



Appeal Decision

Site visit made on 22 October 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 6th November 2024

Appeal Ref: APP/W0340/W/23/3334497

Pages Gardens, Reading Road, Pangbourne, Reading, West Berkshire RG8 7JE

- 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 Winslade Investments (Pangbourne) Ltd against the decision of West Berkshire District Council.
 - The application Ref is 23/00803/FUL.
 - The development proposed is a first-floor rear extension to existing HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor rear extension to existing HMO at Pages Gardens, Pangbourne, RG8 7JE in accordance with the terms of the application, Ref 23/00803/FUL, subject to the following 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 drawing nos TDS 485/PG 1101, TDS 485/PG1200 Rev B dated 4 May 2023 and TDS 485/PG1210 Rev A.
 - 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) The external materials of the development hereby permitted shall match those used in the existing building.

- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. TDS 485/PG1200 Rev B for one car to be parked, for motorcycle parking and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 6) The development hereby permitted shall not be occupied until space has been made available within the site in accordance with drawing no. TDS 485/PG1200 Rev B for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 7) The development hereby permitted shall not be occupied until details of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The HMO units hereby permitted shall not be occupied until the electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Preliminary Matters

2. The application form makes it clear that the proposal involves a first-floor extension to an existing House in Multiple Occupation (HMO). That description is reflected in the refusal notice, and I have used the same description for this appeal. However, the Council do not accept that the extension would be for HMO units but rather consider it would be for two self-contained residential flats. However, I have determined this appeal on the basis of the application submitted and notwithstanding that the units would have separate bathrooms and kitchen areas, I consider that the proposal is for an extension of an existing HMO to create two further units and it is on that basis that I have determined the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed extension on the living conditions of the occupants of neighbouring properties with particular reference to privacy and loss of light; and
 - Whether the level of parking provision is sufficient to serve the proposed development so that it does not harm highway safety.

Reasons

Living Conditions

4. The proposed extension would have windows serving habitable windows that would face towards the rear of properties along Horseshoe Road. As a result, views would be possible from those windows towards the rear gardens and rear elevations of Lambton and 70a Horseshoe Road (No 70a). Quality Design – West Berkshire Supplementary Planning Document (SPD) adopted 19 June 2006 sets out that there is a long-established good practice guideline of 21 metres as a privacy distance between houses backing onto each other and this has determined the length of rear gardens being at least 10.5 metres. Based on the available evidence the distance between the windows serving habitable

rooms at the proposed extension and the nearest rear facing windows at Lambton would be 30m and to 70a it would be 27m.

5. It follows that the separation distance would be sufficient to protect the privacy of the occupants of these properties. Clearly, there would also be some overlooking of the rear gardens of these properties, and I have taken account of the guidance contained within the SPD which sets out that for areas characterised by large houses with large mature gardens expectations of privacy may be greater. However, given the character of the area, which is informed by houses located quite close together, within a built-up area with predominantly modest rear gardens, the resulting separation distance would be appropriate and would not unacceptably harm the living conditions of the occupants of these neighbouring properties. I also note that there are currently mature hedges that separate the appeal property from the common boundary with properties along Horseshoe Road and this would also help to ameliorate overlooking between the proposed extension and the rear gardens of Lambton and No 70a.
6. There would also be windows serving habitable rooms that would face towards No 70 Reading Road (No 70). Although not mentioned in the reasons for refusal, the Council's appeal statement indicates that the proposal would result in unacceptable overlooking of this property. Further, the Case Officer's report on the original application indicated that due to the mass and scale of the proposal and its position relative to the common boundary, the proposal would result in a loss of light. However, the nearest part of the proposed extension would be set back from No 70 by about 10.9 metres. This separation distance would be sufficient to ensure that the proposal would not result in an unacceptable loss of light to either habitable rooms at No 70 or its rear garden.
7. In terms of overlooking, there is an existing ground floor window in the side elevation of No 70 that faces towards the appeal site. The appellant has provided floor plans which show this serves a room marked as a family room which is located between the sitting room which has an outlook to the front and the kitchen/dining room which has an outlook to the rear. Given the configuration of the neighbouring property which means that the sitting room and the kitchen/dining room would not be subject to any material overlooking, combined with the distance that any windows facing No 70 would be set back from the ground floor window in the side elevation, overall I do not consider that the proposal would result in unacceptable harm on the living conditions of the occupants of No 70.
8. Similarly, although there would be oblique views over the rear garden of No 70, such an arrangement would be expected in a built-up area such as this and would not result in unacceptable harm. I have taken account of the fact that the Parish Council have expressed concern that the proposal would harm the living conditions of existing occupants of the HMO. Although an existing lantern light in the flat roof would be removed to accommodate the proposal, the occupants of existing units would enjoy an adequate level of light serving habitable rooms.
9. I therefore conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties with particular reference to privacy and loss of light. Consequently, the proposal would accord with Policy CS14 of

the West Berkshire Core Strategy 2006-2026 Development Plan Document adopted July 2012 (WBCS) which seeks to ensure that new development demonstrates high quality design and makes a positive contribution to the quality of life in West Berkshire. The proposal would also accord with the SPD which among other things seeks to ensure that privacy and daylight for existing dwellings is maintained. Further, the proposal accords with the National Planning Policy Framework (Framework) which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Parking Provision

10. As outlined above, I have determined the appeal on the basis that it is an extension of an existing HMO to provide two further HMO units. That said, it is still necessary for me to consider whether the proposed parking provision would be sufficient to serve the proposed development and to ensure that the proposal would not harm highway safety.
11. Given that the Council consider that two self-contained flats would be created they indicate that according to Policy P1 of the Housing Site Allocations Development Plan Document 2006-2026 adopted May 2017 (HSADPD) 1.5 spaces would be required for both units which should be rounded up to two spaces. They also highlight that although there are currently no parking standards for HMO's as a guide have used a figure of 0.5 spaces per unit in a location such as the appeal site in the past.
12. The proposal would result in an additional parking space. I am satisfied that an additional space could be created without unacceptably impacting on existing parking provision, including for motorcycle parking. Such provision would comply with the Council's previous figure for HMOs but would not meet the requirement for residential flats.
13. At the site visit I observed that there were numerous parking spaces available on the appeal site. I also observed that there was on street parking spaces available within an easy walk of the appeal site including along Horseshoe Road and Bourne Road and there was not significant parking pressure at the time of my visit. My observations can only provide a snapshot at a certain time on a particular day. However, my observations support the appellant's parking survey which indicates that there are spaces available within the vicinity of the appeal site.
14. Further, the appeal site is within an easy walk of the services, facilities and public transport of Pangbourne, which means that future residents would not need to rely on their car for day to day living and would be able to access larger settlements by public transport. Moreover, the proposal includes a cycle enclosure and an electricity vehicle charging point. Consequently, in accordance with the Framework, the proposal would promote walking, cycling and public transport and would provide provision for charging plug in and other ultra-low emission vehicles.
15. Consequently, given the factors outlined above, the provision of one additional parking space would be sufficient to serve the proposed extension. I am also satisfied that the proposal would not result in any unacceptable impacts on highway safety, nor result in any severe residual cumulative impacts on the road network.

16. I therefore conclude that the proposed level of parking provision would be sufficient to serve the proposed development and it would not harm highway safety. Consequently, the proposal would comply with Policy CS13 of the WBCS which seeks to ensure development reduces the need to travel, improves travel choice and demonstrates good access to key services and facilities. Further the proposal would not conflict with Policy P1 of the HSADPD which as set out above does not provide car parking standards for HMOs. Moreover, the proposal would accord with the Framework which is clear that development should not be prevented or refused on highway grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

17. I note that the Parish Council have expressed concern that granting planning permission for the proposal would encourage further development along the whole length of the flat roof area. However, any future development proposal would be determined on its individual planning merits and this matter does not weigh against the proposed development.

Conditions

18. I have had regard to the conditions suggested by the Council and amended and reordered them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose a pre-commencement condition and the appellant has confirmed that they agree to such a condition.
19. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. It is necessary to attach a pre-commencement condition requiring approval of a construction method statement to ensure that the development does not unacceptably harm the living conditions of local residents during construction. This will need to specify the hours of construction and demolition work and consequently it is unnecessary to impose a separate condition in relation to these matters. I also agree that given the nature of the development it is unnecessary to impose some of the requirements suggested by the Council and I have amended the condition accordingly.
20. A condition requiring that materials match the existing building is necessary in the interest of the appearance of the scheme and the surrounding area. It is necessary to attach conditions requiring the provision of the parking space, motorcycle parking, cycle storage facilities and the turning area in the interests of highway and pedestrian safety.
21. The appellant has indicated that the appeal site will incorporate an electric vehicle charging point. As suggested by the appellant, as the development involves an extension of an existing HMO to create two additional units, it is reasonable and necessary to impose a condition to ensure the provision of a suitable charging point in the interest of sustainable transport.

Conclusion

22. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR