

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO: PLANNING COMMITTEE**

**DATE: 16<sup>th</sup> January 2019**

### **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.

<b>WARD(S)</b>	<b>ALL</b>	
<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/16937/002	<p>168, St. Georges Crescent, Slough, SL1 5PD</p> <p>Change of use from dwelling house (C3) to larger House of Multiple Occupation (HMO) (Sui Generis).</p> <p>During the appeal, the appellant indicated that the site is already in use as a C4 HMO (6 occupants). The Local Planning Authority considered the application for 12 occupants as this is what was being applied for, resulting in noise/disturbance and insufficient parking provision for the intensified use. During the appeal, the appellants had agreed to no more than 8 occupants and the Inspector considered that the proposed development would not lead to material harm to the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking, noise and disturbance.</p> <p>Although, originally applied for 12 occupants, the Inspector conditioned maximum 8 occupants. There are also a number of conditions which requires details of:- dropped kerb to be submitted and agreed, provision of a refuse store and cycle store, communal living areas to be retained, area shown on the plans for vehicle parking to be provided and then retained in the interest of highway safety.</p> <p>The Inspector considered that the above conditions would make the scheme acceptable.</p>	<p>Appeal Granted</p> <p>6<sup>th</sup> December 2018</p>
2015/00123/ENF	<p>61, London Road, Slough, SL3 7RP</p> <p>Rear Outbuilding Used as Living Accommodation.</p>	<p>Appeal Dismissed &amp; Notice Upheld</p> <p>10<sup>th</sup> December 2018</p>
P/16966/003	<p>41a, Shaggy Calf Lane, Slough, SL2 5HN</p> <p>Change of use from an ancillary outbuilding to the rear of 39 and 41 Shaggy Calf Lane to independent residential dwellinghouse (Use Class C3) comprising a 2 bed bungalow with an integral garage, parking to the front of the building, and access drive from Shaggy Calf Lane.</p>	<p>Appeal Dismissed</p> <p>17<sup>th</sup> December 2018</p>

P/12982/008	<p>Saints Transport Ltd, Unit 14, Halo House, Galleymead Road, Colnbrook, Slough, SL3 0EN</p> <p>Application for express consent for 2 no. LED advertising displays each measuring 18m wide x 4.6m high.</p> <p>The main issue related to the increasing refresh rate for the advertisements in relation to highway safety on the M25 motorway.</p> <p>The proposal sought to change the refresh rate from 30 seconds to 10 seconds (before displaying a new advertisement).</p> <p>Highways England objected due to 'additional distraction' causing an unacceptable impact on highway safety, but the Inspector highlighted the absence of any information demonstrating this.</p> <p>The Inspector accepted the Applicant's evidence that the accidents and incidents that have occurred in the locality had no direct causal relationship with the advertisements.</p> <p>The Inspector therefore found that the absence of any cogent evidence to indicate that a refresh rate of at least 10 seconds is so short that it would result in any substantive change to the existing situation in terms of harm to highway safety.</p>	<p>Appeal Granted</p> <p>20<sup>th</sup> December 2018</p>
P/14449/003	<p>41, Shaggy Calf Lane, Slough, SL2 5HN</p> <p>Change of use from a dwellinghouse (Use Class C3) to a Large House in Multiple Occupation (Use Class Sui generis). Provision of 5no. parking spaces (3 to the front, 2 to the rear), with access from Shaggy Calf Lane via a private shared driveway. New window in rear elevation to serve bedroom 6.</p>	<p>Appeal Dismissed</p> <p>20<sup>th</sup> December 2018</p>
P/17094/000	<p>95, Gosling Road, Slough, SL3 7TN</p> <p>Construction of a 1no. three bedroom dwelling to north of 95 Gosling Road, and erection of single store rear (west) extension to number 95 Gosling Road.</p>	<p>Appeal Dismissed</p> <p>4<sup>th</sup> January 2019</p>
P/17039/000	<p>Land To The Side Of, 209, Littlebrook Avenue, Slough, SL2 2PE</p> <p>Construction of a two bedroom detached house with car parking spaces.</p>	<p>Appeal Dismissed</p> <p>4<sup>th</sup> January 2019</p>

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## Appeal Decision

Site visit made on 6 November 2018

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> December 2018

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Appeal Ref: APP/J0350/W/18/3208176

168 St Georges Crescent, Slough SL1 5PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Vikramjit Singh against the decision of Slough Borough Council.
  - The application Ref P/16937/002, dated 17 May 2018, was refused by notice dated 16 July 2018.
  - The development proposed is change of use from C4 (HMO) 6 Rooms (6 Persons) To HMO (SUI GENERIS) 6 Rooms (8 Persons), with ancillary facilities.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from C4 (HMO) 6 Rooms (6 Persons) To HMO (SUI GENERIS) 6 Rooms (8 Persons), with ancillary facilities at 168 St Georges Crescent, Slough SL1 5PD in accordance with the terms of the application, Ref P/16937/002, dated 17 May 2018, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to submit comments in relation to the new Framework and where any were received these have been taken into account in my reasoning.
3. The Council have based their assessment of the proposal on the potential for the property to be occupied by up to 12 people. However, the appellant has clearly applied for a maximum of 8 people and I have assessed the proposal on that basis. Notwithstanding the Council's concerns, in view of the fact that I am allowing the appeal a condition is included that limits occupation of the property to no more than 8 people.
4. I understand that the Council consider the lawful use of the building to be C3 (dwellinghouse) and that is stated on the decision notice. The Council comment that planning permission has not been granted for a 6 bedroom house at the site. However, they have not indicated that permitted development rights have been removed and on that basis the building could be used as a C4 HMO for up to 6 occupants without requiring planning permission. The appellant indicates that 168 St Georges Crescent (No 168) is already in use as a C4 HMO and I have assessed the proposal on that basis, as applied for, in the absence of any substantive evidence to the contrary. Therefore, I have taken the description of

development in the banner heading above from the application form. While a different description is given on the appeal form and the decision notice, no confirmation that a change was agreed has been provided.

### Main Issues

5. The main issues of the appeal are;
- the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking, noise and disturbance, and
  - whether the proposal makes adequate provision for parking off-road and the effect of any lack of provision on highway safety.

### Reasons

#### Living Conditions

6. The appeal site is located in a residential area where properties are in relatively close proximity to each other. No 168 is a corner plot which results in it having a triangular rear garden. The orientation of the surrounding properties means there is mutual overlooking in to the rear gardens. Many properties in the street and surrounding area have off street parking areas. Where they do it is generally to the front of the property.
7. As well as a rear garden, a further enclosed outdoor space is provided to the front corner of the plot. Although part of this would be used for cycle storage, it affords a second useable outdoor space and one which is further from the neighbouring properties and their rear gardens. Therefore, there is sufficient outdoor space to ensure any increased use of it by the further occupants would not give rise to significant additional noise or disturbance.
8. An outcome of occupants each having their own live/work balance would be vehicle and pedestrian movements at different times of the day and night. Nonetheless, any increase in vehicle movements would be at the front of the property where the parking area is located. This is not uncommon in the street. Some level of noise or disturbance from this is to be expected in residential areas and given the limited uplift in the number occupants the increased vehicle and pedestrian movements would not be significant in the context of this locality.
9. The Council's officer report states that there is ample communal living space provided and I have no reason to disagree. The proposal would provide a communal kitchen, dining and living room and the number of occupants would not increase greatly. Therefore, it is unlikely that the proposal would lead to occupants spending significantly more time in their bedrooms. Moreover, there would be no new or enlarged openings proposed. As such, any additional use of the bedrooms would not lead to substantial extra impacts on the occupants of neighbouring properties.
10. At my site visit, which I accept is only a snapshot in time, the compact form of development in the area and passing traffic in the surrounding streets resulted in some background noise being experienced. As a consequence of the orientation of the adjacent properties some noise and disturbance from the occupants of other properties would not be unusual. There has also been no comment provided from the Council's Environmental Health Section. There is

no substantive evidence before me that the comings and goings, and the resultant potential for overlooking, noise and disturbance as a result of the increase from 6 to 8 occupants would be meaningfully greater than that of a family home or a C4 use.

11. Therefore the proposed development would not lead to material harm to the living conditions of the occupiers of neighbouring properties, with particular regard to overlooking, noise and disturbance. As such, it would comply with Policy H20 of the Local Plan for Slough 2004 (Local Plan) and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document (Core Strategy). Policy H20, in part, requires the use of the property to not result in loss of amenity for adjoining occupiers. Core Policy 8, amongst other things, seeks to ensure development respects the amenities of adjoining occupiers and does not give rise to unacceptable levels of noise. Moreover, it complies with the Framework where it seeks to ensure development creates a high standard of amenity.

#### Highway Safety

12. Although there is no adopted parking requirement for HMOs, the Highway Authority asserts that 3 parking spaces are required. This is based on the number of rooms in the property, which is not changing as part of the proposal, rather than occupants. As such, the C4 6 person HMO would require the same parking provision as the proposed HMO for 8 persons. Consequently, the existing C4 use would have the same parking requirements and implications as the appeal proposal.
13. While 3 spaces are shown on the submitted plans it is realistic that only 2 would be used. This is due to their configuration and potential difficulties in being able to have vehicles moved. I note the concerns with existing on street parking in the area and the blocking of drives however there is limited explanation as to how additional parking would lead to highway safety concerns in this instance. There has also been no response from the Highway Authority to support the concerns.
14. At my site visit, which I appreciate may not have been during peak periods of parking demand; I observed that there was some on street parking already taking place in St Georges Crescent and the surrounding streets. Nonetheless, large parts of the surrounding streets do not have parking restrictions and many properties have their own off street parking. Therefore, even if the proposal led to 1 additional vehicle parking on the street this could be accommodated without resulting in any significant implications for highway safety.
15. The Council have concern that the existing access and parking arrangement at the site are not in accordance with a previous planning permission (P/16937/001) and may be unlawful. An access and parking area is shown in this proposal. The Council have not stated that the proposed arrangement causes any highway safety concern other than commenting that vehicles are currently bumping over the kerb to access the site. I am able to include conditions requiring the access and parking to be provided and in relation to the dropping of the kerb. The Council have suggested a condition requiring the provision of cycling facilities and this would encourage the use of non-car modes of transport.

16. As such, the level of parking provision would be adequate and as a result the development would not harm highway safety. It therefore would comply with Policies H20 and T2 of the Local Plan and Core Policy 7 of the Core Strategy. Policies H20 and T2, in part, require appropriate levels of on-site parking spaces to be provided. Core Policy 7, amongst other things, seeks to ensure the level of parking is appropriate to a development's location and scale, and takes into account local parking conditions and impacts on road safety.

### Other Matters

17. I acknowledge that there are material differences between previous appeals referred to and the one before me. None relate to development in this area or were subject to the same development plan policies. Some relate to proposals of a different scale and locational context, and I have assessed the proposal before me on its own merits. Nevertheless, I do note that a condition restricting the number of occupants has been applied in 2 of the cases (APP/Z1775/A/12/2177629 and APP/Z1775/W/16/3159990) to protect living conditions.
18. The fact that the Council is not aware of any flats or large HMOs within the vicinity of the appeal site does not add significant weight to the assertion that having 8 occupants at the appeal property would give rise to substantive negative impacts. That the Council have granted planning permission for HMO's in what they describe as more transient locations also does not imply that material harm would arise from this proposal.
19. While there have been concerns regarding how the proposal may affect the future sale of property, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. The Council's officer report does not raise any concerns over the principle of the development in this location and there is no substantive evidence to lead me to a different conclusion.

### Conditions

20. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty.
21. A condition limiting the number of residents to no more than 8 is imposed. This is to protect the living conditions of the occupants of neighbouring properties. It also reflects what is being applied for. There is nothing to suggest that the condition would be breached and monitoring would not be needed unless it was considered there was a potential breach. The condition would satisfy the tests set out in national guidance and could therefore reasonably be imposed.
22. I have also imposed conditions requiring the provision of a refuse store to ensure adequate refuse facilities are provided, as well as a cycle store to facilitate sustainable transport options. The submission of these details and provision of the facilities are required prior to the commencement of the use as the need for them will arise from the time of the initial occupation. A condition requiring the communal living areas to be retained is proposed to ensure appropriate living conditions are maintained for the occupants of the property.



23. Additionally, I have imposed a condition requiring the area shown on the plans for vehicle parking to be provided and then retained in the interest of highway safety. The provision of this area is required prior to the commencement of the use as it will be needed from the initial occupation. A further condition requiring details of the dropped kerb to be submitted and agreed, with the Council, is imposed in the interest of highway safety is needed. The agreement of these details and provision of the dropped kerb is necessary prior to the commencement of the use as an appropriate access is required before its occupation.
24. The Council has suggested a condition preventing subdivision of the property. This is not necessary as that form of development would need planning permission. Moreover, there is a condition requiring compliance with the plans and it is clear that planning permission is for a HMO. A further condition limiting the number of occupants has also been included.
25. I have not imposed a condition preventing cooking facilities in bedrooms. This is not necessary as it is clear from the plans that the intention is for a communal kitchen. The Council have also not provided any clear evidence as to how this would prejudice the amenity of the area. Finally, it is not clear what the Council consider cooking facilities to be and it is therefore not precise.
26. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

#### Conclusion

27. I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

**Stuart Willis**

INSPECTOR

### Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No PL-02 Rev P2.
- 3) The premises shall only be used as a house in multiple occupation for a maximum of 8 residents.
- 4) At all times the property is occupied for the use hereby approved the ground floor kitchen/dining/communal living room and the first floor shower room as shown on Drawing No PL-02 Rev P2, shall be kept available as communal space for all residents of the property.
- 5) The development hereby approved shall not commence until the parking area to the front of the dwelling has been provided in accordance with Drawing No PL-02 Rev P2 and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) The development hereby approved shall not commence until details of the dropped kerb for the access shown on Drawing No PL-02 Rev P2 have been submitted to and approved in writing by the local planning authority. The dropped kerb shall be provided in accordance with the approved details prior to the development being brought into use.
- 7) The development hereby approved shall not commence until details of a cycle store to be provided on site have been submitted to and approved in writing by the local planning authority. The cycle store shall be provided in accordance with the approved details prior to the development being brought into use and retained for cycle storage thereafter.
- 8) The development hereby approved shall not commence until details of a bin store to be provided on site have been submitted to and approved in writing by the local planning authority. The bin store shall be provided in accordance with the approved details prior to the development being brought into use and retained for bin storage thereafter.



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# Appeal Decision

Site visit made on 18 September 2018

**by Mrs H M Higenbottam BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 December 2018**

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**Appeal Ref: APP/J0350/C/17/3183334**

**Land at 61 London Road, Slough, Berkshire SL3 7RP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs Paramjit Kaur Sall against an enforcement notice issued by Slough Borough Council.
  - The enforcement notice was issued on 1 August 2017.
  - The breach of planning control as alleged in the notice is 'without planning permission, the unauthorised use of a rear outbuilding as a unit of self-contained residential accommodation.'
  - The requirements of the notice are:
    - (i) Cease the use of the Outbuilding as self-contained residential accommodation.
    - (ii) Remove the kitchen and bathroom from the outbuilding.
    - (iii) Remove from the Land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
  - The period for compliance with the requirements is two months.
  - The appeal is proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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## Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Appeal on ground (c)

2. In appealing on ground (c), the burden of proof is firmly on the appellant to demonstrate, on the balance of probabilities, that the matters stated in the Notice do not amount to a breach of planning control.
3. Planning permission was granted in 2012 (reference P/03723/003) for the building the subject of the Notice. Condition 6 of that planning permission is stated by the appellant to restrict the use of the outbuilding to be in conjunction with the existing house and shall not be subdivided or used in multiple occupation. While there may well have been a breach of this condition, the Council has pursued an allegation of a material change of use of the outbuilding to a self-contained residential use and I will determine the appeal on this basis.
4. The use of the outbuilding as a self-contained dwelling is not disputed as the appellant states that at the time the Notice was served the outbuilding was occupied by a family friend. The Council has provided a photograph of the front page of a Tenancy Agreement for the tenant of the outbuilding. The agreement was for a 'furnished house or flat' on an assured shorthold tenancy.

The document was shown to the Planning Enforcement Officer by the appellant at a site visit on 10 July 2017. On the evidence before me, on the balance of probabilities, the outbuilding was occupied as self-contained residential accommodation at the time the Notice was served. The outbuilding provided all the facilities necessary for independent day-to-day living for cooking, eating and sleeping and was used as someone's home. As such, it amounted to a material change of use and required planning permission.

5. As such, for the reasons stated above the material change of use to self-contained residential use required planning permission and the appeal on ground (c) fails.

### **Appeal on ground (f)**

6. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the harm identified in the Notice. In appealing on ground (f) the appellant must specify specific lesser steps which, in their view, would overcome the objections to the appeal development.
7. While the Council do not specify the purpose of the Notice it is clear from the drafting of the Notice that its purpose is to remedy the breach of planning control. The only available submission is therefore that as a matter of fact the requirements exceed what is necessary to remedy the breach.
8. The appellant states that the installation of the kitchen and bathroom followed completion of the outbuilding and that they do not amount to development as set out in section 55 of the Act. It is further stated that the building has always been used by the family in conjunction with the main dwelling but was occupied by a tenant for a short period in 2014. That tenant moved out, following a request by the Council in 2015. The building then continued to be used for purposes in conjunction with the main dwelling in accordance with condition 6 of planning permission P/03723/003 until February 2017 when a family friend moved in on a short term basis. The appellant contends that the requirements of the notice are excessive and that the bathroom and kitchen did not require consent as they were installed when the outbuilding was in use by the family in conjunction with the main dwelling in accordance with the planning permission.
9. The allegation is that there has been a material change of use of the outbuilding to self-contained residential accommodation. A Notice directed at a material change of use may require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if such works might not, on their own, constitute development, so that the land is restored to its condition before the change took place. Therefore it is not a matter of whether or not the bathroom and kitchen installation was development but whether or not their installation facilitated the material change of use.
10. It is for the appellant to demonstrate on the balance of probabilities that the kitchen and bathroom were installed at a time and for purposes other than to facilitate a material change of use of the outbuilding to self-contained residential use. The appellant has provided no substantiated evidence of when the kitchen and bathroom were installed, by whom and how the building was being used and by whom at the time of installation.

11. On the basis of the evidence before me I consider that the installation of the bathroom and kitchen facilitated the material change of use to self-contained residential accommodation and, as such, were integral to and solely for the purpose of facilitating the material change of use. It is therefore appropriate, and not excessive, that the requirements include the removal of both the kitchen and the bathroom.
12. Therefore, in the absence of cogent evidence to the contrary, I conclude that the requirements of the Notice are not excessive and the appeal on ground (f) fails.

**Appeal on ground (g)**

13. This ground of appeal is that the time given to comply with the Notice is too short. The Council has given a two months compliance period. The appellant has requested a period of six months.
14. In the appellant's view, due to the costs and time required to arrange builders to undertake the works a period of six months is reasonably required to comply with the Notice. The appellant has confirmed that the occupier of the outbuilding no longer lives at the premises. The appellant states that the building is now in use for purposes in conjunction with the main dwelling in accordance with condition 6 of the planning permission.
15. In my view, the minimal works required to remove the kitchen and bathroom would not be a significant amount of work and should be capable of being undertaken in a few days. While I appreciate the appellant may need to find a tradesperson to carry out the works, two months would, on the evidence available, be a reasonable period in which to comply with the Notice. The appeal on ground (g) fails.

*Hilda Higenbottam*

Inspector

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## Appeal Decision

Site visit made on 19 November 2018

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> December 2018**

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**Appeal Ref: APP/J0350/W/18/3207021**

**41 A Shaggy Calf Lane, Slough, Berkshire SL2 5HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Manga Pawar against the decision of Slough Borough Council.
  - The application Ref P/16966/003, dated 8 February 2018, was refused by notice dated 18 April 2018.
  - The development is the proposed use of existing vacant outbuilding as 2-bedroomed dwellinghouse at rear of 39-41 Shaggy Calf Lane – Slough SL2 5HN.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to submit comments in relation to the new Framework and where any were received these have been taken into account in my reasoning.
3. The appeal building has been subject to an enforcement notice which the Council and appellant state has been complied regarding the use of the building as a self-contained 4 bedroom dwelling without planning permission. The building is now said to be used for purposes ancillary to 41 Shaggy Calf Lane. This proposal seeks planning permission for change the use of the existing building to an independent 2 bedroom dwellinghouse.

### Main Issues

4. The main issues of the proposed development are the effect on;
  - the character and appearance of the area,
  - the living conditions of future occupiers, with particular regard to outlook, outdoor space and daylight, and
  - the living conditions of occupiers of 39 and 41 Shaggy Calf Lane with particular regard to overlooking, disturbance and privacy.

## Reasons

### *Character and Appearance*

5. The appeal site is located to the rear of 39 (No 39) and 41 (No 41) Shaggy Calf Lane and accessed off a narrow drive between them. It is one of several ancillary outbuildings in the street located to the rear of, and accessed between, residential properties. While not uniform in its layout, the street is characterised by 2 storey properties fronting on to the street, set in linear plots with their main garden space to the rear. While there is some limited variety in the building pattern, there is a consistency in the general scale and position of dwellings which is a strong defining characteristic of development in the area.
6. The building to be converted has the appearance of an ancillary building, due to its size, utilitarian appearance and location on the plot. The proposed change of use would not change these aspects of the building but would create a residential dwelling which would be at odds with the existing residential dwellings in this street. Moreover, the shape of the plot would be inconsistent with the linear pattern of residential development. While the proposed dwelling would have outdoor space of a comparable size to that of nearby properties, it would not have the characteristic rear garden.
7. Furthermore, it would be set back a significantly greater distance from the street than, and to the rear of, dwellings on Shaggy Calf Lane. While this and the intervening gates would reduce its visibility from the street, its incongruity with the surrounding properties would be obvious. Moreover, the fact that it would be screened from the street is not a reason to allow a development which is inherently unacceptable.
8. Therefore, the proposal would result in significant harm to the character and appearance of the area. As such, it would be contrary to Policies H13 and EN1 of the Adopted Local Plan for Slough 2004 (Local Plan) and Core Policies 4 and 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008. It would also be contrary to the Framework. These, in part require development to respond to local character and be compatible with their surroundings, enhancing the identity of the area.

### *Living Conditions of Future Occupiers*

9. At my site visit I saw there was a rooflight in what would be bedroom 1. Nevertheless, the plans before me do not show any openings in this room and it would therefore have no outlook or source of natural light. A rooflight is proposed in the ceiling of the dining room and the study. While not large, given the size of the rooflights and the rooms they serve I consider they would allow sufficient daylight to enter. Nevertheless, given their high level position they would not provide any meaningful outlook from these rooms as would be expected with a normal vertical window arrangement. As such, these rooms would not provide satisfactory living conditions for future occupiers.
10. I have considered whether imposing conditions to introduce additional windows, or alter the layout of the dwelling, would be reasonable. However, due to the lack of certainty as to what the changes would be, or their effect, I cannot be assured that such conditions would be effective.

11. The outdoor space would meet the overall size requirements indicated in the SPD<sup>1</sup> and be comparable to that of the adjacent properties. However, the outdoor space would be all hard standing and not located to the rear of the property. Moreover, the need to provide refuse and bike storage, as well as the proposed planting would reduce the usable area available.
12. The proposed fence at the boundary with No 41, along with the outbuilding at the rear of No 39, would provide an element of privacy for the proposed outdoor space preventing significant overlooking in to this area from the adjacent properties. However, the height of these features and close proximity to the appeal building would result in an unacceptable enclosing effect. Therefore, even if the parking and manoeuvring of vehicles did not take place on the courtyard, the above factors would severely restrict the usefulness and attractiveness of the outdoor area to the detriment of future occupiers.
13. I conclude that the proposal would fail to provide appropriate living conditions for future occupiers in regard to outlook and outdoor space. It would therefore be contrary to Policies H13, H14 and EN1 of the Local Plan and Core Policy 8 of the Core Strategy. These, in part, require development to provide appropriate, quality amenity space, compatible with its surroundings. It would also be contrary to the Framework where it seeks to secure a high standard of amenity for all existing and future users.
14. Core Policy 4 of the Core Strategy is referred to however this relates to the type of housing rather than living conditions. Therefore it weighs neither for nor against the proposal in relation to this issue.

*Living Conditions of Occupiers of 39 and 41 Shaggy Calf Lane*

15. The proposed dwelling would have 2 bedrooms and would have 2 on-site parking spaces. This would result in a significant intensification in likely activity on site over that expected in relation to an ancillary outbuilding. To access the proposed dwelling vehicles and pedestrians would travel along the existing narrow drive in close proximity to No 39 and No 41. Although partly flanked by boundary treatments, they would pass alongside ground and first floor windows at Nos 39 and 41 as well as parts of their rear gardens. Parking in front of the gates is suggested which would prevent vehicles needing to travel along the whole of the drive and the proposal is for only for a single dwelling. Nonetheless, the resulting noise from engines and pedestrians would be very apparent to the occupants of Nos 39 and 41 when they pass and repass the properties, causing disturbance that would be detrimental to the living conditions of the occupiers of these properties.
16. Boundary treatments, outbuildings and the single storey nature of the dwelling would result in there being no significant loss of light or overbearance at the adjacent properties. Moreover, they would prevent overlooking into the rear amenity spaces of No 39 and No 41. While the upper windows on the rear elevations of the existing properties would be visible from parts the appeal site, in light of the angle of views, boundary treatments and the distances involved, the impacts on privacy would not be significant.
17. Nevertheless, the proposal would have a detrimental effect on the living conditions of the occupiers of No 39 and No 41 Shaggy Calf Lane with regard to

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<sup>1</sup> Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

disturbance. It would be contrary to Policies H13 and EN1 of the Local Plan as well as Core Policy 8 of the Core Strategy where these require, among other things, that development respects the amenities of adjoining occupiers, are compatible with its surroundings and does not result in substantial loss of amenity at existing properties. It would also be contrary to the Framework where it seeks to secure a high standard of amenity for all existing and future users.

18. Again Core Policy 4 is referred to but weighs neither for nor against the proposal in relation to this issue.

### **Other Matters**

19. My attention has been drawn to properties at 188 Stoke Road<sup>2</sup> which have a access arrangement to that proposed here. Nonetheless, these are 2 storey properties with rear gardens. The property at 190 Stoke Road<sup>3</sup> is again 2 storey and like those at Canterbury Avenue<sup>4</sup> and Salisbury Avenue<sup>5</sup> does not require an access passing in close proximity between existing properties. Cranbourne Close<sup>6</sup> relates to an enforcement appeal where immunity from action was a consideration. The other appeal decisions<sup>7</sup> concern new buildings rather than conversions. None of these examples are strictly comparable with the appeal before me, which I have determined on its own merits. They are materially different to this appeal and I therefore afford them little weight.
20. The lawfulness of the appeal building is not part of the consideration of the appeal before me. There is also no substantive evidence to indicate the building is not structurally sound. However, this does not alter my conclusions on the main issues. The assertion is made that the site is brownfield land. Even if it were, any benefits associated with utilising such land would not outweigh the significant harm I have identified.
21. The reasons for refusal do not relate to highway safety, levels of parking provision or access to modes of transport, services and facilities. I have no reason to disagree. Nevertheless, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal. While I note there were no objections from third parties or consultees, a lack of opposition or support for a proposal in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.
22. The proposal may in some respects align with elements of local and national policy, including those seeking to boost housing supply. Nonetheless, being for only one dwelling such benefits would be very limited and the proposal does not accord with the development plan or the Framework as a whole. Furthermore, the harm to the character and appearance of the area and to living conditions would conflict with the environmental and social objectives of achieving sustainable development.

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<sup>2</sup> P/1259/006

<sup>3</sup> P/01860/008

<sup>4</sup> P/08332/011

<sup>5</sup> P/13249/008

<sup>6</sup> APP/J0350/C/14/2218487

<sup>7</sup> APP/J0350/W/17/3173429 and APP/J0350/W/17/3173429



## **Conclusion**

23. The proposal would cause harm to the living conditions of existing and future occupiers, and would harm the character and appearance of the area. The limited benefits of the proposal would not outweigh this harm. I therefore conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR

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## Appeal Decision

Site visit made on 11 December 2018

**by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> December 2018**

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**Appeal Ref: APP/J0350/H/17/3190614**

**Halo House, 14 Galleymead Road, Poyle, Slough SL3 0EN**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.
  - The appeal is made by Insite Poster Properties against Slough Borough Council.
  - The application Ref P/12982/008 is dated 11 August 2017. The advertisement proposed is described as "express consent for 2no. LED advertising displays each measuring 18m wide x 4.6m high [amendment to conditions 3, 6 and 7 of express consent P12982/007]".
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### Decision

1. The appeal is allowed and consent is granted for 2no. LED advertising displays each measuring 18m wide x 4.6m high as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The development hereby approved shall be implemented only in accordance with the following plans and drawings: T3528 A4 050, T3528 A4 051, T3528 A4 060
  - 2) The level of luminance shall not exceed 600 candelas per sq. metre during the day and 300 candelas per sq. metre from dusk to dawn.
  - 3) The signs shall not have any moving or apparently moving images.
  - 4) Any change in the advertisement display shall be instantaneous.
  - 5) The advertisements displayed on each panel shall not change more frequently than once every 10 seconds.

### Background and Procedural matters

2. The site has been subject to a number of applications for the consent to display advertisements dating back to 2004. The most recent consent was granted in 2014 which was subject to 7 conditions. The advertisement displays currently in situ are the same size as the approved scheme, however the supporting structure is different. The appellant seeks a consent with condition 3 altered to refer to drawings that reflect what has been constructed and therefore regularise this issue. The changes are minor in nature and I note the Council has not objected to the proposed change for this condition. I have no reason to reach a contrary view and so I will not consider this matter further.

3. Condition number 6 of the 2014 consent required that any change to the advertisement displays was to be instantaneous. Initially a variation to the wording was sought to allow the change to take place over a period of 1 second. In more recent correspondence the appellant has confirmed that it is content for this condition to not be altered. I have therefore considered the appeal on the basis that no alteration to condition 6 is proposed.
4. It appears that historically there were issues with the level of luminance of the advertisements. However, no changes to the condition which controls this are sought and so this matter is not before me. I also note that there are several objections in general to the provision of illuminated advertisements in this location. As consent has already been granted for displays of the same size I will not revisit these matters. My focus is in respect of the proposed change to condition 7 to allow an advertisement to be displayed on each panel up to once every 10 seconds, rather than the previously consented once every 30 seconds.
5. Advertisements should be subject to control only in the interest of amenity and public safety. The concerns raised in respect of the change to condition 7 relate to public safety matters, specifically that of highway safety. In view of the limited scope of the matters before me there are no substantive amenity issues. The appeal is in respect of the Council's failure to decide the application, however the Council has provided a putative reason for refusal. In this the Council cite conflict with saved Policy EN11 of the Local Plan for Slough, however the focus of this Policy relates to amenity and not public safety. It is therefore not relevant to the disputed matters and so I will not refer to it further.

### **Main issue**

6. In view of the above, the main issue is the effect of the proposed revised refresh rate for the advertisements on highway safety on the M25 motorway.

### **Reasons**

7. The advertisements are positioned to the west of the M25, between junctions 14 and 15. At this point the carriageway is 6 lanes wide in both directions. Given the proximity to both junctions this is an area where there is likely to be a high frequency of drivers changing lanes. At a refresh rate of at least 30 seconds, in normal conditions, drivers would not witness many changes of image before passing the sign. The frequency would increase with a refresh rate of 10 seconds. However, this is still a considerable period of time. It would be sufficient so that changes would not appear so frequent as to cause an additional distraction.
8. Highways England has suggested that a reduced refresh rate would cause additional distraction and introduce an increased detrimental impact on highway safety. However, there is nothing in its evidence to demonstrate why this would be so. The Council is of the view that the appellant's evidence does not fully corroborate or confirm that the accidents and incidents that have occurred in the locality had no direct causal relationship with the advertisements. However, no evidence has been submitted which would indicate that there was such a relationship. The appellant's information was based on data up to September 2016. At the time the application was submitted this was the most up to date evidence available and so it was

reasonable for the appellant to rely on it. I do not have any cogent evidence to indicate that a refresh rate of at least 10 seconds is so short that it would result in any substantive change to the existing situation in terms of harm to highway safety.

### **Conditions**

9. As the advertisements are in place, it is debatable whether a condition specifying the relevant plans is necessary. However, given one of the reasons the application was submitted was to regularise the design of the supporting structure I have included a condition specifying the plans to provide clarity.
10. In the interests of highway safety it is necessary to control luminance, prevent moving images, control the change between advertisements and to provide a minimum refresh rate. In respect of the latter, for the reasons I have outlined above, 10 seconds would be adequate.

### **Conclusion**

11. For the reasons given above I conclude that the proposed revised refresh rate for the advertisements would not be detrimental to highway safety on the M25 motorway. The appeal should be allowed.

*K Taylor*

INSPECTOR



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## Appeal Decision

Site visit made on 19 November 2018

**by Stuart Willis BA Hons MSc PGCE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2018**

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**Appeal Ref: APP/J0350/W/18/3212272**

**41 Shaggy Calf Lane, Slough SL2 5HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Seema Kamboj of Ismart Property Solutions against the decision of Slough Borough Council.
  - The application Ref P/14449/003, dated 27 February 2018, was refused by notice dated 27 April 2018.
  - The development proposed is change of use from C4 (HMO) 6 Persons to HMO (SUI GENERIS) 9 Persons, with ancillary facilities.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to submit comments in relation to the new Framework in their appeal submissions and where any were received these have been taken into account in my reasoning.
3. The decision notice refers to the existing use as C3 (dwellinghouse). However, the Council acknowledge that permitted development rights allow the building to be used as a C4 HMO for up to 6 occupants without requiring planning permission. The appellant indicates that 41 Shaggy Calf Lane (No 41) is already in use as a C4 HMO and has clearly applied for a maximum of 9 occupants. I have assessed the proposal on that basis.
4. Therefore, I have taken the description of development in the banner heading above from the application form. While not specified in this description, I have assessed the proposal on the basis that it includes a new rear elevation window and altered parking arrangements.

### Main Issues

5. The main issues are the effects of the proposed development on;
  - the character and appearance of the area,
  - the living conditions of future occupiers, with particular regard to outdoor space, outlook and daylight, and

- the living conditions of occupiers of 39 and 43 Shaggy Calf Lane, with particular regard to disturbance.

## **Reasons**

### *Character and Appearance*

6. The appearance and layout of the appeal site (No 41) is typical of Shaggy Calf Lane. It is a 2 storey property fronting on to the street, set in a linear plot with the main garden space to the rear and a parking area to the front. No 41 is one of several examples in the street where there are drives and/or outbuildings located behind the front building line. The character of the street is primarily residential although there is a school behind No 41 as well as commercial uses around nearby cross roads.
7. The additional parking spaces required as a result of the proposed increase in occupants would be located within the main garden area at the rear of No 41. This, along with the cycle parking, would divide the garden creating an awkward and disjointed layout at odds with the existing linear arrangement of No 41 and that of the adjacent properties. There has been no substantive evidence provided to indicate that this layout is one that is repeated elsewhere in the street. As such, the fragmented garden space would be out of keeping with, and harmful to, the character and appearance of the area.
8. Other than in relation to the parking arrangement and its effect on the garden there is no detailed reasoning as to why a large HMO would be detrimental to the character of the area. No policy preventing the introduction of a larger HMO has been highlighted and the use of No 41 is already established as a HMO. It would remain so were permission granted, albeit at an increased level of occupancy that would take it from one use classification to another. Therefore, the overall range of housing stock being provided would be unchanged as would the number and proportion of HMOs in the area.
9. Nonetheless, the proposal would result in significant harm to the character and appearance of the area. It would be contrary to Policies H14, H20, EN1 and T2 of the Adopted Local Plan for Slough 2004 (Local Plan) and Core Policies 4 and 8 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, December 2008 (Core Strategy). It would also be contrary to the Framework. These, in part, require development to be of a high quality design and be compatible with the character of their surroundings, enhancing the identity of the area.

### *Living Conditions of Future Occupiers*

10. The proposal may meet the relevant health and safety regulations and the requirements of a HMO license. Nonetheless, the licensing of a HMO is administered under the Housing Act and there remains a need to assess the effect of the proposal on the living conditions of future occupiers against the relevant planning policies.
11. The SPD<sup>1</sup> relates to residential extensions and is beneficial insofar as providing guidance on factors affecting amenity space provision. Policy EX 48 of the Core Strategy is referred to in relation to the size of the rear garden. Although this

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<sup>1</sup> Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

has not been provided, the Council has not stated that the overall size of the outdoor space falls below their standards.

12. The proposal would lead to additional occupants and the need for appropriate outdoor space provision. Car parking spaces are proposed within the rear garden area and cycle parking. The disjointed and awkward arrangement this would create in the outdoor space would in effect separate it into smaller individual parts making it less appealing and practical. Even though fencing off the rear garden may enhance security, the insertion of the parking areas and parked vehicles would negatively impact on the usefulness and attractiveness of the garden. This would result in a poor quality outdoor space to the detriment of the living conditions of the future occupiers.
13. While the bedrooms in the loft would not have any windows within their walls, they would have rooflights positioned within the slope of the roof. Due to their height above floor level they would afford an outlook similar to that which would be achieved from a vertical window arrangement. There are no refusal reasons relating to the size of the rooms within the property. While not large, given the size of the rooflights and the rooms they serve I consider they would also allow sufficient daylight to enter.
14. As the rooflights would provide appropriate daylight and outlook for the loft bedrooms, additional side windows would not be required and do not form part of the proposal before. In the event that the appeal were allowed, conditions could be added in relation to the side elevation window for the proposed bedroom 6 to prevent overlooking as sufficient outlook and daylight could be achieved from the proposed additional rear elevation window.
15. Notwithstanding that I have not identified any harm to internal living conditions, the proposal would fail to provide appropriate living conditions for future occupiers in regard to outdoor space. It would be contrary to the elements of Policies H14, H20, T2 and EN1 of the Local Plan and Core Policy 8 of the Core Strategy where they require development to provide appropriate, quality amenity space and be compatible with its surroundings. It would also be contrary to the Framework where it seeks to secure a high standard of amenity for all existing and future users.

#### *Living Conditions of Occupiers of 39 and 43 Shaggy Calf Lane*

16. While No 39 is in the same ownership as No 41 there is still a need to ensure that living conditions would be maintained. To access the proposed parking spaces at the rear of No 41, vehicles and pedestrians would travel along the existing narrow drive in close proximity to No 39. Although partly flanked by boundary treatments, they would pass alongside ground and first floor windows at No 39 as well as part of its rear garden. Furthermore, the proposed parking layout would introduce vehicle movements closer to the rear garden of No 43 than at present. The resulting noise from engines and pedestrians would be very apparent to the occupants of Nos 39 and 43 when passing and repassing the properties or manoeuvring in the parking spaces.
17. Furthermore, the increase in occupants would intensify the use of the rear garden space. Given the fragmented design of the proposed garden area, with parking dividing it, it is likely that the part nearest No 41 would be most used concentrating the resultant noise and disturbance. Although separated from No



39 by the drive, it would be the area closest to No 43 and even with boundary treatments would result in an unacceptable increase in disturbance.

18. While the number of occupants could be limited to 9, and represents an increase of 3 from the C4 use, the disturbance from additional vehicle and pedestrian activities would be detrimental to the living conditions of the occupiers of Nos 39 and 43. Therefore it would be contrary to Core Policy 8 of the Core Strategy and Policies H20, T2 and EN1 of the Local Plan where these, among other things, require development to respect the amenities of adjoining occupiers and to be compatible with their surroundings in terms of their relationship with nearby properties. It is also contrary to the Framework where it seeks to secure a high standard of amenity for all existing and future users.

### **Other Matters**

19. I note that the reasons for refusal do not relate to matters such as infrastructure, highway safety and level of parking provision or access to modes of transport, services and facilities. I have no reason to disagree. Nevertheless, the lack of identified harm from these is a neutral factor and does not weigh in favour of the development. Although the proposal would provide smaller and potentially more affordable accommodation in the area, relating to a single property means that any such benefits would be limited and would not outweigh the harm I have identified.
20. While the existing use may not have resulted in complaints to date, this would not imply that the proposal, which would intensify the use, would be acceptable.
21. The proposal may in some respects align with elements of local and national policy. Nonetheless, for the reasons given, the proposal does not accord with the development plan or the Framework as a whole.

### **Conclusion**

22. I conclude that the appeal should be dismissed.

*Stuart Willis*

INSPECTOR

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## Appeal Decision

Site visit made on 11 December 2018

**by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> January 2019**

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### **Appeal Ref: APP/J0350/W/17/3191296**

### **95 Gosling Road, Slough SL3 7TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Nuri Kurtulus against the decision of Slough Borough Council.
  - The application Ref P/17094/000, dated 21 July 2017, was refused by notice dated 30 October 2017.
  - The development proposed is the demolition of existing store and construction of 3 bedroom end terrace new dwelling on side of plot 95 and 0.9m single storey rear extension to existing dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Main issues**

2. The main issues in this appeal are the effect of the development on the character and appearance of the area and whether there would be adequate access to the proposed parking spaces.

### **Reasons**

#### *Character and appearance*

3. Gosling Road forms three sides of a square, with part of Cockett Road forming the fourth side. Dwellings are located on the outside as well as the inside of the square. The houses are 2 storey dwellings primarily set in terraces but with a number of semi-detached properties. There is a variance in the design between the houses on the outside and those on the inside of the square. However there is a general conformity of design in the houses in each of the two areas including in terms of the roof heights and forms.
4. The dwellings which front onto the square are set back a little from the road and have a strong building line with only minor variations in their siting. At the north west and south west corners there are gaps between the buildings making a clear division between the houses on each side of the square.
5. No. 95 Gosling Road is located at the end of a terrace on the outside of the square at the corner. The appeal development would take the form of an end terrace house attached to the existing dwelling. It would be set back from the front of No.95 by a considerable distance and it would have a lower ridgeline than the rest of the terrace. The siting and roof design of the dwelling would be considerably at odds with the strong building line and roof form that exists. It would also close off the gap in the corner between No.95 and No.97. This

would result in significant harm to the defining characteristics of the area. The use of matching materials and other similar design elements such as the window arrangements and a gable to the side would not mitigate this harm.

6. On this issue I therefore conclude that the development would result in harm to the character and appearance of the area. It would fail to accord with Core Policy 8 of the Slough Local Development Framework Core Strategy (2006-2026) and saved Policies H13 and EN1 of the Local Plan for Slough (2004). Together these seek to secure high quality design which respects its location and surroundings and ensures that new dwellings are in keeping with the existing residential area including in respect of layout and siting.

#### *Access*

7. The appeal site is adjacent to a courtyard which contains a number of garages, with space in the centre to allow for the manoeuvring of vehicles. Two tandem parking spaces would be provided for the appeal dwelling. These would be accessed by the narrow lane which provides access to the garage court. If a boundary treatment was not provided between the parking spaces for the dwelling and the garage court it would be possible to manoeuvre into and out of the spaces utilising the access lane and the space in the garage court. It would not be necessary for vehicles to be reversed out onto the public highway.
8. A lack of a boundary between the parking spaces and the garage court would not be harmful to the character of the area and a suitable scheme, using hard surfacing materials, could be provided. There would not be conflict with saved Policy T2 of the Local Plan for Slough (2004) which seeks to ensure that suitable parking is provided.

#### *Other matters*

9. The development would accord with aspects of the relevant policies, such as in providing suitable garden space and not resulting in harm to the living conditions of the occupiers of neighbouring properties. These are neutral factors but they do not weigh in favour of the development.

#### **Conclusion**

10. My finding on the second main issue would not mitigate or outweigh the harm to the character and appearance of the area. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

*K Taylor*

INSPECTOR

## Appeal Decision

Site visit made on 11 December 2018

**by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> January 2019**

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### **Appeal Ref: APP/J0350/W/17/3191317**

### **209 Littlebrook Avenue, Slough SL2 2PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Lakhan against the decision of Slough Borough Council.
  - The application Ref P/17039/000, dated 14 June 2017, was refused by notice dated 14 November 2017.
  - The development proposed is a new dwelling.
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### **Decision**

1. The appeal is dismissed.

### **Main issues**

2. The main issues in this appeal are:
  - the effect of the development on the character and appearance of the area, including nearby trees;
  - the effect of the development on the living conditions of the occupiers of 209 Littlebrook Avenue having regard to whether the development would unacceptably overshadow the garden area;
  - the effect of the development on the living conditions of the future occupiers of the appeal dwelling having regard to whether there would be amenity space of an adequate quality; and
  - whether there would be adequate parking provision.

### **Reasons**

#### *Character and appearance*

3. Littlebrook Avenue is a residential area with a number of blocks of flats and dwellings typically set in short terraces. There are a number of small culs-de-sac providing access to small groups of buildings and parking courts. This siting and form has resulted in a degree of spaciousness around the buildings. No. 209 is located at the end of a short terrace. This sits broadly in line with a terrace in Parkview Chase with the parking court separating them. A significant belt of tree planting is located to the immediate rear of the site and the neighbouring properties. This forms an important landscape setting to the area and the canopies of the trees overhang the gardens.
4. The development would be located in the side/rear garden of No. 209. It would sit behind the main building line between the houses in Parkview Chase and

Littlebrook Avenue. It would close off much of the space between these buildings and appear uncomfortably close to the tree planting. Taking all these factors together the development would appear out of keeping with the pattern of development in the area, unacceptably eroding the spaciousness, and appear cramped. The use of a similar roof height, matching materials, and the incorporation of some similar design features would not mitigate this harm. There would be some space to either side of the building but this, and the size of the garden area, would not be sufficient to retain the spacious character of the area.

5. As part of the development two trees would be removed. One of these, indicated as T3 in the Arboricultural Impact Assessment, has been severely reduced in height. Its removal would not be harmful to the character and appearance of the area. The other tree, T2, is a tall oak tree. It is a significant feature and can be seen from a number of vantage points in Littlebrook Avenue. It forms part of the backdrop of the tree belt. This is an important landscape feature and the tree on the appeal site, given its height, makes an important contribution to this. Its loss, even though the rest of the tree belt would be retained, would be harmful to the character and appearance of the area.
6. Part of the development would be located in the root protection area for a tree on the land to the rear of the site. This is a modest area and the evidence before me suggests that there would be a means to construct the development without harm to the tree or ecology. My finding on this matter does not mitigate or outweigh the other harm that would arise.
7. On this issue I therefore conclude that the development would be harmful to the character and appearance of the area including through the loss of a significant tree. The development would not accord with Core Policy 8 of the Slough Local Development Framework Core Strategy (the CS), and Policies H13, EN1 and EN3 of the Local Plan for Slough (the LP). Together, these Policies seek to ensure that development is of a high quality design compatible, and in keeping with, its surroundings including in terms of layout, siting, visual impact and the relationship with mature trees (retaining any which make a significant contribution to the landscape).

*Living conditions – occupiers 209 Littlebrook Avenue*

8. The appeal dwelling would be located to the south of the retained garden area for No. 209. This would be reduced to a relatively small area of land. The new dwelling would sit partly adjacent to the conservatory and partly adjacent to the garden area. The orientation would be such that it would cause significant overshadowing to the garden. The off-set from the boundary would not be sufficient to limit the overshadowing to an acceptable level.
9. I therefore conclude that the development would have a detrimental effect on the living conditions on the occupiers of 209 Littlebrook Avenue through significant overshadowing of the garden area. The development would not accord with Core Policy 8 of the CS and Policy EN1 of the LP. Together, these policies require that development should have a high standard of design in terms of its relationship with neighbouring properties including by respecting the amenities of adjoining occupiers.

*Living conditions – future occupiers*

10. The amenity space for the proposed dwelling would be relatively large in size when considered as a whole. However, it would include two areas to the side of the dwelling. The rear garden area would be close to the rear boundary. The canopies of the trees located to the rear extend over the garden area. When combined with the height of the appeal building, the rear garden area would be in significant shadow. It would not be a high quality amenity space. In this context the distance to the boundary would not overcome the deficiencies.
11. I therefore conclude that adequate living conditions would not be provided for the future occupiers of the dwelling as the amenity area would be of an inadequate quality. The development would not accord with Core Policy 8 of the CS, or Policy H14 of the LP. Together, these policies require that development should provide appropriate and quality amenity space.

*Parking*

12. Policy T2 of the LP requires that residential development should provide a level of parking appropriate to its location. The supporting text is clear that there can be some flexibility to allow lower provision such as where development is well served by public transport. Two parking spaces are shown as being provided for the appeal dwelling. These are located in a parking court, and it appears that the appellant has leased these for a number of years. However, there is no evidence to demonstrate that this leasing arrangement will be retained in the long term.
13. I have taken account of the appellant's transport assessment. The site is a short walk from bus stops and Burnham train station. This therefore could be an occasion where a lower provision of parking would be acceptable. However, in this case there is no guarantee that any parking spaces would be available for the appeal development. I therefore conclude that suitable provision for parking would not be made and that the development would not accord with Policy T2 of the LP.

**Conclusion**

14. The development would be located in a position where there would not be harm to the living conditions of the occupiers of the neighbouring dwelling in Parkview Chase. However this is a neutral matter and it does not weigh in favour of the development. The proposal would not accord with the development plan when it is considered as a whole. For the reasons given above I conclude that the appeal should be dismissed.

*K Taylor*

INSPECTOR