

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE: 29th May 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/16328/001	<p>9, Ripley Close, Slough, SL3 7QH</p> <p>Retrospective application for a rear timber pergola structure.</p> <p>Lean-to timber pergola structure attached to the rear extension of the property. The Local Planning Authority (LPA) considered that the rear canopy was not in keeping with the character and appearance of the original dwelling house or the character of the area, and has an overbearing visual impact upon the outlook of occupiers of the adjoining properties at No.7 and 11 Ripley Close, causing a detrimental impact on the residential amenities of these neighbours.</p> <p>The planning inspector concluded that the structure was "only just" visible from Wilford Road, as boundary fences in the vicinity obscured the view; as such there was not considered to be an impact upon the street or wider area. Whilst it was acknowledged by the inspector that the structure extended the rear of the property beyond the local guidelines, the limited height and open sides would not significantly obscure the rear elevation and would not appear out of proportion with the house or neighbouring properties. The materials used were considered by the planning inspector to be acceptable in the context of a garden structure and in keeping with the existing white window and door frames.</p> <p>Due to the open structure, the planning inspector considered that the pergola did not impact upon neighbouring occupiers in terms of outlook or result in a visual intrusion.</p>	<p>Appeal Granted</p> <p>9th April 2019</p>

	The inspector approved the timber pergola, and did not impose planning conditions as the structure was complete.	
P/07649/003	<p>135, St Pauls Avenue, Slough, SL2 5EN</p> <p>Construction of a first floor rear extension</p> <p>Planning permission was refused on 21st December 2018 for the proposed scheme, as having been extensively extended at ground floor level recently, so that almost the entire rear of the site is now covered by new building, it was considered that the addition of first floor extension across the width of the property was excessive and an overdevelopment of the property.</p> <p>The Council's Residential Extensions Guidelines set out that first floor rear extensions ought to not exceed 60% of the width of the original property. The proposals represented 100%. In the Council's view this would have affected the outlook from both adjoining neighbours' rear gardens, as well as being somewhat obvious in St John's Road.</p> <p>The Planning Inspector has considered these matters but concluded that the proposed design would reflect the style of the property and notwithstanding its width it would "harmonise with the host dwelling". Furthermore, they considered that the presence of a 2m gap on either side would overcome any sense of harm to the neighbours' amenities. As its depth "would not be excessive" and it "would not be dominant" in the street scene, the view from St Johns Road was not a concern for the Inspector.</p> <p>As such, the Inspector approved the extension, the construction of which was at the time of their site visit already underway. Accordingly, they imposed no condition on commencement within a time period and elected to impose no condition on the insertion of windows on the flanks in the future.</p>	<p>Appeal Granted</p> <p>10th April 2019</p>

Appeal Decision

Site visit made on 27 March 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2019

Appeal Ref: APP/J0350/D/19/3221339 9 Ripley Close, Slough, SL3 7QH

- 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 Chandrakant Singh against the decision of Slough Borough Council.
 - The application Ref P/16328/001, dated 3 September 2018, was refused by notice dated 9 November 2018.
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- The development proposed is erection of lean to timber pergola structure with clear sheet covering.
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Decision

1. The appeal is allowed and planning permission is granted for a lean to timber pergola structure with clear sheet covering at 9 Ripley Close, Slough, SL3 7QH in accordance with the terms of the application, Ref P/16328/001, dated 3 September 2018, and the plans submitted with it.

Procedural matter

2. The Council refers to the effect on occupiers of Nos 7 and 11 Ripley Close in its decision notice. However, the adjacent dwellings are Nos 8 and 10. It is clear from the evidence that it is these dwellings to which the Council is referring. I have therefore used the correct numbering in my decision

Main Issues

3. There are two main issues. Firstly, the effect of the proposed structure on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect of the proposed structure on the living conditions of occupiers at Nos 8 and 10 Ripley Close with respect to outlook and visual impact.

Reasons

4. The appeal dwelling is a modest, mid-terraced house of modern design. It has a single storey extension to the rear, some 3m in depth. The proposed covered pergola has been erected. It occupies almost the full width of the plot and lies immediately behind the single storey extension. It is supported on stout wooden posts which have been painted white and has a flat, polycarbonate roof which sits at the height of the eaves of the single storey extension. Although it can be

seen from Wilford Road this is across several gardens and it is only just visible above the boundary fences. If allowed to remain it would therefore have no material effect on the character or appearance of the street or wider area.

5. Although clearly visible from the garden of the appeal dwelling, its limited height and open structure means that the pergola would not significantly obscure the rear elevation of the dwelling. Neither would it compete with its simple architecture or read as a conventional extension. Therefore, despite the overall depth of rear additions which clearly exceed the guidelines set out in the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD), 2010, the dwelling would not appear out of proportion in itself or with neighbouring properties. In addition, the plot would not appear unduly cramped, with an adequate section of open grass remaining. The Council considers the materials to be out of keeping but they would be appropriate in the context of a garden structure and the white painted posts complement the white window and door frames in the dwelling.
 6. It is therefore concluded on the first main issue that the proposed structure would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, there would be no conflict with Policies EN1, EN2 or H15 of The Local Plan for Slough (LP), 2004, Core Policy 8 of the Core Strategy 2006-2026 (CS), 2008 or the National Planning Policy Framework (NPPF) insofar as they expect residential extensions
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to be of a high quality design such that they are compatible with the original building and their surroundings.

7. Turning to the effect on living conditions, both neighbours have an open outlook over their own gardens which would not alter. No 10 has a single storey rear extension with central patio doors. The close boarded boundary fence is topped by a section of trellis which is only marginally lower than the proposed structure and extends beyond it. Therefore the proposed structure would have no material effect on outlook from the ground floor windows. It would be more visible from first floor but would not be intrusive or overbearing in terms of outlook.
8. No 8 has no rear extension but is separated from the appeal dwelling at ground floor by an alley which provides rear access for both properties. The proposed open structure, whilst visible, would therefore be sufficiently well separated from ground floor windows in that dwelling such that it would not materially impinge on outlook or result in any significant visual intrusion. It would be visible from first floor windows but, as at No 10, it would not be intrusive or overbearing.
9. It is concluded on the second main issue that the proposed structure would have no materially harmful effect on the living conditions of occupiers of Nos 8 and 10 Ripley Close with respect to outlook and visual impact. In consequence, there would be no conflict with LP Policies EN1, EN2 or H15, CS Core Policy 8, the NPPF or the SPD insofar as they expect residential extensions to have no significant adverse effect on the amenity of adjoining occupiers.
10. The Council draws my attention to another appeal decision relating to a single storey canopy (APP/J0350/D/17/3190297). Whilst I do not have full details of that case, it appears to relate to a materially different dwelling and a structure with a different relationship with both the host and neighbouring dwellings, especially in terms of outlook and visual impact. The two cases are not therefore readily comparable. Moreover, I have considered the current appeal on its own merits in the context of local and national policy.
11. The appeal structure has been completed. It is therefore unnecessary for me to impose planning conditions. The Council suggests a condition requiring the structure to be kept open. I have no evidence that enclosure is contemplated but this would, in any case, result in a material change to the appeal proposal that would need to be considered by the Council if it occurred.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

Appeal Decision

Site visit made on 27 March 2019

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2019

Appeal Ref: APP/J0350/D/19/3221198

135 St Pauls Avenue, Slough, SL2 5EN

- 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 Vaseem Shah against the decision of Slough Borough Council.
 - The application Ref P/07649/003, dated 26 October 2018, was refused by notice dated 21 December 2018.
 - The development proposed is erection of a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 135 St Pauls Avenue, Slough, SL2 5EN in accordance with the terms of the application, Ref P/07649/003, dated 26 October 2018, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Block plan, SHAH/PLAN/001, SHAH/PLAN/002.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. There is one main issue which is the effect of the proposed first floor rear extension on the character and appearance of the host dwelling and the surrounding area.

Procedural matter

3. Submitted plan ref SHAH/PLAN/002 (floor plans) shows a new window in the flank elevation of the existing dwelling serving an existing rear bedroom. This is not shown in the elevation on plan SHAH/PLAN/001(elevations). The Council does not object to this window. For the avoidance of doubt, I confirm that I have had regard to the proposed window and, notwithstanding the lack of an elevation drawing, find it satisfactory because it would face a blank side wall in No 133 and would be substantially screened from the wider area.

Reasons

4. The proposed dwelling is a detached house which lies in a row of similar houses. It has a relatively narrow and deep footprint, a pitched roof with central ridge line and semi-hips to front and rear. The original front and first floor rear elevations have characteristic symmetry. At ground floor an 8m deep single storey extension has been constructed across the full width of the rear elevation. The extension almost doubles the depth of the dwelling and this, coupled with the modest width of the rear elevation, results in an unbalanced appearance.
 5. The proposed first floor rear extension would be some 3m deep and sit above the single storey addition. Its scale would be clearly subordinate to the host dwelling. It would respect the original form of the house by replicating the existing hipped roof and symmetrical arrangement of windows. This would result in a sympathetic design, notwithstanding that it would occupy the full width of the rear and the roofline would continue the existing ridge. Overall it would harmonise with the host dwelling and improve the balance between ground and first floors. The proposed extension would be clearly visible from St Johns Road. Nevertheless, its depth would not be excessive or dominate the street scene and it would therefore have a satisfactory effect on the appearance of the wider area.
 6. Although the extension would occupy the full width of the rear elevation and sit on the boundary between the appeal dwelling and No 137, there would be a separation of some 2m between the two buildings which would be sufficient to ensure the proposed extension was not visually intrusive when seen from this dwelling. Likewise, a gap of some 2m between the extension and the boundary with No 133 would ensure a satisfactory visual relationship with that property.
 7. The Council refers to its Supplementary Planning Document "Residential Extensions Guidelines", 2010, and the need for first floor extensions to be set back from boundaries. However, in this case it is not suggested that the proposed extension would contravene either the guidelines on depth or the 45° code and I therefore consider that the layout would be acceptable.
 8. It is concluded on the main issue that the proposed extension would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, it would comply with Policies EN1, EN2 and H15 of the Local Plan for Slough, 2004, Core Policy 8 of the Core Strategy 2006-2026, 2008, and the National Planning Policy Framework insofar as they expect residential extensions to be of a high quality design such that they are compatible with the original building and their surroundings.
 9. A neighbouring occupier at 143 St Johns Road raises concerns about privacy and overshadowing. However, the concerns appear to relate to a detached outbuilding that has been constructed at the rear of the appeal plot. I am satisfied that the proposed extension the subject of this appeal would have no materially harmful effect on the living conditions of occupiers at this property.
 10. The proposed extension has been commenced. There is thus no need for a statutory commencement condition. However, as it remains incomplete I agree with the Council that conditions requiring it to be constructed in accordance with the approved plans and using materials which match the host dwelling are
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necessary to protect the character and appearance of the dwelling and the surrounding area. I do not consider it necessary to withdraw permitted development rights for additional windows since any such windows would be subject to the conditions set out in the Town and Country Planning (General Permitted Development) Order 2015 and this would protect the living conditions of neighbouring occupiers.

11. For the reasons set out above and having regard to all other matters raised, including similar extensions to similar dwellings in the street, I conclude that the appeal should be allowed.

KE Down

INSPECTOR
