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## Appeal Decision

Site visit made on 3 October 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

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**Appeal Ref: APP/W0340/W/25/3369196**

**19 Battery End, Newbury, West Berks, RG14 6NX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
  - The appeal is made by Mr and Mrs Stacey against the decision of West Berkshire District Council.
  - The application Ref 25/01020/HOUSE was approved on 1 July 2025 and planning permission was granted subject to conditions.
  - The development permitted is loft conversion with alterations to eastern 1st floor windows and rear elevation.
  - The condition in dispute is No 4 which states that: The windows hereby approved at first floor level in the east elevation shall be fitted with obscure glass before the roof conversion/extension hereby permitted is occupied. The obscure glazing shall be permanently retained in that condition thereafter.
  - The reason given for the condition is: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy DM30 of the West Berkshire Local Plan Review 2023-2041, and the Quality Design SPD.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether condition 4 is reasonable and necessary in the interests of protecting the living conditions of neighbouring occupiers with regard to privacy.

### Reasons

3. The development proposes two windows in the Eastern elevation on the first floor, the larger of the two windows would serve the landing area of the stairs and the smaller of the windows would serve a bathroom. The windows would face towards the neighbouring property and garden at No 19 Battery End.
4. The proposed windows would be at an elevated position and while would not serve habitable rooms, due to their overall size, combined with the elevated position of the windows, views towards No 19 and the garden would still be possible. The large window that serves the landing would be particularly noticeable for the occupiers of No 19 and while it serves a landing, it is likely to be well used throughout the day resulting in a loss of privacy for the occupiers of No 19.

5. The living roof would screen some views towards No 19, however, this would take some time to establish and there is no guarantee that the planting on this roof would be retained at a suitable height to restrict views. Furthermore, while I note the parapet wall, this is at a low height and would not prevent all views towards No 19 and the properties garden.
6. I acknowledge that there are existing windows at the appeal property that face towards No 19 which are not restricted to being obscure glazed and therefore allow views towards the property and that windows that serve this elevation of No 19 relate to non-habitable rooms. However, the proposed development introduces new windows on this elevation which, for the reasons outlined would worsen the effect on the privacy of neighbouring occupiers. In any case, the existing situation of overlooking does not justify a loss of privacy continuing or worsening when a condition could control this and protect the living conditions of neighbouring occupiers.
7. I therefore conclude that condition 4 is reasonable and necessary in protecting the living conditions of neighbouring occupiers with regard to privacy. The condition is in accordance with Policy DM30 of the West Berkshire Local Plan Review 2023-2041, Paragraph 135 of the National Planning Policy Framework and guidance contained within the Quality Design – West Berkshire Supplementary Planning Document Series Part 1 Achieving Design Quality June 2006. Amongst other things, these seek to ensure that there is no unacceptable harm in terms of overlooking of land and buildings that results in a harmful loss of privacy and provides a high standard of amenity for existing users.

### **Other Matters**

8. The proposed development includes a living roof and while I acknowledge that obscuring the eastern facing window would restrict some views of this space, this would not interfere with the duty to conserve and enhance biodiversity. There is another window that serves the bathroom, which along with the generous outside spaces would still allow the living roof to be appreciated.

### **Conclusion**

9. For the reasons given above the appeal should be dismissed.

*D Wilson*

INSPECTOR