

---

## Appeal Decision

Site visit made on 20 June 2025 by Mr F Bradford BA (Hons)

### Decision by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2025

---

### Appeal Ref: APP/W0340/D/25/3364538

### 242 Benham Hill, Thatcham, Berkshire, RG18 3AH

- 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 and Mrs Dyson against the decision of West Berkshire District Council.
  - The application Ref is 25/00348/HOUSE.
  - The development proposed is a first floor extension and new loft conversion, built on the existing rear ground floor extension.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters

3. Since the start of this appeal, the Council has adopted the new West Berkshire Local Plan Review 2023 to 2041. As the currently adopted development plan, I have made the following recommendation against this. Both parties have been contacted for comment in relation to this new document.
4. The appellant has stated that the Council did not consider some of the documents submitted during the original application. The Council has confirmed this is correct. Whilst I acknowledge the appellant's position, I am only able to utilise the evidence that was also considered by the Council at the time of their decision.

### Main Issue

5. The main issues are:
  - the effects of the proposed development on the living conditions of the occupants of Nos. 240 and 244 Benham Road with regard to outlook and privacy; and
  - the effects of the proposed development on the character and appearance of the host dwelling and wider area.

## Reasons for the Recommendation

### *Living Conditions*

6. The existing arrangement allows for overlooking into the private gardens of Nos. 240 and 244 (neighbouring properties) from the first-floor rear windows of the host dwelling. However, this is limited due to the windows being set back from the edge of the existing single-storey extension, which acts to partially obscure views into both gardens. Furthermore, the detached outbuilding and tree near the boundary further obscure views into the rear garden of No. 240.
7. The proposed development would result in the realignment of the existing rear elevation windows in line with the edge of the existing extension and the addition of fenestration within its loft level (second floor). This would both remove the existing obscuring effect of the ground floor extension and create new, high-level vantage points for the occupants of the appeal dwelling. This would result in new, unimpeded long and downward views into a large portion of the rear gardens of Nos. 240 and 244, causing harm both to the actual and perceived levels of privacy that the occupants of these properties currently enjoy.
8. Cumulatively, the existing outbuilding and tree would mitigate much of the harm to the occupants of No. 240. However, the outbuilding in itself would not. Therefore, given that the tree's permanence, and thus mitigating effect, cannot be secured within this appeal, I am not satisfied that the proposed development would not cause harm in the future to the living conditions of the occupants of No. 240 by way of loss of privacy.
9. Furthermore, the proposed development would result in a substantial two-storey bulk close to the boundary with No. 244. By virtue of its depth and overall bulk, it would appear as a dominant feature within the outlook of the rear first-floor windows of No. 244. This would degrade the existing visual escape across the roof of the existing extension, instead resulting in conditions of overbearing for its occupants.
10. The evidence before me suggests that the proposed development appears to accord with the 45-degree principle; however, this is not an overarching criterion of acceptability. Therefore, irrespective of the proposal's accordance, its overall bulk would result in harm to the living conditions of the occupants of No. 244 by way of an unacceptable loss of outlook.
11. I do, however, find that due to the existing rear two-storey extension at No. 240, which projects just shy of the rear elevation of the proposed development, the occupants' outlook would not be harmed by the proposed development by way of overbearing. Whilst the development may affect outlook from the side windows of No. 240, the dwelling's main outlook from within habitable rooms appears to be afforded to the front and rear elevations, given the proliferation of fenestration.
12. For these reasons, I find harm to the living conditions of the occupants of Nos. 240 and 244 by way of loss of privacy, and to No. 244 by way of loss of outlook. Therefore, I find conflict with the adopted West Berkshire Local Plan Review 2023 to 2041 (the LP), with specific regard to Policies SP7 (Design Quality), DM28 (Residential Extensions), and DM30 (Residential Amenity), which, among other things, aim to ensure new development is of high quality and does not give rise to

unacceptable harm to neighbouring occupiers by way of loss of privacy or overbearing impact.

### *Character and Appearance*

13. The appeal dwelling is two-storey and detached. It is similar in appearance to its neighbour (No. 240) from the front elevation, though both have undergone alteration. The surrounding context is mainly detached dwellings, with some semi-detached, which are mixed in terms of their design.
14. The proposed development introduces a substantial first-floor rear extension located above the existing single-storey rear extension.
15. Whilst in isolation the proposed development would be subservient to the existing dwelling, in cumulation with the existing rear extension it would appear as a dominant addition which would compete with the host dwelling and fail to accord with the specific criteria of Policy DM28 of the LP, which notes that extensions will be acceptable where “the scale of the enlargement or outbuilding is clearly subservient to the original dwelling”.
16. However, the bulk of the development would be sited to the rear of the dwelling. Given the diversity in the scale and appearance of dwellings within the area, it would not appear as an incongruous or dominant feature within the streetscape of Benham Hill, and I therefore do not find harm to the character and appearance of the area. As such, whilst the development may not be subservient to the host dwelling, the effects arising from this would be limited to the occupants of the neighbouring private dwellings, which would comply with the overarching objectives of policy DM28. This policy, amongst other things and as stated within the supporting text, aims to avoid the overextension of dwellings and the adverse impact this has on the character and appearance of the site and its wider surroundings.
17. The proposed development would also require alteration of the existing roof ridge. Whilst it would be different to the existing, it would not result in an awkward relationship between the roofs of the existing dwelling and the proposed development. Instead, it would read as one continuous roofscape. Though the altered roof ridge would affect the host dwelling’s uniformity with No. 240, it would not be particularly stark due to the existing weak nature of uniformity arising from previous alteration and extension of both properties. Moreover, there is a variety of roof designs along this stretch of the road.
18. The proposed development would be faced in brick, with wood cladding to the rear elevation. The use of brick would mean the development visually integrates with the existing dwelling. I consider that the use of wood, due to its limited extent and siting to the rear elevation, would not harm the character and appearance of the area. Furthermore, whilst not currently used on the host dwelling, it would not be at odds with the existing contemporary appearance of the render to the existing ground floor extension.
19. For these reasons, I do not find that the proposed development would harm the character and appearance of the host dwelling and wider area. Therefore, I do not find conflict with the LP, with specific regard to Policies SP7 (Design Quality) and DM28 (Residential Extensions), which, among other things, aim to ensure new design is high quality, conserves and enhances the quality of an area, and that

house extensions are subservient to the existing dwelling and its materials are appropriate in terms of their context.

### **Other Matters**

20. Whilst I acknowledge the appellant's communication with the Council, it does not bear weight on the merit of the proposed development within this appeal on which I have found harm.
21. I acknowledge the appellant's proactive engagement with the occupiers of neighbouring dwellings. Although the current occupants may not have objected to the proposed development, the circumstances and occupancy of those neighbouring dwellings may change, and the scheme would result in a permanent alteration to the appeal dwelling. For the reasons outlined, the proposal would harm the living conditions of future occupiers of those dwellings.

### **Conclusion and Recommendation**

22. I have found there would be no harm to the character and appearance of the host dwelling and wider area. However, this is a neutral effect and does not outweigh the harm to the living conditions of neighbouring occupants.
23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Finlay Bradford*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*A Walker*

INSPECTOR