



Appeal Decision

Site Visit made on 29 June 2021

by **Martin Allen BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/W0340/D/20/3264804

The Bungalow, Down End, Chieveley, NEWBURY, RG20 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr William Pearce against the decision of West Berkshire District Council.
 - The application Ref 20/01924/HOUSE, dated 20 August 2020, was refused by notice dated 9 November 2020.
 - The application sought planning permission for Variation of Condition 1 (Rooflight Windows) of previously approved application 10/02895/HOUSE: Retrospective - Velux rooflights to the east and west elevations (To comply with condition 3 of approved permission 09/02148/HOUSE) without complying with a condition attached to planning permission Ref 10/02895/HOUSE, dated 10 February 2011.
 - The condition in dispute is No 1 which states that:
The rooflight window(s) in the west elevation shall be fitted with fixed, unopenable, obscure glazing, unless details of any method of opening have been submitted to and agreed in writing by the Local Planning Authority. The obscure glazing shall thereafter be retained in position. Irrespective of the provisions of the Town and Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the west elevation (including the roof facing west) without the prior permission in writing of the Local Planning Authority
 - The reason given for the condition is:
In the interests of the amenity of neighbouring properties in accordance with Policy OVS2 of the West Berkshire District Local Plan 1991-2006 saved policies 2007.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect on the living conditions of the occupiers of Sunhill Cottage, with particular regard to overlooking.

Reasons

3. The rooflight to which the appeal refers is located within the side-facing roof plane of the property. This faces the side elevation of the neighbouring property, Sunhill Cottage, on which is a window serving a bathroom.
4. While noting the separation distance between the rooflight and the bathroom window, in the region of 19 metres, I was particularly conscious at the time of my site visit that whilst looking out of the opened rooflight, I was able to see the movements of the neighbouring occupiers when opening their bathroom

window. This indicates that it would also be possible to see occupiers when they are further into the room, away from the window. Most concerning in this respect was the location of the bathroom facilities for Sunhill Cottage, which are located within the line-of-sight of the rooflight. The lack of any obscured glazing to the window serving this bathroom would likely allow views, albeit at a distance, into the room. This would particularly be so during darkness hours, when the interior of the bathroom is likely to be illuminated.

5. Furthermore, in light of the personal activities undertaken within a bathroom, even the perceived overlooking of the space at a distance, would also have a significant effect, by making the occupiers unfairly conscious of the potential for views to exist between the properties.
6. In my view, this would have an unacceptable deleterious effect on the living conditions enjoyed by the occupiers of Sunhill Cottage, by way of overlooking. Accordingly, the proposal is contrary to Policy CS14 of the West Berkshire Core Strategy, insofar as it seeks to ensure that development makes a positive contribution to quality of life. The scheme would also conflict with the living condition protection aims of the National Planning Policy Framework, as well as the Quality Design – West Berkshire, Supplementary Planning Document, Part 2 – Residential Development and the West Berkshire – House Extensions Supplementary Planning Guidance.

Other Matters

7. I appreciate that the rooflight allows for additional ventilation of the bedroom, however this room was also served by a further window on a different elevation which could meet the occupiers needs in this respect. I am also conscious that various standard separation distances have been cited, nonetheless in this instance I have found that the separation distance would be insufficient to preclude a harmful impact.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR