

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	252966
Site Address:	84 Hilmanton, Earley, Wokingham, RG6 4HN
Expiry Date:	30 January 2026
Site Visit Date:	05/09/2025 – see 251867
Proposal: Application to remove condition 3 of planning consent 251867 for the proposed loft conversion, including installation of 3 No. roof-lights to the front elevation, and 2 No. roof lights to the rear elevation to form additional habitable space (Part Retrospective). Condition 3 relates to obscured glazing of roof windows in the rear elevation, and the application is to remove this requirement.	

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC07 – Parking
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles DH1 – Place making and quality design DH2 – Safeguarding amenity
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY

Application No.	Description	Decision & Date
142904	Proposed part conversion of garage to habitable	Approved,

	accommodation.	30/10/2014
251867	Householder application for the proposed loft conversion, including installation of 3 No. rooflights to the front elevation, and 2 No. roof lights to the rear elevation to form additional habitable space (Part Retrospective).	Approved, 02/10/2025
RELEVANT ENFORCEMENT HISTORY		
RFS/2025/090573	Loft conversion in progress.	Closed on 15/08/2025 following the submission of planning.

CONSULTATION RESPONSES

Internal

WBC Enforcement – No comments received.

External

None consulted.

REPRESENTATIONS

Parish/Town Council	Earley Town Council - <i>ETC raises objection to this application and recommends that WBC refuses the application as there has been no change to the overlooking of No.86, highlighted in the officer's report on application 251867, and the rooflights are still below the recommended minimum separation distance in the Borough Design Guide, and are not obscured glazing and, as such, the removal of the condition would be detrimental to the amenity of the occupiers of No. 86 contrary to Policy CP3.</i>
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Planning History and Proposed Development:

The application site comprises a two-storey, link-detached dwelling located within an established residential area. The surrounding streetscape is predominantly characterised by link-detached and detached properties of similar scale and design.

In October 2025, part-retrospective planning permission was granted under ref: 251867 for the installation of three rooflights in the front elevation and two rooflights in the rear elevation to facilitate additional habitable loft space. The application was submitted following an enforcement investigation (ref: RFS/2025/090573) regarding

the loft conversion, which included rear rooflights that did not benefit from permitted development rights and therefore required planning permission.

Condition 3 of planning permission 251867 requires that:

'The roof windows in the rear elevation of the development hereby permitted shall be fitted with obscured glass and shall be permanently so retained.'

This condition was imposed to protect the residential amenity of neighbouring properties by preventing direct overlooking.

The current application seeks to remove Condition 3, which would allow the rear rooflights to be fitted with clear glazing.

Appraisal:

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that 1) maintain or enhance the high quality of the environment and 2) Provide attractive, functional, accessible, safe, secure and adaptable schemes.

Policy CP3 (a) states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.

Paragraph 135 (f) of the NPPF 2024 requires that planning policies and decisions should ensure that developments seek to create *'places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...'*

Figure 4.25 within Section 4 of the Council Borough Design Guide SPD provides a summary of the Council's minimum privacy and amenity distances to help to maintain privacy and limit sense of enclosure. In the context of this application, a minimum back to flank separation distance of 15 metres is required for proposals over two stories in height.

As noted in the original application 251867, the two rear-facing velux rooflights are positioned approximately 10.9 metres from the neighbouring flank wall of No. 86 Hilmanton, which is below the separation distance recommended in the Council's BDG SPD. Relevant to this conflict with the BDG SPD, NPPF para 139 makes clear that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'*

In assessing the potential for windows that could otherwise give rise to overlooking and loss of privacy, the Council requires such windows to be non-opening, unless any opening parts are positioned more than 1.7 metres above the finished floor level of

the room in which the window is installed. A height of 1.7 metres is a well-established and widely accepted planning benchmark, as it sits above normal standing eye level and therefore prevents direct and meaningful views into neighbouring private amenity areas during the reasonable and typical use of the room.

However, in this instance, as shown on the approved elevation drawing no. LP4211, both rear-facing velux rooflights have their lower opening sections positioned approximately 1.4 metres above *finished floor level*, with this measurement accounts for the 22mm chipboard flooring. This is below the generally accepted 1.7-metre threshold used to prevent direct overlooking into neighbouring properties.

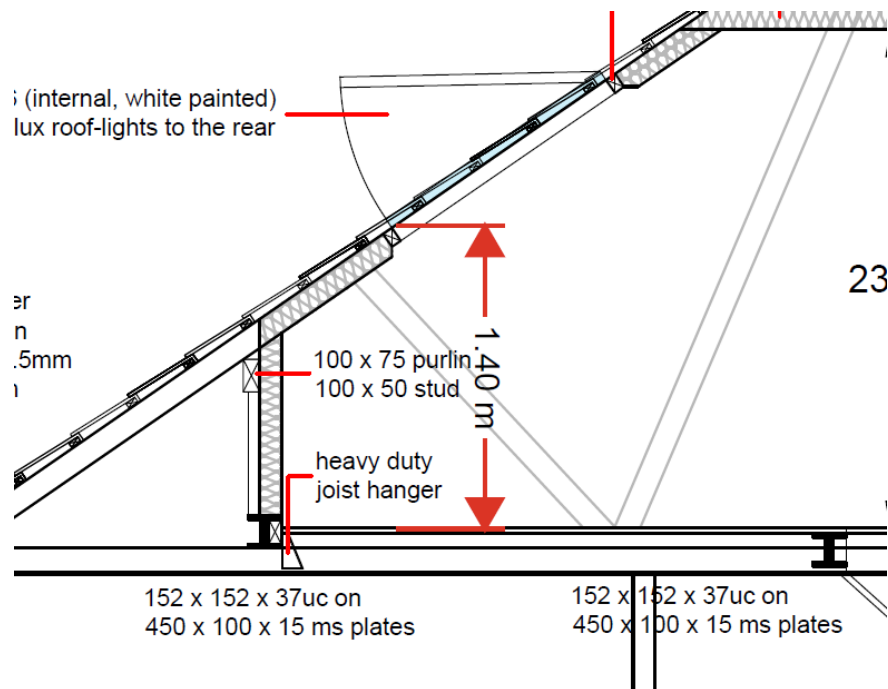


Figure 1 – Extract from approved elevation drawing no. LP4211 showing the measurement from finished floor level to the opening portion of the rooflight.

As the approved elevation drawing No. LP4211 does not specify the intended use of the loft room served by the rear rooflights, it is assumed to be a habitable space where occupants would spend extended periods. Given the limited floor-to-ceiling height identified, this increases the likelihood of occupants being close to the glazing and looking out of the windows. For this reason, the Case Officer considered it reasonable to condition the rear-facing rooflights to be fitted with obscure glazing, allowing the loft space to still receive adequate daylight and ventilation while safeguarding the privacy and amenity of No. 86 Hilmanton.

The proposal to remove Condition 3, replacing the rear rooflights' obscure glazing with clear glazing, would fail to safeguard the privacy and amenity of No. 86 Hilmanton. While rooflights typically offer more oblique and restricted views than standard vertical windows, in this case they are still positioned at an elevated roof level; sit at a relatively low height above the finished floor and at an insufficient separation distance from the neighbouring flank boundary of No. 86 Hilmanton. The proposed removal of obscure glazing would therefore result in a constant and perceptible degree of overlooking towards the rear amenity space of No. 86

Hilmanton.

The supporting statement asserts that the current ability of the rear rooflights to open, providing clear views, renders Condition 3 redundant. However, the removal of this condition would allow a permanent situation in which direct overlooking towards the rear amenity space of No. 86 Hilmanton could occur, regardless of whether the windows are open or closed. Rooflights are not intended, nor reasonably expected, to remain open at all times, and occupants would reasonably use them intermittently for ventilation. As such, replacing the obscure glazing with clear glazing would introduce a constant potential for overlooking that is previously mitigated, undermining the privacy and amenity of No. 86 Hilmanton,

Although there is an existing degree of overlooking from the first-floor rear windows, this does not justify introducing clear glazing that would intensify the sensitive relationship between the properties. Planning policy seeks to ensure that new development safeguards residential amenity. It is clear that any proposal that either introduces or exacerbates overlooking would be in direct conflict with the aforementioned policy and guidance.

Conclusion

The requirement for obscure glazing remains reasonable and necessary to protect the privacy of no. 86 Hilmanton. The circumstances of the surrounding environment have not changed since the original permission was granted, and the rear facing rooflights continue to sit at a relatively low height above finished floor level with limited separation from the neighbouring flank wall. The proposed removal of Condition 3 would allow clear glazing in a situation where direct overlooking could occur. Therefore, the proposal would be contrary to Policies CP1 and CP3 of the Core Strategy, section 12 of the NPPF 2024, and the guidance set out in section 4 of the Borough Design Guide SPD.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Recommendation:	Refusal
Date:	22 January 2026
Earliest date for decision:	31 December 2025

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	23.01.2026