www.slough.gov.uk

Slough Borough Council

Growing a place of opportunity and ambition

Date of issue: Tuesday, 21 May 2019

MEETING	**PLANNING COMMITTEE** (Councillors Dar (Chair), M Holledge, Davis, Gahir, Mann, Minhas, Plenty, Sabah and Smith)
DATE AND TIME:	WEDNESDAY, 29TH MAY, 2019 AT 6.30 PM
VENUE:	VENUS SUITE 2, ST MARTINS PLACE, 51 BATH ROAD, SLOUGH, BERKSHIRE, SL1 3UF
DEMOCRATIC SERVICES OFFICER: **(for all enquiries)**	NICHOLAS PONTONE 01753 875120

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.

JOSIE WRAGG
Chief Executive

AGENDA

PART 1

AGENDA ITEM	REPORT TITLE	PAGE	WARD
APOLOGIES FOR ABSENCE			
CONSTITUTIONAL MATTERS			
1.	Declarations of Interest *All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 4 paragraph 4.6 of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.*		

sustainable forest

AGENDA ITEM	REPORT TITLE	PAGE	WARD
2.	Guidance on Predetermination/Predisposition - To Note	1 - 2	-
3.	Minutes of the Last Meeting held on 24th April 2019	3 - 8	-
4.	Human Rights Act Statement - To Note	9 - 10	-
PLANNING APPLICATIONS			
5.	P/04144/009 - Land north of Norway Drive, Slough, SL2 5QP *Recommendation: To extend the deadline of the delegation to the Planning Manager to 30th September 2019.*	11 - 14	Wexham Lea
MATTERS FOR INFORMATION			
6.	Planning Appeal Decisions	15 - 22	-
7.	Members Attendance Record	23 - 24	-
8.	Date of Next Meeting - 3rd July 2019	-	-

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Please contact the Democratic Services Officer shown above for further details.

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees.
This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

This page is intentionally left blank

Planning Committee – Meeting held on Wednesday, 24th April, 2019.

Present:- Councillors Dar (Chair), M Holledge (Vice-Chair), R Bains, Carter, Cheema, Minhas, Plenty and Smith

Apologies for Absence:- Councillor Rasib

PART I

130. Declarations of Interest

Agenda tem 5: P/10734/006, Freestone Yard, Park Street, Colnbrook – Councillor Smith declared that the application was in his ward and that he was a member of Colnbrook with Poyle Parish Council. The Parish Council had discussed the application but Councillor Smith had absented himself during such times and would consider the application with an open mind.

Agenda tem 5: P/10734/006, Freestone Yard, Park Street, Colnbrook – Councillor Cheema declared that the application was in her ward.

131. Guidance on Predetermination/Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

132. Minutes of the Last Meeting held on 20th March 2019

Resolved – That the minutes of the meeting held on 20th March 2019 be approved as a correct record.

133. Human Rights Act Statement - To Note

The Human Rights Act Statement was noted.

134. Planning Applications

No amendment sheet was tabled at the meeting.

Oral representations were made to the Committee under the Public Participation Scheme in respect of item 5: P/10734/006, Freestone Yard, Park Street, Colnbrook. The agent addressed the Committee.

Resolved – That the decisions taken in respect of the planning applications as set out in the minutes below, subject to the information, including conditions and informatives set out in the report of the Planning Manager and subject to any further amendments and conditions agreed by the Committee.

135. P/10734/006 - Freestone Yard, Park Street, Colnbrook, SL3 0HT

Application	Decision
Construction of 16 residential units comprising the conversion of two commercial buildings and the erection of a new building, together with ancillary car parking, landscaping, tree works and vehicular and pedestrian access from Park Street (as approved by OUTLINE application P/10734/004)	Delegated to the Planning Manager for approval, subject to the completion of a satisfactory S106 Agreement and conditions by 24th October 2019 (unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee).

136. P/00669/015 - Forward Building, 44-46, Windsor Road, Slough, SL1 2EJ

Application	Decision
Change of use of building to a mixed use of Class C3 residential use to provide 6 no. 1 bedroom units and 4 no. 2 bedroom units, and three ground floor units for flexible commercial use (Use Classes A1, A2, B1(a)). Side infill extension at ground floor level, the creation of terraces to the front and rear at 2nd floor, the provision of balconies on the side elevation, and fenestration changes with associated landscaping.	Delegated to the Planning Manager for approval subject to the satisfactory completion of a S106 Agreement by 31st July 2019 (unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee), finalising conditions and any other minor changes.

137. P/00669/016 - Forward Building, 44-46, Windsor Road, Slough, SL1 2EJ

Application	Decision
The addition of a fourth floor, side infill extension at ground floor level, façade improvements, new window openings, balconies and terraces to facilitate the change of use to Class C3 residential use to provide 9 no. 1 bedroom units and 5 no. 2 bedroom units, and the retention and use of three ground floor units for flexible commercial use (Use Classes A1, A2, B1(a)).	Delegated to the Planning Manager for approval subject to the satisfactory completion of a S106 Agreement by 31st July 2019 (unless otherwise agreed by the Planning Manager in consultation with the chair of the Planning Committee), finalising conditions and any other minor changes.

138. Horlicks Factory, Stoke Poges Lane, Slough

The Committee received a pre-application presentation on the proposals for the Horlicks Factory, Stoke Poges Lane, Slough. The protocol relating to pre-application presentations was tabled to remind Members of the purpose, scope and format of the discussion.

The pre-application presentation was given by representatives of the applicant, Berkeley Homes. The proposal was to submit a hybrid planning application for up to 1,300 residential units, café and retail facilities, a nursery, car and cycle parking and associated works. It was recognised that the factory was a landmark building with significant local interest and the detailed plans for the redevelopment, extension, access and landscaping were outlined. There had been a recent public consultation event and the applicant was considering the feedback.

Members were given the opportunity to ask a number of questions and made initial observations on the proposal. The following is a summary of key questions and issues raised:

- Design – Members welcomed the proposals to retain and enhance the factory, chimney and clocktower being retained in design proposals.

- Parking – concerns were expressed by several Members that the proposed 400 car parking spaces would not be sufficient. A risk of overspill to adjoining residential areas would need to be considered. The ambition to promote modal shift was recognised. These issues would need to be adequately addressed in the transport plans when the application was submitted.

- Ecology – Members emphasised the importance of maximising the ecological offer. Significant consideration had already been given to how this could be achieved.

- Water features – the proposed water features were welcomed, however it was emphasised that the design, maintenance and management would need to discourage vandalism and anti-social behaviour.

At the conclusion of the discussion, the presentation was noted.

Resolved – That the pre-application presentation be noted.

139. Update on the Review of the Local Plan for Slough 2016 - 2036 - Local Development Scheme and Housing Delivery Test

The Planning Policy Lead Officer introduced a report that updated Members about the results of the Housing Delivery Test which had been published by the Government and the need to public a new Local Development Scheme setting out the Local Plan timetable.

Significant progress had been made in producing the new Local Plan for Slough which would set out how major issues would be addressed including the development of the centre of Slough, accommodating growth at Heathrow and meeting unmet housing need in a proposed northern expansion of Slough. The Council was required to produce a timetable for the Plan which had to be published in a Local Development Scheme (LDS). Members were informed that the Plan could not be submitted and examined until after a decision had been made on the Third Runway Development Consent Order. The delay would not mean that progress could not be made on bringing forward development but it would mean the policies would not be in place to stop some inappropriate development in the meantime.

The Committee was updated on the recently published results of the Housing Delivery Test. A Member highlighted an anomaly in Table 1 and this was noted. The figures showed that Slough had met 86% of the housing needs over the last three years. Councils that supplied less than 95% were deemed by the Ministry of Housing, Communities and Local Government to have failed the test and the Council would therefore be required to produce an Action Plan. It was expected this would be brought to the Committee in July 2019.

Members were also informed about the changes the Government had made to the way the Five Year Land Supply was calculated. At the time of the last report to Committee in August 2018 the evidence showed there was a 6.52 years supply of housing. Work was being undertaken to establish how many houses had been built in 2018/19 to inform the new calculation, but in the meantime Members were asked to note that Slough may no longer have a Five Year Land Supply which would need to be taken into account when determining planning applications.

The Committee noted the report and agreed that the draft Local Development Scheme be published on the Council's website.

Resolved –

(a) That the result of the Housing Delivery Test be noted and that an Action Plan be prepared.

(b) That the draft Local Development Scheme as at Appendix 1 to the report be approved for publication on the Council's website.

140. Planning Appeal Decisions

Details of recent planning appeal decisions were outlined for Members information.

Resolved – That details of the Planning Appeal Decisions be noted.

141. Members' Attendance Record

Resolved – That the Members' Attendance Record be noted.

142. Date of Next Meeting - 29th May 2019

The date of the next meeting was confirmed as 29th May 2019.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.42 pm)

This page is intentionally left blank

Human Rights Act Statement

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain expectations, be directly unlawful for a public authority to act in a way which is incompatible with a Convention Right. In particular Article 8 (Respect for Private and Family Life) and Article 1 of Protocol 1 (Peaceful Enjoyment of Property) apply to planning decisions. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act 1998 will not be referred to in the Officers Report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

Please note the Ordnance Survey Maps for each of the planning applications are not to scale and measurements should not be taken from them. They are provided to show the location of the application sites.

CLU / CLUD	Certificate of Lawful Use / Development
GOSE	Government Office for the South East
HPSP	Head of Planning and Strategic Policy
HPPP	Head of Planning Policy & Projects
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order
LPA	Local Planning Authority

	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C2(a)	Secure Residential Institutions
C3	Dwellinghouse
C4	Houses in Multiple Occupation
D1	Non Residential Institutions
D2	Assembly & Leisure

	OFFICER ABBREVIATIONS
LM	Laurence Moore
DC	David Cooper
PS	Paul Stimpson
NR	Neetal Rajput
HA	Howard Albertini
JG	James Guthrie
SB	Sharon Belcher
IK	Ismat Kausar
CM	Christian Morrone
CL	Caroline Longman
NB	Neil Button
MS	Michael Scott

This page is intentionally left blank

Registration Date:	20-Jul-2018	Application No:	P/04144/009
Officer:	Howard Albertini	Ward:	Wexham Lea
Applicant:	N/A, Slough Urban Renewal	Application Type:	Major
		13 Week Date:	19 October 2018
Agent:	Kenya Hill, Indigo Planning Aldermary House, 10-15 Queen Street, London, EC4N 1TX		
Location:	Land north of Norway Drive, Slough, SL2 5QP		
Proposal:	Development comprising 24 residential dwellings (10 x 2 bed, 14 x 3 bed), along with private amenity space, garages, cycle and refuse storage, new access driveway and road, associated landscaping and enhanced open space		

Recommendation: Delegate to Planning Manager for approval

Number P/04144/009 Supplementary report

1.0 **SUMMARY OF RECOMMENDATION**

For Approval delegated to the Planning Manager or Refusal if Sec. 106 not completed.

PART A: BACKGROUND

2.0 **Proposal**

2.1 At its 5th December 2018 meeting the Planning Committee resolved as follows :

> Delegated to the Planning Manager for approval, subject to a S106 and conditions, or for refusal if the S106 was not completed by 4th June 2019.

2.2 Whilst Section 106 and planning condition matters have been progressing the Section 106 agreement may not be signed before the deadline referred to in the resolution above. Key principles are agreed but some matters are still being discussed at the time of writing. Planning Committee is therefore asked to set a new deadline of 30th September 2019.

2.3 An extension to the end of September is proposed to cover unforeseen matters arising. However based on current knowledge the 106 is expected to be completed in the next few weeks. It may be signed before the date of the Planning Committee.

2.4 Since the December Planning Committee officers reports now include, within the recommendation, provision for extensions to be granted through liaison between the Planning Manager and the Chair of the Committee. The recommendation below is in the new format and includes the proposed new date.

PART B: PLANNING APPRAISAL

3.0 **Appraisal**

3.1 The delay completing the agreement is a result of various matters some outside the control of the applicant and the Council. It is reasonable, in this case, for an extension of time to be granted. In the intervening period progress has been made on detail design matters that would otherwise have taken place after planning permission has been granted. The draft planning conditions will be settled by the date of the Committee excepting, possibly, any that overlap with unresolved 106 matters.

3.2 The main reasons for delay has been negotiation on and analysis of alternative options for highway access detail design, associated effect on parking and off site works. These have been more complex than expected and require detail survey and road safety audit to ensure the proposed design is safe and achievable at a reasonable cost.

3.3 In addition Parish Council land did not transfer to the Council on the 1st April 2019.

PART C: RECOMMENDATION

4.0 **Recommendation**

A) For **APPROVAL** subject to:-
1) the satisfactory completion of a Section 106 to secure the planning obligations set out in the meeting amendment sheet (item9) of the original Planning Committee Report, December 2018;

2) finalising conditions; and any other minor changes;

B) Refuse the application if the satisfactory completion of a Section 106 to secure the planning obligations set out in the meeting amendment sheet (item9) of the original Planning Committee Report, December 2018 is not finalised by 30th September 2019, unless otherwise agreed by the Planning Manager, in consultation with the Chair of Planning Committee.

This page is intentionally left blank

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 29th May 2019

WARD(S) All

PART I
FOR INFORMATION

Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

Ref	Appeal	Decision
P/16328/001	9, Ripley Close, Slough, SL3 7QH Retrospective application for a rear timber pergola structure. Lean-to timber pergola structure attached to the rear extension of the property. The Local Planning Authority (LPA) considered that the rear canopy was not in keeping with the character and appearance of the original dwelling house or the character of the area, and has an overbearing visual impact upon the outlook of occupiers of the adjoining properties at No.7 and 11 Ripley Close, causing a detrimental impact on the residential amenities of these neighbours. The planning inspector concluded that the structure was "only just" visible from Wilford Road, as boundary fences in the vicinity obscured the view; as such there was not considered to be an impact upon the street or wider area. Whilst it was acknowledged by the inspector that the structure extended the rear of the property beyond the local guidelines, the limited height and open sides would not significantly obscure the rear elevation and would not appear out of proportion with the house or neighbouring properties. The materials used were considered by the planning inspector to be acceptable in the context of a garden structure and in keeping with the existing white window and door frames. Due to the open structure, the planning inspector considered that the pergola did not impact upon neighbouring occupiers in terms of outlook or result in a visual intrusion.	Appeal Granted 9th April 2019

	The inspector approved the timber pergola, and did not impose planning conditions as the structure was complete.	
P/07649/003	135, St Pauls Avenue, Slough, SL2 5EN Construction of a first floor rear extension Planning permission was refused on 21st December 2018 for the proposed scheme, as having been extensively extended at ground floor level recently, so that almost the entire rear of the site is now covered by new building, it was considered that the addition of first floor extension across the width of the property was excessive and an overdevelopment of the property. The Council's Residential Extensions Guidelines set out that first floor rear extensions ought to not exceed 60% of the width of the original property. The proposals represented 100%. In the Council's view this would have affected the outlook from both adjoining neighbours' rear gardens, as well as being somewhat obvious in St John's Road. The Planning Inspector has considered these matters but concluded that the proposed design would reflect the style of the property and notwithstanding its width it would "harmonise with the host dwelling". Furthermore, they considered that the presence of a 2m gap on either side would overcome any sense of harm to the neighbours' amenities. As its depth "would not be excessive" and it "would not be dominant" in the street scene, the view from St Johns Road was not a concern for the Inspector. As such, the Inspector approved the extension, the construction of which was at the time of their site visit already underway. Accordingly, they imposed no condition on commencement within a time period and elected to impose no condition on the insertion of windows on the flanks in the future.	Appeal Granted 10th April 2019

Appeal Decision

Site visit made on 27 March 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2019

Appeal Ref: APP/J0350/D/19/3221339
9 Ripley Close, Slough, SL3 7QH

- 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 Chandrakant Singh against the decision of Slough Borough Council.
- The application Ref P/16328/001, dated 3 September 2018, was refused by notice dated 9 November 2018.

- The development proposed is erection of lean to timber pergola structure with clear sheet covering.

Decision

1. The appeal is allowed and planning permission is granted for a lean to timber pergola structure with clear sheet covering at 9 Ripley Close, Slough, SL3 7QH in accordance with the terms of the application, Ref P/16328/001, dated 3 September 2018, and the plans submitted with it.

Procedural matter

2. The Council refers to the effect on occupiers of Nos 7 and 11 Ripley Close in its decision notice. However, the adjacent dwellings are Nos 8 and 10. It is clear from the evidence that it is these dwellings to which the Council is referring. I have therefore used the correct numbering in my decision

Main Issues

3. There are two main issues. Firstly, the effect of the proposed structure on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed structure on the living conditions of occupiers at Nos 8 and 10 Ripley Close with respect to outlook and visual impact.

Reasons

4. The appeal dwelling is a modest, mid-terraced house of modern design. It has a single storey extension to the rear, some 3m in depth. The proposed covered pergola has been erected. It occupies almost the full width of the plot and lies immediately behind the single storey extension. It is supported on stout wooden posts which have been painted white and has a flat, polycarbonate roof which sits at the height of the eaves of the single storey extension. Although it can be

---

seen from Wilford Road this is across several gardens and it is only just visible above the boundary fences. If allowed to remain it would therefore have no material effect on the character or appearance of the street or wider area.

5. Although clearly visible from the garden of the appeal dwelling, its limited height and open structure means that the pergola would not significantly obscure the rear elevation of the dwelling. Neither would it compete with its simple architecture or read as a conventional extension. Therefore, despite the overall depth of rear additions which clearly exceed the guidelines set out in the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD), 2010, the dwelling would not appear out of proportion in itself or with neighbouring properties. In addition, the plot would not appear unduly cramped, with an adequate section of open grass remaining. The Council considers the materials to be out of keeping but they would be appropriate in the context of a garden structure and the white painted posts complement the white window and door frames in the dwelling.

6. It is therefore concluded on the first main issue that the proposed structure would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, there would be no conflict with Policies EN1, EN2 or H15 of The Local Plan for Slough (LP), 2004, Core Policy 8 of the Core Strategy 2006-2026 (CS), 2008 or the National Planning Policy Framework (NPPF) insofar as they expect residential extensions

to be of a high quality design such that they are compatible with the original building and their surroundings.

7. Turning to the effect on living conditions, both neighbours have an open outlook over their own gardens which would not alter. No 10 has a single storey rear extension with central patio doors. The close boarded boundary fence is topped by a section of trellis which is only marginally lower than the proposed structure and extends beyond it. Therefore the proposed structure would have no material effect on outlook from the ground floor windows. It would be more visible from first floor but would not be intrusive or overbearing in terms of outlook.

8. No 8 has no rear extension but is separated from the appeal dwelling at ground floor by an alley which provides rear access for both properties. The proposed open structure, whilst visible, would therefore be sufficiently well separated from ground floor windows in that dwelling such that it would not materially impinge on outlook or result in any significant visual intrusion. It would be visible from first floor windows but, as at No 10, it would not be intrusive or overbearing.

9. It is concluded on the second main issue that the proposed structure would have no materially harmful effect on the living conditions of occupiers of Nos 8 and 10 Ripley Close with respect to outlook and visual impact. In consequence, there would be no conflict with LP Policies EN1, EN2 or H15, CS Core Policy 8, the NPPF or the SPD insofar as they expect residential extensions to have no significant adverse effect on the amenity of adjoining occupiers.

10. The Council draws my attention to another appeal decision relating to a single storey canopy (APP/J0350/D/17/3190297). Whilst I do not have full details of that case, it appears to relate to a materially different dwelling and a structure with a different relationship with both the host and neighbouring dwellings, especially in terms of outlook and visual impact. The two cases are not therefore readily comparable. Moreover, I have considered the current appeal on its own merits in the context of local and national policy.

11. The appeal structure has been completed. It is therefore unnecessary for me to impose planning conditions. The Council suggests a condition requiring the structure to be kept open. I have no evidence that enclosure is contemplated but this would, in any case, result in a material change to the appeal proposal that would need to be considered by the Council if it occurred.

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

K E Down
INSPECTOR

Appeal Decision

Site visit made on 27 March 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Appeal Ref: APP/J0350/D/19/3221198
135 St Pauls Avenue, Slough, SL2 5EN

- 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 Vaseem Shah against the decision of Slough Borough Council.
- The application Ref P/07649/003, dated 26 October 2018, was refused by notice dated 21 December 2018.
- The development proposed is erection of a first floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 135 St Pauls Avenue, Slough, SL2 5EN in accordance with the terms of the application, Ref P/07649/003, dated 26 October 2018, subject to the following conditions:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Block plan, SHAH/PLAN/001, SHAH/PLAN/002.

   2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. There is one main issue which is the effect of the proposed first floor rear extension on the character and appearance of the host dwelling and the surrounding area.

Procedural matter

3. Submitted plan ref SHAH/PLAN/002 (floor plans) shows a new window in the flank elevation of the existing dwelling serving an existing rear bedroom. This is not shown in the elevation on plan SHAH/PLAN/001(elevations). The Council does not object to this window. For the avoidance of doubt, I confirm that I have had regard to the proposed window and, notwithstanding the lack of an elevation drawing, find it satisfactory because it would face a blank side wall in No 133 and would be substantially screened from the wider area.

Reasons

4. The proposed dwelling is a detached house which lies in a row of similar houses. It has a relatively narrow and deep footprint, a pitched roof with central ridge line and semi-hips to front and rear. The original front and first floor rear elevations have characteristic symmetry. At ground floor an 8m deep single storey extension has been constructed across the full width of the rear elevation. The extension almost doubles the depth of the dwelling and this, coupled with the modest width of the rear elevation, results in an unbalanced appearance.

5. The proposed first floor rear extension would be some 3m deep and sit above the single storey addition. Its scale would be clearly subordinate to the host dwelling. It would respect the original form of the house by replicating the existing hipped roof and symmetrical arrangement of windows. This would result in a sympathetic design, notwithstanding that it would occupy the full width of the rear and the roofline would continue the existing ridge. Overall it would harmonise with the host dwelling and improve the balance between ground and first floors. The proposed extension would be clearly visible from St Johns Road. Nevertheless, its depth would not be excessive or dominate the street scene and it would therefore have a satisfactory effect on the appearance of the wider area.

6. Although the extension would occupy the full width of the rear elevation and sit on the boundary between the appeal dwelling and No 137, there would be a separation of some 2m between the two buildings which would be sufficient to ensure the proposed extension was not visually intrusive when seen from this dwelling. Likewise, a gap of some 2m between the extension and the boundary with No 133 would ensure a satisfactory visual relationship with that property.

7. The Council refers to its Supplementary Planning Document "Residential Extensions Guidelines", 2010, and the need for first floor extensions to be set back from boundaries. However, in this case it is not suggested that the proposed extension would contravene either the guidelines on depth or the 45º code and I therefore consider that the layout would be acceptable.

8. It is concluded on the main issue that the proposed extension would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, it would comply with Policies EN1, EN2 and H15 of the Local Plan for Slough, 2004, Core Policy 8 of the Core Strategy 2006-2026, 2008, and the National Planning Policy Framework insofar as they expect residential extensions to be of a high quality design such that they are compatible with the original building and their surroundings.

9. A neighbouring occupier at 143 St Johns Road raises concerns about privacy and overshadowing. However, the concerns appear to relate to a detached outbuilding that has been constructed at the rear of the appeal plot. I am satisfied that the proposed extension the subject of this appeal would have no materially harmful effect on the living conditions of occupiers at this property.

10. The proposed extension has been commenced. There is thus no need for a statutory commencement condition. However, as it remains incomplete I agree with the Council that conditions requiring it to be constructed in accordance with the approved plans and using materials which match the host dwelling are

necessary to protect the character and appearance of the dwelling and the surrounding area. I do not consider it necessary to withdraw permitted development rights for additional windows since any such windows would be subject to the conditions set out in the Town and Country Planning (General Permitted Development) Order 2015 and this would protect the living conditions of neighbouring occupiers.

11. For the reasons set out above and having regard to all other matters raised, including similar extensions to similar dwellings in the street, I conclude that the appeal should be allowed.

K E Down
INSPECTOR

This page is intentionally left blank

MEMBERS' ATTENDANCE RECORD 2019/20
PLANNING COMMITTEE

COUNCILLOR	29/5	3/7	31/7	4/9	2/10	6/11	4/12	15/1	19/2	18/3	22/4
Dar											
Davis											
M. Holledge											
Gahir											
Mann											
Minhas											
Plenty											
Sabah											
Smith											

P = Present for whole meeting
Ap = Apologies given
P* = Present for part of meeting
Ab = Absent, no apologies given

This page is intentionally left blank