
Appeal Decision

Site visit made on 7 June 2021

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 14 June 2021

Appeal Ref: APP/V3120/W/21/3268963

28 St Johns Road, Grove, Wantage OX12 7NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr John Blair against Vale of White Horse District Council.
 - The application Ref P20/V3003/HH, is dated 16 November 2020.
 - The development proposed is a loft conversion with dormer window.
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Decision

1. The appeal is allowed and permission is granted for a loft conversion with dormer window at 28 St Johns Road, Grove, Wantage OX12 7NW, in accordance with the terms of the application, Ref P20/V3003/HH, dated 16 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: STJN.PO1 B
 - 3) The development hereby permitted shall be built using only the external materials specified on the approved plan STJN.PO1 B unless otherwise agreed in writing by the local planning authority.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 26 St Johns Road in relation to privacy.

Reasons

3. No 28 is a detached single storey bungalow with a duo pitched roof in a row of similar bungalows lining the eastern side of St John's Road. Each bungalow is oriented lengthways on its plot with gable ends facing the front and rear. The proposal is for a large flat roofed box dormer on the north facing roof slope to provide two bedrooms within the roof space, each bedroom having a window facing towards the adjacent property No 26.
4. There are several examples of very similar flat roofed box dormers on other bungalows nearby and with permitted development rights available for this type of extension the Council accept that there is no objection to the location, size, design or materials of the proposal.

5. No 26 already has accommodation in the roof space with a roof light facing towards No 28 and to protect the privacy of the occupiers the Council seek a condition requiring the two new bedroom windows to be obscure glazed and fixed shut apart from a top hung opening vent. However, the accommodation in the roof space of No 26 also has front and rear facing windows and three rooflights facing away from No 28. In the absence of an objection from the occupier the function of the roof light facing No 28 is not clear, but it could well be a secondary window to admit light rather than a primary window to provide an outlook. In any event, whilst the bedroom windows would only be about 7 m away from the roof light, the views would be both oblique and into a sloping window. They would not therefore raise the same privacy issue as windows directly facing one another.
6. The rear bedroom window would also have a view of the rear garden of No 26, but particularly with a conservatory immediately behind the bungalow the view would only be oblique. In the circumstances the new dormer windows would not unduly affect the privacy of the occupiers of No 26 either in the roof space accommodation or the rear garden.
7. For these reasons the proposal would not unduly harm the living conditions of the occupiers of No 26 St John's Road in relation to privacy and would comply with Policy DP23 of the Vale of White Horse Local Plan Part Two 2019. This seeks to ensure development proposals do not result in significant adverse impacts on the amenity of neighbouring uses in relation to loss of privacy.
8. The Council suggest four conditions should the appeal be allowed. In addition to the standard implementation time limit the approved plan should be defined in the interests of certainty. A third condition is necessary to control the materials to be used (tile hanging) to ensure the satisfactory appearance of the box dormer. However, as explained above, it is not necessary to impose the fourth condition requiring the windows to be obscure glazed.

Conclusion

9. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR