

# Planning Committee

April 1<sup>st</sup> 2015

## Members Update

Appendix 3: 29 Copse Mead Appeal Decision



## Appeal Decision

Site visit made on 30 October 2014

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 November 2014**

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**Appeal Ref: APP/X0360/D/14/2226480**

**29 Copse Mead, Woodley, Reading, Berkshire, RG5 4RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Chand against the decision of Wokingham Borough Council.
  - The application Ref F/2014/0713, dated 1 April 2014, was refused by notice dated 18 September 2014.
  - The development proposed is extensions and alterations to single dwelling house.
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### Decision

1. The appeal is dismissed.

### Preliminary and procedural matters

2. An application for an award of costs was made by the appellants against the Council and is the subject of a separate decision.
3. The planning history has been noted, and this proposal was refused permission, contrary to the advice of officers, on grounds reflecting the Planning Committee's concerns relating to the effect of the proposals on neighbouring residents. However, several local residents and the Town Council also expressed concern that the proposals, in view of their scale, constituted an overdevelopment of the site.
4. Arrangements had been made for me to view the proposals from 27 Copse Mead, one of the next-door properties, which I did.

### Main issues

5. Having regard to the foregoing the main issues are the effect of the proposed development on: (a) the character and appearance of the surrounding area, and (b) on the living conditions of the residents of Nos. 27 & 31 Copse Mead with specific reference to light and visual impact.

### Reasons

#### *Character & appearance*

6. Copse Mead forms part of a residential area of good quality, and the street itself is comprised of a variety of house types ranging from bungalows, chalet bungalows to large two storey detached dwellings. One of the distinctive characteristics of the street is its spaciousness, with the dwellings set on a deep building line with lengthy rear gardens. Separation between dwellings is

another factor contributing to local spaciousness, and instances of two storey elements in close proximity to one another on the street frontage are uncommon.

7. The appeal dwelling has been extended previously, but the two storey extension, whilst built to the side boundary shared with No 31, sits comfortably in its context, not least since it is set back from the main front wall, has a lower roof than the main dwelling and is perceived as being clearly subservient.
8. The alterations and extensions proposed are extensive and involve a substantial increase in floorspace, but in terms of their effects on the public realm, the proposed extensions to the rear may be discounted. To the front, a central structure incorporating a protruding new entrance is proposed, and this is acceptably designed.
9. Although involving a continuation of the main front wall of the house the massing of the side extension's south-east elevation would be proportionate to that of the main elevation, and would be acceptably detailed with regard to the form of the roof and window openings. The extension would be built about a metre from the boundary shared with No 27, but this would be sufficient, as advised in the Council's Borough Design Guide (DG), to ensure that a terracing effect would not be created.
10. I do not share the appellants' view that the application of policy CP 3(a) of the Wokingham Borough Core Strategy Development Plan Document (CS) is not a policy for subjective opinion. It is plain that certain aspects require the application of subjective judgements, and the empirically based advice of the DG cannot always be relied upon to arrive at an appropriate conclusion as to the planning merits of a proposal.
11. In this case, however, in terms of their impact on the character and appearance of its surroundings, which calls for a subjective assessment, I am satisfied that the proposals would not cause harm in the terms of CS policy CP 3(a), which requires that before planning permission is granted proposals should be of an appropriate scale, mass, layout and built form and character to the area with a high quality of design.

#### *Living conditions*

12. Given the step back and the distance from the common boundary with No 31 of the two-storey element of the rear extension, I am satisfied, having regard to the detail provided in the amended plan, that whilst No 31's residents would be aware of the rear extension it would not be perceived as visually oppressive. Nor would it cause harm by materially reducing the amount of sunlight or daylight currently enjoyed.
13. The same however could not be said about the perception of the rear extension from No 27. Whilst the Council's officers assessed the effects of the proposal on one of No 27's bedrooms, I do not share the conclusion reached. This bedroom relies on a single side window for light and outlook. The limited outlook currently available towards the appeal property's side elevation would be considerably and harmfully foreshortened by the mass of the proposed side extension brought to within 5m or so. It would appear oppressive from this habitable room.

14. Sunlight to the bedroom would be affected in the early summer mornings, but not so much as to justify refusal of planning permission, in itself. There is insufficient evidence to conclude that daylight to the bedroom would be materially affected.
15. No assessment of the effects of the proposal from No 27's garden was made in the officer report. The side/rear extension would be seen at close quarters from the property's main side entrance well above the roofs of the shed and garage which currently stand close to the boundary, and from that part of the garden closest to the house which appears to be most enjoyed by No 27's residents. By reason of its mass, bulk, height and proximity, it would be perceived as overwhelmingly oppressive and overbearing in its effects from next door.
16. Whilst the minimum distances quoted in the DG for distance from boundaries for buildings of certain heights have been noted, the guidance also makes it clear that context will also be relevant to the approach in determining the appropriateness of new development. The DG, as clarified in its introductory sections, is not a statutory document and is, by definition, guidance.
17. Whilst it is an important material consideration, I do not consider it to be in the best interests of proper and good planning that all the empirical aspects of the DG should be slavishly adhered to in all circumstances. This is especially so in this case, where the subjective assessment required under the provisions of statutory development plan policy CP 3(a) shows clearly, in my opinion, that the proposal would significantly harm the amenities of the adjacent residents and their quality of life.
18. I conclude that the proposed development would prove harmfully un-neighbourly in terms of its oppressive and overbearing effects on the living conditions of the residents of 27 Copse Mead, contrary to the provisions of CS policy CP 3(a). Moreover, one of the *National Planning Policy Framework's* core principles requires that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. That objective would be severely compromised were the appeal proposals to proceed.

### **Other matters**

19. Some local residents say that the proposed removal of the garage would lead to parking difficulties, but more than sufficient space to meet the likely parking demand is available in the front drive. I am also satisfied that no harmful overlooking would occur.
20. The proposals would enable the appellant's house to be modernized, and updated energy systems could be introduced, but these benefits do not outweigh the objections I have found. These objectives would also be achievable if a more modest approach to extension not materially affecting neighbouring living conditions were adopted.
21. All other matters raised in the representations have been considered and taken into account, including other references to the Framework and other development plan policies, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

**Overall conclusions**

22. I find in favour of the appellants on the first main issue that in respect of the effect of the development on local character and appearance. But I find against them on the second main issue, that in respect of the effect of the development on neighbouring living conditions. This is sufficient reason to dismiss the appeal.

*G Powys Jones*

INSPECTOR