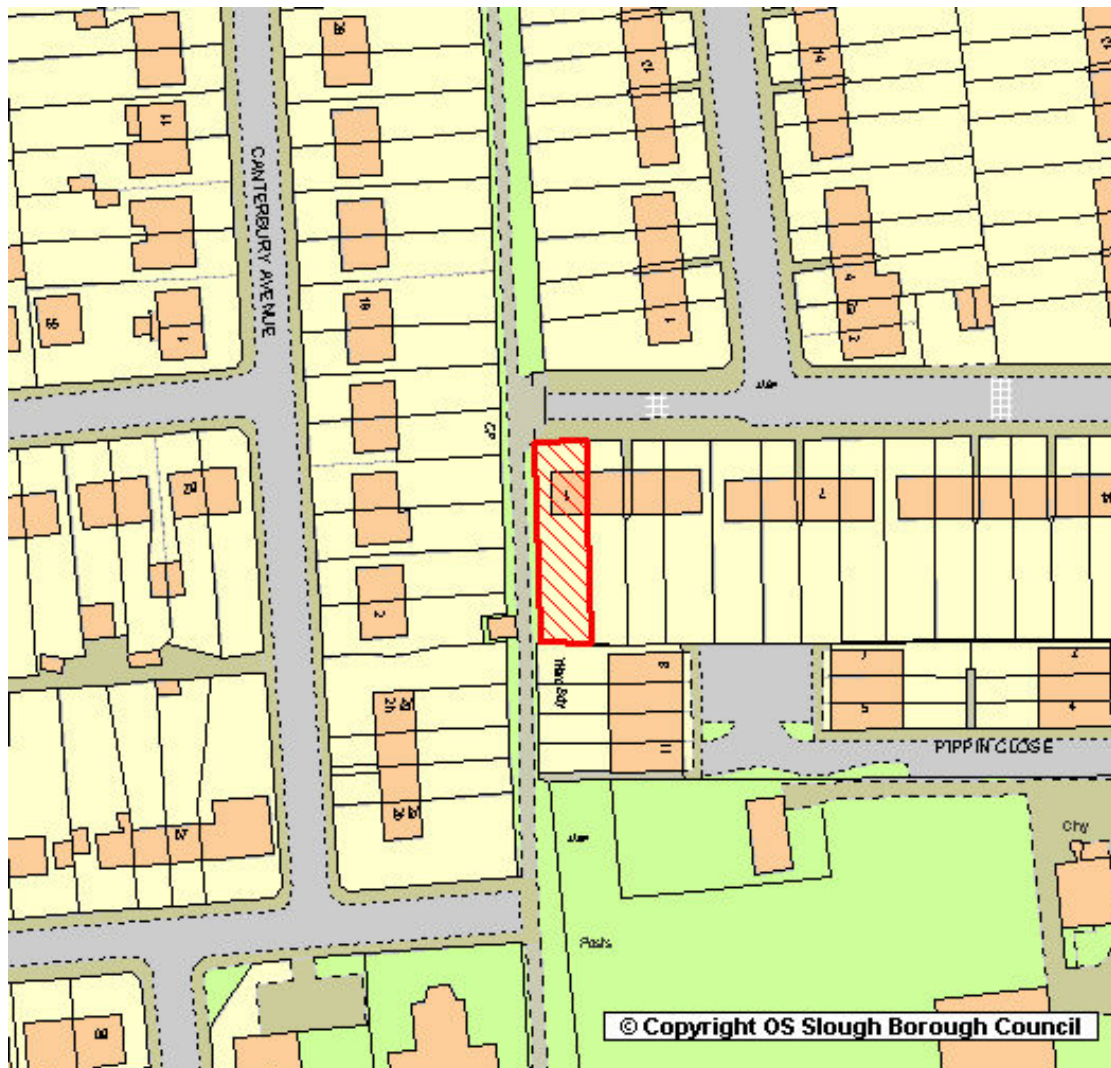


| | | | |
|--------------------|---|-------------|------------------|
| Registration Date: | 05-Aug-2011 | Applic. No: | P/14980/002 |
| Officer: | Mr. W. McCarthy | Ward: | Baylis and Stoke |
| Applicant: | Mr. Omar Hussain | | |
| Agent: | Mr. Brendan Joy 3, Sidmouth Court, Reading, RG1 4QN | | |
| Location: | 1, Granville Avenue, Slough, SL2 1ND | | |
| Proposal: | CHANGE OF USE OF EXISTING FAMILY DWELLING HOUSE FROM C3 (RESIDENTIAL) TO MIXED USE (SUI GENERIS) COMPRISING RETENTION OF C3 (RESIDENTIAL) AT FIRST FLOOR LEVEL IN THE FORM OF A TWO BEDROOM FLAT AND CREATION OF MIXED CLASS D1 (PLACE OF WORSHIP) / CLASS D2 (SOCIAL AND COMMUNITY USE) ON THE GROUND FLOOR AND OUTBUILDING. | | |

Recommendation: Refuse and Enforce.



P/14980/002

1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the policy background and the comments from neighbours, it is recommended that the application be **refused and enforced**.

PART A: BACKGROUND

2.0 **Proposal**

- 2.1 This is an application for a change of use of existing family dwelling house from C3 (residential) to mixed use (sui generis) comprising retention of C3 (residential) at first floor level in the form of a two bedroom flat and creation of mixed class D1 (place of worship) / class D2 (social and community use) on the ground floor and outbuilding.
- 2.2 The dwelling and the outbuilding have been in use as a place of worship / community use, but this ceased when the Council's Enforcement Team served a temporary Stop Notice on the owners of the property on 14th July 2011.
- 2.3 The proposal as submitted in the application varies from the current situation on site, in that the applicant has indicated the retention of a two-bedroom flat at first floor level. The proposal also includes an indicative parking lay-out for 6 cars on the highway in front of the site.

3.0 **Application Site**

- 3.1 The application site is situated at the end of a terrace of four dwellings located in a predominantly residential area. The property has been extended by means of a two storey side and part single, part two storey rear extension, which gained planning consent in January 2011. Permission was also granted for a porch, which has been built as well as a full width canopy supported on a column. In the rear garden an outbuilding has also been constructed, which also benefits from planning consent.
- 3.2 Beyond the western boundary there is a footpath running north/south, abutted by the rear gardens of numbers 2-8 Canterbury Avenue. To the east are the rear gardens of numbers 1-7 Granville Avenue. The immediate neighbour to the east, number 3, has undergone a single storey rear extension. There is also an outbuilding with a gable end pitched roof and mono-pitched addition abutting the rear boundary. The site is bounded by a 1.8 - 2 metre high unfaced block wall.
- 3.3 A residential development has recently been undertaken beyond the southern boundary known as Pippin Close. The rear garden of number 8 Pippin Close abuts the rear boundary of the application site. Number 8 is sited on the end of a terrace of 4 properties (numbers 8-11). These properties are orientated at right angles to the properties on Granville Avenue.

4.0 **Site History**

4.1 P/14980/000: ERECTION OF OUTBUILDING IN REAR GARDEN WITH PITCHED ROOF – Approved, with conditions (11 Jan. 2011)

4.2 P/14980/001: ERECTION OF TWO STOREY SIDE AND PART TWO STOREY PART SINGLE STOREY REAR EXTENSION AND FRONT PORCH WITH PITCHED ROOF – Approved, with conditions (11 Jan 2011)

5.0 **Consultation**

5.1 Neighbour Notification

1, 2, 3, 4, 5, 6, 7, 8, 10, 12 Beaumont Road,
1, 2a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Hatton Avenue,
2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 4, 6, 8, 10, 12, 14, 16, 18, 20 Canterbury Avenue,
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14a, 15, 16, 17, 18, 19, 20, 21, 22, 22a, 22b, 22c, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 Granville Avenue
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Lydford Avenue,
Baylis Court School For Girls, Gloucester Avenue, Slough, SL1 3AH,
School House, Granville Avenue, Slough, SL2 1ND,
1, Bryant Avenue,
1, 4, 3, 2, 7, 6, 5, 8, 9, 10, 11, Pippin Close

5.2 One letter in support has been received and two letters of objection have been received, raising the following concerns:

Retrospective application,
Residential area,
Already in use as a mosque,
No parking, resulting in parking in the neighbouring streets,
“Chanting” coming from building,
Wooden unit in front garden for shoes,
Is there a need for more of the proposed facility,
People hanging around,
The “stigma” associated with the proposed use is affecting the area,

A petition and 6no. letters in support of the application have been submitted in favour of the application. The petition includes substantial number of names; however some of the signatories are from Reading, Maidenhead, Luton, Uxbridge and various other neighbourhoods of Slough.

5.3 **Traffic and Highways**

5.3.1 The application states that the area of the building devoted to community use would be 100m². The existing permitted use of No. 1 Granville Avenue is as a single dwelling. The plans show that that this dwelling comprises a dining area, kitchen and living room downstairs and three bedrooms and a bathroom upstairs. The proposal would see the ground floor converted to a community

meeting and worship space with the upstairs converted to a two bedroom maisonette with kitchen/living room and bathroom.

5.3.2 Observations during the site visit showed that the surrounding area, including Granville Avenue and Hatton Avenue is residential in nature, and there is already a significant level of on street/on footway parking. Outside the site, Granville Avenue is one vehicle wide with wide footways on either side, on which vehicles were observed to be parked. There is also a speed control measure (road hump) in the Granville Avenue carriageway outside the site.

5.3.3 *Trip generation*

The existing trip generation of the site will increase as a result of the proposed development. The site is currently comprised of a single dwelling. The conversion will result in a single dwelling plus 100m² of community use (D1). It is noted that the accompanying planning statement states that it is anticipated that most people walk to the centre. However, it is understood that a petition of support has been submitted which contains a number of names of people whose addresses are from outside of Slough and of those within Slough a number of them are not from within the local area. This would suggest that a proportion of those attending may not be within walking distance and would drive to the site. As a stop notice was in place already before the site visit, it is not completely clear how many worshippers will be using this facility, although it is expected to be over a hundred people.

5.3.4. *Access*

The application does not seek any amended pedestrian or vehicle access.

5.3.5 *Parking*

The application states that there is no existing parking on site. The plan provided suggests that 6 tandem spaces could be provided in Granville Avenue outside the site, with one disabled parking space in front of the building. The proposed parking layout, which is on land on the public highway is unacceptable and would raise a highway safety risk. The accompanying planning statement states that the Local Plan parking standards are 1 space per 10m² for D1 land use, which equates to 10 spaces. This level of parking cannot be accommodated on site. The proposed parking arrangement of six spaces with three rows of tandem spaces is unacceptable, as this is part of the adopted highway and would lead to unsafe manoeuvring. The western end of Granville Avenue leads to a footpath running north-south along the western boundary of the site between Villiers Road and Hampshire Avenue.

5.3.6 There are no existing parking spaces on-site and the required number of spaces would be a minimum of 10, the application should be **refused**. Slough Borough Council cannot support the proposed development without an alternative parking arrangement. The site would appear to be in appropriate for this type of use.

5.3.7 *Recommendation*

The development fails to provide car parking in accordance with adopted Slough Borough Council standards and if permitted is likely to lead to

additional on street parking or to the obstruction of the access to the detriment of highway safety and convenience. The development is contrary to Slough Borough Council Local Plan Policies T2 and Core Strategy 2006-2026 Core Policy 7.

6.0 **Policy Background**

6.1 National guidance

- Planning Policy Statement 1 (Creating Sustainable Communities)
- Planning Policy Statement 3 (Housing)

Local Development Framework, Core Strategy, Development Plan Document

- Core Policy 1 (Spatial Strategy)
- Core Policy 3 (Housing Distribution)
- Core Policy 4 (Type of Housing)
- Core Policy 7 (Transport)
- Core Policy 8 (Sustainability and the Environment)
- Core Policy 11 (Social Cohesiveness)

The Slough Local Development Framework, Residential Extensions Guidelines Supplementary Planning Document (Adopted January 2010)

Adopted Local Plan for Slough

- EN1 (Standards of Design)
- H8 (Loss of Housing)
- T2 (Parking Restraint)

6.2 The planning considerations for this proposal are:

- Principle of development
- Design & Impact on Street scene
- Impact on neighbours
- Traffic and Highways

7.0 **Principle of development**

7.1 Core Policy 1 states the scale of the development will be related to its character and surroundings and that proposed developments that results in a significant intensification of use will not be allowed in locations that lack the necessary supporting infrastructure, facilities or services or where access by sustainable means of travel by public transport, cycling and walking are limited.

7.2 In accordance with Core Policy 3, new development should not result in the net loss of any existing housing. Core Policy 4 states that there will be no net loss of family accommodation as a result of flat conversions, changes of use or

redevelopment. The Core Policy also provides the following definition of a family house:

*A fully self-contained dwelling (with a minimum floor area of 76 square metres) that has direct access to a private garden. Comprises a minimum of two bedrooms and may include detached and semi-detached dwellings and townhouses but **not flats** or maisonettes.*

7.3 Local Plan Policy H8 states that commercial development or any other form of development which involves the net loss of existing residential accommodation will not be permitted unless:

- a) replacement housing is provided on-site; or
- b) an equivalent amount of residential accommodation is provided on an alternative site which is not currently in residential use or identified as a proposal site for housing; or
- c) positive environmental benefits to the housing stock would be achieved; or
- d) an exceptional case can be made for a net loss of housing.

7.4 The proposal would result in a significant intensification of the use of the site, within a residential area of this nature which would be contrary to Core Policy 1, since the site lacks the necessary supporting infrastructure such as parking. The applicant has also indicated that the property can retain a two-bedroom flat at first floor level. As stated above, a flat is not seen as a family house in terms of the Core Strategy's definition of a family house. The proposal therefore fails to comply with all of the above-mentioned policies in terms of the loss of the family dwelling. It is also considered that the proposal does not comply with the requirements of Local Plan Policy H8 and there is no overriding factor that can be used to make an exception to the policy in this instance. The proposal is therefore contrary to Core Policies 1 and 4 as well as Local Plan Policy H8.

7.5 The applicant does make an argument that the proposed use should be acceptable in terms of Core Policy 11 (social cohesiveness), which states that development of new facilities which serve the recognised diverse needs of local communities will be encouraged. Local Plan Policy OSC16 is also discussed in great detail by the applicant in support of the proposed use, but this policy has not been saved. Core Policy 11 is applicable to this application, but it is considered that it can not be used as an overriding argument to overcome the objection in terms of the loss of housing and the other objections discussed below.

8.0 **Design & Impact on Streetscene**

8.1 Design and external appearance are assessed against Core Policy 8 and Local Plan Policies EN1, EN2 and H15, as well as the Residential Extensions Guidelines Supplementary Planning Document (Adopted January 2010).

- 8.2 Core Policy 8 of the Local Development Framework, Core Strategy, states that: *“All development in the Borough shall be sustainable, of a high quality design, improve the quality of the environment and address the impact of climate change.”* Part 2 to that policy covers design and in sub section b) it states: *“all development will respect its location and surroundings”*.
- 8.3 Saved Local Plan Policies EN1 Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of, amongst other things, scale, building form and architectural style. Policy EN2 states that proposals for extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure.
- 8.4 Although not indicated on the submitted drawings, a full width canopy supported on a column has also been constructed without the benefit of planning permission. This feature is contrary to Policy EX1 (Front extensions) of the Residential Extension Guidelines, which state that front extensions shall be single storey and normally restricted to front porches only. It goes on to states that front canopies or extensions which span the entire width of a property or dwelling will not normally be permitted unless such extensions form the predominant character of the street as such extensions are considered overly dominant and out of keeping with the character and appearance of the original house. In accordance with EX4, Doric, fluted or decorative columns will not normally be permitted. The canopy and 2no. columns are not features that are predominant in the adjoining area. It is believed that it constitutes inappropriate development, which is discordant with the residential character of the host property and un-neighbourly development in respect of its impact on the established visual character of the streetscene and wider surroundings. The proposal is therefore contrary to Core Policy 8, Local Plan Policy EN1, EN2 and H15, as well as DP1, DP3, EX1 and EX4 of Residential Extensions Guidelines.

9.0 **Impact on neighbours**

- 9.1 In accordance with Core Policy 8, all development within residential areas should respect the amenities of adjoining occupiers and surroundings. Local Plan Policy EN1 advocates that development should be designed in such a way that it improves the surrounding area in terms of the relationship with adjoining properties.
- 9.2 It is clear from the submitted petition in favour of the application that a significant number of residents in Slough and elsewhere are in favour of the application. The agent argues that since the site has been taken over by the applicant, the improvements to the site has been beneficial to the whole street and has prevented loitering / anti-social behaviour in the immediate area. This statement has been refuted by one of the nearby neighbours, which does not agree that the current proposal is an improvement to the previous situation.
- 9.3 The proposal would by its very nature attract many people at specific times and the number of people visiting the site is therefore spread evenly over the

whole day. It does therefore result in peak traffic of people coming and going to the site, with the associated movement and parking of vehicles. It is considered that the application site is not located in an area that can accommodate this, without resulting in a significant detrimental impact on the residents that would not attend the facility. This sort of use is normally associated with larger plots, with multiple entrances, in order to minimise the impact of pedestrian and vehicular movement on the neighbouring properties and to contain the disturbance within the site. This can not be achieved at the application site, because people coming and going from the site would be predominantly on the public footways.

- 9.4 It is therefore considered that the noise and disturbance cause by the peak movement of people to and from the site, as well as the activities inside the buildings would have a significant detrimental impact on the amenities of the adjoining occupiers. The proposal does therefore not take its surroundings in consideration or contributes to improving the area, contrary to Core Policy 8 and Local Plan Policy EN1.

10.0 **Traffic and Highways**

- 10.1 The relevant policies in terms of assessing traffic and highway impacts are Core Policy 7, Local Plan Policy T2 and the adopted parking standards.

- 10.2 The comments from the Engineers confirm that the application site is not appropriate for the proposed use, in that the required parking can not be provided in an area that already suffers from parking congestion. The Engineers consequently recommends that the application should be refused. The support from “residents” for the facility indicates that the people that would attend the place of worship would be likely to travel by car, which would exacerbate the parking congestion in the area. This would be detrimental to highway safety, because on-street parking during prayer times and other events, would result in the obstruction of footways and endanger pedestrians and other road users.

- 10.3 The applicant has drawn comparisons between the proposal and the Sikh Temple in Woodlands Avenue; in that it serves the local community and that it does not have any allocated parking. The wide support and the fact that the organisation use to be based elsewhere does not indicate that the support base is just local. The temple does also have off-street parking and is therefore not comparable with the application site.

- 10.4 The proposal is considered to be inconsistent with Core Policy 7 of the Local Development Framework Core Strategy and Policy T2 of the Adopted Local Plan.

11.0 **Legal Agreement**

- 11.1 The applicant has not been requested to enter into a Legal Agreement, because it would not overcome the objections raised in the above paragraphs.

12.0 **Enforcement Action**

12.1 As stated before, a temporary Stop Notice has been served on the site, which had the required affect to cease the unauthorised activities on site. However, the house and the outbuilding have been changed internally in such a way that it does not constitute a family dwelling anymore. As part of the construction work, various minor deviations from the approved drawings have been noticed, but most notable is the presence of 2no. full width columns. This report has outlined the reasons why the change of use and the unauthorised development deviates from policy and on this basis, it is recommended that planning enforcement is undertaken to regularise the situation on site. The purpose of the Enforcement Action would be to return the site back to a family dwelling that would comply with the Core Strategy and to remove the unauthorised canopy and columns.

13.0 **Summary**

13.1 The proposal does provide a community facility and it has been demonstrated that there is support for a facility for this organisation. However in light of the significant policy and practical objections to the proposal, it is not considered that the need or support for this facility overrides these objections. It is therefore recommended that the planning permission is refused and the Enforcement Team is authorised to serve an Enforcement Notice.

PART C: RECOMMENDATION

14.0 **Recommendation**

14.1 Refuse and Enforce.

15.0 **PART D: LIST OF REFUSAL REASON(S)**

Reason(s)

1. The proposal is contrary to Core Policy 8 (Sustainability and the Environment) of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008; and saved Policy EN1 (Design) of The Adopted Local Plan for Slough, 2004, in that the intensified use of the whole site as a place of worship is an un-neighbourly form of development, discordant with the residential character of the host property and its surroundings, resulting in a significant loss of amenity for the neighbouring residents and the area in general.
2. The proposal is contrary to Core Policy 1 (Spatial Strategy), Core Policy 4 (Type of Housing) and Core Policy 8 (Sustainability and the Environment) of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008; and saved Policies H8 (Loss of Housing) and T2 (Parking Restraint) of The Adopted Local Plan for Slough, 2004, in that the site lacks the supporting infrastructure / facilities in terms of car parking space, limiting space available for other residents to park on the roadway at certain times, which is detriment to highway safety and convenience.

3. The proposal is contrary to Core Policy 1 (Spatial Strategy), Core Policy 4 (Type of Housing) of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008; and saved Policy H8 (Loss of Housing) of The Adopted Local Plan for Slough, 2004, in that the change of use constitutes development which involves the net loss of an existing dwelling house capable for family accommodation without providing:
 - Replacement housing on site;
 - An equivalent amount of residential accommodation on an alternative site which is not currently in residential use or identified as a proposal site for housing;
 - Positive environmental benefits to the housing stock.

4. The proposal is contrary to Core Policy 8 (Sustainability and the Environment) of The Slough Local Development Framework, Core Strategy 2006 2026, Development Plan Document, December 2008; Saved Policies EN1 (Standard of Design), EN2 (Extensions), and H15 (Residential Extensions) of The Adopted Local Plan For Slough, 2004; and DP1, DP3, EX1 and EX4 of The Slough Local Development Framework, Residential Extensions Guidelines Supplementary Planning Document (Adopted January 2010) in that the full width canopy with column constitutes inappropriate development, which is discordant with the residential character of the host property and un-neighbourly development in respect of its impact on the established visual character of the streetscene and wider surroundings.

Informative(s)

1. The development hereby refused was submitted with the following plans and drawings:

TO BE CONFIRMED

- (a) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy
- (b) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy
- (c) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy
- (d) Drawing No. xxx, Dated xxx, Recd On dd/mm/yyyy