



Appeal Decision

Site visit made on 13 June 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/W0340/D/22/3291715

5 Regis Manor Road, Burghfield Common, Reading RG7 3ZH

- 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 James Katon against the decision of West Berkshire Council.
 - The application Ref 21/02272/HOUSE dated 3 September 2021, was refused by notice dated 3 December 2021.
 - The development proposed is garage conversion and proposed rear two storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is no dispute between the parties that the conversion of the garage would be acceptable in terms of its design and scale and would not have an adverse effect on the character or appearance of the local area. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would not harm the character and appearance of the area and I shall make no further reference to this matter.

Main Issues

3. Having considered all of the evidence before me, I consider the main issue in this appeal to be the effect of the proposed development on the living conditions of occupiers in terms of outlook and privacy.

Reasons

Living conditions

4. The proposed development would introduce a two storey rear extension to the existing dwelling, providing living space to the ground floor and two bedrooms to the first floor. The appeal site is located with a direct back-to-back relationship with the neighbouring property, The Hollies, which is a residential care home. The Hollies spans the entire plot width of the appeal site and neighbouring properties.
5. The proposed extension would result in a separation distance between the appeal property and The Hollies of 18m. The Council's Supplementary Planning

Guidance (SPG)¹ sets out a recommended distance of 21m, which is longer than the 18m as a result of the development. It also explains that there should be no material harm to a neighbour's privacy and outlook, going on to say that windows that directly overlook a nearby dwelling should be avoided.

6. Given the direct relationship between the rear of the two properties, and the reduced distance as a result of the development, it is likely that there would be harm to the living conditions occupants of no. 5 as a result of direct overlooking. The appellant has provided information to confirm that many of the windows at The Hollies facing the appeal site do not serve habitable rooms. Nonetheless, I cannot be assured that this may be the case in perpetuity, and as such the proposed distance between the two properties would not protect occupiers of both properties now, or in the future.
7. The appellant has confirmed that there is dense vegetation between the two properties, and this would not be altered. I was able to see the tall bamboo planting along the rear fence line of the appeal property and concede that this provides an element of protection to occupiers of both properties. In addition to this, the appellant has confirmed that shutters and black out blinds are to be continued to be used inside the property to add to preservation of privacy.
8. Whilst I accept that the shutters and planting will help to alleviate an element of the overlooking between the two properties, I have considered whether conditions to retain these features would be appropriate and would meet the tests of planning conditions. I find that the imposition of such conditions would be unreasonable and unenforceable, and as such would conflict with the requirements of planning conditions². I have also considered whether the installation of obscure glazing would be appropriate, however this would only be possible to the appeal property and, at first floor, the windows serve bedrooms this would be an unreasonable requirement.
9. Therefore I conclude that the proposed development would have a harmful effect upon the living conditions of the occupiers of the appeal property and the neighbouring property at The Hollies with particular regard to privacy. The proposal is therefore contrary to the design and function aims of Policy CS14 of the Core Strategy³ and paragraph 130 of the Framework.

Other Matters

10. I note that, with the exception of the Parish Council, there were no other objections to the proposed development. Nonetheless, the limited number of objections would not in itself justify the harm I have identified.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR

¹ House Extensions: Supplementary Planning Guidance (July 2004)

² Planning Practice Guidance: Use of Planning Conditions Paragraph: 003 Reference ID: 21a-003-20190723

³ West Berkshire Core Strategy Development Plan Document (July 2012)