework) paragraphs 124 and 127. These include that development should create high quality buildings and places, be sympathetic to local character, including the surrounding built environment, and maintain a strong sense of place.

11. The Council also cited CS Policy ADPP5 in its reason for refusal. This relates to an Area of Outstanding Natural Beauty and I deal with this in 'other matters' below.

Other Matters

12. The appeal site is within the North Wessex Downs Area of Outstanding Natural Beauty (the AONB) by virtue of Pangbourne itself being in the AONB. Framework paragraph 172 indicates that 'great weight should be given to conserving and enhancing landscape and scenic beauty' in AONBs 'which have the highest status of protection in relation to these issues', and that the scale and extent of development in an AONB should be 'limited'. I note that the Council did not include a reason for refusal in relation to the AONB, though it has referred to the AONB in the officer report.

13. Even though the appeal site is reasonably close to the built-up edge with the countryside, it is nonetheless sufficiently far away that intervening

development and landscape features mean that there is no material visual or physical connection to the wider landscape of the AONB. Moreover, for the reasons explained in the main issue above, the scale and extent of the development would be limited. Consequently, it would cause no harm to the landscape or scenic beauty of any part of the AONB or the AONB overall. It would therefore accord with CS Policy ADPP5 which includes that development should conserve local distinctiveness, sense of place and respond positively to local context. It would also be consistent with the Framework for the reasons given above. However, the absence of harm in this regard is a neutral factor in my decision.

Conditions

14. Having regard to Planning Practice Guidance (PPG),[1] my decision should set out all of the conditions imposed on the new permission and restate the conditions imposed on planning permission 19/02308/HOUSE that remain relevant and continue to have effect. I have therefore considered these conditions and also the new conditions suggested by the Council in the officer report and appeal questionnaire. Where necessary I have modified the wording in the interests of clarity and in light of the tests and advice in Framework paragraph 55 and in PPG.[2]

15. Having regard to s73(5)[3] and to PPG,[4] the time period for the commencement of the development in this appeal should not be extended from that set out in the original permission. The 3 year period should therefore run from the date of planning permission 19/02308/HOUSE and I have modified the wording of the standard time limit condition (condition No 1) accordingly.

16. I agree that a condition is necessary to specify the approved plans to ensure certainty. The approved plans listed in condition No 2(i) and (iii) are not in dispute and this part of the condition is therefore re-imposed without modification. However, for the reasons explained in the main issue above, I have modified condition No 2(ii) to list plan number 1762-103D to reflect the development in the appeal application.

17. Condition No 3, which relates to the details of external materials in the development, is also not in dispute. I agree with the Council that this condition is necessary and reasonable for the reasons stated in the original permission decision notice but I also agree with the Council's suggested additional wording in the appeal questionnaire for this condition to include reference to the details of external materials already considered by the Council in its decision on planning permission 19/02308/HOUSE. This would also ensure certainty. Accordingly, subject to this modification, it would remain relevant and continue to have effect. I have therefore re-imposed this condition with a consequential requisite modification.

18. In the appeal application officer report the Council suggested a condition for obscured glazing of 'the two additional side windows' in the north elevation of the appeal proposal. On the evidence before me in this appeal, these windows are the shower and bedroom windows at first floor level. I note that this part of the appeal proposal is unaltered from planning permission 19/02308/HOUSE

[1] Paragraph ID: 21a-040-20190723.
[2] Paragraph ID: 21a-003-20190723.
[3] Town and Country Planning Act 1990, as amended.
[4] Paragraph ID: 17a-014-20140306.

and that condition No 4 in that permission already addresses this matter. I agree with the Council that this condition is necessary and reasonable for the reasons stated in this permission decision notice. Accordingly, it remains relevant and continues to have effect so I have therefore re-imposed this condition.

19. I note that in the appeal questionnaire, the Council's suggested wording for condition No 4 additionally seeks obscured glazing to a bathroom window at first floor level in the north elevation of No 68. However, on the evidence before me, this is an existing bathroom window. Furthermore, the Council has not specifically explained why it considers that this part of its suggested condition is justified. Moreover, I note that the bathroom window is sited towards the front of No 68 and so it faces the gable end elevation of No 70a, which contains a narrow single pane window mid-way between ground and first floor level. Consequently, and in the absence of any compelling evidence to the contrary, I consider that there is little prospect of any undue harm to the internal or external living conditions of the occupiers of No 70a having regard to 'privacy and amenity'. Accordingly, a condition to this effect would not be necessary or reasonable and I have therefore not included the Council's suggested wording in this regard.

20. Condition No 5 is not in dispute but it refers to a balcony with an obscured glass screen and plan number 1762-103B in planning permission 19/02308/HOUSE. In light of my decision in this appeal, and my modification to condition No 2 above, I have consequently modified the wording of condition No 5 to reflect the development in the appeal application and approved plan number 1762-103D. I otherwise agree with the Council that condition No 5 is necessary and reasonable for the reasons stated in this permission decision notice. Accordingly, subject to this modification, it would remain relevant and continue to have effect. I have therefore re-imposed this condition with a consequential requisite modification.

21. Condition No 6 is not in dispute and would prohibit the construction of certain additional dormer windows at No 68. I agree with the Council that this condition is necessary and reasonable for the reasons stated in planning permission 19/02308/HOUSE and, moreover, in light of my findings in the main issue above with respect to the character and appearance of the host dwelling and the wider area. I am also mindful that despite this condition the appellant (or a future owner) may nonetheless seek planning permission for a dormer window by planning application. This would give the Council the opportunity to consider a proposal in more detail. Accordingly, it remains relevant and continues to have effect so I have re-imposed this condition.

22. In the appeal application officer report the Council has suggested an additional condition to restrict hours of working during construction of the development, though has not given any reason, and I note that the Council's suggested wording for such a condition is absent from the appeal questionnaire. I appreciate that the appeal proposal is a relatively small-scale development but nevertheless the appeal site is located within a residential area and works would take place reasonably close to some residential properties, so it is a significant development for these reasons. There is therefore a likelihood of undue disturbance to the living conditions of the occupiers of these properties during construction works, for example from the operation of equipment and machinery or from the delivery of materials to the site, if this were to occur at

unsociable hours. I note that the appellant has not objected to such a condition. I therefore agree that it is necessary and reasonable to impose an hours of working condition.

23. The Council has also suggested two additional conditions to ensure that construction works proceed in accordance with a 'precautionary ecological method statement' and for ecology enhancements (bird nesting boxes). On the evidence before me I agree with the Council that these conditions are necessary and reasonable and I note that the appellant agrees to these conditions. I have therefore imposed these conditions.

24. Having regard to PPG,[5] I am satisfied that where I have modified the wording of conditions and attached new conditions these do not materially alter the development subject to the original permission, or conflict with the description of development, and are conditions that could have been imposed on the original permission.

Conclusion

25. For the reasons given, the appeal succeeds.

Robin Buchanan

INSPECTOR

[5] Paragraph ID: 21a-040-20190723.

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of planning permission 19/02308/HOUSE, which was approved on the 20 December 2019.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

   (i) 1762.100C Site Location and Block Plan
   (ii) 1762-103D Proposed Floor and Roof Plans, Elevations and Section
   (iii) 1762-101A Existing Plans and Elevations

3) Notwithstanding condition 2, the materials to be used in the development hereby permitted shall be as specified in the planning application form for planning permission 19/02308/HOUSE, and the proposed horizontal boarding shall be as specified in emails received by the Council from the agent dated 20 December 2019 at 11:46 and 12:24 for planning permission 19/02308/HOUSE. Where it is stated that materials shall match the existing, those materials shall match those in the existing development in colour, size and texture.

4) Notwithstanding condition 2, the shower and bedroom windows at first floor level in the north elevation of the development hereby permitted shall be fitted with obscured glass before this part of the development is first occupied. Once installed the obscured glass shall be retained thereafter.

5) Notwithstanding condition 2, the full height bedroom windows at first floor level in the east elevation of the development hereby permitted shall be fitted with obscured glass half way up (from the bottom of the window towards the top of the window) before this part of the development is first occupied. Once installed the obscured glass shall be retained thereafter.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no dormer windows other than those expressly authorised by this permission shall be constructed at first floor level on the east elevation.

7) Notwithstanding condition 2, works of demolition or alteration to the main roof shall take place in accordance with details of a precautionary ecological method statement to be submitted to and approved by the local planning authority in writing before such works take place. The works shall be carried out in accordance with the approved details.

8) The development hereby permitted shall not be occupied until details of two bird nesting boxes (suitable for swifts), including their locations, have been submitted to and approved in writing by the local planning authority. The approved nest boxes shall be installed prior to the occupation of the development hereby permitted and thereafter maintained in accordance with the approved details.

9) Demolition or construction works (including deliveries) shall take place only between 0800 and 1800 (Monday to Friday) and between 0800 and 1300 (Saturday) and shall not take place at any time on Sundays or on Bank or Public Holidays.