



Appeal Decision

Site visit made on 27 May 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/W0340/D/25/3361208

74 Park Lane, Thatcham RG18 3PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Sandra Swann against the decision of West Berkshire Council.
 - The application Ref is 24/02025/HOUSE.
 - The application sought planning permission for raise roof to provide additional accommodation without complying with a condition attached to planning permission Ref 13/01948/HOUSE dated 27 September 2013.
 - The condition in dispute is No: 4 which states that: The extension hereby approved shall not be occupied until the window at first floor level in the east elevation shall be fitted with fixed, obscure glazing. The obscure glazing shall thereafter be retained in position. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the east elevation without the prior permission in writing of the Local Planning Authority.
 - The reason given for the condition is: In the interests of amenity of neighbouring properties in accordance with Policy CS14 of The West Berkshire Core Strategy 2006 - 2026.
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Decision

1. The appeal is allowed and planning permission is granted for raise roof to provide additional accommodation at 74 Park Lane, Thatcham RG18 3PG in accordance with the application Ref: 24/02025/HOUSE without compliance with condition number 4 previously imposed on planning permission Ref 13/01948/HOUSE dated 27 September 2013 and subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additional openings shall be inserted in the east elevation, without the prior permission in writing of the Local Planning Authority.

Preliminary Matters

2. Planning permission was granted by the Council in 2013 to raise the roof of the existing property to provide first floor accommodation. The approved plans showed a staircase window in the east elevation leading to the first floor landing and annotated to be obscure glazed. Condition 4 was imposed to require this window to be fitted with fixed, obscure glazing and also stipulated that no additional openings

should be inserted in that elevation to protect the amenity of the neighbours at No 26 Parkside Road.

3. The Appellant has confirmed that she is seeking to vary the condition by removing the first part of the condition which requires the window in the first floor of the east elevation to be fitted with fixed, obscure glazing. She is not seeking to remove the second part of the condition restricting the insertion of any additional openings in the east elevation.

Main Issue

4. The main issue in this appeal is whether the requirements of the condition, in so far as they relate to the requirement for the first floor window in the east elevation to be fitted with fixed, obscure glazing are reasonable and necessary to protect the living conditions of the neighbours at No 26 Parkside Road, with particular regard to overlooking and loss of privacy.

Reasons

5. The appeal property is a detached residential property fronting Park Lane with a side elevation onto Parkside Road and within a predominantly residential area. It has accommodation at first floor level.
6. The first floor window in the east elevation serves the staircase and landing. As a result of the height of the bottom of the window on the half landing staircase, which is over 2m, there are no direct views towards the neighbouring property from the staircase. From the first floor landing, given the set back of the landing from the window, any views out are directed towards the apex of the side elevation and towards the roof of the adjoining property.
7. I appreciate that the neighbour has a view of the staircase window from her bedroom window and from places within the rear garden and that there is therefore the sense of being overlooked. However, from the information before me as well as my site visit, given the position of the window in relation to the staircase and the landing, and the available views from it, I am satisfied that there would be no unacceptable harm of actual overlooking or loss of privacy to the neighbours at No 26 Parkside Road, were the requirement for the window to be fitted with obscure glazing be removed.
8. For the reasons set out above, I am therefore satisfied that the variation of the condition to remove the requirement for the existing first floor window in the east elevation to be fitted with obscure glazing would not materially and unacceptably harm the living conditions of the adjoining neighbours at No 26 Parkside Road, with particular regard to overlooking and loss of privacy. There would be no conflict with Policy CS14 of the West Berkshire Core Strategy (2006 – 2026) and The National Planning Policy Framework and in particular paragraph 135, both of which amongst other matters seek to protect the amenities of existing and future occupiers.

Conditions

9. The second part of the condition should remain in place so that any future proposal to add further windows to the east elevation would be assessed on its individual merits and in particular in respect of the impact on the living conditions of the immediate neighbours. The Appellant has also confirmed that she is not seeking removal or variation of this part.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed. I shall vary the planning permission by deleting the disputed condition and reimposing a varied condition.

L J Evans

INSPECTOR