



APPEAL BY:
Calum & Gemma Millar

AGAINST WOKINGHAM BOROUGH COUNCIL'S REFUSAL
TO GRANT PLANNING PERMISSION FOR:

*Householder application for proposed installation of two front roof lights and
erection of a rear dormer to facilitate a loft conversion*

AT

26 Lockhart Drive, Wokingham, RG40 5BG

Wokingham Borough Council's Reference: 260264

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

APRIL 2026

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Calum and Gemma Millar, in support of the appeal lodged against the refusal of planning application 260264.
- 1.2 The application was validated by the Council on 2nd February 2026 and sought planning permission for the proposed installation of two front roof lights and the erection of a rear dormer to facilitate a loft conversion, at No. 26 Lockhart Drive, in Wokingham.
- 1.3 The application was refused under delegated authority on 31st March 2026 for the following reason:
1. *The proposed flat-roof rear dormer window would unacceptably overlook the rear elevations and gardens of Nos. 30 and 32 Readwin Crescent and would appear as a dominating and overbearing feature to the detriment of the occupiers' privacy and amenity. The proposal is therefore contrary to Policies CP1 and CP3 of the Core Strategy, Section R16 of the Borough Design Guide SPD, and Section 12 of the National Planning Policy Framework.*
- 1.4 These grounds of appeal will address the central concerns raised within the Council's reason for refusal, notably:
- Whether the proposed flat-roof rear dormer window would unacceptably overlook the rear elevations and gardens of Nos. 30 and 32 Readwin Crescent; and
 - Whether the dormer would appear as a dominating and overbearing feature to the detriment of the occupiers' privacy and amenity.
- 1.5 For the avoidance of any doubt, public consultation was undertaken in accordance with statutory procedure. The occupants of neighbouring properties were notified in relation to the application, together with the Ward Councillors and the Parish Council. No responses were received. It can therefore be assumed that the nearest neighbouring residents do not share the Planning Officer's concerns.
- 1.6 To set some context, this statement will first provide a description of both the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the Council's concerns.

2.0 RELEVANT SITE HISTORY

- 2.1 Planning application reference 221678 for 'Householder application for the proposed insertion of 4 rooflights to facilitate the conversion of the loft into habitable space' was approved on 27th July 2022.
- 2.2 While it is acknowledged that the above approval has expired, it is noted that the Delegated Report states "PLANNING HISTORY- N/A", which is incorrect.

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3.0 THE SITE

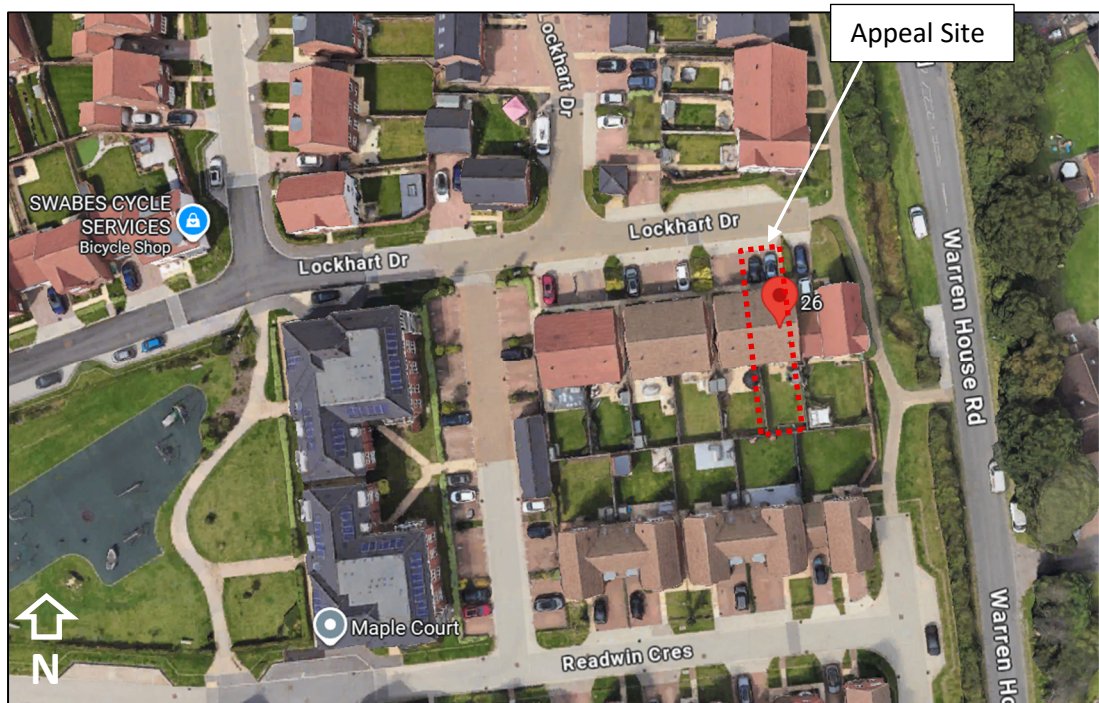
3.1 The appeal site is located on the southern side of Lockhart Drive and is a two storey, semi-detached house, not a link-detached house, as stated in the Delegated Report.

3.2 The appeal property is positioned towards the end of a cul-de-sac and is set back behind a row of designated parking spaces and a small strip of landscaped garden. It is attached to the paired semi No. 24 to the west and separated from the garage of detached house No. 28 by a narrow pathway.



26 Lockhart Drive

3.3 The dwelling is part of a major development located in Wokingham that is primarily characterised by semi-detached and detached properties, which have a mix of designs and finishing materials, and have different design features, including box dormer windows.



Appeal Property and Surrounding Area

3.4 The appeal site is not set within a conservation area, and the appeal property and the neighbouring properties are not listed buildings.

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4.0 THE PROPOSED DEVELOPMENT

- 4.1 The appeal proposal sought planning permission for the proposed installation of two front roof lights and the erection of a rear dormer to facilitate a loft conversion, at No. 26 Lockhart Drive, in Wokingham.
- 4.2 As illustrated below, the proposal consists of two small conservation-style rooflights, upon the main front roofslope, which will measure 0.78m by 0.98m. The flat-roofed dormer will measure 5.271m in width, 2.693m in height and 3.891m in depth. This will be set down 1.255m below the ridgeline, set up 0.716m above the eaves and set in 0.35m from the roof edge to each side.



Proposed Elevations

- 4.3 The dormer will be constructed from materials that match the host dwelling, with the exterior to be clad in hung rooftiles to harmonise with the existing roofslope and white uPVC window frames to match the existing fenestration.
- 4.4 The proposal will provide habitable roof space with a maximum internal ceiling height of 2.3m. The space created will provide 1 additional double bedroom, and the converted loft space will be accessed via a continuation upwards of the existing staircase.

5.0 RELEVANT PLANNING POLICY

5.1 The reason for refusal refers to Policies CP1 and CP3 of the Core Strategy, Section R16 of the Borough Design Guide SPD, and Section 12 of the National Planning Policy Framework.

5.2 The following paragraphs provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

NATIONAL PLANNING POLICY FRAMEWORK DECEMBER 2024 (NPPF)

5.3 The NPPF (December 2024) sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Achieving sustainable development

5.4 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) – economic, social and environmental.

Decision-making

5.5 Paragraph 39 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Making effective use of land

5.6 Paragraph 119 states that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*

Achieving well-designed places

5.7 Section 12 of the NPPF describes how the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*.

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5.8 Paragraph 135 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) 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 users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.9 Whilst Paragraph 139 highlights that development that is not well designed should be refused, it also states that conversely, significant weight should be given to:

- a) development which reflects 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; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

Adopted Core Strategy DPD (2010)

5.10 The Core Strategy sets out the vision for how the borough will develop in the period to 2026, and the council aims to protect and enhance the good quality of life enjoyed in the borough.

5.11 The Core Strategy is the key part of the framework in achieving high quality development. It will be supported by other documents such as the Masterplan SPDs for the Strategic Development Locations and the Borough Design Guide. Policies CP1 and CP3 is referred to within the reason for refusal.

Policy CP1: Sustainable development

5.12 Planning permission will be granted for development proposals that:

- 1) Maintain or enhance the high quality of the environment;*
- 2) Minimise the emission of pollutants into the wider environment;*
- 3) Limit any adverse effects on water quality (including ground water);*
- 4) Ensure the provision of adequate drainage;*
- 5) Minimise the consumption and use of resources and provide for recycling;*
- 6) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;*
- 7) Avoid areas of best and most versatile agricultural land;*
- 8) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;*
- 9) Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);*
- 10) Provide attractive, functional, accessible, safe, secure and adaptable schemes;*
- 11) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and*
- 12) Contribute towards the goal of reaching zero-carbon developments as soon as possible by:*
 - a) Including appropriate on-site renewable energy features; and*
 - b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.*

Policy CP3: General Principles for development

5.13 Policy CP3 states that planning permission will be granted for proposals that:

- a) 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;*
- b) Provide a functional, accessible, safe, secure and adaptable scheme;*
- c) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.*
- d) Maintain or enhance the ability of the site to support fauna and flora including protected species;*

- e) *Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;*
- f) *Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;*
- g) *Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/sporting facilities in addition to private amenity space;*
- h) *Contribute towards the provision of an appropriate sustainable network of community facilities;*
- i) *Do not lead to a net loss of dwellings and other residential accommodation or land; and*
- j) *Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available.*

Wokingham Borough Council Borough Design Guide SPD (June 2012)

- 5.14 This guide sets out a series of design principles that should inform all development proposals. In certain cases, a different approach may be acceptable where proposals are of exceptional design quality.
- 5.15 Section 4 states in relation to roof alterations and dormer windows that:
- *The eaves and/ or ridge heights of a property should not be raised in height unless buildings in the local context are significantly taller.*
 - *Loft conversions and dormer windows should not project above the existing ridge line.*
 - *Dormer windows should generally be positioned within the main roof, by being set back from both eaves line and the sides of the roof. Dormers should relate to the design of the existing building in terms of roof form, materials, positioning and window proportions.*
- 5.16 The Council's minimum distance of 22m is a generally accepted guideline for there to be no overlooking or material loss of privacy between the rear of two buildings that directly face one another. Across a street, the Council's minimum distance of 10m is an accepted guideline for the distance to provide sufficient privacy. **These distances will generally be considered adequate for the relationships within new developments but may not be appropriate in relation to existing properties.**
- 5.17 Figure 4.25 sets out the standard separation distances, with houses over 2 storeys requiring a back-to-back gap of 26m. The guidance also notes that *"Standards and measurements should only be applied once the overall character and nature of the scheme is agreed. Schemes in more urban settings or with a more intimate character will often require a tighter, more compact layout."*

6.0 THE APPELLANTS' CASE

Introduction

6.1 The appellants' case will focus on the central concerns of the reason for refusal; notably, whether the proposed flat-roof rear dormer window would unacceptably overlook the rear elevations and gardens of Nos. 30 and 32 Readwin Crescent, and would appear as a dominating and overbearing feature to the detriment of the occupiers' privacy and amenity.

6.2 The key planning considerations in regard to the proposal are:

- Principle of Development
- Background to Case
- Design, Character and Appearance
- Impact on Neighbouring Amenity
- Amenity Space

Principle of Development

6.3 The NPPF (2024) has an underlying presumption in favour of sustainable development and this is supported by the local Development Plan, with Policy CC01 of the Local Plan stating that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

6.4 The site is located within a settlement in the major development of Wokingham, and as such, the development should be acceptable, provided that it complies with the principles stated in the Core Strategy.

6.5 As the proposed extension has been designed to improve the host property, whilst respecting the character of the surrounding area and protecting nearby residential amenity, the proposed scheme ought to be thought of as a sustainable form of development that would improve the property for current and future occupants, and therefore deemed acceptable in principle.

Background to Case

6.6 The appeal property has already had an application approved for the proposed insertion of 4 rooflights to facilitate the conversion of the loft into habitable space, on 27th July 2022 (see **Appendix A**). This permission has now expired; however, it could be applied for again

6.7 Regarding the current appeal application, the Planning Officer visited the site on 2nd March and declined the opportunity to assess the existing view from a first floor rear window. After a 19-day wait, the Council informed the appellants that they were planning to refuse the application and gave them barely one and a half days to consult with their agent, make any adjustments, and/or reach a decision, as they felt pressured to withdraw the application, rather than letting a decision be reached.

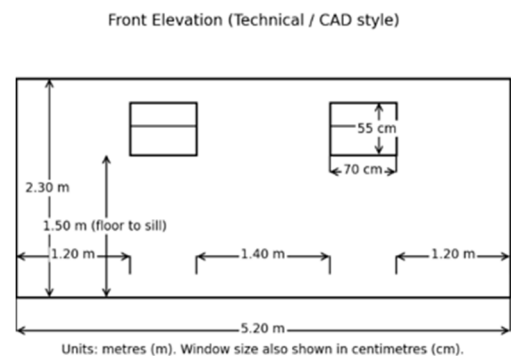
6.8 Nevertheless, the appellants offered several adjustments, including:

1. Changing the size of the dormer
2. Obscuring the windows
3. Setting the dormer back slightly
4. Having the windows at a different height
5. Changing the size of the dormer and obscuring the windows

6.9 These suggested revisions were all rejected based solely on the minimum separation distance argument. The existing degree of overlooking, which already exists between the upper floor rear window of the appeal property, was ignored, even though the picture below was sent to the Planning Officer, together with a revised sketch plan for the possible resizing and repositioning of the dormers.



View from the existing first floor rear window of the appeal property



Proposed sketch with window sill at 1.5m from the floor

6.10 The Council did not attempt to work proactively with the appellants or their architect to find a solution, and when they asked if any solutions would make the dormer acceptable, they were told *"the most viable approach would be to revert to your original consent for the rooflights."* The second email received on 31st March 2026 only arrived after the deadline had passed for revisions and close to the Planning Officer's recommendation being made. The offer made by the Senior Planning Officer to discuss the matter further at a later date, therefore, came too late to allow any revisions to be made to the current scheme.

6.11 The appellants felt frustrated by the application process and the lack of compromise offered by the Planning Officer. Although it is acknowledged that no significant material changes can be made at the appeal stage, they wish to appeal their submitted scheme as they do not believe sufficient consideration of the site context or the proposed design was made by the Planning Officer, prior to a decision to refuse being made.

Design, Character and Appearance

- 6.12 The appellants' architect has designed a high-quality roof dormer extension that will complement the appearance of the host property and will not detract from the character of the area as a whole, whilst also having no negative impact upon the amenity of neighbouring occupiers.
- 6.13 The existing property is a semi-detached dwelling, adjoining No. 24 to its western side, and neighbouring a detached house on its eastern side. It is part of a relatively new development, with parking spaces to the front and a lawned garden to the rear. To the rear, the appeal plot abuts the gardens of a detached house at No. 30 Readwin Crescent, and a semi-detached house at No. 32.



Appeal Property – Existing Front Elevation

- 6.14 As previously detailed, the proposal includes two small conservation-style rooflights, upon the main front roofslope, which will measure 0.78m by 0.98m. The principle for these rooflights to be acceptable has already been established due to the approval of planning application reference 221678 for 'Householder application for the proposed insertion of 4 rooflights to facilitate the conversion of the loft into habitable space' on 27th July 2022.



Existing Front Elevation



Proposed Front Elevation

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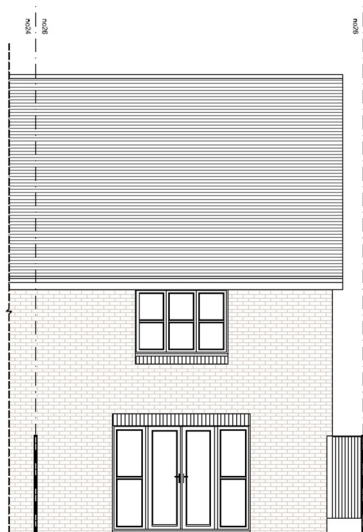
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- 6.15 The rear of the appeal property has not been extended, and this has a set of French doors with fixed window panels to each side, and above this, there is a large central window at first floor level, which serves the main bedroom and overlooks the surrounding gardens.



Existing Rear Elevation

- 6.16 The rear dormer will measure a maximum of 5.271m in width, 2.693m in height and 3.891m in depth. This will be set down 1.255m below the ridgeline, set up 0.716m above the eaves and set in 0.35m from the roof edge to each side. It will also be constructed from materials that match the finish and fenestration of the existing property.



Existing Rear Elevation

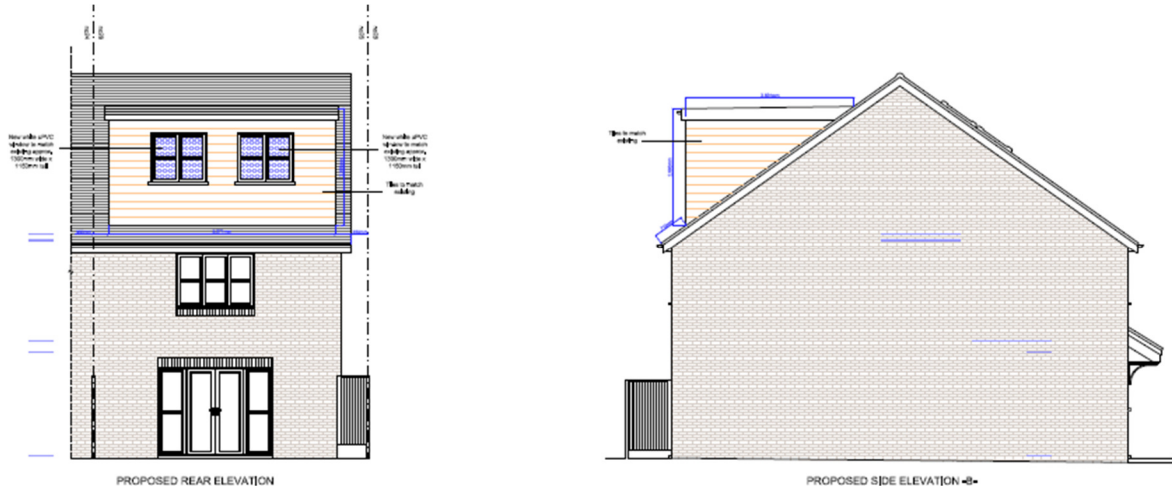


Proposed Rear Elevation

- 6.17 The windows of the proposed dormer are smaller than the first floor window below, and as such, they respect the vertical hierarchy of fenestration upon the rear elevation of the house. The proposed windows will serve a new bedroom within the converted loft space and are proposed on the plans as clear glazed, although the appellants would be willing to have the lower panes obscure glazed as a condition of approval if considered necessary.

- 6.18 The NPPF (2024) states, *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
- 6.19 The NPPF also notes within paragraph 135 that planning policies and decisions should ensure that developments will function well, are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.20 These aims are supported by the Core Strategy with Policy CP1 requiring developments to maintain or enhance the high quality of the environment, and Policy CP3 stating that proposals should be of an appropriate scale, mass, built form, height, materials and character to the area together with a high quality of design.
- 6.21 Wokingham Borough Council - Borough Design Guide SPD (2012) sets out a series of design principles that should inform all development proposals, although it also points out that ***“In certain cases, a different approach may be acceptable where proposals are of exceptional design quality.”***
- 6.22 Section 4 of the SPD states in relation to roof alterations and dormer windows that:
- *The eaves and/ or ridge heights of a property should not be raised in height unless buildings in the local context are significantly taller.*
 - *Loft conversions and dormer windows should not project above the existing ridge line.*
 - *Dormer windows should generally be positioned within the main roof, by being set back from both eaves line and the sides of the roof. Dormers should relate to the design of the existing building in terms of roof form, materials, positioning and window proportions.*
- 6.23 The Residential Extensions and Alterations SPD (2018) also states that consideration should be given to the impact of the extension’s scale and character on neighbouring dwellings and the street; with the character and established form of development, the building line, the position of the house, separation between houses, roofscape and design, style and materials, all requiring due consideration.
- 6.24 The proposed dormer extension has therefore been carefully considered to ensure that the changes to the existing dwelling will enlarge the property, whilst still complementing its original architectural style and that of the nearest neighbouring properties, to ensure that there will be no harm to the character of the residential setting when viewed within the street scene.

- 6.25 The Planning Officer has assessed the proposed dormer and has stated that it would represent *“a substantial addition, extending across the majority of the rear roof slope.”* It has also been suggested that *“its flat-roofed form would appear bulky and box-like, resulting in a design that contrasts with the pitched roof of the host dwelling and the prevailing character of surrounding properties.”*



- 6.26 However, as illustrated above, the simple design of the rear dormer, together with its set down below the ridgeline, and set up from the eaves, will ensure that the dormer will appear in scale with the property and an unobtrusive addition when viewed from the rear. The dormer is smaller in scale than many granted under permitted development, and although it is conceded that this is not an option in this case, due to a condition removing these rights, this does not render all rear roof extensions unacceptable.
- 6.27 The use of matching materials will also assist in providing a roof extension which will not stand out as a dominating and overbearing feature, as stated in the reason for refusal.



View of the Appeal Site from Warren House Road to the East

- 6.28 The house is located at the end of a cul-de-sac, and it has been acknowledged that the proposed dormer *“would be positioned on the rear roof slope and, although visible from some parts of the public realm, it would not appear highly prominent within the street scene.”*

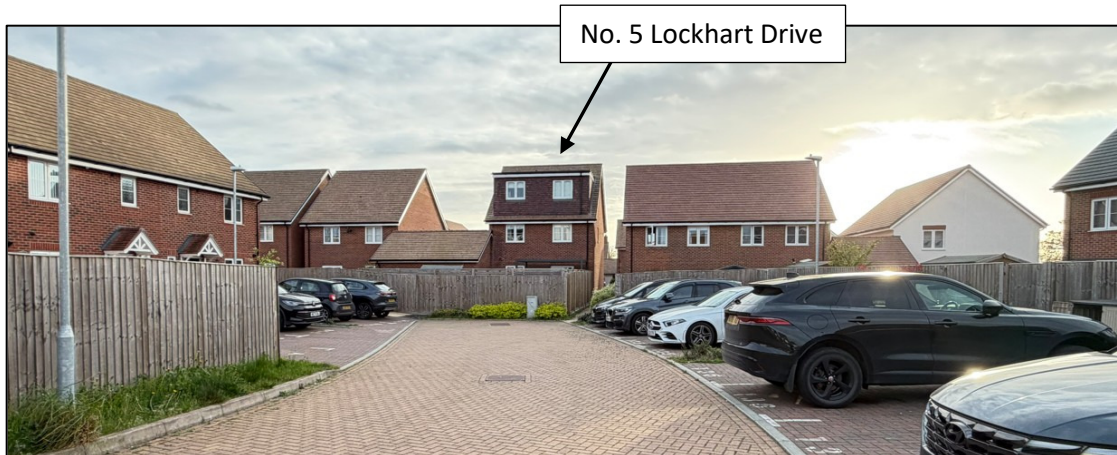
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- 6.29 Although the Planning Officer has claimed that *“This form of development is not characteristic of the immediate context”* there are several examples where new box-style rear dormers have been introduced in the locality, and on recently constructed houses, these are detailed as follows:

6.30 No.5 Lockhart Drive

Planning application reference 252119, for a ‘Householder application for the proposed loft conversion with 3no. rooflights and 1no. rear dormer’ was granted on 14th October 2025 (see **Appendix B**).



Dormer at No. 5 Lockhart Drive viewed from the Highway to the Rear

- 6.31 Although this dormer is much more visible within the public realm, the Planning Officer’s Report states that *“The proposed flat-roof rear dormer extension would be set down from the main ridge and inset from the eaves of the host property. The extension would therefore appear clearly subservient to the host dwelling, maintaining the dominance of the original roof form. Similar dormer extensions, albeit generally smaller in scale, are present elsewhere in the surrounding area, meaning the proposal would not appear visually out of place and overall, would not adversely impact the character of the area.”*
- 6.32 These comments contradict the Officer’s assessment of the proposal at No. 26 Lockhart Drive, and it is argued that the assessment of the similar style dormer ought to have also been considered acceptable in terms of its position on the roofslope, design and scale.
- 6.33 Furthermore, in terms of loss of light and overbearing impact, the Planning Officer’s assessment of the dormer at No. 5 Lockhart Drive states that *“The proposed extension would be suitably located and of modest proportions not to pose any unreasonable concerns of overbearing or loss of light impacts.”*
- 6.34 Whilst it is conceded that the relationship between houses is different in the above case, the modest proportions of the dormer are highlighted, and this aspect is comparable to the appeal proposal, with the similar dormer at No.5 considered acceptable in terms of its style, scale and visual impact on the residential setting.

6.35 No.74 Oak Avenue

Planning application reference 250686 for a 'Householder application for the proposed loft conversion into habitable accommodation, including the installation of a rear dormer and the installation of roof lights' was granted on 14th May 2025 (see **Appendix C**).



6.36 Although this dormer has a different design and faces towards a flank elevation of the neighbouring dwelling, it is prominent and visible from the neighbouring properties, occupying a prominent position, where it can be seen from the public highway and on approach to the adjacent houses



Approved Dormer at No. 74 Oak Avenue

6.37 The Planning Officer's assessment of this development notes *"The proposal is clearly subservient to the host property and the use of matching materials would enable the proposal to integrate with the character of the existing property. As a result, the proposal would not adversely impact the character of the area"*. The dormer addition at No. 74 Oak Avenue was therefore accepted as part of the built environment, where other dormer additions have been allowed. As such, the more discrete extension proposed at No. 26 Lockhart Drive, ought to also be considered acceptable.

6.38 No.6 Wheeler Avenue

Planning application reference 200550, for a 'Householder application for proposed erection of a part single part two storey side/rear extension including the insertion of 1no. roof light, proposed conversion of existing loft space to provide habitable accommodation including the erection of 1no. front roof dormer and 1no. rear roof dormer, plus changes to fenestration' was granted on 14th July 2020 (see **Appendix D**).

- 6.39 This application granted a much larger dormer than that proposed at No. 26 Lockhart Drive, as illustrated below. Whilst the rear dormer was described within the Officer's Report as "significant in bulk", it was considered acceptable, even though it would be clearly seen from Culver Grove to the south.

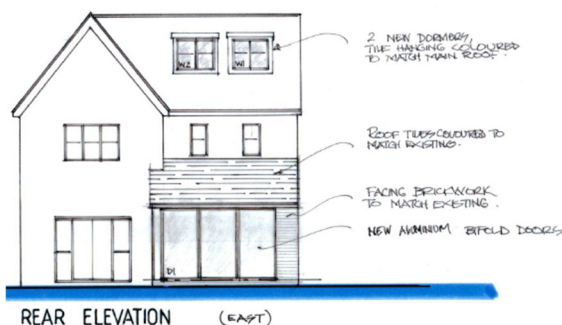


Approved Plans at No. 6 Wheeler Avenue

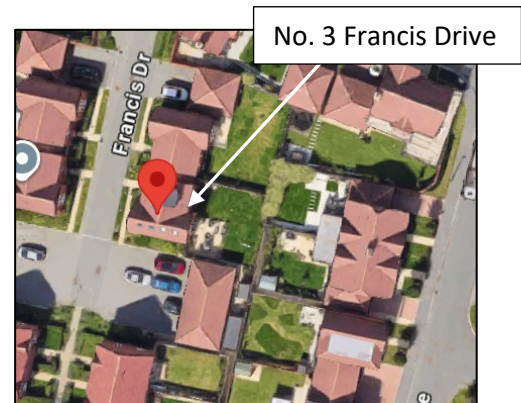


6.40 No.3 Francis Drive

Planning application reference 212882, for a 'Householder application for the proposed erection of a single storey rear extension, plus loft conversion to create habitable accommodation, including the insertion of 2no. dormers and 3no. roof lights' was granted on 15th October 2021 (see **Appendix E**).



Approved Dormer at No. 3 Francis Drive



- 6.41 The Officer's Report for the approved application at No. 3 Francis Drive states "The council's Borough Design Guide (BDG) sets out required separation distances in order to protect neighbouring resident's from overlooking. Where back to back relationships occur between properties, it is advised that a 22 metre minimum gap is required. Neighbours at No.3 Eldridge Avenue have raised an objection on the grounds of overlooking into the rear garden space. **The proposed dormer windows are approximately 21 metres from the rearmost wall of No. 3 Eldridge Avenue, which is slightly below the recommended separation distance outlined in the BDG. However, the application property and the neighbouring properties currently have a degree of overlooking into each others private rear gardens. Therefore, on balance, it is not considered that the impact of a shortfall of just 1 metre would be harmful over and above the existing overlooking situation in a way which would substantiate a reason to refuse this application.**"

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- 6.42 Furthermore, it was considered that *“The views offered from the proposed fenestration on rear elevation would be similar to that shared from the existing arrangement. It is acknowledged these windows would offer slightly elevated views into the rear garden of No.3 Eldridge Avenue and adjacent neighbouring properties, however, it would not exacerbate the current overlooking situation to a degree that would be significantly detrimental.”*
- 6.43 The above comments confirm that dormer roof extensions can be added to properties and that the recommended distances do not need to be applied in every case. There is a shortfall in the separation gap and no harm is considered to occur in regard to overlooking or overbearing impact on neighbouring amenities. Given this decision, it is argued that there is no justification for the refusal on the same grounds at No. 26 Lockhart Drive.
- 6.44 Although it is acknowledged that each development must be assessed on its own merits, the approval of larger and/or more prominent rear dormers ought to be given some weight in the decision-making process for the addition of a rear dormer at No. 26 Lockhart Drive.
- 6.45 Despite the Planning Officer’s negative comments in their assessment of the proposed dormer at the appeal property, which contrast starkly with the assessment of other similar developments in the locality, the Officer’s Report ultimately concedes that ***“Overall, the proposal would not have a detrimental impact on the character and appearance of the area.”***

Impact on Neighbouring Amenity

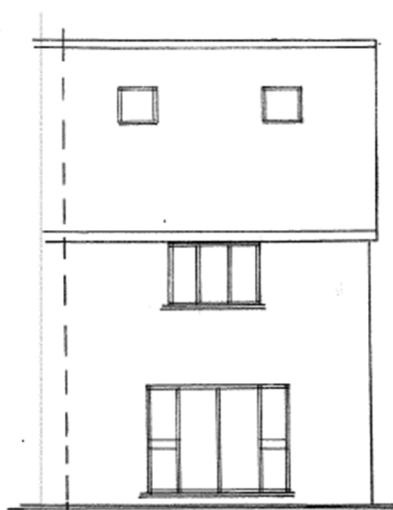
- 6.46 The NPPF (2024) states in paragraph 135 that planning policies and decisions should ensure that developments create a high standard of amenity for existing and future users. These objectives are shared by the aims of Core Strategy Policy CP3, which states that development proposals should not result in a detriment to the amenities of adjoining land users, including open spaces or occupiers and their quality of life.
- 6.47 The Council has raised no issues in regard to the nearest neighbouring properties on Lockhart Drive, which are the attached semi-detached dwelling at No. 24, and the detached house at No. 28.
- 6.48 However, the reason for refusal states that *“The proposed flat-roof rear dormer window would unacceptably overlook the rear elevations and gardens of Nos. 30 and 32 Readwin Crescent and would appear as a dominating and overbearing feature to the detriment of the occupiers’ privacy and amenity.”*
- 6.49 In regard to overlooking, it has been noted that the proposed rear dormer windows would be sited approximately 22.5m from the rear elevation of the neighbouring dwelling at No. 32 Readwin Crescent. As such, it has been stated that this would fail to meet Section R16 of the Borough Design Guide, which provides guidelines for the separation distances for new developments.

- 6.50 The Planning Officer has quoted that guidelines within Figure 4.25 of the SPD, which state that the back-to-back separation distance to maintain privacy and limit the sense of enclosure for houses over 2 storeys is a minimum of 26m. However, a caution is mentioned next to the table in Figure 4.25, which states *“Schemes in more urban settings or with a more intimate character will often require a tighter, more compact layout.”*
- 6.51 Furthermore, Section R16 appears to refer to standards for new housing, whereas paragraph 4.7 of the SPD notes *“The Council’s minimum distance of 22m is a generally accepted guideline for there to be no overlooking or material loss of privacy between the rear of two buildings that directly face one another. Across a street, the Council’s minimum distance of 10m is an accepted guideline for the distance to provide sufficient privacy. **These distances will generally be considered adequate for the relationships within new developments but may not be appropriate in relation to existing properties.**”* The SPD goes on to state that *“Character, privacy and provision of external space need to be considered together in the design process. The layout and design solution must balance these requirements to come up with an appropriate response to the specific site and its local context, whilst ensuring a good quality of life for residents.”*
- 6.52 The same logic should therefore be applied to existing properties over 2 storeys, and it is argued that some leeway can be given to the addition of a dormer to a two storey dwelling, in comparison to a property having a whole additional third storey, with Figure 4.25 clearly stating that *“Character and context will also be relevant to the approach in any specific case.”*
- 6.53 The dormer will be set well back upon the roofslope, and its windows are smaller than that at first floor level, which already provides a view towards the rear of Nos. 30 and 32 Readwin Crescent.
- 6.54 The separation distance, although slightly less than recommended, was previously considered acceptable for the introduction of rear rooflights, as the Planning Officer’s Report stated regarding the approval of application 221678, that *“The new rear roof windows would be positioned approximately 24.1 metres from the front elevation of no.32 Readwin Crescent which is slightly below the recommended 26 metre separation distance outlined in the BDG. **However, the application site and the neighbouring properties currently have a degree of overlooking into each other’s private rear gardens. Therefore, on balance, it is not considered that the impact of a 2 metre shortfall would be harmful over and above the existing overlooking situation in a way which would substantiate a reason to refuse this application.**”*
- 6.55 The existing view from the first floor window of No. 26 Lockhart Drive is pictured below, and this demonstrates that the outlook provided from the proposed bedroom dormer window will not add significantly to the level of overlooking already provided.



View from the First Floor Rear Window of the Appeal Dwelling

- 6.56 Mutual overlooking already occurs between all the nearest neighbouring houses, and given that the rear-to-rear separation distance between the existing dwellings is only marginally short of the guidance, it is argued that the privacy levels will not be significantly altered, and a sense of enclosure, which the guidelines seek to avoid, will not be created.
- 6.57 The appellants have been advised that the vertical windows of the dormer would provide a clear outlook than the previously approved rooflights to the rear roofslope, which also served a bedroom. If the Inspector agrees with the Council in this regard and finds the level of outlook unacceptable, then it is requested that the lower section of the windows be frosted to prevent direct views, whilst still affording a similar view to the approved rooflights, as illustrated below. This could be added as a condition of approval.

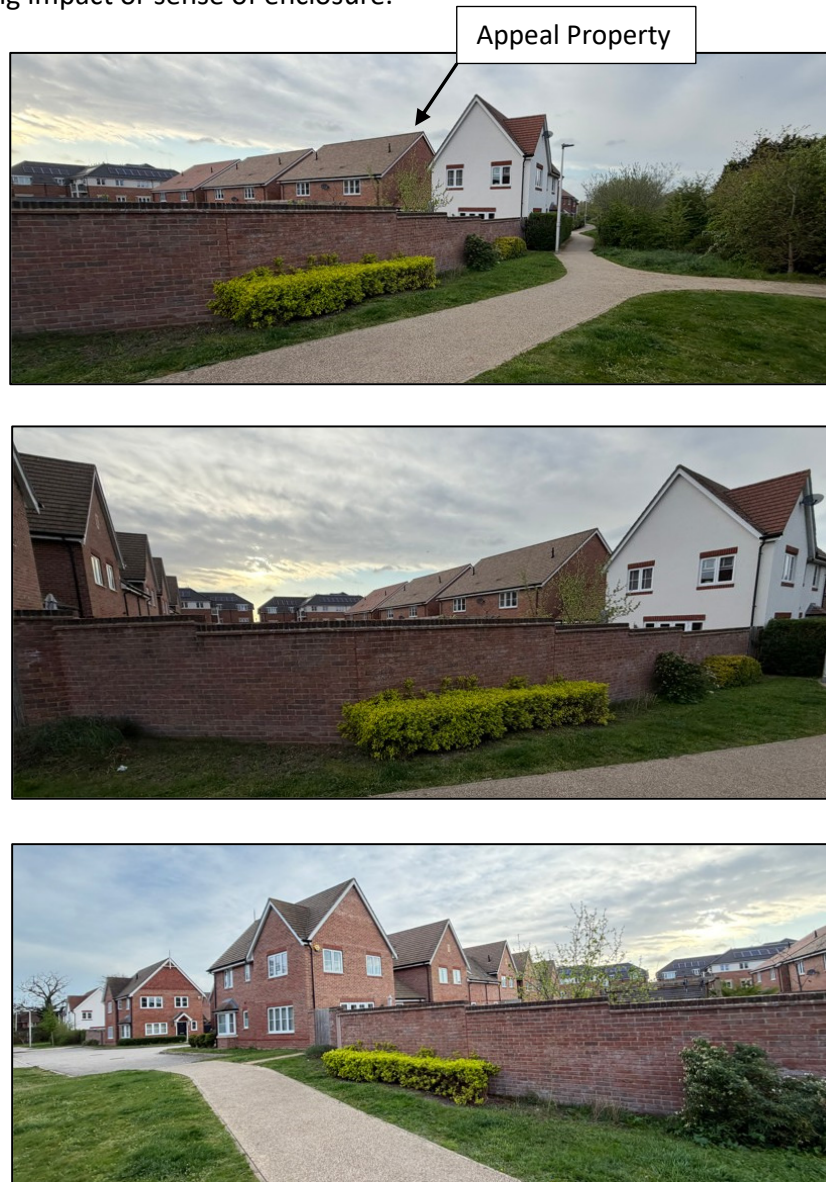


Previously Approved Rear Rooflights



Proposed Rear Elevation

- 6.58 Alternatively, all the window panes could be frosted, and two rooflights could be added upon the flat roof of the dormer, to re-provide a level of outlook, without any views towards the neighbouring dwellings. It is hoped that these options could be considered as part of this appeal, as they would protect the amenity of the neighbouring properties, without significantly or materially changing the development.
- 6.59 The images below show the relationship between the appeal property and the houses to the rear and demonstrate how the gap between dwellings is substantial enough to allow a dormer to be added to the roofslope of the appeal property without causing an overbearing impact or sense of enclosure.



Images taken from the Pathway adjacent to the Dwellings

- 6.60 The images above show that the high rear gables of properties along Readwin Crescent are much more imposing than the dual pitched roofs of the semi-detached houses on Lockhart Drive, and if allowed, the proposed rear dormer could not be considered to create a sense of enclosure towards these houses, which have taller gabled rear elevations

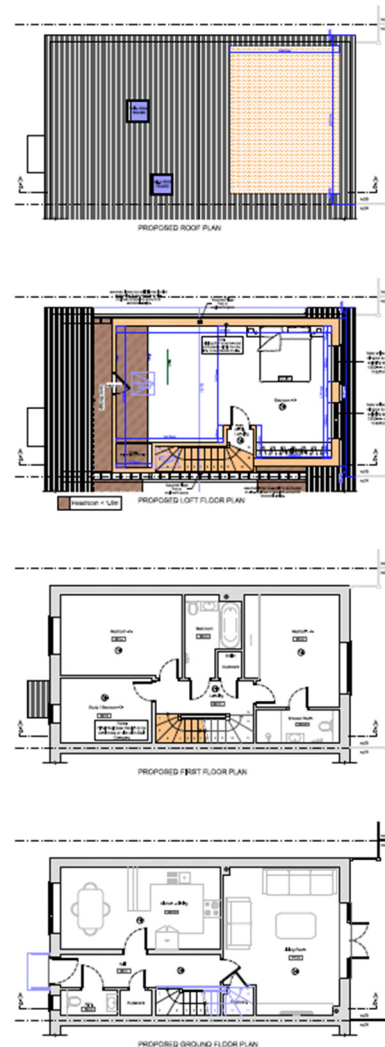
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- 6.61 This point is confirmed by the Planning Officer's assessment that *"The proposed erection of rear dormers and rooflights does not increase the roof height or massing. As such, there is no detrimental material loss of light."*
- 6.62 Overall, it is therefore asserted that the addition of a subservient rear roof dormer will not result in unacceptable overlooking of the rear elevations or gardens of Nos. 30 and 32 Readwin Crescent, over and above the existing situation. Furthermore, the dormer will not appear as a dominating or overbearing feature to the detriment of the occupiers' privacy or amenity. As such, the proposal achieves the aims of Policies CP1 and CP3 of the Core Strategy and Section 12 of the National Planning Policy Framework. In regard to the SPD guidance, this clearly states that site context needs to be taken into consideration, and it is argued that in this case, a rear dormer can be added without harming the amenities of the neighbours at Nos. 30 and 32 Readwin Crescent.

Amenity Space

- 6.63 The proposed dormer and rooflights would not adversely harm the usability of the site's rear amenity space for the current and future occupiers.
- 6.64 If granted, the proposal will, however, vastly increase amenity levels within the modest appeal property, by providing an essential additional bedroom for the appellants' growing family in an affordable manner.
- 6.65 It is not economically viable for the family to buy a larger home in this area, and extending the property is the only solution which will provide them enough bedroom space, while allowing them to remain in an area where they are settled.



Proposed Floor & Roof Plans

7.0 CONCLUSION

- 7.1 Having regard to the previous points, it would appear to be overly cautious for the Council to suggest that the proposed flat-roof rear dormer window would unacceptably overlook the rear elevations and gardens of Nos. 30 and 32 Readwin Crescent, and would appear as a dominating and overbearing feature to the detriment of the occupiers' privacy and amenity.
- 7.2 It is asserted that the rear dormer, due to its position, scale and design, together with its matching materials, would represent a subservient addition to the dwelling, which will be in proportion to the host property and its roofslope.
- 7.3 The rear dormer is modest in height, and its set down below the ridgeline, set up from the eaves and set in from the roof edge, all ensure that it will sit comfortably upon the rear roofslope and will not result in a dominant feature upon the property, as claimed by the Council.
- 7.4 Although the separation distance from the neighbouring houses to the rear falls slightly short of the SPD guidelines, these are just recommendations, and the SPD states that the context of the site should also be taken into consideration. The proposal is not a new dwelling, and dormer additions have been allowed upon other recently constructed houses. Moreover, the level of mutual overlooking which already exists between properties will not be significantly increased by the proposed dormer, and this could not be considered an overbearing feature when the houses to the rear feature taller and more imposing rear gables.
- 7.5 Options to change the fenestration have been proposed, such as adding frosting to the lower half of the dormer windows, or obscuring the windows completely, and installing rooflights within the flat roof of the dormer to omit all overlooking; as options which could be secured via condition, if the Inspector agrees with the Council regarding overlooking.
- 7.6 The NPPF (2024) retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would significantly and demonstrably outweigh the benefits. In this case we do not believe that the Council have a clear or logical justification to insist upon the refusal of the roof extension, as the overall development will not harm the character and appearance of the existing dwelling, the neighbouring properties, or the street scene and would not cause harm to the living conditions of neighbouring residents; whilst increasing residential amenity for current and future occupants of the appeal dwelling.
- 7.6 The NPPF also states that decision-takers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. For the above reasons, it is politely requested that this appeal be allowed.