

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE: 31st July 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/16993/002	<p>13, Parry Green North, Slough, SL3 8NW</p> <p>Front, side and rear external walls to be smooth rendered and painted to match existing bricks.</p> <p>Planning permission for the construction of a two storey side extension and a single storey rear extension with roof lights without complying with a condition attached to planning permission Ref P/16993/000, dated 3 August 2017.</p> <p>Two storey side and single storey rear extension constructed to an end of terrace property, with render applied to the walls (planning condition required materials to match the main house, which was a buff brick). The Local Planning Authority (LPA) considered that the application of render to the walls was out of keeping with the area which was predominantly exposed brickwork, and had a detrimental impact on the street scene.</p> <p>The planning inspector concluded that the application of render would not be "so conspicuous so as to cause unacceptable harm to the street scene or terrace". The Inspector resolved to vary condition 3 of the original planning permission (requiring construction materials to match the dwelling as existing at the time of permission) to allow the application of render to the extension and main house in order that the structure as a whole matched.</p> <p>The inspector imposed the following conditions:</p> <ol style="list-style-type: none">1) The development hereby permitted shall be commenced within three years from 3 August 2017.2) The development hereby permitted shall be carried out in accordance with the following approved plans except for any matters or notations related to external materials of the walls that do not refer to render: Location Plan; 10B; 20A; 20E; 30A; 30E; and 40B.3) The external materials for the walls of the existing property and the extension hereby approved shall be smooth render and painted in the same colour. Once the works have been undertaken the rendered walls shall be retained thereafter.	<p>Appeal Granted</p> <p>19th June 2019</p>

	4) The window to be created in the first floor front (south) elevation (to the approved shower room en-suite on Drawing No. 40B) of the extension hereby approved shall be glazed in obscure glass and shall be non-opening below the height of 1.7 metres measured from the internal finished floor level and once installed the obscured glazing and shall be retained thereafter.	
P/02411/018	Thames Central, Hatfield Road, Slough, SL1 1QE External alterations to the eastern elevation of the existing building.	Appeal Dismissed 3 rd July 2019
P/02065/008	78, Alpha Street South, Slough, SL1 1QX Construction of a first floor rear extension and extension at roof level to enlarge existing loft accommodation.	Appeal Dismissed 3 rd July 2019
P/16759/003	36, Haymill Road, Slough, SL1 6NA Construction of a single storey rear, two storey side and part first floor rear extension following the demolition of existing garage. The Council stated that the condition was necessary to prevent the net loss of family homes. However, policy H8 refers to the loss of individual dwellings or any other forms of residential premises and not specifically to family homes. The removal of condition 5 would not lead to a net loss of residential accommodation as the current use (Class C3) as well as a potential HMO (Class C4) would both constitute residential accommodation. In terms of car parking, the Inspector had no evidence to suggest the demand for parking generated as a result of a possible change of use from a single dwellinghouse (C3) to a small HMO (C4) would be materially greater. It is an urban location with a railway station in close proximity and therefore not all occupants would necessarily need to own a car. As such the Appeal was allowed.	Appeal Granted 12 th July 2019



Appeal Decision

Site visit made on 6 June 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th June 2019

Appeal Ref: APP/J0350/D/18/3203841

13 Parry Green North, Slough SL3 8NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Ramandeep Mann against the decision of Slough Borough Council.
 - The application Ref P/16993/002, dated 27 December 2017, was refused by notice dated 6 April 2018.
 - The application sought planning permission for the construction of a two storey side extension and a single storey rear extension with roof lights without complying with a condition attached to planning permission Ref P/16993/000, dated 3 August 2017.
 - The condition in dispute is No. 3 which states that: All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building at the date of this permission.
 - The reason given for the condition is: To ensure a satisfactory appearance of the development so as not to prejudice the visual amenities of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey side extension and a single storey rear extension with roof lights at 13 Parry Green North, Slough SL3 8NW in accordance with the application Ref P/16993/002 dated 27 December 2017, without compliance with condition number 3 previously imposed on planning permission Ref P/16993/000 dated 3 August 2017 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:
 - 1) The development hereby permitted shall be commenced within three years from 3 August 2017.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans except for any matters or notations related to external materials of the walls that do not refer to render: Location Plan; 10B; 20A; 20E; 30A; 30E; and 40B.
 - 3) The external materials for the walls of the existing property and the extension hereby approved shall be smooth render and painted in the same colour. Once the works have been undertaken the rendered walls shall be retained thereafter.

- 4) The window to be created in the first floor front (south) elevation (to the approved shower room en-suite on Drawing No. 40B) of the extension hereby approved shall be glazed in obscure glass and shall be non-opening below the height of 1.7 metres measured from the internal finished floor level and once installed the obscured glazing and shall be retained thereafter.

Procedural Matter

2. Although the extension has been substantially constructed it has yet to be completed. For this reason, this decision refers to the extension remaining a proposed development.

Main Issue

3. It is considered that the main issue is whether condition 3 is necessary to preserve the character and appearance of the property and the surrounding area.

Reasons

4. Planning permission has been granted by the Council for the erection of extensions at the appeal property (Ref P/16993/000) and condition 3 required the external materials to match those which existed at the appeal property at the date of the consent. The reason was to ensure that the approved scheme had a satisfactory appearance so as not to prejudice the visual amenities of the locality. This is reflected in Policies H15 and EN2 of The Local Plan for Slough 2004 (LP) and guidelines DP5 and EX6 of the *Residential Extensions Guidelines Supplementary Planning Document (SPD)* where the external materials of an extension should match the host property.
 5. The variation sought to the condition is the removal of the requirement for matching external materials to be used but, instead, allow the extended appeal property to be fully rendered. The appellant's reasons for seeking to vary the condition are related to the physical quality of the existing bricks, the difficulty in removing a previous covering and, although the claim is questioned by a third party, the ability to obtain matching bricks. Work has started to enable the external rendering of the extended property. A fully rendered finish would ensure that the external surfaces of the original property and the extension would be compatible which is one of the aims of LP Policies H15 and EN2 and the SPD.
 6. The property is a 2-storey dwelling situated at the end of a terrace of 6 dwellings and partially encloses a turning head at the end of a cul-de-sac. The dwellings along Parry Green North are of brick and tile construction. However, within the surrounding area there are examples of different external finishes, including render and uPVC horizontal boarding.
 7. Although there are limited examples of rendered dwellings, the appeal scheme would not be unique within the context of the surrounding area. Further, because of its siting in a corner location at the end of the cul de sac a application of render to this extended end of terrace property would not result in a dwelling which was so conspicuous so as to cause unacceptable harm to the streetscene or the terrace. There would not be a conflict with LP Policies EN1,
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Core Policy 8 of the Slough Local Development Plan Framework Core Strategy 2006-2026 (CS) and the SPD concerning high quality development and proposals respecting their location, streetscene and surroundings

8. For the reasons given, it is concluded that the variation of condition 3 as sought by the appellant would not result in unacceptable harm being caused to the character and appearance of the property and the surrounding area. Further, it is also concluded that there would not be a conflict with CS Core Policy 8, LP Policies EN1, EN2 and H15 and the SPD provided that the extended appeal property would possess the same external material. Condition 3 should be varied to reflect this requirement. Such a condition would be reasonable and necessary having regard to the tests contained in the National Planning Policy Framework and the Practice Guidance. Accordingly, it is concluded that condition 3 should be varied and this appeal should be allowed.

D J Barnes

INSPECTOR



The Planning Inspectorate

Appeal Decision

Site visit made on 24 April 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2019

Appeal Ref: APP/J0350/W/19/3220245

Thames Central, Hatfield Road, Slough SL1 1QE

- 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 R Parkinson of Quinata Ltd against the decision of Slough Borough Council.
 - The application Ref P/02411/018, dated 29 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the external alterations to the eastern elevation of the existing building.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The appeal site concerns a multi-storey office building which through recent decision notices¹ has established through the prior approval process the conversion of the building into a residential use. However, through the appeal paperwork I had not been provided with any confirmation that the conversion works had commenced, or are likely to take place. The appellant's Statement of Case refers to the appeal site as a 9-storey B1(a) office building and the description of the existing use on the application form refers to office.
 3. Notwithstanding this, the submitted plans indicate a residential layout to the accommodation. As a consequence, I sought clarification from the main parties on this matter. The appellant subsequently confirmed that no works had been undertaken to implement the conversion works, however, subject to bank funding, which the appellant advised is dependent on the approval of external works to the building, a residential conversion of the building is in their words 'inevitable'.
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4. The Council advised that the building has been vacant for some time and the owner has indicated their intention to implement a residential conversion, thus the Council expects a residential use in the future. I have therefore considered the appeal on the basis that whilst the building at present has a use falling within Class B1(a) (offices) of the Schedule to the Town and Country Planning (Use Classes Order) 1987, as amended, it is likely that it will be converted to a use falling within Class C3 (dwellinghouses) in the near future.

¹ F/02411/014 – Prior Approval for change of use from office (B1a) to form 147 apartments – Prior Approval Required and Approved on 06/06/2017; and F/02411/016 - Prior approval for change of use from offices (B1a) to form 146 apartments - Prior Approval not required 03/10/2018.

<https://www.gov.uk/planning-inspectorate>

5. In the appellant's Statement of Case reference is made to an application for costs. However, the appellant subsequently confirmed that this was not the case, and as a consequence there is no costs decision associated with this appeal.
6. Both the Council and the appellant have advised that a similar proposal to the appeal development before me was submitted to the Council and registered on 18 March 2019. I sought clarification from the Council on the progress of this application prior to writing my decision, and I was subsequently informed that no decision has been reached. I have therefore determined the appeal on the basis of the information before me.

Main Issue

7. The main issue in this case is the effect of the proposal on the living conditions of intended occupiers, with particular regard to outlook, privacy and disturbance as a result of the proximity of the appeal site to the adjacent Hatfield car park.

Reasons

8. The proposed windows would be located on the eastern elevation of the existing building and would serve levels 2 to 9 to the southern half of this elevation and levels 5 to 9 to its northern half. This variation is due to the positioning of the multi storey Hatfield car park flush to the exterior wall to the northern half of the appeal building, it steps away to the southern half. The car park's highest level is positioned towards the upper point of level 4 and is a similar, albeit slightly shorter width to the entirety of the appeal building's eastern elevation.
9. The Council's principal area of concern is the relationship of the proposed windows with the adjacent car park. The Council consider that this relationship would lead to a loss of privacy and intrusion and would provide for a limited view or outlook. It is apparent from their statement that the Council's concerns are with regard to a future residential use of the building, and not with regard to the existing B1(a) (offices) use.
10. From my site visit, which included viewing the appeal building from the different levels of the Hatfield car park, I noted that the windows which would serve levels 6 to 9 would be some distance above the higher level of the car park. These windows would have an outlook across Slough and beyond, not untypical of accommodation in multi-storey residential accommodation. Similarly, due to the distance of these levels above the highest point of the adjacent car park, there would not be an opportunity to impact upon the privacy of the likely future accommodation. I am therefore satisfied that the standard of outlook and privacy serving the intended residential occupiers at these levels would be more than adequate.
11. With the provision of windows at these upper levels I have also had regard to the potential for disturbance from activities within the car park, such as those suggested by the Council concerning the noise and disturbance arising from the tyres of cars moving about the car park, the opening or closing doors/boots, or the voices of users. However, whilst these activities would be noticeable from these upper floors, I do not consider they would be of such a nuisance to

- substantially erode the living environment that would be provided. This is due to the separation and level differences between levels 6 to 9 and the car park.
12. Turning to the windows that would serve the lower levels of the building, levels 2 to 4 would be located below the upper level of the car park and level 5 would be set just above it. From a review of the layout of the intended accommodation as indicated on Drawing Number 1196.05-109 Rev C dated Oct 2018, with the exception of the units to be located at the corners of the appeal building, the sole outlook that would serve the accommodation would be provided by the proposed windows. Whilst I appreciate that a variation in the internal layout of the accommodation may take place, nevertheless, it appears likely that the proposed windows will act as the primary outlook for some of the future units in the building. The standard of the outlook from these windows and the relationship with the activities on the car park I therefore consider to be of particular importance to the living conditions of intended occupiers.
 13. In this regard, I have significant concerns about the living environment that would be provided at these lower levels. The windows front directly towards the car park which would be situated within close proximity and would provide for an oppressive and unattractive environment to look out upon. There would be limited opportunity to view out past the car park itself. The harm that would arise from the poor standard of outlook, would be exacerbated by the limitations to natural daylight, particularly for levels 2 to 4, and the interaction with activities within the car park itself. It would also be possible for users of the car park to look into the proposed windows, and thereby invading privacy. The noise and traffic movements would additionally be annoying for intended residents, and there is the potential for disturbance by headlights on vehicles, such as during the winter months.
 14. I have had regard to the potential for conditions to resolve the adverse effects I have identified. I note suggestions regarding the potential for mitigation measures, such as acoustic/ vibration attenuation and the appellant has suggested that matters could be addressed by future occupiers through the installation of blinds or curtains or that an obscure glazing condition could be imposed. The Council have also suggested a condition with regard to the provision of a combined acoustic glazed louvre system serving the windows at levels 2 to 5 in their statement. The appellant has suggested an alternative condition requiring a noise assessment and appropriate mitigation measures, if required, to be undertaken prior to occupation. Be that as it may, in my mind the effects of such conditions, whilst having the potential to address my concerns regarding noise and disturbance, would not resolve, and would to my mind increase, the oppressive and enclosing living environment that would be created. I therefore do not consider that conditions could adequately address the concerns I have outlined with regard to outlook.
 15. Consequently, I find that the proposal would not provide for an acceptable standard of living environment for intended future occupiers. It would conflict with Saved Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document 2008, which amongst other matters, requires that all development will be of a high quality design that is practical, attractive, safe, accessible and adaptable. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework 2019 which requires, amongst other matters, that decisions should ensure that developments create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users.

16. The Council have also referred to saved Policy EN1 of the Local Plan for Slough 2004, however from my review of the policy wording and its supporting text it reads as one applicable to character and appearance matters, rather than with regard to the effects of development on living conditions, I therefore do not consider this policy is of particular relevance to the matters before me.

Other Matters

17. The appellant has made reference in their Statement of Case that the Council have expressed concerns with regard to the potential that the proposal would sterilise the re-development of adjacent land. However, this is not a matter that is raised in their decision, and is therefore not a matter for me to consider through this appeal.

Conclusion

18. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be dismissed.

J Evans

INSPECTOR



Appeal Decision

Site visit made on 18 June 2019

by Megan Thomas Barrister-at-Law

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 3rd July 2019

Appeal Ref: APP/J0350/D/19/3227477

78 Alpha Street South, Slough, SL1 1QX

- 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 Mohammed Ali Deen Awan against the decision of Slough Borough Council.
 - The application Ref.P/02065/008, dated 22 December 2018, was refused by notice dated 13 February 2019.
 - The development proposed is a first floor rear extension and a loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the host dwelling and the wider area, and the effect on the living conditions of the occupants of no.80 Alpha Street South with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a two storey detached house set in an irregularly-shaped plot in an area that is predominantly residential. It has a rear garden and vehicular access can be gained at the rear of the site. It is set back from the street behind a small front garden and is on the east side of Alpha Street South. On my site visit, I noted that some elements of the dwelling, such as the rear ground floor extension, were in the course of construction. There was the shell of a large rear dormer. It is not entirely clear whether or not the dormer has planning permission as at the date of this decision letter or accords with the tolerances under permitted development rights for roof enlargements/alterations. However, for the purposes of this appeal only, I have treated it as having permission but that does not affect the fact that it may be the subject of enforcement action if it is in fact unauthorised.
4. To the south of the appeal site is no.80 Alpha Street South which is a two storey semi-detached house with a ground floor rear/side extension, a rear garden and a rear dormer structure. To the north of the appeal site there is an empty plot but photographs produced by the Appellant indicate that it

previously had a large commercial building on it which was built close to the front of the plot and was at least two storeys in height. There is flatted development in Eastfield Close and on the opposite side of Alpha Street South there are short terraced rows of dwellings.

5. The proposed development includes the construction of a first floor rear extension which would sit above a ground floor rear element which is about 8m deep. An extension at roof level in order to enlarge the existing loft accommodation is also proposed. The existing roof is in two parts with a small element being at a slightly lower level than the main ridgeline. The new roof form would include a flat element and then a rear pitched roof slope.
6. The first floor extension would be about 3.3m deep and would extend across the full width of the house. The rear roof accommodation would result in the dwelling having a single roof ridge of even height, when viewed from the rear, broadly speaking.
7. Point DP3 of Slough Residential Extensions Supplementary Planning Guidance indicates that first floor rear extensions should be proportionate to the house and indicates that they should be about 50% or less of the width of the house. In this case, the proposed full width extension would not appear subordinate to the original dwelling. When that is coupled with the proposed depth of about 3.3m from the original rear wall, and the significant increase in roof form and bulk, the character of the original dwelling would be lost. I have borne in mind the Appellant's view that the "existing unsightly box dormer" is an unsympathetic addition to the property and that the proposed new roof form would appear more sympathetic and, in his view, better respect the original roof form of the house. However, I consider that the overall size and bulk of the proposed development would be detrimental to the appearance of the building and would be a dominant overall addition. There would be views of the rear of the property available from the public and private realms and to that extent the proposal would also harm the character and appearance of the wider area.
8. On this issue, I conclude that the proposed development would unacceptably harm the character and appearance of the host dwelling and wider area and would be contrary to Core policy 8 of the Slough Core Strategy 2006-2026 (adopted 2008), policies H15 (Residential extensions), EN1 (Standard of Design) and EN2 (Extensions) of the Slough Local Plan (adopted 2004) and the Slough Residential Extension Guidelines (adopted 2010). ??

Living conditions of occupants of 80 Alpha Street South

9. The Council consider that the proposal would appear overdominant and overbearing when viewed from the house and garden at no.80 Alpha Street South. Whilst I have come to the view above that the bulk, size and design of the proposal would harm the character of no.78, when in the garden of no.80 I do not consider that the occupiers of no.80 would find the resulting dwelling overbearing or would give them an undue sense of enclosure. On my site visit I was able to access the rear garden of no.80 and I formed the view that the separation distances between the houses and the position of the rear/side extension at no.80 would preclude an unacceptable loss of outlook.
10. When inside no.80 at either first floor or dormer level, I consider that whilst an occupant of no.80 would be aware of the proposal, it would not unduly interfere

with the living conditions to the extent that the proposal would be overbearing or overdominant or give an unacceptable sense of enclosure.

11. On this issue, I find that the proposal would not cause unacceptable living conditions for the occupants of 80 Alpha Street South with regard to loss of outlook. It would not be contrary to policy which

Conclusion

12. Whilst I have not found that there would be unacceptable living conditions through loss of outlook for the occupants of no.80 Alpha street South, I nevertheless conclude that the harm I have identified above to the character of and appearance of the host dwelling and wider area would be sufficient to refused planning permission. Consequently, having taken into account all representations made including a scheme at 20 Sutton Avenue which has obtained planning permission, for the reasons given above, I dismiss the appeal.

Megan Thomas

INSPECTOR



Appeal Decision

Site visit made on 24 June 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/J0350/W/19/3226699

36 Haymill Road, Slough SL1 6NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ujjal Sawhney against the decision of Slough Borough Council.
 - The application Ref P/16759/003, dated 30 November 2018, was approved on 25 January 2019 and planning permission was granted subject to conditions.
 - The development permitted is the construction of a single storey rear, two storey side and part first floor rear extension following the demolition of existing garage.
 - The condition in dispute is No 5 which states that: *The development hereby permitted shall be used only in conjunction with the existing house and shall not be sub- divided or used in multiple occupation.*
 - The reason given for the condition is: *To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area in accordance with Policy H8 of The Adopted Local Plan for Slough 2004.*
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Decision

1. The appeal is allowed and planning permission Ref P/16759/003 for the construction of a single storey rear, two storey side and part first floor rear extension following the demolition of existing garage at 36 Haymill Road, Slough SL1 6NA granted on 25 January 2019 by Slough Borough Council is varied by deleting condition 5.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The stated reason for the planning condition relates to the 'amenity' of the area. However, Policy H8 of the adopted Local Plan for Slough 2004 (the 'local plan') refers to the loss of residential accommodation. The Council's appeal statement makes it clear that their concern lies primarily with the loss of 'family housing'. Therefore, the main issue in this case is whether the removal of the disputed condition would lead to a loss of housing.

Reasons for the Recommendation

4. It is necessary to consider whether the disputed planning condition meets the guidance for planning conditions set out in the National Planning Policy

Framework (NPPF) and Planning Practice Guidance (PPG). The condition in dispute effectively removes Class L, Part 3, Schedule 2 permitted development rights as are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which relates to the change of use from a single dwellinghouse (Class C3) to a small house in multiple occupation (HMO) (Class C4).

5. The PPG states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances.
6. The Council states that the condition is necessary to prevent the net loss of family homes in accordance with Policy H8 of the local plan. However, policy H8 refers to the loss of individual dwellings or any other forms of residential premises and not specifically to family homes. The removal of condition 5 would not lead to a net loss of residential accommodation as the current use (Class C3) as well as a potential HMO (Class C4) would both constitute residential accommodation.
7. Furthermore, the reason given for the condition is that it is necessary to ensure the development does not prejudice the amenity of the area. However, I have no reason to consider that, were the property used for C4 purposes, this would necessarily have an adverse impact on the character of the area and no substantive evidence relating to this has been put forward to me.
8. In addition, the Council suggests that the appeal property would be capable of accommodating a total of 8 people within the approved layout and therefore the disputed condition is necessary to restrict the possibility of the building being used as a large HMO. However, such a use would be Sui Generis and would thus require planning permission, and hence the condition has no effect.
9. The condition also seeks to prevent the subdivision of the property and the Council is concerned the ground floor 'parent's room' identified on the plans could be used as an independent self-contained residential unit. However, such subdivision would require planning permission, even if the condition were retained, and so again results in the condition having no effect. In any case the room in question would not provide a kitchen or a front door, is very small in size and so it is unlikely that this would be practicable.
10. I find the disputed planning condition is unnecessary and conflicts with paragraph 55 of the NPPF which seeks to ensure that planning conditions are only imposed where they are necessary and reasonable. Furthermore, the removal of the disputed condition would not lead to a loss of housing and would therefore not conflict with policy H8 of the local plan.

Other Matters

11. I note the neighbour's comment with regards to parking. However, I have no evidence to suggest the demand for parking generated as a result of a possible change of use from a single dwellinghouse (C3) to a small HMO (C4) would be materially greater. It is an urban location with a railway station in close proximity and therefore not all occupants would necessarily need to own a car. I have attributed limited weight to this point in my decision-taking.

12. Though I understand that Condition 5 was added for consistency with the previous approval on the site (ref. P/16759/002), this does not change my view that I find the disputed condition to be unnecessary.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR