



Appeal Decision

Site visit made on 24 April 2025

by **Megan Thomas K.C.** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025.

Appeal Ref: APP/X0360/D/24/3356306

15 The Crescent, Earley RG6 7NW

- 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 F Philip & Grace Developers Limited against the decision of Wokingham Borough Council.
 - The application ref. is 241352.
 - The development proposed is a raised roof to an existing outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the area, the effect on the living conditions of the occupants of nos. 13 and 17 The Crescent and no.18 Radnor Road in relation to privacy and outlook and the effect on the health of an oak tree which is protected by a Tree Preservation Order 'TPO'.

Reasons

Character and appearance

3. The appeal site comprises a detached two storey dwelling with further accommodation in the roof with a rear garden and outbuilding. It is located on the south side of The Crescent. The dwelling on its eastern side is no.13 The Crescent, which is a semi-detached two storey dwelling with a large rear dormer structure with Juliette balcony. To the west of the appeal site is no.17 The Crescent which is a single storey detached dwelling with an outbuilding/garage sited near the common boundary with the appeal site. Radnor Road is to the south of The Crescent and no.18 is a semi-detached dwelling whose rear garden meets the rear garden of the appeal site.
4. The appeal site has a single storey outbuilding at its rear which is not the full width of the rear garden and has a gap with the rear boundary of about 2m. The outbuilding has a pitched roof, a central front door and a window each side of the door. At the rear on the ground floor there is a door and two windows.
5. The proposed development would raise the roof and walls of the building in height. The roof ridge would be about 6.5m in height and each end of the roof would have a half hip. The front elevation would have two half dormer windows straddling the eaves line. These windows would be vertically aligned with the ground floor windows and would be of a similar design.

There would be no additional windows in the rear elevation at ground or first floor level. There would be three rooflights in the rear roof slope.

6. The resulting appearance of the outbuilding would be that of a small detached dwellinghouse. It would not look like, or have the character of, an outbuilding typically found in a rear garden given its height at about 6.5m, its design and its first floor (front) windows. It would appear out-of-keeping with the prevailing character, design and pattern of outbuildings in the area. It would look like a backland domestic self-contained dwelling squeezed into the rear garden of a dwelling in a residential area.
7. In coming to this view, I have borne in mind that there is an extant planning permission (app ref. 242396, dated 6/11/24) for the outbuilding which also, amongst other things, increases its size and would have an upper floor. There is a realistic prospect of the appellant implementing this planning permission and therefore I have treated this planning permission as a fallback development. However, the appeal scheme would be materially more detrimental to the character and appearance of the area than the fallback scheme, particularly given that the fallback scheme would have no first floor front elevation windows and a lower roof ridgeline.
8. On this issue, I conclude that the proposed development would unduly harm the character and appearance of the area and be contrary to policies CP1 and CP3 of the Wokingham Adopted Core Strategy (adopted 2010) 'CS', policy TB06 of the Adopted Managing Development Delivery Local Plan (adopted 2014) 'MDD' and parts of the Borough Design Guide Supplementary Planning Document (2012) 'SPD'.

Living conditions of neighbours

9. The proposed first floor front windows in the appeal scheme would allow extensive overlooking of the rear gardens of nos 13 and 17 The Crescent at short separation distances. There would also be a perceived and actual loss of privacy for occupants of those dwellings when using many of their rear rooms with rear facing windows. The fencing on the common boundaries would do little to prevent overlooking from the first floor windows. Conifers which have been referred to in the appeal documentation were no longer on common boundaries at the time of my site visit.
10. The fallback scheme, having no front first floor windows, would not harm privacy for these neighbours to the same adverse extent. I have also considered whether conditioning the first floor front windows to ensure that they had permanent obscurely glazed glass and were non-opening up to 1.7m above finished floor level, but I am not persuaded that the rooms would not be habitable rooms (and therefore would be unsuitable for obscured glazing) or that even with obscured glass they would create an unacceptable perception of being overlooked.
11. Turning to outlook, whilst there is some vegetation in the rear garden of 18 Radnor Road which might filter views of the rear of the proposed development, its rear elevation would nevertheless loom large in views from the rear of no.18 and from its rear garden. As a result, it would be overbearing and unduly visually enclose the rear garden of no.18. The enjoyment of the rear garden of no.18 would be unduly curtailed and views from the rear windows would also be adversely affected by the dominant rear elevation of the proposed outbuilding. The proposed scheme would be materially worse in its effect on outlook for occupants of no.18 Radnor Road compared to the fallback scheme given the latter's lower height.
12. On this issue, I conclude that the living conditions for the occupants of nos 13 and 17 The Crescent would be unacceptably affected by loss of privacy by the proposal. The living conditions for the occupants of no.18 Radnor Road would be unacceptably affected by loss of outlook. There would be conflict with policies CP1 and CP3 of the CS and parts of the Borough Design Guide SPD.

Health of TPO Tree

13. A large oak tree which is subject to Tree Preservation Order no.1897/2022 grows in the rear garden of no.13 The Crescent. It is located towards the rear of the garden and its canopy overhangs part of the appeal site. Having looked in detail at this on my site visit and considered the height and form of the proposed development, I am not persuaded that the proposal would lead to pressure to prune the oak tree or would be likely to affect its health and longevity. The separation of the canopy and the position of the roof of the proposed development would be sufficient to avoid pressure, via TPO applications, to cut back the branches of that tree. Consequently, I conclude that the protected oak tree would not be unduly harmed by the proposed development and there would be no conflict with policy CP3, of the CS or policies CC01, CC03 or TB21 of the MDD.

Conclusion

14. Notwithstanding that I have found that the protected tree would not be harmed, I have weighed the benefit of having additional ancillary accommodation and floorspace on the appeal site but these factors do not outweigh the harm I have identified to neighbours' living conditions and to the character and appearance of the area. Having considered all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.
Inspector