



Appeal Decision

Site visit made on 9 January 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/X0360/D/22/3309197

35 Andrews Road, Wokingham, Earley RG6 7PJ

- 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 Hafiz Gulfraz against the decision of Wokingham Borough Council.
 - The application Ref 221912 dated 20 June 2022, was refused by notice dated 18 August 2022.
 - The development proposed is a two storey front/side extension; single storey rear extension; extended front porch roof; demolition of part of the garage and conversion of rest of the garage into habitable accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the residential amenity of no. 37 Andrews Road with regard to loss of light, overbearingness and oppressiveness.

Reasons

3. The appeal site is a two storey, detached, residential dwelling located within a residential area. There are several elements to the proposal, as outlined in the header of this decision letter, and the refusal reasons are specific to the side and rear extensions. No issues have been raised with regard to the other elements and I have no evidence before me to conclude differently on those. For the avoidance of doubt the appeal will focus upon the rear and side extensions in relation to the refusal reasons.
4. The Council refer to a previous permission granted for extensions at the appeal site (ref: 163550), however, no information as to that scheme has been submitted with this appeal other than commentary which makes comparison as to the differences between the schemes. I note that approval ref: 163550 would have been approved in 2017. This would mean that it would have been determined against the same local policy (the Adopted Core Strategy Development Plan Document January 2010 (CS)) and supplementary planning document (Borough Design Guide June 2012 (SPD)) as is before me now in the determination of this appeal proposal.
5. The Council confirm the key changes, compared to approval reference 163550, include an increase in the depth of the single storey rear extension from 3 metres to 4 metres, alterations to single storey extensions roof form, an increase in the depth of the two storey side extension (increase from 0.4

metres to 1.1. metres) and minor changes to visual design of the dwelling's front façade. The appellant does not dispute this comparison. The proposal before me may bare similarities between the approval granted in 222629 outlined in more detail below, however, it falls to consider the impact of the increased depths of the extensions with regard to neighbouring amenity as set out in the Council's reasons for refusal in this appeal.

6. The appellant's statement references, and includes plans for, another permission granted on 6 October 2022 (222629) which appears to be a resubmission of the proposal which is the subject of this appeal. From the plans before me it would appear that that approval (222629) differs in that the depth of the single storey rear extension is around 3 metres (instead of the 4 metres within this appeal). In addition, the proposed two storey side extension, within the approved proposal, is set back around a metre from the rear elevation of the dwelling instead of around 0.4m within the proposal which is before me. Based upon the evidence before me I find that permission 222629 was likely approved due to broad similarities, in terms of depth and scale, to the previous approval reference 163550 which was granted in 2017.
7. At the time of my site visit, and from the submitted plans, I note that no. 37 Andrews Road (no. 37) is notably set forward the appeal site dwelling as well as being at an angle which results in no. 37 facing more towards the appeal proposal and garden of the appeal site than would generally be the case with more standard, linear, building lines in a residential setting. The corner of no. 37's ground floor is in very close proximity to the shared boundary. Overall, I find that these characteristics make the neighbouring property at no. 37 more sensitive to extensions at the side and rear of the appeal site due to orientation, building line stagger and proximity to boundaries.
8. The appellant has included a standard extract from BRE standards which confirms that a significant amount of light is likely to be blocked if the centre of the window lies within the 45 degree angle on both plan and elevation. I note an overshadowing assessment plan has been submitted but this seems to only assess the impact of the proposals upon the first floor windows of no. 37 in relation to the proposed two-storey side extension. The refusal reason is specific to the loss of light to the ground floor rear habitable room of no. 37.
9. A single storey rear extension element of appropriate depth, such as within the previous approvals, would not likely cause a loss of light to no. 37 when considering the overall window size in the ground floor rear elevation. Despite this a proposal at increased depth, in this case a metre more than previous approvals, along with failure to comply with the 45 degree code in its entirety, and general orientation of the appeal site to no. 37 I find is likely to result in unacceptable impact in terms of loss of light. I have no evidence to the contrary before me such as a formal assessment prepared by someone suitably qualified in this field.
10. The two-storey side extension would project around a metre from the existing rear elevation of the host dwelling which would be at notable height compared to the single storey ground floor element of no. 37. In this addition it would be in close proximity to no.37 itself and the shared site boundary. I find that this would fail guidance with regard to the 45-degree code and, when combined with the orientation of the properties noted above, would result in an unacceptable loss of light to no. 37's ground floor rear habitable room.

11. As noted, the appeal site is set back notably compared to no. 37. A 4 meter extension, combined with the appeal site already being much further back into the site, would result in a substantial depth of built form to the rear of the appeal site in close proximity to the shared boundary. This would then be combined with a two storey side extension in close proximity and fail to meet the guidance within the SPD with regard to separation distances which are designed to assist with reducing sense of enclosure, overbearingness etc. Cumulatively the proposals would, as a result of depth and proximity to the boundary, result in an overbearing and oppressive structure of sufficient negative impact to the residential amenity of no. 37 to warrant refusal.
12. Whilst the proposal would be acceptable in terms of appearance of the host dwelling itself and the character of the surrounding area this does not, on balance, overcome the harm to neighbouring residential amenity which I have found. Overall, I do not find the proposal would result in similar impact upon the habitable spaces of no. 37 compared to previous approvals as a fallback position nor the existing arrangement. The harm I have found as a result of the increased depth of the proposals at both ground floor and first floor level would result in unacceptable impact to the residential amenity of no. 37.
13. The proposal would be contrary to CS Policy CP1 which requires proposals to maintain or enhance the high quality of the environment and CS Policy CS3 which requires that proposals be of an appropriate scale with a high quality of design without detriment to the amenities of adjoining land users. The proposal would also be contrary to the Council's SPD guidance which outlines that separation distances, to limit sense of enclosure, of flank to boundary should be a minimum of 1 metre for one to two storeys.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR