



Appeal Decision

Site visit made on 24 January 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20.03.2024

Appeal Ref: APP/W0340/D/23/3331264

16 Windmill Road, Mortimer Common, Reading, West Berkshire RG7 3RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nicholas Maynard against the decision of West Berkshire District Council.
 - The application Ref is 23/01332/HOUSE.
 - The development proposed is demolish existing garage and construct new detached garage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant contends that the Council assessed the wrong block plan when coming to its decision and that the garage was not supposed to be positioned on the boundaries of the appeal site. The Council's Decision Notice refers specifically to the plans that it based its decision on, these being Drawing No: PLN1011012, Rev F, Proposed Floor Plan, Elevations, Block and Location Plans. It is important that I based my decision on what was considered by the local planning authority, and on which interested people's views were sought. For the avoidance of doubt, I have assessed the proposal on the basis of the proposal determined by the Council.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions.

Main Issues

4. The main issue in this appeal is the effect of the proposal on the occupants of Nos 29 and 29A The Bevers, with particular regard to outlook and sunlight.

Reasons

5. The proposed garage building would be relatively large compared to typical outbuildings. It would be positioned along the boundaries of the rear garden of the host dwelling, No. 16 Windmill Road, including the boundaries between the host dwelling and Nos 29 and 29A The Bevers.
6. I saw on site that No 29 The Bevers has a very modest sized garden, which already has a degree of enclosure. The principal living area is at the rear of the house. Thus, it is only served by openings that face the rear garden. The

current boundary between the gardens comprises a closed board fence and there are views over the fence of the air space above the long rear gardens of the host dwelling and other houses on Windmill Road. These views include trees and other greenery in these rear gardens and provide the small garden with some sense of spaciousness.

7. The proposed garage building would run the whole length of the rear boundary of the rear garden of No. 29 The Bevers. It would replace the close-board fence with a blank façade and roof profile with a ridge height of 5 metres. It would therefore tower over the small garden and block the views currently taken across the rear gardens of the houses on Windmill Road. I appreciate that the houses along this section of The Bevers have a denser development pattern with smaller, more enclosed gardens than the houses on Windmill Road and that the size of the proposed garage building has been designed to reflect the size of the plot relating to the host dwelling, which is large. Nonetheless, given the size and position of the proposed garage outbuilding, it would feel very overbearing to the occupants of No. 29 The Beavers from both inside the house and from the rear garden. It would also make the rear garden feel uncomfortably enclosed.
8. Furthermore, the proposed garage building would be positioned to the west of the rear garden of No. 29 The Bevers, which would significantly limit the amount of late afternoon and evening sunlight being received by the garden. It may be that the built form of No.29 already results in some overshadowing of its rear garden. Notwithstanding this, the proposed garage building would introduce a new relationship of overshadowing, which would exacerbate its overbearingness and would likely feel oppressive.
9. No. 29A The Beavers also has a modest size garden. While it is longer than the rear garden of No. 29 The Bevers, it is also narrower. Unlike, the rear garden of No. 29 The Beavers, at the end of the garden there are some large evergreen trees, which would provide a reasonably pleasant and green outlook. However, these trees also restrict views across the rear gardens of the houses on Windmill Road. I saw on site that within the garden of the host dwelling, set fairly close to the boundary with No. 29 The Beavers, is a moderate sized shed.
10. The proposed garage building would be far larger than the existing shed. It would run for 7 metres along the boundary, which would be over half the length of the rear garden serving No. 29A The Beavers. While the eave height of the proposed garage building would not be much taller than the existing close board fence, the ridge height would be appreciably taller. Given this, the blank flank elevation of the proposed garage building would make up a significant amount of the overall outlook from both the rear garden and rear windows of No. 29A The Beavers. Furthermore, its substantial size and position along the boundary would make it feel overbearing.
11. Notwithstanding this, the rear garden of No. 29A The Beavers would be positioned to the south of the proposed garage building. Thus, the proposed garage building would have a limited effect on the sunlight received by this property.
12. It may be that Grove Court, a nearby block of flats, and No. 29B The Beavers have a similar relationship to that of the proposed garage building and No. 29A The Beavers. However, the section of the block of flats that projects past the

rear elevation of No. 29B The Beavers is set well back from the boundary, which moderates any effect on the outlook of the neighbouring occupants.

13. The appellant has brought to my attention other development along Windmill Road, including development at Nos 14 and 20 Windmill Road. The rear outbuilding at No. 20 Windmill Road is perhaps the closest relatively speaking in characteristics to the proposed garage outbuilding. However, while I do not have the full details of this outbuilding before me, from the evidence before me and my observations on site, it appeared to be much narrower and to have a different relationship with the adjoining properties. Thus, it does not lead me to allowing the appeal, given the harm I have found.
14. Accordingly, for the reasons above, the proposed garage building would significantly harm the living conditions of the occupants of Nos 29 and 29A The Beavers in terms of outlook. It would also harm the living conditions of the occupants of No 29 The Beavers in terms of sunlight. It would therefore conflict with Policy CS14 of the West Berkshire Core Strategy Development Plan Document (2012), which seeks to ensure that new development demonstrates high quality and sustainable design that makes a positive contribution to the quality of life.
15. The Council also refers to a conflict with Part 1 of its Quality Design – West Berkshire Supplementary Planning Document Series, Achieving Design Quality (2006). However, while this document provides guidance on achieving quality design, it does not deal specifically with the issues relevant to this appeal.

Other Matters

16. In terms of benefits, the proposed garage building would replace some temporary structures and the existing garage. It would provide storage space for the occupants' classic cars and additional equipment that will potentially be needed for a disabled member of the family.
17. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 (the Act). The Act sets out the relevant protected characteristics which includes disability. Since there is the potential for my decision to affect a person with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
18. I am mindful of the advice contained in the Planning Practice Guidance that, in general, planning is concerned with land use in the public interest. Also, that the existing garage, which the proposed garage building would replace, is positioned much closer to the host dwelling and set in from the boundary.
19. I appreciate that the proposed garage building has been designed to be a size commensurate to the appellant's needs, including supporting a disabled family member. However, there is no substantive evidence before me to demonstrate that the associated equipment to support this family member could not be stored elsewhere or that the storage of the equipment requires a building of the size of the proposal before me. It has also not been demonstrated that the outbuilding could not be located elsewhere on the appeal site, such as where the existing garage is positioned. The weight I attribute to this benefit is therefore limited and does not outweigh the significant harm I have found to the living conditions of the neighbouring occupants. My decision is a

proportionate and legitimate response to the requirements of the Act and those of the plan led system.

20. It has been put to me by the appellant that the existing owners of No. 29A The Beavers have not objected to the proposal and are pleased that the land would not be developed for housing. However, I must consider the effect of the proposal on all future occupants and not just the current owners of the neighbouring property. The absence of an objection is therefore a neutral factor in this case.
21. It has also been put to me by the appellant that the Council failed to work proactively on the planning application and the timescale of the application process was unacceptable. While I appreciate the appellant's willingness to change the design during the application process, concerns regarding the manner in which the planning application was considered by the Council fall outside the scope of this decision.

Conclusion

22. With regard to the above, I find that the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR