



Appeal Decision

Site visit made on 2 March 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/Q3115/D/22/3308586

23 Milldown Avenue, Goring, Reading, Oxfordshire RG8 0AS

- 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 and Mrs M Holman against the decision of South Oxfordshire District Council.
 - The application Ref P22/S1479/HH, dated 14 April 2022, was refused by notice dated 17 August 2022.
 - The development proposed is a ground and first floor front and side extension; ground floor rear extension; and a new roof over the existing garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 21 Milldown Avenue, with particular regard to outlook and privacy.

Reasons

3. The proposal at 23 Milldown Avenue ('No 23') would include a single storey side extension, which would be set in slightly from the boundary with 21 Milldown Avenue ('No 21'), and a two storey section beyond.
4. The lounge window to the rear of No 21 is some distance from the boundary with No 23, and I observed on my visit that the principal outlook from it is down that property's own garden. Notwithstanding the substantial step-up in ground levels from No 21 to No 23 the proposed extensions would only be visible in fairly oblique views from that window, and would be partially obscured by No 21's timber shed, the boundary fence and shrubbery.
5. However, the scheme would be more clearly visible from parts of No 21's rear patio and garden. Whilst that part of it closest to No 21 would be single storey and would have a roof which would slope away from the boundary, given the depth of the proposal, its proximity to the boundary, and the substantial difference in levels, the scheme would have a slightly overbearing impact viewed from those outdoor areas.
6. Of greater concern are the proposed windows which would be located in the scheme's side elevation close to the boundary with No 21. I have no substantive details of proposed boundary treatment, nor detailed sections or finished floor levels to show what the outlook from those windows would be.

7. However, I note that the ground levels drop significantly from the existing dwelling at No 23 to the boundary fence, and that there is a further drop in levels to the garden at No 21.
8. Given the difference in levels, and without a raised fence, on the basis of the available evidence, there would be a direct outlook from those windows, particularly the kitchen, straight across parts of No 21's garden. Whilst some overlooking is commonplace in settlements, in the context of this fairly secluded area, that degree of overlooking at such close quarters would be significantly greater than those residents might reasonably expect. The scheme would therefore cause a significantly harmful impact on their privacy.
9. Changes to the boundary treatment could help to alleviate that concern, and in their letters dated 23 June and 9 October 2022, the appellants state that the provision of a 2 metre high fence would not be unusual and would be permitted development. However, no such detailed drawings are before me, and having regard to levels I cannot be certain what the impact would be. Additionally, raising the boundary fence could exacerbate the scheme's overbearing affect.
10. I have had regard to the South Oxfordshire and Vale of White Horse Joint Design Guide Supplementary Planning Document 2022 ('SPD') which provides advice on how schemes can avoid an impact on neighbouring development.
11. However, whilst it states that an extension should not breach a 45 degree line drawn horizontally from the centre point of an adjoining dwelling's nearest habitable room window, as pointed out by the appellants, without a linear limit, not just this scheme, but virtually any development, would fail. I also note the appellants' evidence that the Council has granted planning permission elsewhere despite a breach of that test.
12. Turning to the SPD's other tests, on the basis of the information before me, and applied to No 21's lounge window, I have no reason to doubt that the scheme would pass the '45 degree rule elevation' and the '25 degree rule' tests – albeit the annotated illustrations of the latter in the SPD are somewhat flawed.
13. That said, the harm that I have found relates to the scheme's impact on No 21's outdoor amenity area and the overlooking that it causes. On those matters those SPD tests are of little, if any, relevance.
14. Policy DES6 of the South Oxfordshire Local Plan 2011-2035 (2020) states that proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses in relation to matters including privacy, dominance and visual intrusion. For the reasons above, this scheme has not achieved that, and it therefore conflicts with that policy.
15. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR