

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE: 24th April 2019

WARD(S): All

PART I **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.

Ref	Appeal	Decision
P/16787/001	<p>4 Egerton Road, Slough, SL2 2LD</p> <p>Construction of an outbuilding with rear dormers to the front of 4 Egerton Road to be used as storage/workshop.</p> <p>Planning permission was granted on 7 March 2017 for an outbuilding to the front of the site, 4m high, to be used to store rowing boats and equipment for the occupant's personal use. A retrospective planning application was submitted for alterations to the approved outbuilding in the form of rear facing dormers within the roof, and use of the roof space as an office. The Local Planning Authority (LPA) considered that the new layout resulted in an outbuilding that had the appearance of a separate detached residential unit, and was therefore out of character with the predominantly terraced houses in the area. The LPA considered that the roof dormers impacted upon the privacy of neighbouring occupiers, especially as the outbuilding is perpendicular to the gardens on Vaughn Way, and also impacted upon the outlook of these neighbours.</p> <p>The planning inspector partially agreed with the LPA regarding the potential use, and imposed a condition restricting the use to that ancillary to the main dwelling, and not a separate dwelling or self contained business or commercial use. The inspector concluded that the dormers, when viewed from adjacent neighbours was not physically or visually dominant, and whilst there was an element of overlooking from the outbuilding towards neighbouring properties and gardens, it was not unreasonable or unacceptable.</p> <p>The inspector approved the outbuilding, with a condition restricting use other than that ancillary to the main house, and requiring tree planting as indicated on submitted plans to be carried out to partially screen the outbuilding from the street.</p>	<p>Appeal Granted</p> <p>28th March 2019</p>
2017/00290/ENF	<p>90, St. Georges Crescent, Slough, SL1 5PA</p> <p>Alleged unauthorised structure within front garden</p>	<p>Appeal Dismissed / Upheld</p> <p>3rd April 2019</p>

P/01988/001	90, St. Georges Crescent, Slough, SL1 5PA Retention of outbuilding for ancillary use	Appeal Dismissed 3 rd April 2019
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Appeal Decision

Site visit made on 8 February 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2019

Appeal Ref: APP/J0350/W/18/3209360

4 Egerton Road, Slough SL2 2LD

- 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 Dr Valery Kleshnev against the decision of Slough Borough Council.
 - The application Ref P/16787/001, dated 17 March 2018, was refused by notice dated 19 June 2018.
 - The development is a workshop/outbuilding/home office.
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Decision

1. The appeal is allowed and planning permission is granted for a workshop/outbuilding/home office at 4 Egerton Road, Slough SL2 2LD in accordance with the terms of the application, Ref P/16787/001, dated 17 March 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 1812/PL/03 Rev A; 1812/PL/04 Rev A and 1812/PL/05 Rev A.
 - 2) The replacement trees as shown on Drawing No. 1812/PL/03 Rev A shall be planted no later than the first planting after the date of this decision. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for a home office or other purposes ancillary to the residential use of 4 Egerton Road and shall not be occupied either as a separate dwelling or by self-contained commercial or business uses.

Main Issues

2. It is considered that the main issues are the effects of the development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of neighbouring properties, by reason of loss of privacy.

Reasons

Character and Appearance

3. Planning permission was granted for the erection of an outbuilding within the rear garden of 4 Egerton Road (Ref P/16787/000) and represents a fall-back position to which significant weight is given. However, the outbuilding that has been erected, and is the subject of this appeal, is of a different design by reason of fenestration, including 2 dormer windows within a roofslope, and height.
4. Whether there is a need for the size of outbuilding erected has been raised by the Council and so has its use not being incidental or ancillary to the occupancy of the host dwelling. Case Law has been referred to by the Council but this considers the erection of outbuildings pursuant to permitted development rights for dwelling houses¹ and whether a separate planning unit could be created². The Council's *Residential Extensions Guidelines Supplementary Planning Document* (SPD), including guidelines EX38 and EX39, does not refer to controls concerning the specific use of an outbuilding when seeking planning permission except for the design reflecting the intended use and it not being used as a separate independent dwelling unit.
5. The accommodation comprises an open plan ground floor office with seating and rowing equipment with an office/workshop within the roofspace. Other than the central area and around the dormers the head height reduces the usable floorspace within the roofspace. The nature of the activities being undertaken by the appellant reflect the design of the outbuilding and are not of the type that generate an unacceptable level of noise and disturbance, particularly in circumstances where the outbuilding is sited adjacent to Egerton Road and separated from neighbouring dwellings.
6. However, the outbuilding could well be occupied by others at a future date who may not reflect the current use by the appellant and could seek to create a separate planning unit. Accordingly, if this appeal succeeds then it would be appropriate to impose a condition which links the use of the outbuilding with the occupancy of the host property.
7. The outbuilding has been erected within the private amenity space of the host property rather than the front garden. By reason of siting, appeal scheme is physically and visually related to the streetscene of Egerton Road rather than Vaughan Way. Although sited adjacent to the footway along Egerton Road, the general size, design and form of the outbuilding appears to be a garage with a pitched roof sited to the side of the host property. It does not either visually dominate the wider streetscene along Egerton Road or detract from the predominant character of the surrounding residential area.
8. As with other garages within the surrounding area, the appeal scheme is not an incongruous or visually detrimental addition to the residential character and appearance of the streetscene. Further, and taking into account the dormer windows and other openings, the outbuilding does not appear as a separate dwelling erected within the host property's garden. This impression is assisted by the lack of openings within the side elevation facing the road and the access being from the front garden of No. 4.

¹ Emin v Secretary of State for the Environment and Mid Sussex County Council [1989]

² Uttlesford District Council v Secretary of State and White [1992]

9. The ridge height of the outbuilding exceeds 4 metres from the original ground level. However, the lowered ground level means the appeal scheme has the appearance of single storey building which is physically and visually subordinate to the 2-storey host property. The footprint of the appeal scheme is not excessive for the size of the garden within which it is located. When the lower ground level is taken not account, the siting and bulk of the appeal scheme is similar to the approved outbuilding.
10. Roof dormers are not a common feature within the surrounding area and those erected within the roofslope of the outbuilding are visible from Egerton Road. However, it is only the checks of these dormers which are visible from the road. By reason of this limited view and their size, the dormers do not appear so conspicuous or prominent that they result in the outbuilding appearing an incongruous feature within the streetscene. From the gardens of neighbouring properties, the dormers are seen against the background of the roofslope and are not physically or visually dominant or bulky additions.
11. For the reasons given, it is concluded that the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not conflict with Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 (CS), Policy EN1 of the Local Plan for Slough 2004 (LP) and the SPD. In addition to specific design guidelines for outbuildings, these policies require development to be of a high quality of design, reflect the streetscene and to respect its location and surroundings, including by reason of siting, scale, bulk and form.

Living Conditions

12. By reason of siting and orientation, the outlook from the dormers is towards the rear gardens of the terrace of dwellings fronting Vaughan Way. There is some degree of screening of these gardens associated with the boundary fence and vegetation within the property's curtilage. However, a normal landscaping condition could not secure the maintenance and replacement of this vegetation beyond a 5-year period and, as such, it cannot be relied upon to continue to provide screening.
13. Accordingly, the Council has legitimate concerns about overlooking and loss of privacy for the occupiers of the neighbouring properties. This is reflected in SPD guideline DP8 where window positions should avoid direct overlooking of neighbouring properties, including gardens, to maintain a reasonable degree of privacy for the occupants of adjacent dwellings.
14. Some overlooking of private amenity spaces occur within residential urban areas usually associated with first floor windows looking towards the rear of gardens. The areas adjacent to the rear of a property are less likely to be overlooked from neighbouring windows because of the angle of view. However, because of its design the host property has a side window which directly overlooks the patio area to the rear of 2 Vaughan Way and those of other properties within the terrace. In this case, when assessed against the current degree of overlooking, the screening afforded by the fence and the separation distances to the other gardens, this is a case where the degree of harm caused by overlooking from the dormers is not such that the loss of privacy by reason of overlooking is unreasonable or unacceptable.

15. On this matter it is concluded that the development does not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties by reason of loss of privacy and, as such, it does not conflict with CS Policy 8, LP Policy EN1 and the SPD. Amongst other matters these policies require development to take into account the relationship to near-by property and respect the amenities of adjoining occupiers

Other Matters

16. Reference has been made by the appellant to a number of appeal decisions but the detailed planning circumstances of these other cases have not been provided. For this reason, this appeal scheme has been assessed on its own merits.

Conditions

17. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. The development has been erected and, as such, an implementation condition is unnecessary. The other suggested conditions are amended for reasons of precision. A condition restricting the use of the outbuilding has already been identified as being necessary and for reasons of clarity it is appropriate to refer to the approved drawings. The planting identified on the approved drawings should be secured by condition, including replacement planting.

Conclusion

18. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR