

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE: 20th February 2014

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
2012/00621/ENF	20, Whitby Road, Slough, SL1 3DQ ALLEGED UNAUTHORISED ROOF EXTENSIONS	Appeal Dismissed 23 December 2013
P/15534/000	33, Gilmore Close, Slough, SL3 7BD ERECTION OF A SINGLE STOREY FRONT EXTENSION WITH PITCHED ROOF. Main Issue The main issue in this case is the effect of the proposal on the character and appearance of the street scene. Reasons The appeal relates to a modest 'linked detached' dwelling located within an estate of similar properties. The proposal would replicate the form of the extensions to the properties either side. Whilst the Inspector appreciate that the appeal dwelling sits slightly further forward, the design approach is consistent, it would bring uniformity to the group and it would not appear overly prominent within the street scene.	Appeal Granted 23rd December 2013
P/15074/001	22, Cranbourne Road, Slough, SL1 2XF ERECTION OF A 3 BEDROOM ATTACHED DWELLING	Appeal Dismissed 31st December 2013
P/15425/003	102, Long Furlong Drive, Slough, SL2 2PG	Appeal Granted

	<p>ERECTION OF A 1ST FLOOR REAR EXTENSION WITH CROWN TOP ROOF.</p> <p>The Inspector stated that planning permission had been granted for a single storey rear extension and a rear dormer had gained a certificate of lawfulness, the first floor rear extension cannot be implemented until both elements have been completed, the Inspector therefore considered the merits of the part first floor rear extension. The proposed extension would be located at the rear of the property, sited at first floor level and would incorporate set-backs from both adjoining side boundaries. Due to its location and the relatively small size of the proposal the development would have little impact on public views from within the surrounding area. The juxtaposition of existing and proposed windows with the variance from existing window design would not have a significant impact on the overall appearance of the building.</p>	<p>6th January 2014</p>
P/03798/004	<p>29, Merton Road, Slough, SL1 1QW</p> <p>ERECTION OF TWO STOREY SIDE AND REAR EXTENSION WITH HIP ROOF FOLLOWING DEMOLITION OF EXISTING SINGLE STOREY SIDE ADDITION TO A DWELLING HOUSE.</p>	<p>Appeal Dismissed</p> <p>6th January 2014</p>
P/15025/003	<p>75, Trelawney Avenue, Slough, SL3 8RG</p> <p>ERECTION OF AN ATTACHED TWO STOREY/SINGLE STOREY 2 BEDROOM DWELLING WITH PITCHED ROOF AND PARKING TO THE FRONT FOLLOWING DEMOLITION OF EXISTING GARAGE.</p> <p>Planning permission was granted on 24th July 2013 with 12 conditions including condition 6 which took the Permitted Development right; classes A, B, C, D, E, & F of the property away:</p> <p>Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order), Schedule 2, Part 1, Classes A, B, C, D, E & F, no extension to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority.</p> <p>REASON In the interests of design and amenity space in accordance with Policies EN1 and H14 of The Adopted Local Plan for Slough 2004.</p>	<p>Appeal Granted</p> <p>9th January 2014</p>

	<p>The Inspector allowed the appeal against conditions 6 by replacing the above condition with the following:</p> <p>Decision: The appeal is allowed and planning permission Ref P/15025/003 for the erection of an attached two storey/single storey 2-bedroom dwelling with a pitched roof and parking to the front following the demolition of the existing garage at land adjacent to 75 Trelawney Avenue, Slough SL3 8RG granted on 24 July 2013 by Slough Borough Council is varied by deleting condition 6 and substituting it for the following condition:</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no building, structure or alteration permitted by Class B or D of Part 1 of Schedule 2 of the 1995 Order (as amended) shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the local planning authority.</p> <p>Main Issue The main issue in this case is whether the condition in dispute is necessary in the interests of protecting the character and appearance of the area and safeguarding the living conditions of future occupiers of the development, with particular regard to private amenity space.</p> <p>And the reasons for supporting the appeal are as follow:</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. Conditional planning permission was granted in July 2013 for above proposal with condition No. 6 removing its Permitted Development rights. 2. Circular 11/95, Use of conditions in planning permission, advises that conditions should not be imposed which restrict permitted development rights except in exceptional circumstances. Paragraph 88 of the Circular notes that it may be appropriate to remove rights to enlarge dwellings to avoid overdevelopment in an area with an unusually high housing density. 3. The appeal site is located in a medium density suburban area comprising long terraces of similar age and appearance. 4. The dwelling would have a garden that is the same length but slightly narrower than that of No. 75 and larger than the Council's minimum requirements for 2/3 bedroom 	
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	<p>houses. Whilst I note that if permitted development rights are exercised in the future the area of the garden may be reduced to below the Council's standard, I am satisfied that the remaining space would be adequate for a small 2-bedroom dwelling and that future occupiers would benefit from acceptable living conditions if the property is extended at the rear or any outbuildings erected in the garden. I am also satisfied that such development would not harm the appearance of the area. For these reasons I do not consider that the removal of permitted development rights under Class A and Class E of the GDPO is necessary to achieve the aims of Policies EN1 and H14 of The Adopted Local Plan for Slough 2004 (LP).</p> <p>5. A key aspect of the uniformity of the area is the general absence of roof additions. In this context, and given the appeal site's close vicinity to the rear gardens of the terrace facing Denny Road, I consider that the removal of rights under Class B is necessary in the interests of protecting the character and appearance of the area as sought by LP Policy EN1. However, I am satisfied that the more modest forms of roof alterations allowed under Class C would not harm the appearance of the area.</p> <p>6. A number of properties in the road include porches. These vary greatly in terms of their form and appearance and therefore disrupt the uniformity of the generally flat-fronted terraces. The appeal proposal has been designed to reflect the scale and design of a terrace which does not include any porches. In my judgement the addition of a porch would unacceptably harm the appearance of the terrace and therefore the removal of rights under Class D is necessary in the interests of protecting the character and appearance of the area as sought by LP Policy EN1.</p> <p>7. Condition No. 7 requires the approval of details of the parking spaces. Hard surfacing within the garden would not harm the appearance of the area or living conditions of future occupiers. For these reasons the removal of (Class F) is unreasonable.</p> <p>Conclusion I conclude that the imposition of condition 6, as drafted by the Council, is unnecessary and unreasonable and does not comply with the tests set out in Circular 11/95 and I therefore, allow the appeal for its removal. However, for the reasons set out above, and having regard to all other matters raised, I consider that the removal of permitted development rights relating to the erection of roof extensions and porches is justified in the interests of protecting the character and appearance of the</p>	
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	<p>area. I have therefore substituted the disputed condition with a revised condition to achieve this.</p> <p>Conclusions:</p> <p>For the reasons given above the appeal officer concludes that the appeal should be allowed.</p>	
2012/00575/ENF	<p>134, Bader Gardens, Slough, SL1 9DW</p> <p>ALLEGED SINGLE STOREY STRUCTURE</p>	<p>Appeal Dismissed</p> <p>14th January 2014</p>
P/14878/006	<p>54, Farm Crescent, Slough, SL2 5TH</p> <p>ERECTION OF A FRONT PORCH WITH HIPPED AND PITCHED ROOF AND SINGLE STOREY SIDE EXTENSION WITH HIPPED AND PITCHED ROOF.</p>	<p>Appeal Dismissed</p> <p>14th January 2014</p>
P/07115/001	<p>42, Lynwood Avenue, Slough, SL3 7BH</p> <p>ERECTION OF A SINGLE STOREY FRONT EXTENSION WITH MONO-PITCHED ROOF INCORPORATING A PORCH AND CONVERSION OF GARAGE INTO HABITABLE ROOM.</p> <p>The reasons for supporting the appeal are as follow:</p> <ol style="list-style-type: none"> 1. Lynwood Avenue is characterised by detached and semi-detached two storey family dwellings. Whilst the dwellings have similar building lines, roof pitches, materials and fenestration, their detailed design varies and includes a mixture of asymmetrical and symmetrical front elevations. In particular, the precise siting and treatment of the integral garages varies and some have been converted to habitable accommodation. Generally the garages do not project forward of the main front elevation of the dwellings and are not dominant within the overall street scene. 2. The Appeal property and No.40 form a pair of originally symmetrically designed semi-detached houses. No. 40 has however been extended to the front with a porch and garage which projects in front of the main elevation of the dwelling. As a result of this extension the pair of dwellings appears unbalanced. 3. The proposed extension follows the form and proportions of the extension at No.40 and so would restore the balance between the two properties. The proposed new front window would respect and blend in with the fenestration of the host property and the existing two storey 	<p>Appeal Granted</p> <p>20th January 2014</p>

	<p>bay and gable feature would remain the dominant feature within the front elevation of the property. At the same time the extension would reduce the prominence of the garage door to No.40 within the frontage of the two dwellings. As a result, whilst the full symmetry of the two dwellings would not be restored, the proposed extension would restore the balance between them and would materially improve the appearance of the pair of dwellings, thus making a positive contribution to the street scene.</p> <p>4. Having regards to criterion EX1 of Residential Extensions Guidelines, (SPD) 2010, in this instance, by mirroring the proportions and size of the extension at No.40 the proposal will restore the balance of the two properties. As such it would comply with the objective of the SPD, which is to ensure extensions respect the character of the original building and the street scene.</p> <p>5. Both conditions in terms of matching materials and complying with approved drawings are also necessary for the avoidance of doubt and in the interests of proper planning.</p> <p>6. For these reasons I conclude that the proposed extension would respect and enhance the character and appearance of the host building and the street scene. It would therefore comply with policy 8 of the Slough LDF; policies H15, EN1 & EN2 of the Local plan for Slough 2004 (incorporate in the Composite Local Plan for Slough 2013), the objectives of the SPD and the National Planning Policy Framework.</p>	
<p>P/15275/004 P/15275/003 P/15275/EA</p>	<p>51, Blandford Road South, Slough, SL3 7RU</p> <p>ERECTION OF A PART SINGLE/PART TWO STOREY WRAP AROUND SIDE AND REAR EXTENSION. TWO STOREY SIDE EXTENSION WITH GABLE END AND TWO STOREY REAR EXTENSION WITH HIPPED AND PITCHED ROOF. SINGLE STOREY REAR EXTENSION WITH FLAT ROOF. (PART RETROSPECTIVE - EXISTING SINGLE STOREY EXTENSION).</p> <p>3 no. Linked Appeals</p> <p><u>P/15275/004 (Appeal A)</u> Two storey side extension with wrap around with table roof top allowing a loft conversion and addition of Velux rooflights to roof slopes"</p> <p>The main issue identified by the Appeal Inspector is the visual impact of the proposed development, its effect on the character and appearance of the area, and its effect on the residential amenities of neighbouring occupiers, having regard to relevant planning policies.</p>	<p>Appeal Granted</p> <p>29th January 2014</p>

	<p>Having regard to matters of bulk, the Appeal Inspector understand why the council refused planning permission, even after obtaining some improvements to what had been initially proposed. On the other hand, he identified a number of points in favour of the proposal..... that . this is a case where planning policies do not provide decisive guidance either way, because the effects of the development are primarily a matter of judgement: if the impact of the development is judged to be unsatisfactory, there are policies which support that judgement; if the impact of the development is judged to be acceptable, policy criteria would be met.</p> <p>The Appeal Inspector concluded that the decision on this appeal is finely balanced, and agreed with the council that the scheme originally proposed would have been unsatisfactory.....but on balance, judged that the modified proposal would be acceptable..... Therefore that the appeal succeeds.</p> <p><u>P/15275/003 (Appeal B)</u> Certificate of Lawfulness for a Proposed Outbuilding</p> <p>The Appeal Inspector identified the main issue to be whether the proposed building would be "permitted development" by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (the "GPDO"). This part of the GPDO, taken together with Article 3, grants planning permission for (among other things): "the provision within the curtilage of a dwellinghouse of any building....required for a purpose incidental to the enjoyment of the dwellinghouse as such".</p> <p>The Appeal Inspector concluded that the proposed building would meet the physical criteria set out in Class E, relating to aspects such as siting and height. The key matter of dispute is whether the proposal is incidental to enjoyment of the dwellinghouse</p> <p>The Appeal Inspector states that the scale of the building in relation to the size of the house is a concern, but the scale of the building is not a decisive point by itself, and it is necessary to consider the evidence put forward explaining why there is a requirement for the building. The Appeal Inspector concludes that the evidence about the proposed use of the building is inconsistent. This weakens the appellant's case and lead him to think that the intentions behind the proposal may not be the same as specified in the application. Moreover, no explanation has been put</p>	<p>Appeal Dismissed</p> <p>29th January 2014</p>
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	<p>forward as to why the appellant or his family have a requirement for the building and its proposed uses, for purposes such as an office and gymnasium.</p> <p>The appointed Inspector concluded that taking all the above points into account, he judged that the appellant has not discharged the onus of proof, to the appropriate standard (the balance of probability) and concluded that the council's refusal to grant a certificate of lawfulness was well founded, so the appeal does not succeed</p> <p><u>P/15275/EA (Appeal C)</u> Appeal against the serving of a Planning Enforcement Notice on grounds (a), (f) and (g)</p> <p>Turning to the outbuilding, the Appeal Inspector concludes that the main issue raised by ground (a) is whether the appearance of the building and its impact on residential amenity are acceptable.</p> <p>Having regard to all relevant factors the Appeal Inspector concluded that because of the unsatisfactory visual and amenity impact of the development and the conflict with policy, planning permission should not be granted for the outbuilding. Therefore the appeal on ground (a) fails.</p> <p>With respect to ground (f) The appellant suggests that the outbuilding could be reduced in size, including reducing its height and enlarging the gap between the building and the site boundary, as shown in Drawing BRS/01A.</p> <p>In summary the Inspector concludes: the appellant's attempt to achieve an alternative development is a misuse of ground (f). The breach of planning control which has occurred here is the unauthorised erection of a building. The enforcement notice requires the building to be demolished and all resultant materials removed from the land. As a means of remedying the breach, those requirements are not excessive or unreasonable.</p> <p>Ground (g) concerns the compliance period. No substantive reasons or evidence are put forward for the appellant to support this ground of appeal - there is merely a statement on his behalf that "the time given to comply with the notice is too short", and a request that the time be increased to six months</p>	<p>Appeal Dismissed</p> <p>14th January 2014</p>
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	<p>The Appeal Inspector concluded that the unfinished outbuilding was not a particularly complicated structure; the appellant apparently runs a building company and there is no evidence suggesting that obtaining the services of a suitable contractor would be difficult or time-consuming. Bearing those points in mind He did not see any justification for extending the compliance period. He concluded that ground (g) does not succeed.</p>	
P/02400/005	<p>46, Raymond Road, Slough, SL3 8LW</p> <p>ERECTION OF PART FIRST FLOOR PITCHED ROOF REAR EXTENSION AND INTERNAL ALTERATION TO EXISTING MASTER BEDROOM TO ADD ENSUITE SHOWER ROOM TO DWELLING HOUSE.</p>	<p>Appeal Dismissed</p> <p>4th February 2014</p>