

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 17th October 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	Decision
P/15267/000	<p>89 Braemar Gardens</p> <p>ERECTION OF SINGLE STOREY SIDE EXTENSIONS TO SIDE OF GARAGE AND REAR OF EXISTING PROPERTY, BOTH WITH PITCHED ROOFS</p> <p><i>Reasons for refusal:</i></p> <p><i>The proposed double garage to the side of the property by reason of its overall size and scale will introduce an un-neighbourly form of development in that it would have an overbearing impact and be out of keeping with the character and appearance of the original house, which would be to the detriment of the visual amenities of the street scene. The proposal is therefore contrary to Policy EN1, EN2 and H15 of the Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough LDF Core Strategy 2006 - 2026 Development Plan Document, December 2008, and Development Control Guidelines for Residential Extensions 1994.</i></p> <p><i>The application site would only provide 6.4m in depth of private amenity space. This is not considered a sufficient amount for a two / three bedroom house and would result in a development which would be detrimental to the residential amenity of future occupiers. The proposal is therefore considered contrary to Policy H14 of the Adopted Local Plan for Slough: 2004, Core Policy 8 of the Slough LDF Core Strategy 2006 - 2026 Development Plan Document, December 2008, and Development Control Guidelines for Residential Extensions 1994.</i></p> <p>The Inspector felt that given the single storey height and set back from the street frontage that the double garage would appear subservient in scale to the existing property and would not appear dominant in the streetscene.</p> <p>As the garden is north facing and constrained by the flank wall of the existing garage the Inspector considered the remaining rear</p>	<p>Appeal allowed subject to conditions</p> <p>13th September 2012</p>

	garden would not result in an unacceptable size of private amenity space.	
P/10656/003	193 Stoke Road CERTIFICATE OF LAWFUL DEVELOPMENT FOR AN EXISTING USE OF A DETACHED BUILDING AT REAR OF GARDEN AS RESIDENTIAL USE.	Appeal Dismissed 16 th August 2012
P/03115/006	293 Wexham Road ERECTION OF A FIRST FLOOR SIDE TO REAR EXTENSION WITH GABLE ROOF	Appeal Dismissed 17 th September 2012
P/15269/000	31 Portland Avenue ERECTION OF A PART SINGLE STOREY AND FIRST FLOOR SIDE EXTENSION ALL WITH PITCHED ROOFS <i>Reasons for refusal:</i> <i>The proposed two-storey side extension by reason of the inadequate gap between No: 31 and No: 33 and the position of the side boundary would close the visual gap between the two properties, thereby resulting in the visual terracing of buildings, to the detriment of the character and appearance of the original property, the surrounding area and the visual amenity of the street scene. As such, the proposal is considered to be contrary to Policies H15, EN1 and EN2 of The Adopted Local Plan for Slough: 2004, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and the National Planning Policy Framework and Residential Extensions Guidelines.</i> <i>The scale and massing of the proposed side extension due to the lack of set down from the original roof line does not appear subservient or in proportion to the original house and would appear overly prominent within the street scene, thereby detracting from the character and appearance of the original house. The development is contrary to the National Planning Policy Framework, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and Policies H15, EN1 and EN2 of The Adopted Local Plan for Slough 2004. It is also contrary to the Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.</i> <i>The siting, scale, bulk and massing of the two storey side extension close to the boundary with 33 Portland Close will appear overly dominant and overbearing for the occupiers of 33 Portland Close thereby detracting from residential amenity. The development is thereby contrary to Policies EN1, EN2 and H15 of The Adopted Local Plan for Slough 2004, Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and The Residential Extensions Guidelines, Supplementary Planning</i>	Appeal allowed 18th September 2012

	<p><i>Document, Adopted January 2010.</i></p> <p><i>The application site would only provide 10m in depth of private rear amenity space. This is not considered a sufficient amount for a 4 bedroomed house and would result in a development which would be detrimental to the residential amenity of future occupiers. The proposal is therefore considered contrary to Policy H14 of the Adopted Local Plan for Slough: 2004.</i></p> <p>The appeal property is in an estate of detached houses all of similar scale, design and materials. Whilst the first floor side extension is not set down or set back to appear subordinate to the host dwelling, the Inspector considers it would respect the character and appearance of the host property but accepts it will minimise the visual gap between Nos: 31 and 33. The Inspector considered the proposed extension would not impinge on the 45 degree code on the horizontal axis therefore creating no material harm to the living conditions of the adjoining occupiers at No: 33. The Inspector acknowledged that the amenity space depth would fall short of that required for a 4 bedroomed dwelling in the Residential Extensions Guidelines but with the area been level and regular in shape thought it was sufficient to offer a private and usable area for the residents, therefore allowing the appeal and imposing 5 conditions.</p>	
P/04307/003	<p>32 Hillersdon</p> <p>ERECTION OF REAR CANOPY COMPRISING POLYCARBONATE ROOF SUPPORTED ON TIMBER POSTS</p>	<p>Appeal dismissed</p> <p>18th September 2012</p>
P/15254/000	<p>Land to the rear of 31 Brands Road</p> <p>ERECTION OF A TWO BEDROOM DETACHED BUNGALOW WITH HIPPED AND PITCHED ROOF AND ACCESS FROM PEPYS CLOSE</p> <p><i>Reason for refusal:</i></p> <p><i>The proposed development by virtue of its siting, scale, bulk, height and massing has an unsatisfactory relationship with the neighbouring dwellings at 31 and 33 Brands Road, being visually intrusive and therefore harmful to residential amenity and through an insensitive sub division of the existing plot at 31 Brands Road, results in a cramped form of development, which is out of keeping with the character and appearance of the existing area and results in insufficient retained amenity space to serve the existing dwelling. The development is thereby contrary to Planning Policy Statement 1, Planning Policy Statement 3, Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 - 2026) Development Plan Document December 2008 and Policies H13 and EN1 of the Adopted Local Plan for Slough 2004.</i></p> <p>The Appeal Inspector concluded that there are three main issues</p>	<p>Appeal allowed subject to conditions</p> <p>26th September 2012</p>

in this appeal. They are first, the effect of the proposal on the character and appearance of the area; secondly, the effect on quality of the residential environment for the occupants of Nos. 31 and 33 Brands Road and thirdly, the adequacy of the garden area remaining for No. 31 Brands Road.

In respect of the first issue, the Appeal Inspector concluded that the proposed two-bedroom bungalow would be constructed towards the eastern end of the plot, fronting Pepys Close, and separated from the bungalow at No. 31 by a distance stated by the appellant to be some 15 m., a distance not contested by the Council. In terms of its design and appearance, massing and siting the proposed hipped roof bungalow would relate well to the existing bungalows facing Brands Road. The distance from No. 31 would be sufficient to ensure that the proposed bungalow would not appear cramped in a way that would detract from the street scene. There is an existing 1.8 m. fence abutting the footway along the entire site frontage which means that the similar fence dividing the rear garden of No. 31 from the appeal site is difficult to see from Pepys Close. For these reasons, I consider that the proposal would respect the character and appearance of the area

In respect of the second issue the Appeal Inspector concluded: As the proposed bungalow would be to the east of the existing property at No. 31 and sited at the furthest end of the former garden there would, in my assessment, be no significant overshadowing of the rear courtyard to that dwelling or the dwelling itself, nor would there be any loss of privacy as any views would be effectively screened by the 1.8 m. fence. For similar reasons there would be no effect on the bungalow at No. 33 or the privacy of its occupants and there would be but a marginal effect on the outlook from the existing bungalows. The main visual impact would be from the bottom third of the garden to No. 33 Brands Road where the rear of proposed bungalow would be close to the boundary fence. However, with eaves at 2.35m., the hip roof design would minimise the extent to which the full height of the roof ridge would be apparent from the garden to No. 33. The massing of the building would not be such that it would be seen as overbearing when viewed from that garden and, as it would be to the north, there would be no overshadowing. I consider, therefore, that the proposal would have but a marginal visual impact (criterion j of LP policy EN1); it would respect the amenities of adjoining occupiers (CS Core Policy 8) and accord with criterion d) of LP policy H13 in so far as there would be no overlooking or loss of privacy.

Turning to the third issue the appeal Inspector concluded: the Council have accepted that the amenity space around the proposed bungalow would be fully useable and would meet the requirements of Local Plan policy H14. However, the existing bungalow, No. 31, following the fencing off which has already occurred, is left with a rear amenity area of only 3 to 5 metres in depth, although I observed that there is also a sizeable front garden On my visit I was able to

	<p>see from Brands Road that the area to the rear of No. 31 has been neatly paved and laid out with shrubs. With the 1.8 metre fencing all around it provides an easily maintainable area which is of sufficient size to allow for the basic domestic requirements for clothes drying and sitting out. It is a secluded and private courtyard, oriented such that it is sunlit through much of the day, although there will be shadowing from the bungalow in the afternoon. The Council describe the bungalow as a 'family' dwelling and I accept that there would be limited capacity for outside play. However, this would be apparent to any future purchaser or tenant. There is a role and place for dwellings with easily maintainable amenity areas, as part of a varied housing stock. Taking these factors into account I consider that the amenity (garden) areas around No. 31, including the front and south sides as well as the rear, totalling 63 m2., are not so sub-standard as to render the proposal unacceptable.</p>	
P/12934/006	<p>Land at Theale, Old Bath Road</p> <p>USE OF LAND FOR THE DISPLAY, SALE AND VALETING OF MOTOR VEHICLES</p>	<p>Appeal Dismissed</p> <p>27th September 2012</p>