



Appeal Decision

Site visit made on 4 January 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/W0340/D/22/3298997

Cara Mia, Northfields, Down End, Chieveley, Berkshire, RG20 8TF

- 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 Gavin Scott against the decision of West Berkshire District Council.
 - The application Ref 22/00187/house, dated 27 January 2022, was refused by notice dated 6 May 2022.
 - The development proposed is the partial demolition of existing bungalow with a ground floor rear and side extension. New roof and store area to first floor with dormer window.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant provided a Phase 1 Bat Report with the appeal. The Council has had the opportunity to review its contents. The Council have accepted its findings and thus no longer object to the appeal scheme in regard to reason for refusal number 3. I have no reason to disagree and have identified the main issues of the case accordingly.

Main Issues

3. The main issue are;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of nearby properties, with particular regard to privacy;
 - The effect of the proposed development on the River Lambourn Special Area of Conservation (SAC).

Reasons

Character and Appearance

4. The appeal site is located in a predominantly residential area characterised by similarly designed semi-detached houses set back from the road with gardens/parking to the front. Although properties in the vicinity are of different design styles and construction ages, the area largely comprises detached two storey and bungalow dwellings set in generous plots with long rear gardens. The set back of dwellings and established building line, in particular, are

noticeable features that make an important contribution to the character of the area. Additionally, the set back from the highway behind front gardens and parking areas, combined with the hedgerows and planting, create a spacious and verdant character.

5. The proposal would introduce a garage forward of the established building line. The garage, being closer to the highway than the existing built development, would diminish the spacious characteristic of the area. The proposal would be discordant with the character of the area in that it would introduce built form in front of the established building line. It would be visible from the surrounding roads and pavements and would be a prominent feature harming the areas character and appearance.
6. I note the reference by the appellant to the design of the garage appearing as a garden shed. During my site visit no outbuildings or similar structures were located to the front of the building line in nearby properties. As such, whilst the proposed garage may have the appearance of a shed, it would still introduce built development in front of the established building line, harming the character and appearance of the area.
7. I have also had regard to the document submitted by the appellant relating to buildings forward of the established building line. However, these examples are some distance away from the appeal site and do not form part of the building line associated with the proposed development. I have limited information regarding these buildings, however the existence of such structures in different locations to the appeal site does not justify the harm I have identified.
8. For the reasons above, I conclude that the proposal harms the character and appearance of the area contrary to policies CS14 and CS19 of the West Berkshire Core Strategy Development Plan Document (2012) (CS) which seeks to ensure that proposals respond to the character and appearance of an area and enhances local distinctiveness. The proposal is also at odds with the advice set out in paragraph 130 of the National Planning Policy Framework (the Framework).

Living Conditions

9. Properties along Northfields, although detached, are spaced relatively close together. Due to the orientation of dwellings in this part of Northfields there is little mutual overlooking between neighbouring properties. Additionally, there are no other dwellings to the rear of the majority of dwellings on this side of Northfields, which backs on to an area of agricultural land. This means that dwellings benefit from a high level of privacy. The development involves the introduction of a dormer window in the roof of the first-floor side elevation of the proposed extension which would serve a study and, apart from roof lights, would be the only window in the side elevation of the host dwelling at first floor level facing towards a living room window in the neighbouring property, Greentiles, to the north of the appeal site.
10. There are no existing first floor windows within the appeal building as such there are no opportunities for any sustained overlooking. Linden neighbours Greentiles and from my site visit I noted that no windows directly overlooked Greentiles in the same manner as would be the case in respect of the proposed dormer window. The occupiers of Greentiles therefore benefit from privacy

levels consistent with prevailing levels of privacy here and would have a reasonable expectation that this would be preserved.

11. Despite a separation distance given by the Council of 14.3 metres between the proposed dormer window and the window in the side elevation of Greentiles, the living room window within the neighbouring property is clearly visible. There is therefore the potential for direct overlooking of this area for more sustained periods. The elevated position of the window heightens the sense of overlooking and so differs significantly from the relative privacy which is currently afforded to the occupiers of Greentiles. Given my reasoning above, relative to the prevailing baseline of privacy here, the privacy of the occupants of Greentiles would be materially adversely affected.
12. Whilst the plans detail that the proposed dormer window would be obscure glazed, this would not be sufficient to overcome the identified harm as, due to the height, location, and proximity to the neighbouring property, when open the window would still result in overlooking of the neighbouring property. I have considered a condition relating to fixing the window closed, however this is the only window providing ventilation to the study. I consider that the window will negatively impact upon the privacy of the occupiers of Greentiles. Works affecting only the interior of a building are not development with planning terms, and as such the restrictors proposed by the appellant could be altered without permission.
13. Accordingly, the development would have an unacceptable effect upon the living conditions of neighbouring occupiers. This would be contrary to policy CS14 of the CS which seeks to ensure that proposals consider design principles, including amenity and privacy. The proposal is also at odds with the advice set out in paragraph 130 of the Framework.

River Lambourn SAC

14. The site is located within the River Lambourn SAC zone of influence, specifically relating to its drainage catchment. The Council initially objected to the scheme due to potential impacts on the SAC due to it being in an unfavourable condition due to an exceeded nutrient threshold. Since it determined the application the Council have further considered advice from Natural England and consider that a house extension, particularly one that does not propose to increase the number of bedrooms.
15. The proposed development would be an extension to an existing residential property. It would remain a three bedroom property and no alteration to the existing foul drainage is proposed. As such the proposed development would not increase the amount of phosphate within the SAC either by direct or indirect discharges.
16. Given the evidence before me, I conclude that phosphate levels attributable to the appeal scheme would not have a likely significant effect on the River Lambourn SAC. The proposed development would therefore comply with policy CS17 of the CS which seeks, amongst other things, to ensure that designated habitats are protected and enhanced. It would also comply with paragraphs 174 and 180 the Framework that seeks to protect and enhance sites of biodiversity value.

Conclusion

17. The identified harm to the character and appearance of the area and the living conditions of neighbouring residents are overriding considerations and the proposal would conflict with the development plan when considered as a whole.
18. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR