

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 27th February 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 Democratic Services on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S)

ALL

Ref	Appeal	Decision
P/05283/005	<p>7a Richmond Crescent</p> <p>LAWFUL DEVELOPMENT CERTIFICATE FOR EXISTING SINGLE STOREY REAR EXTENSION WITH PITCHED ROOF</p> <p>The Appeal Inspector agreed with the Council <i>that the extension that exists is materially different in depth, overall height and construction to the conservatory that previously existed. It is also apparent, contrary to what is asserted by the appellant's agent, that the shed structure has been demolished and the blockwork walls have not only been raised in height but built out well beyond the extent of the pre-existing blockwork walls which formed part of the conservatory.</i></p> <p>The Appeal Inspector also agreed with the Council that <i>"Based on the evidence before me, I have no doubt that the operations do not fall within any of these categories. The extension that existed has not simply been maintained, improved or altered but radically modified and extended to create a structure of a materially different form and construction. On this basis, it is not necessary to go on to consider the test in S55(2)(a)(ii) as I conclude that the building operations that have taken place are outside the scope of the first part of S55(2)(a) and therefore amount to the development of land"</i>.</p> <p>The Appeal Inspector further agreed with the Council that <i>"From the evidence provided it is apparent that the works on the extension were going on at least until September 2008 (building materials receipts from that month verify); on this basis the extension had not been completed 4 years before the date of the LDC application – that is by 14 April 2007. So no immunity occurs for this reason"</i>.</p> <p>However, notwithstanding the fact that the Appeal Inspector agreed with the Council on three counts, he concluded that the extension had been constructed during the period before the current permitted development regulations came into force on 1st October 2008 and assessing the extension against the previous permitted development regulations concluded that <i>"Bringing these findings together, the extension falls within the terms of Class A of the 1995 GPDO and was therefore permitted development at the time that works commenced prior to 1 October 2008.</i></p>	<p>Appeal Allowed</p> <p>13th January 2012</p>

P/15114/000	49a Elmshott Lane ERECTION OF A PART SINGLE STOREY PART DOUBLE STOREY SIDE EXTENSION WITH PITCHED ROOF ERECTION OF A SINGLE STOREY REAR EXTENSION WITH PITCHED ROOF	Appeal Dismissed 16 th January 2012
P/15057/001	133 Upton Court Road ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION WITH PITCHED ROOF	Appeal Dismissed 16 th January 2012
P/10768/001	Nursery Cottage, High Street, Colnbrook CHANGE OF USE OF BUILDING FROM ITS CURRENT UNAUTHORISED USE AS A HOUSE IN MULTIPLE OCCUPANCY TO GUEST HOUSE (CLASS C1)	Appeal Dismissed 3 rd January 2010
P/14217/001	19 Sherborne Close RETROSPECTIVE APPLICATION FOR THE RETENTION OF A SINGLE STOREY FRONT EXTENSION WITH MONO PITCHED ROOF Planning permission was refused on the grounds that: The front extension when combined with the existing porch by virtue of its scale, bulk and visual dominance represents an overly dominant feature which detracts from the character and appearance of the original house and that of the general street scene contrary to Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document - December 2008, Policies EN1, EN2 and H15 of The Adopted Local Plan for Slough, 2004; Council's Residential Extensions Guidelines, Supplementary Planning Document, 2010. The Inspector concluded that: <i>"The extension uses materials in keeping with the house and the surrounding area and respects the existing building line. The design is a considerable improvement on the previous front extension and meets the quality standards called for by the policies. The extension does not dominate the front of the house or look out of keeping with it."</i> <i>"There are other full-width front extensions in Sherborne Close, but they do not form the predominant character of the street. However, many of the houses have been altered at the front and the street scene does not have a uniform appearance. The extension blends in well with the current surroundings and does not harm the street scene."</i>	Appeal allowed subject to conditions 19th January 2012