The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/RO335/D/23/3317278
3 Ellenborough Close, Bracknell RG12 2NB

- 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 Mrs Natasha Van Hemelryk against the decision of Bracknell Forest Council.
- The application Ref 22/00560/FUL, dated 1 July 2022, was refused by notice dated 16 December 2022.
- The development proposed is the erection of a part two storey part single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a part two storey part single storey rear extension, at 3 Ellenborough Close, Bracknell RG12 2NB, in accordance with the terms of the application, Ref 22/00560/FUL, dated 1 July 2022, subject to the conditions attached to the schedule at the end of this decision.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the attached dwelling, at 4 Ellenborough Close, with particular regard to whether the development would be overbearing, daylight and overshadowing.

Reasons

Living conditions

3. The appeal concerns a semi-detached two storey dwelling that is attached to the property at no. 4. I acknowledge that the submitted drawings do not show the ground floor rear projection at the neighbouring house. However, at my site visit I was able to consider the effect of the development from here, as well as in relation to ground floor and first floor windows in the main part of the dwelling and from outside.

4. The part of the proposed development closest to the side boundary would be single storey with a flat roof. The submitted plans show that the top of this element would be significantly below the cill level of the first floor window above. The height above the top of the adjacent French windows in the rear of the adjoining dwelling would be especially limited. I saw at my site visit that it would only rise above the boundary fence to a fairly limited extent. As a result of these factors and despite the position abutting the boundary, the scale and

height of this part of the development would be relatively modest and, in this context, the depth not excessive.

5. The first floor part of the scheme would be set back appreciably from the boundary fence. The ridge of the pitched roof would be noticeably lower than that of the main roof above. The roof on the addition would slope down towards the sides. These factors, together with the hipped end, would significantly mitigate the bulk and scale and, therefore, the resultant effect on light levels and outlook. This part of the development would only be visible from rear facing windows at no. 4 in fairly oblique views. Given this relationship and the appropriate scale and design, the depth would not be excessive.

6. The rear addition at no. 4 is used as a home office and has patio doors to the side that would face the development. This already experiences some enclosure from the fence and, although smaller, there is another window in the rear elevation that would not be significantly affected. I also saw that the property has a particularly open outlook to the rear, over the relatively deep garden and public open space beyond.

7. In the Council's report on the application, it is indicated that the corner of the ground floor part of the development would fail the horizontal 45 degree test. However, it is clear to me that this would only occur in relation to a particularly small part of corners of the extension at both ground floor and first floor level. In any event, given the above factors and the absence of any harmful impact, this would not justify rejecting the appeal.

8. In the above circumstances there would be no unduly oppressive sense of enclosure resulting in an overbearing impact and no unacceptable overshadowing or reduction in daylight, with the development not being unneighbourly. It is therefore concluded that the living conditions of the occupiers of the adjacent dwelling would not be harmed. I have taken account of the Daylight and Sunlight Assessment submitted to the Council during the application process but this does not alter the above conclusion.

9. The proposal would comply with Bracknell Forest Borough Local Plan 2002, Policy EN20 and the advice in the Design Supplementary Planning Document, 2017, which among other things, are concerned with avoiding such adverse effects.

10. The National Planning Policy Framework indicates that developments should promote a high standard of amenity for existing and future users, which would be complied with.

Other considerations

11. Statistics regarding increases in floor area and footprint are not, in themselves, evidence of a harmful impact. Matters such as the height and scale of the additions mean that they would be subordinate to the host dwelling. The fairly large rear garden would ensure that the scheme does not comprise overdevelopment, with the extent of rearward projection not being excessive. Matters such as the form, style and proportions of the development would be compatible with the host dwelling and locality. There is no technical evidence that would justify rejecting the proposal on highway grounds.

Conclusion

12. This is a case where there would be no harmful impact. The scheme would also comply with the development plan and the Framework. As a result and taking account of all other matters raised, the appeal is successful.

Conditions

13. A condition specifying the approved plans is needed to provide certainty. Another requiring the facing materials to match those of the existing dwelling is justified to protect the appearance of the locality.

14. The side bathroom window facing no. 4 should have obscured glazing and restricted opening. Permitted development rights for additional windows in the side elevations of the extension above ground floor level should be removed unless they have obscured glazing and restricted opening. These conditions are necessary to protect the privacy of the adjacent occupiers.

15. The hardstanding should be constructed of permeable materials or enable run-off to another permeable area within the curtilage of the dwelling. This is justified to secure adequate drainage.

16. Three proposed car parking spaces on a hardstanding are shown on the submitted drawing. It is nevertheless, suggested by the Appellant that there is no evidence that either the number of vehicles or occupants would increase. It is also argued that additional bedrooms could be created without the need for any permission. However, there is no obvious potential for this on the upper floor.

17. The Council's Parking Standards Supplementary Planning Document, 2016, indicates a requirement for three car parking spaces for a four bedroom house. The increase in the requirement that applies in this case arises because of the change from a three bed dwelling to four and consequent potential increase in the number of occupants. These reasonable standards are evidence based, using sources such as Census data and surveys. Even if the parking spaces could be removed at a later date under permitted development rights, as the Appellant suggests, there is no certainty that this would happen.

18. The existing access needs to be widened to readily enable the use of the two new spaces. Conditions concerning the provision of the parking and widened drive are necessary in the interest of highway safety. They should be satisfied prior to occupation of the proposed extension, as this causes the requirement. I am satisfied that the relevant tests for imposing such conditions are complied with.

19. I have amended the wording of the conditions suggested by the Council in the interest of accuracy, consistency and clarity. I have also removed a clause that would enable the informal relaxation of conditions and deprive third parties of the right to comment that they would have in the event of a statutory application.

M Evans

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2021/275/001, 2021/275/002, 2021/275/003, 2021/275/005, 2021/275/006, 2021/275/013, 2021/275/014, 2021/275/015 Rev F, 2021/275/016 Rev A, 2021/275/017 Rev C, 2021/275/018 Rev C, 2021/275/019, 2021/275/020 Rev B and 2021/275/022 Rev C.

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

4) The first floor bathroom window facing towards the attached dwelling at 4 Ellenborough Close shall be constructed with obscured glazing, and no part of that window that is less than 1.7 metres above the floor level of the room in which it is installed shall be capable of being opened. The window shall thereafter be retained in accordance with these details.

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 shall be constructed in the sides of the extension hereby permitted at first floor level or above, other than those shown on the approved drawings, unless they have 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 is capable of being opened.

6) Prior to occupation of the development hereby permitted car parking shall be provided in accordance with the approved plan and thereafter be retained and used for no other purpose.

7) Prior to occupation of the development hereby permitted the access shall be widened in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained as such.

8) The proposed hardstanding hereby permitted shall either be constructed of permeable materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.