



Appeal Decision

Site visit made on 20 May 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/X0360/D/22/3294863

1 The Street, Swallowfield, RG7 1QY

- 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 Mr J Lewis against the decision of Wokingham Borough Council.
 - The application Ref 214092, dated 16 December 2021, was refused by notice dated 23 February 2022.
 - The development proposed is described as 'The proposed extension of a single storey front porch and single and 2-storey side and rear extensions following demolition of a side car port and rear single storey extension, plus 2no. solar panels to the rear roof and 4no. rooflights to the side and rear extensions'.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed extension of a single storey front porch and single and 2-storey side and rear extensions following demolition of a side car port and rear single storey extension, plus 2no. solar panels to the rear roof and 4no. rooflights to the side and rear extensions, at 1 The Street, Swallowfield, RG7 1QY in accordance with the terms of the application, Ref 214092, dated 16 December 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. The appellant indicates that the application was determined based on plans that had been revised at the request of the Council. The appellant considers that the originally submitted scheme is of a more conspicuous design and indicates that only the original scheme was subject to public consultation. It has therefore been requested that the scheme as originally submitted be considered under this appeal.
4. Annex M of the 'Procedural Guide: Planning Appeal – England' sets out that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector is essentially what was considered by the local planning authority. However, where exceptionally, amendments are proposed during the appeal process it is for the Inspector to decide on which

basis the appeal is to be decided, having regard to the principles established via the 'Wheatcroft' judgement¹.

5. In the Wheatcroft judgment the High Court considered the issue of amendments in the context of conditions and established that "*the main, but not the only, criterion on which... judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation*".
6. In this instance, the appellant is seeking to revert to the original proposals rather than further evolve the scheme. The original proposals were subject to public consultation and I note several interested parties commented upon that scheme. I am informed that the revised scheme that the Council based its decision on was not subject to public consultation. Accordingly, should I determine the appeal based on the original proposals, I do not consider this would lead to possible prejudice of other interested people. In fact, it seems as though it would be a fairer approach for third parties.
7. I recognise that because the appellant has proceeded under the householder appeal route, the Council has not had the opportunity to supplement its case with further statements or comments. However, the planning officer's report forms part of the appeal evidence. Despite concluding against the appellant's revised proposals, the report also clearly set out the Council's concerns with the original scheme and why it was deemed unacceptable.
8. As such, having regard to the Wheatcroft Principles, I do not feel any party would be prejudiced by me determining the appeal based on the scheme that was originally submitted to the Council. I have therefore proceeded on that basis.
9. The second reason for refusal was based on the absence of satisfactory information to accompany the application. The Council therefore felt it was unable to appropriately assess the impacts of the proposals on the host property, character of the area or amenity of neighbouring occupiers. The Council's concerns related to perceived inaccuracies with the elevational details, including a proposed dormer, shown on drawing no. 291-A1-14A.
10. As I am instead determining the appeal in relation to the original proposals (i.e. as shown in drawing no. 291-A1-11) the concerns regarding the accuracy of the dormer are not relevant. I acknowledge that the proposed elevational drawings remain somewhat awkward to read. This is due to them seeking to demonstrate the tapered design of the side/rear extension. Despite this, proposed floorplans and 3D renders of the proposals have also been provided.
11. I am satisfied that the application drawings, together, make it clear as to what permission is being sought for. Additionally, they provide sufficiently accurate information to enable an informed decision on the scale, appearance and impacts of the proposed development, including on the adjoining occupiers.

Main Issues

12. The main issues are:

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

- whether the proposed development would preserve or enhance the character or appearance of the Swallowfield Conservation Area (CA); and
- whether the proposed development would harm the living conditions of the amenity of the adjoining occupiers

Reasons

Conservation Area

13. The appeal proposal relates to a two-storey end of terrace dwelling, within a short terrace of three properties. The dwelling is set back from the main highway behind a modest front garden. It is a redbrick construction, of simple form, with a hipped roof and appears to date from the 19th Century.
14. The CA is small in scale and concentrated around a core of mainly residential properties, located at the eastern end of The Street and a small section of Swallowfield Lane. Although The Street is built-up and a main route through the village, it retains a semi-rural character.
15. Majority of the properties in the CA appear to be of a Victorian era, albeit there are some more modern additions. Several of the properties in the CA vary in their precise appearance and detailing, while the more recent additions do not follow the local vernacular. However, generally, properties within the CA display a unity in character through the consistent use of materials, predominantly redbrick dwellings, with tile or slate roofs. The Street is also characterised by its decorative red brick walls to the front boundary of many properties. The walls, alongside redbrick paver footpaths and ornamental period streetlighting add to the area's traditional character. I find that the CA's significance therefore lies in its unity, through generally consistent palate of materials and its semi-rural character.
16. Past extensions to the appeal property have resulted in unsympathetic additions. A previous extension that projects significantly beyond the front elevation detracts from the character of the host property and the wider CA. The terrace that the appeal property is sited within, also lacks balance and symmetry due to the previous extension at the front and side of the appeal property.
17. Furthermore, the appeal site is currently vacant and in a highly dilapidated condition, which also negatively impacts on the character and appearance of the terrace and the wider CA. There is no suggestion that the property has been deliberately neglected by the appellant.
18. The proposed porch is small in scale and would offer an enhancement on the appearance of the current entrance to the property. The slight relocation of the ground floor window to accommodate the porch is a relatively minor alteration that would not result in any harmful imbalance between the host property and wider terrace.
19. Due to their scale and siting, the proposed single and two storey rear extensions, as well as proposed solar panels to the rear, would not have unacceptable impacts on the character of the host property or wider CA.
20. Turning to the side extension, the two-storey element would be set back from the front elevation of the host property, with a slightly lower roofline. It would

also be narrower in width than the existing extension to the front and side of the property. As such, it would read as a subservient addition. The connection between the side and rear extensions would result in various proposed roof pitches that are a somewhat unusual arrangement. However, views of these would be mostly restricted due to their position and the presence of surrounding built development.

21. The conversion of the appeal property's roof to a gable end, which is also then reflected in the side extension, is not entirely characteristic of the host property or wider terrace. Nevertheless, I do not consider it would cause harm to its character or appearance. This is largely because it would result in the removal of an existing more unsympathetic extension, that already ensures that there is a lack of balance across the terrace. In addition, gable ends are already a common feature of neighbouring properties in the wider streetscene.
22. Due to the current context of the host property, as well as the overall scale and design of the proposals, the development would preserve and enhance the character and appearance of the CA. It is therefore in accordance with Policies CP1 and CP3 of the Wokingham Borough Adopted Core Strategy Development Plan Document (January 2010) (the Core Strategy) which together, amongst other matters, seek for development to be of an appropriate scale and built form and maintain or enhance the high quality of the environment. The development would also accord with Policy TB24 of the Wokingham Borough Adopted Managing Development Delivery Local Plan (February 2014) (the Local Plan), which seeks to conserve and enhance designated heritage assets within the Borough. Likewise, it would not conflict with the aims of the National Planning Policy Framework (the Framework) in respect of conserving the historic environment. The proposal is also not considered to conflict with the overall design aims of either the Borough Design Guide (June 2012) or National Design Guide (October 2019).

Living Conditions of Adjoining Occupiers

23. In refusing the application, the Council did not specifically identify harm to the living conditions of the adjoining occupiers. Indeed, the officer's report highlights that the proposals are not considered to result in harmful impacts, that would warrant a refusal of planning permission, in respect of overlooking, loss of light, or overbearing impacts on neighbours.
24. Nevertheless, the Council refused the scheme on the basis that it could not accurately assess the impacts of the proposal on the living conditions of the adjoining occupiers. This was due to the concerns surrounding the accuracy of the elevation drawings. As indicated, the appeal is being determined against the plans that were originally submitted by the appellant and I am satisfied that the drawings are sufficient to enable an informed determination to be made.
25. From my observations on site and the submitted plans and drawings, I am also satisfied that the proposal will not result in any significant harmful impacts on living conditions in respect of overbearing impacts or loss of light. This is primarily due to the relatively limited depth of the rear extensions and their relationship with the adjoining properties. Similarly, the scale of the proposed side extension and its position off the boundary with the adjoining neighbouring property, would ensure that there are no significant overbearing impacts or loss of light from this aspect of the proposals.

26. With regards to overlooking, the proposed en-suite bathroom would contain a window that is orientated towards the neighbouring residential property to the north-east. However, the plans show that it is proposed to be obscurely glazed, which would suitably maintain the privacy of the neighbouring occupiers. This could also be suitably secured via condition. None of the other windows in the proposed extension would result in harmful overlooking or loss of privacy to neighbouring properties.
27. Overall, the proposed development would not result in unacceptable harm to the living conditions of adjoining occupiers. Consequently, I find no conflict with the relevant provisions of Core Strategy Policy CP3, which require that new development is designed without detriment to the amenities of adjoining land users, including their quality of life. The proposals also accord with the Framework and relevant guidance contained within the Borough Design Guide and National Design Guide in respect of safeguarding of living conditions.

Conditions

28. The Council provided draft conditions in the event that the appeal was to be allowed. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
29. The standard time condition is required for certainty, as is a condition to secure compliance with the approved plans.
30. A pre-commencement condition relating to the provision of a drainage strategy is needed to ensure that the development does not increase the risk of surface water flooding.
31. A pre-commencement condition requiring that the approval of details/samples of external finishing materials is necessary in the interest of the character and appearance of the development and wider conservation area.
32. The removal of permitted development rights, relating to the installation of new windows at first floor levels of the approved extensions, is necessary to safeguard the privacy of occupiers of neighbouring properties.
33. A condition is also necessary that an obscurely glazed window, serving the proposed en-suite bathroom, is to be installed and retained. This is again to safeguard the amenity of the neighbouring occupiers.
34. Finally, a condition requiring the provision and retention of the proposed on-site car parking spaces is necessary in the interests of highway safety.

Conclusion

35. For the above reasons, having regard to the development plan as a whole and all other material considerations, the appeal is allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.*
- 2. The development hereby permitted shall be carried out in accordance with the approved plans and drawings numbered 291-A1-11 dated 14/12/21.*
- 3. No development shall commence until a drainage strategy for the approved scheme has been submitted to and approved in writing by the Local Planning Authority. The approved drainage strategy shall be implemented prior to the first occupation of the development and shall be maintained thereafter.*
- 4. No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.*
- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or similar openings, other than those expressly authorised by this permission, shall be constructed in the first floor level or above in the south-western and northern elevations of the two-storey side/rear extension hereby permitted.*
- 6. The development hereby permitted shall not be occupied until the first floor, en-suite bathroom window in the northern elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.*
- 7. The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with the approved plans. Thereafter, the vehicle parking spaces shall be permanently maintained and remain available for the parking of vehicles at all times.*

End of Conditions