

# **SLOUGH BOROUGH COUNCIL**

**REPORT TO: PLANNING COMMITTEE**

**DATE: 2<sup>nd</sup> August 2011**

## **PART 1** **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.*

**WARD(S) ALL**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/01916/001	<p>85 Alderbury Avenue</p> <p>ERECTION OF ATTACHED 2 STOREY 3 BEDROOM DWELLING AND WITH PITCHED ROOF AND PART SINGLE STOREY / PART TWO STOREY REAR EXTENSION WITH FLAT / PITCHED ROOF TO EXISTING DWELLING</p> <p>The proposed dwelling would substantially infill the open break that exists between Nos. 83 and 85 Alderbury Road leading to enclosure of that gap. Open breaks give visual relief in an otherwise densely built up area and is a characteristic of this street scene and as such the proposals would detract from the character and appearance of the general street scene contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policies EN1 of The Adopted Local Plan for Sough: 2004.</p> <p>The proposed dwelling would be of a form and design that would be out of keeping with the established character of the local area and would detract from the character and appearance of the general street scene contrary to Planning Policy Statement 1, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 and Policies EN1 of The Adopted Local Plan for Sough: 2004.</p> <p>The proposed access is at a point where pedestrian visibility is substandard, is inadequate in terms of its width and alignment and does not comply with the Slough Borough Council's Vehicular Footway Crossing Policy which would lead to danger and inconvenience to people using it and to highway users in general. The development is contrary to Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008.</p>	<p><b>Appeal allowed subject to conditions</b></p> <p><b>7<sup>th</sup> June 2011</b></p>

The Inspector concluded that:

*“I do not share the Council's opinion as to the significance or value of the gap. Within the street scene, it plays no integral townscape role, is used predominantly for servicing the vehicular requirements of the dwellings it serves, and the hedge enclosing it to the rear curtails any meaningful through views. Moreover, this part of Alderbury Road is characterised by development which has impinged on gaps, without causing undue harm. The narrowing of this particular gap to create a new dwelling, in my view, would make very little difference to the character and appearance of this part of the street as a whole.”*

*“The Council dislike the proposed design because, unlike most other houses locally, the main entrance doors would be placed in the front elevations, and the window design is alleged to be different. In my view, however, the overall design of the front elevation reflects that of the other dwellings to the east in terms of fenestration, scale, bulk and general appearance. The position of the doors, in itself, would not render the overall design of the scheme unacceptable.”*

*“I conclude that the appeal proposals would sit acceptably in its visual context without harming the character and appearance of the local area. In that the proposals are compatible with and reflect the local distinctiveness of the street scene, there is no conflict with the design provisions of Slough Borough Council's Core Strategy (CS) Core Policy 8 or saved policy EN1 of the Local Plan for Slough.”*

*“I saw that the whole of the frontage of the site was already laid out for car parking. The proposals would not therefore lead to a material change in this respect, or affect the current ability to park outside the property. Moreover, I saw numerous local examples of double crossovers, and no compelling evidence has been provided by the Council that their use has resulted in a diminution in pedestrian safety. Pedestrian visibilities either side of the proposed access points were excellent, so that the movements of vehicles using the parking bays could readily be anticipated, and conflict avoided.”*

*“Whilst the layout of the car parking bays may not strictly conform to the letter of the Council's standards, I am satisfied that sufficient space would be available for those wishing to enter or leave the properties formed as a result of this development when the car spaces were in use.”*

*“I conclude that the proposals would not result in material diminution in existing levels of highway or pedestrian safety. There is therefore no conflict with the provisions of CS Core Policy 7, upon which the Council relies in its third reason for refusal.”*

A separate application for costs was refused by the inspector who stated that:

	<p><i>“To my mind, taking account of the advice in paragraph B18 of the Circular, the Council provided specific and realistic evidence to support its stance in respect of all the reasons for refusal.”</i></p> <p><i>“I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.”</i></p>	
Enforcement	<p>22,24,26,and 28 Park Street</p> <p>THE BREACH OF PLANNING CONTROL AS ALLEGED IN THE NOTICE:</p> <p>(a) WITHOUT PLANNING PERMISSION, THE CARRYING OUT OF OPERATIONAL DEVELOPMENT COMPRISING THE ERECTION OF A CANOPY; AND</p> <p>(b) WITHOUT PLANNING PERMISSION, THE MATERIAL CHANGE OF USE OF PRIVATE REAR AMENITY GROUNDS SERVICING THE RESIDENTIAL PROPERTIES OF NOS. 24, 26 AND 28 PARK STREET TO A PUB GARDEN SERVICING THE PUBLIC HOUSE AT NO. 22 PARK STREET.</p> <p>(c)</p>	<p>Appeal Dismissed, enforcement notice upheld subject to variations, and planning permission refused.</p>
S/00666/000	<p>Land adj. 70 Norway Drive</p> <p>ERECTION OF AN ATTACHED TWO STOREY THREE BEDROOM END OF TERRACE HOUSE WITH HIPPED AND PITCHED ROOF</p>	<p>Appeal Dismissed</p> <p>13<sup>th</sup> June 2011</p>
P/14896/000	<p>143 Farnham Lane</p> <p>CONSTRUCTION OF A PAIR OF SEMI - DETACHED, THREE - BEDROOM DWELLINGS, WITH FRONT AND REAR DORMERS</p>	<p>Appeal Dismissed</p> <p>13<sup>th</sup> June 2011</p>
P/10430/009 - enforcement	<p>Land adj. 100 Waterbeach Road</p> <p>RETENTION OF A TWO STOREY BUILDING AS A SINGLE DWELLING HOUSE, INCORPORATING THE REMOVAL OF WINDOWS IN REAR ELEVATION.</p> <p>BREACH OF PLANNING CONTROL AS ALLEGED IN THE NOTICE IS THE UNAUTHORISED USE OF THE PROPERTY SITUATE ON THE LAND AS SIX SELF CONTAINED RESIDENTIAL UNITS (FLATS)</p>	<p>Appeal Dismissed and Enforcement Notice upheld subject to variations and corrections</p> <p>14<sup>th</sup> June 2011</p>
P/01664/023	<p>10 Parlaunt Road</p> <p>CHANGE OF USE FROM CLASS A1 RETAIL TO CLASS A2 LICENSED BETTING SHOP</p> <p>Planning permission was refused for the following reasons:</p> <p>1) The proposed betting shop would result in the loss of an A1 retail unit resulting in less than 50% of the shopping parade remaining in retail use which would fail to protect</p>	<p><b>Appeal Allowed subject to conditions</b></p> <p><b>Award of costs partially allowed</b></p> <p><b>23<sup>rd</sup> June 2011</b></p>

existing facilities which provide for people's day-to-day needs. The proposal would be contrary to Policy S1 of The Adopted Local Plan For Slough, 2004; and PPS4 Planning for Sustainable Economic Growth.

2) The lack of parking provision in connection with the proposed betting shop would add to increased on street parking pressure in the vicinity of the site given the surrounding uses including a gym, children's nursery, and church. The proposal would be contrary to Policies T2, and T8 of The Adopted Local Plan For Slough, 2004; and Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008.

The Inspector felt the main issues were the affect of the proposal on the vitality of the shopping parade; and the affect on highway safety.

In relation to the vitality of the shopping parade, the Inspector noted that the shopping parade is not defined; however felt that whilst the appeal site was peripheral in relation to the concentration of shops to the east, it should be considered as forming part of the parade. The proposal was therefore considered to have resulted in the loss of retail frontage within this parade.

In response to the Council's concern that the ratio of A1 retail units would fall below 50%, the Inspector commented: "this appears to be a reasonable approach and represents a good reason for supporting the LP in seeking to resist any further loss of retail premises." The Inspector confirmed that concerns relating to competition with existing uses is not a matter that would weigh against this proposal, and was also not persuaded that this use would cause any more harm than potential alternative uses with regard to anti-social behaviour, crime or in terms of the impact on the users of other nearby facilities.

However on this issue, the Inspector concluded:

"In comparison to a vacant unit, the proposed use would contribute to the local economy and create jobs. It would also enhance footfall and increase the diversity of this parade. These matters weigh in favour of the proposal. However, these benefits would be achieved by the retention of a Class A1 use. Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) support sustainable new development and require that local planning authorities adopt a positive and

constructive approach towards planning applications for economic development. However, I am not satisfied that the loss of a retail unit would contribute to the sustainability of this parade. As such the proposal does not gain support from national guidance.

The appellant advises that despite marketing there has been no interest in a Class A1 use of this unit and as a result it has been vacant since June 2009. No details of the marketing have been provided and I find this a significant shortcoming with regard to the appellant's case. However, there has been no suggestion that a full and professional marketing campaign has not been undertaken or that the property has been marketed unrealistically in terms of price. There is therefore no evidence to suggest that there has been any demand for this retail unit since it became vacant or that a retail operator is likely to emerge in the short term. I am however mindful that the previous two years have not been ideal in terms of commercial performance for many businesses.

Although two years is a significant period of time, I have to consider the long term vitality of this parade. Clearly however, the retention of a vacant use provides no benefit to the parade. PPS4 requires that account be taken of the importance of shops to the local community and seeks a positive response to planning applications for conversions which are designed to improve their viability. This shop has clearly not served the local community for some time and this proposal would improve its commercial viability.

Although part of the parade, the physical separation from the other shops does weaken both the attractiveness of this unit and its contribution to the vitality of the parade overall. The loss of this retail unit would be likely to be less harmful than the loss of a retail unit within the remainder of the parade.

Overall, I agree with the Council that the loss of the retail unit would result in harm to the potential future vitality of the parade. However, the length of time the unit has been vacant; the lack of any clear prospect of imminent occupation by a Class A1 use; the locational disadvantages of the unit compared to those within the main area of the parade; and the more limited harm of its loss due to its fringe position, weigh in favour of this proposal.

These matters together with the beneficial use of the building, in terms of employment and commercial activity, add further weight, at least in the short term. I conclude that

	<p>on balance, these considerations are sufficient to outweigh my concerns associated with the loss of this retail unit.”</p> <p>With regard to the affect on highway safety, the Inspector concluded:</p> <p>“There is no evidence to demonstrate that this use would generate greater demand for parking than a Class A1 use. The adopted parking standards provide no support for the Council’s position. Furthermore, there is a public car park in close proximity to the unit. I have no reason to believe that this proposal would result in an increase in demand for parking or result in increased harm to highway safety.”</p> <p>An application for costs was made by the appellant. This was partially allowed.</p> <p>With regard to the first reason for refusal, the Inspector was of the view that the Council’s reasoning was clear and gained support from the development plan. It was not considered that the Council acted unreasonably in reaching their decision with respect to the first reason for refusal.</p> <p>With respect to the second reason for refusal regarding parking issues however, the Inspector found that the Council failed to provide evidence to clearly show why the development cannot be permitted and this therefore represented unreasonable behaviour.</p>	
P/14998/000	<p>33 Carmarthen Road</p> <p>CHANGE OF USE FROM STORAGE BUILDING / GARDEN ROOM TO DETACHED SELF CONTAINED RESIDENTIAL DWELLING</p>	<p>Appeal Dismissed</p> <p>27<sup>th</sup> June 2011</p>
P/09492/003	<p>58 Park Lane</p> <p>CHANGE OF USE FROM SINGLE FAMILY DWELLING HOUSE TO MANAGED HOUSE IN MULTIPLE OCCUPATION COMPRISING 4 NO. DOUBLE BEDROOMS AND ONE SINGLE BEDROOM TO HOUSE A MAXIMUM OF 9 NO. PERSONS. PARKING FOR 7 NO. CARS PLUS STORAGE / CYCLE SHELTER</p>	<p>Appeal dismissed</p> <p>27<sup>th</sup> June 2011</p>