



Appeal Decision

Site Visit made on 8 June 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/E0345/D/21/3269778

23 Kidmore Road, Caversham, Reading RG4 7LR

- 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 Dr. & Dr. Flossman against the decision of Reading Borough Council.
 - The application Ref 201312, dated 4 September 2020, was refused by notice dated 9 December 2020.
 - The development proposed is a rear extension and remodelling of existing house.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. On page 4 of the appellant's grounds of appeal, the appellant has provided commentary on the Council's reasons for refusal under the headings "No.21 Kidmore Road" and "No.25 Kidmore Road". On my reading, I believe the house numbers used in these headings are the wrong way around. The appellant has referred to a garage which occupies intervening space between No 21 and the appeal property, however this garage is actually sited between No 25 and the appeal property. I have therefore read this section of the appellant's evidence as though the headings were reversed.

Main Issues

3. There are three main issues. These are the effect of the proposed development on a) the living conditions of the occupiers of Nos 21 and 25 Kidmore Road with particular regard to privacy and natural light; b) trees and biodiversity; and c) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal property sits between No 25 Kidmore Road to its north and No 21 to its south. The three properties are sited in a stepped formation, with No 25 sitting forward of the appeal property, and No 21 sitting slightly back. The rear of No 25 currently projects out significantly further than the rear elevation of the appeal dwelling.
5. The proposed development would comprise a 3-storey rear extension, which would run parallel to the side elevation of No 21. There are several windows on this side of No 21 at both ground and first floor level which benefit from good levels of natural light, due to their open outlook over the rear garden of No 21 and the appeal property. As well as the kitchen at ground floor level, these

rooms include two bedrooms at first floor level (labelled "Bedroom 3" and "Bedroom 4" on the image at page 5 of the appellant's grounds of appeal). Bedroom 4 directly faces the garden of the appeal property and Bedroom 3 looks out over the rear of both No 21 and the appeal property due to its siting on the rear elevation of the gable which projects out from the side of No 21.

6. The height and projection of the proposed extension would extend well beyond the position of the windows at ground and first floor level. This would completely eradicate the open aspect currently experienced from these rooms. Even accounting for the separation distance between the two dwellings, this would significantly reduce the levels of natural light to them.
7. The impact of the proposed extension on natural light would be felt less keenly by the occupiers of No 25. Not only is there is a greater separation distance between the two properties, but most of the windows at the side of No 25 already face the north elevation of the appeal dwelling. This means the proposed extension is unlikely to lead to a notable difference in the levels of natural light already experienced in these rooms.
8. The additional fenestration that is proposed to the north elevation of the appeal property could lead to issues of overlooking of No 25. However, I agree with the appellant that any adverse impact on this side of the property could be overcome by the inclusion of a condition to incorporate obscured glazing. Nonetheless, the proposed development would also include 2 Juliet balconies on the rear elevation at first floor level, and a third within the rear gabled roof at second floor level. The appellant has asserted that these balconies would not result in a greater degree of overlooking than would be caused by windows in the same location. I cannot accept this position. The Juliet balconies would run floor to ceiling and are designed so that the French doors can be fully opened, and a wide view offered. Even though they would face the linear rear garden to the appeal property, these balconies would lead to a substantial increase in the levels of overlooking of the gardens of neighbouring properties on each side. This increased level of overlooking would have a significant impact on the privacy enjoyed by occupiers of both adjacent dwellings within their gardens, which would be harmful to their living conditions.
9. For completeness, the Council has also concluded that proposed the development would have an overbearing impact on the occupiers of No 25, as the extension would effectively enclose part of its garden to the side. However, there is already a garage on the appeal property which currently runs along the shared boundary. The rear garden of No 25 is therefore already partially enclosed by built form. Given the existing garage and the greater separation distance between the two properties, a rear extension is unlikely to exacerbate this sense of enclosure to an unacceptable degree. The length and size of the garden to No 25 also means that the majority of the garden would remain open on both sides.
10. Nonetheless, the proposed development would lead to a reduction in natural light experienced in habitable rooms at No 21 which would be harmful to the living conditions of its occupiers. The introduction of Juliet balconies at first and second floor level would also lead to an unacceptable degree of overlooking of the gardens of both Nos 21 and 25, to the detriment of the privacy of their occupiers. The development proposed would therefore conflict with policies CC7, CC8 and H9 of the Reading Borough Local Plan (2019) (Local Plan) and

guidance contained in A Design Guide to House Extensions SPG (Design SPG). Together, these policies and guidance require new development to be of a high-quality design which avoids detrimental impact on the living environments of neighbouring dwellings, including any impacts on privacy and access to natural light.

Trees and Biodiversity

11. The evidence suggests there are several trees on the appeal property which are valuable to the verdant quality of the area. This was also apparent from my site visit. To fully assess the potential impact of the development on trees within the appeal property, the Council explain that a plan was needed from the appellant to show the accurate location of all trees within 15m of any proposed works, with details of their trunk location, true canopy spread and Root Protection Area.
12. This information has not been provided. As such, I cannot properly assess the proposals for any potential adverse impact on trees that may be of merit to the character of the area, nor indeed consider any measures which may be employed by the appellant to mitigate against such impact.
13. The Council's ecologist has also advised that the appeal property is located within habitat which matches locations where bat roosts have already been discovered in the borough, and which is suitable for use by foraging and commuting bats. On this basis, a bat survey report was requested to assess the associated risk on this protected species before the application could be determined.
14. The appellant has not provided a bat survey report as requested, nor provided any evidence to corroborate their assertion that a bat survey would not be necessary in this instance. Circular 06/05 (Circular) states that *"it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances"*¹. I do not consider that there are any exceptional circumstances to warrant a departure from the advice contained in the Circular, and so the requirement for a bat survey should not be left to condition in this instance.
15. Without any substantive evidence before me to indicate otherwise in respect of these issues relating to both trees and bats, the development proposals would be contrary to Policies EN12, EN14, H9, CC7 and CC8 of the Local Plan, all of which seek to preserve and protect green infrastructure, protected species and biodiversity within the district.

Character and Appearance

16. The appeal property is a two-storey detached dwelling, which benefits from sizeable gardens to the front and rear. The property has strong architectural features, with a Dutch gabled roof to the front which sits over large bay windows at first and second floor. The property is similar in design and style to

¹ Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System

its neighbour at No 25. The wider area is predominantly residential, with the closest neighbouring properties being detached or semi-detached dwellings on similarly large plots. The street scene is punctuated by numerous trees and greenery, which provide a strong verdant quality to the area.

17. The proposals consist of a 3-storey rear extension with a new rear gable. The ridge height of the roof at the rear would be raised by 2.6m. The existing garage at the rear of the property would be demolished, and a new side garage would be incorporated to sit flush with the side elevation of the new extension. In terms of size, the extension would run the full width of the existing dwelling and would extend significantly out from the back. The materials would match those of the existing dwelling.
18. The proposals would retain the dwelling's key architectural features and have been designed to ensure that the extension would integrate well with the existing dwelling. The frontage of the property would be largely unaltered, which ensures the positive consistency it shares with No 25 in terms of design and architectural style would be retained. Whilst the ridge height of the roof at the rear of the property would be increased, this would not be prominent when seen from the front of the property, nor would it be at odds with the height of other properties along the road. In terms of the street scene, the proposed extension would therefore have little impact.
19. Whilst the scale of the extension would be significant when compared to the existing dwelling and not necessarily subservient, given the large rear garden of the appeal property, the extension could be accommodated comfortably without appearing cramped or overdeveloped, whilst still retaining a large garden. There is no consistent rear building line with neighbouring properties, so the extension wouldn't interrupt the flow of buildings along the road. Rear extensions are also common within the area, so it would not be at odds with the pattern of development in the locality.
20. The proposed development would not therefore be harmful to the character and appearance of the area. As such, it would be consistent with Policies CC7 and H9 of the Local Plan and the Design SPG, which seek to ensure new development is of a high quality design, which respects local character and distinctiveness, and responds to the existing pattern of development in the area.

Other Matters

21. The appellant has sought to rely on a nearby extension which, in their view, has a similar effect to the appeal scheme in terms of light. However, each case must be considered on its own merits. Even so, the example provided at Nos 15–17 Kidmore Road can be distinguished from the appeal scheme in two fundamental ways. Firstly, there was a greater separation distance between the extension at Nos 15-17 and its neighbouring dwelling at No 19. Secondly, the part of the extension which ran closest to No 19 was single storey only. With these factors in mind, I do not consider the example to be as harmful as the appeal scheme.
22. I note the appellant's comments regarding the possibility of introducing French doors through permitted development. However, amending the rear fenestration to include three sets of French doors at first and second floor level isn't a legitimate prospect at this time, as no extensions, including any to

incorporate the additional storey, have been carried out. I also disagree that rear dormers introduced pursuant to permitted development rights would lead to similar levels of overlooking as the balconies proposed. As highlighted above, the proposed balconies would run floor to ceiling height and are designed to open fully, whereas that would not be the case with dormers. The balconies would therefore lead to a greater degree of overlooking. The appellant's comments that a modernist or contemporary house might have full width and height glass rear fenestration are also not relevant to the case. This is not a modernist nor a contemporary house, and any such application would need to be considered on its own merits in any event.

Conclusion

23. Whilst I have found for the appellant in regard to the third main issue, the proposed development would lead to a loss of natural light and privacy to its neighbouring properties which would be detrimental to the living conditions of their occupiers. Insufficient information has been provided by the appellant in respect of the impact of the proposals on bats and trees, contrary to the requirements of the development plan. For these reasons, I conclude that the appeal should be dismissed.

James Blackwell

INSPECTOR