

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 11th January 2012

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

Ref	Appeal	<u>Decision</u>
P/15007/000	<p>368 Rochford Gardens</p> <p>RETENTION OF A 1550MM HIGH FENCE AROUND THE GARDEN OF THE PROPERTY</p> <p>The Appeal Inspector concluded that the sole main issue is the effect of the proposal on the character and appearance of the area. This is an estate of single, two and three storey buildings positioned close to, or at the back edge of pavements. It has a tight, urban feel. This is relieved intermittently by open plan front gardens but these by no means predominate. There are rear gardens which flank on to the street enclosed by 2m walls or fences. These add to the sense of enclosure.</p> <p>The Appeal Inspector further concluded that the fence to be retained and altered in the appeal proposal is slightly lower but otherwise forms a similar arrangement on the east side. The splay would provide a sightline into a shared surface courtyard. Although the fence reduces the openness of the courtyard, previously exposed to the street, he was not convinced that this had any particular value; rather, the greater sense of enclosure seems more consistent with the general character of the area.</p>	<p>Appeal allowed subject to conditions</p> <p>21st November 2011</p>
P/00240/032	<p>Land adj. 12 Castle Street</p> <p>ERECTION OF A DETACHED GARAGE WITH FLAT ROOF INCORPORATING STORAGE AREA AT REAR OF THE LAND ADJACENT TO NO. 12 CASTLE STREET</p> <p>The appeal was lodged against a number of planning conditions which were imposed following the grant of planning permission on 21st April 2011.</p>	<p>Appeal allowed, conditions varied</p> <p>24th November 2011</p>

The disputed conditions were 4, 8, 9 and 10:

(4) This permission is for the personal benefit of Mr Peter Slark only and shall not endure for the benefit of the land, nor for any other person or persons for the time being having an interest in the land;

(8) No vehicles shall be parked on the land other than inside of the garage unless otherwise agreed in writing by the Local Planning Authority;

(9) No repairs other than for emergency purposes or car restoration works shall be carried out on any vehicle other than inside of the garage. Except in the case of emergency no repairs or other works to vehicles stored within the garage shall take place outside of the hours of 9.00 am to 18.00 pm Monday to Friday and on Sunday between 09.00 am to 13.00 pm and at no time on Sundays and Bank Holidays;

(10) Any gates erected shall be set back from the back of the footway by a minimum of 4.8m and shall open inwards only.

The Appeal Inspector identified the main issues to be: firstly, the effects of deleting the personal limitation on condition 4; secondly and thirdly the effect on the living conditions of neighbours of deleting conditions 8 and 9 and fourthly, the effect on highway safety of deleting condition 10.

Having considered the above issues the Inspector concluded that conditions 2, 4, 7, 8, 9 and 10 should be deleted and substituted with the following conditions:

1) Except where indicated in the following conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing № OS Site map, undated, received on 29/12/2010.
- b) Drawing № CS/PS/1/E, dated 06/04/2011, received on 06/04/2011.

2) Notwithstanding the notation on the approved plans, no other part of the development shall be occupied until a pedestrian visibility splay of 2.4 m x 2.4 m (measured from the back edge of footway) has been provided on the southern side of the access and the area within the splay shall be kept free of any obstruction exceeding 600 mm in height above the nearside channel level of the carriageway.

3) Notwithstanding the notation on the approved plans, any gates erected shall be set back from the back of the footway by a minimum of 4.8 m and shall open inwards only.

4) No repairs other than for emergency purposes or car restoration works shall be carried out on any vehicle other than

	<p>inside of the garage. Except in the case of emergency no repairs or other works to vehicles stored within the garage shall take place outside of the hours of 09.00 am to 18.00 pm on Monday to Friday, 0900 am to 13.00 pm on Saturdays and at no time on Sundays and Bank Holidays.</p> <p>5) No storage of flammables shall take place on site. No storage of any kind shall take place in excess of the height of the fence around the site.</p>	
P/15091/000	<p>73 Langley Road</p> <p>ERECTION OF TWO STOREY REAR EXTENSION WITH HIPPED PITCHED ROOF ERECTION OF A SINGLE STOREY FRONT EXTENSION IN CONNECTION WITH THE CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION INSERTION OF OBSCURELY GLAZED FLANK WALL WINDOWS AT FIRST FLOOR</p>	<p>Appeal dismissed</p> <p>24th November 2011</p>
P/06255/007	<p>69 London Road</p> <p>CHANGE OF USE FROM SINGLE FAMILY HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION FOR UP TO 8 PERSONS (SUI GENERIS). RETENTION OF INFILLING KITCHEN EXTENSION AND INSTALLATION OF COVERED CYCLE SHELTER ATTACHED TO REAR OF PROPERTY.</p> <p>Planning permission was sought for a change of use from a single family house (Class C3) to House in Multiple Occupation for up to 8 persons (Sui Generis) retention of infilling kitchen extension and installation of covered cycle shelter attached to the rear of the property.</p> <p>Planning permission was refused on the ground that:</p> <p>The proposal is contrary to Core Policy 4 of the Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 in that the proposal for a change of use to House in multiple occupation would result in the loss of family housing.</p> <p>The Inspector concluded that:</p> <p><i>“Since the adoption of the Core Strategy, revisions to the Use Classes Order allow for changes to occur in either direction between family houses and small houses in Multiple Occupation. Because Use Classes C3 and C4 are interchangeable, the Council argues that permission for a small HMO to be used as a larger HMO is, in effect, a loss of family housing.”</i></p> <p><i>“A reversion to use as a family house from a small HMO may be</i></p>	<p>Appeal allowed subject to conditions</p> <p>29th November 2011</p>

	<p><i>facilitated by the Use Classes Order avoiding the need for a specific planning permission but, in the face of stated need, it is unlikely that a requirement for a specific planning permission would be an obstacle to the reversion to family use of a larger property. In either case, the potential for a house used as an HMO to revert to a family use remains the same.”</i></p> <p><i>“It is only potential, not actual; the actual loss of the use has already occurred. If the appeal were dismissed, the use as an HMO would remain but housing two persons fewer. If the appeal is allowed, there would be no actual loss of family housing, simply an increase in the quantity of a type of housing recognised as valuable. The Council refers to the financial value created by permission for greater occupancy but it is not the purpose of planning control to limit such value. I conclude that this proposal would have little or no effect on the supply of housing for families. It would not therefore be contrary to Core Policy 4 of the Core Strategy on that ground.”</i></p>	
P/11658/005	<p>Land Adjacent To Hadley Court And Land At, Coleridge Crescent, Slough, Berkshire</p> <p>ERECTION OF A DETACHED THREE STOREY BUILDING TO ACCOMMODATE 6NO. ONE BEDROOM FLATS INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE WITH DETAILS OF LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL (OUTLINE APPLICATION)</p>	<p>Appeal Dismissed</p> <p>9th December 2011</p>