



Appeal Decision

Site visit made on 5 January 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/W0340/W/21/3278767

2 Recreation Road, Burghfield Common, READING, RG7 3EN

- 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 Mrs Lisa Swami against the decision of West Berkshire District Council.
 - The application Ref 21/00956/FUL, dated 6 April 2021, was refused by notice dated 30 June 2021.
 - The development proposed is construction of two-storey extension to form new three-bedroom family home with associated parking and garden space.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of two-storey extension to form new three-bedroom family home with associated parking and garden space, at 2 Recreation Road, Burghfield Common, Reading, RG7 3EN, in accordance with the terms of the application, Ref 21/00956/FUL, dated 6 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issue

3. The main issue is whether the proposal would secure acceptable living conditions for the occupiers of the existing dwelling with regard to external space.

Reasons

4. The existing garden at the rear of the dwelling would be divided between the proposed dwelling and the existing dwelling. The Council's Supplementary Planning Document Quality Design 2006 (SPD) suggests that gardens for houses of 3 or more bedrooms should have an area of at least 100 square metres. The area of garden retained for the existing dwelling would fall well below this figure.
5. However, prior to setting out this figure, the SPD states that it is the quality of outdoor space that matters most. It suggests that a garden should be large enough to accommodate such features as a garden shed, washing lines and

other domestic features and should allow for opportunities for sitting outside in comfort and reasonable privacy, and for children's play.

6. Although modest in size, the retained area of garden would be of a regular shape. Every part of the area would be usable, and it is well orientated to the southwest of the existing dwelling and would therefore receive good levels of daylight and direct sunlight during the afternoon and evening.
7. The Council suggests that nearby plots are larger, however the garden of No. 1 Recreation Road is a very similar size to the proposed garden for the retained dwelling. It includes a substantial outbuilding along its southwestern boundary and a ground floor extension to the dwelling. Despite the presence of these structures, the submitted photograph shows that the area provides for the functions listed in the SPD, and its pleasant southwest aspect makes up for its modest size.
8. On this basis the retained area of garden would be large enough to provide the functions set out in the SPD. It would be well orientated and well related to the layout of the existing dwelling. The Council suggests that a larger garden could provide more privacy, however the layout proposed would be typical of many terraced dwellings, and would provide for a good level of privacy in the area of garden closest to the rear of the dwelling.
9. In summary, the proposal would secure acceptable living conditions for the occupiers of the existing dwelling. It would accord with Policy CS14 of the West Berkshire Core Strategy 2006-2026 Development Plan Document and the Framework, which together seek to ensure that development proposals are designed to a high quality that will function well and provide a high standard of amenity for existing users. It would also accord with the SPD insofar as it seeks to secure functional quality outdoor space.

Other Matters

10. The Council's reason for refusal also refers to the inadequate size of the garden for the proposed dwelling. This garden would be much larger than the garden for the existing dwelling. It would be of an area very close to that suggested by the SPD. In its appeal statement the Council states that the size of the new dwelling's garden is acceptable. I can see no reason to take a contrary view.

Conditions

11. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
12. I have imposed a condition requiring the submission of a Construction Management Plan (CMP) and a condition to limit the hours that construction work can be carried out on site. These conditions are necessary to safeguard the living conditions of the occupiers of nearby dwellings and to manage highways impacts during the construction phase. I have modified the wording of the CMP condition suggested by the Council so that it is relevant to the relatively modest scale of the proposal. This condition needs to be pre-commencement to ensure that the measures are agreed and in place before work on site commences.

13. I have imposed a condition to ensure that materials match the existing dwelling to safeguard the character and appearance of the area.
14. I have imposed a condition to ensure that the proposed electric vehicle charging point is provided to accord with paragraph 112 of the Framework and Policy P1 of the Housing Site Allocations DPD (2006-2026). I have imposed a condition relating to car parking to ensure that adequate parking is provided in a timely manner in the interests of highway safety. I have imposed a condition relating to cycle parking to facilitate alternative transport modes for future occupiers of the proposed dwelling.
15. The Council has suggested a condition to restrict permitted development rights for extensions, which it suggests would prevent the overdevelopment of the site and would be in the interests of respecting the character and appearance of the area. Paragraph 54 of the Framework establishes that such conditions should only be used where they are clearly justified. The size of the plots and their relationships with their surroundings would significantly limit the potential for future occupiers to exercise permitted development rights. Existing development at the rear of No. 1 Recreation Road demonstrates that extensions can be carried out whilst still retaining a functional area of garden. On this basis I am not satisfied that such a condition would be necessary.

Conclusion

16. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: C3437-1, C3306-2 Rev B, C3437-3 Rev A, C3437-4 Rev A, C3437-5 Rev B, and C3437-6 Rev B.
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
 - (a) The parking of vehicles of site operatives and visitors,
 - (b) Loading and unloading of plant and materials,
 - (c) Storage of plant and materials used in constructing the development,
 - (d) Measures to control the emission of dust and dirt during construction,
 - (e) A scheme for recycling/disposing of waste resulting from demolition and construction works, and
 - (f) A site set-up plan during the works.
- 4) No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority: 07:30 to 18:00 Mondays to Fridays; 08:30 to 13:00 Saturdays. No demolition or construction work shall be carried out at any time on Sundays or Bank Holidays.
- 5) The materials to be used in the development hereby permitted shall match those used on the existing dwelling in terms of colour, size and texture.
- 6) The dwelling hereby approved shall not be occupied until a 7kw (minimum) electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for charging an electric car.
- 7) The dwelling hereby approved shall not be occupied until the vehicle parking and cycle parking have been provided in accordance with the approved plans. The parking area shall be properly surfaced and shall thereafter be kept available for parking (of private motor cars and / or light goods vehicles) at all times. The cycle parking shall thereafter be kept available for the parking of cycles at all times.