

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE: 18th March 2020

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.

WARD(S)	ALL	
Ref	Appeal	Decision
P/12654/008	<p>80, Faraday Road, Slough, SL2 1RS</p> <p>Construction of a 2 bedroom dwelling house at the land R/O 80 Faraday Road.</p>	<p>Appeal Dismissed</p> <p>24th January 2020</p>
P/17737/000	<p>3, Newton Close, Slough, SL3 8DD</p> <p>Conversion of loft into habitable room with rear dormer and 3no. front rooflights</p> <p>Planning permission was approved and the appeal sought the removal of condition 2 and replacement of it with one specifying the plans that reflect the amended design. The removal of conditions requiring a noise and vibration assessment (condition 3) along with the provision and retention of cycle storage (condition 4) was also sought.</p> <p>The inspector allowed for a larger dormer as despite a technical breach of the SPD, the site-specific circumstances of this appeal mean that the scheme would still comply with its aim of ensuring that extensions harmonise with the scale and architectural style of the original building, and the character of the area.</p> <p>Although the scheme would be likely to result in some additional noise and disturbance, it would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties, as result the Inspector omitted the noise and vibration assessment condition.</p> <p>The cycle storage condition was retained to ensure that appropriate cycle facilities are provided and to widen travel choices, by promoting sustainable transport modes.</p>	<p>Appeal Granted</p> <p>29th January 2020</p>
P/13332/001	<p>31 Walpole Road</p> <p>Construction of a detached dwelling within the existing garden</p>	<p>Appeal Dismissed</p> <p>4th February 2020</p>

P/16862/002	193, Vicarage Way, Slough, Colnbrook, Slough, SL3 0RD	Appeal Dismissed 10 th February 2020
2018/00446/ENF	79-83, Uxbridge Road, Slough, SL1 1SG	Appeal Dismissed 10 th February 2020
P/16100/002	9, Mortimer Road, Slough, SL3 7SE Retrospective application for a single storey side and rear extension	Appeal Dismissed 2 nd March 2020
P/13012/002	11, Briar Way, Slough, SL2 1ER Construction of a single storey front extension. The inspector concluded that notwithstanding the Council's guidelines on front extensions, the proposed extension would be single storey, retaining the existing flat roof form and height. It would also not extend further forward than the existing porch line in the row or beyond the maximum depth stated in the SPD. The extension would not replicate the predominant character of the street. Conditions relating to three year time limit, approved plans and materials to match were included.	Appeal Granted 5 th March 2020
P/17700/001	214, London Road, Slough, SL3 7HT Conversion of existing garage and construction of a single storey front and a part single, part double storey side and rear extension and installation of front/side boundary walls. Planning permission was granted on 25-October-2019 following submission of amended drawings. However, the applicants sought to appeal against condition No. 2 relating to the approved drawings seeking to reinstate the initially submitted drawings. The initially submitted scheme by reason of its scale and design was considered to detract from the character and appearance of the immediate locale which falls within a Residential Area of Exceptional Character. It was considered that the initial proposal was not proportionate to the main dwelling and would detract from the current streetscene to an unacceptable degree. However, on receipt of amended drawings the application was approved. The planning inspector concluded that the following proposal would not harm the character and appearance of the area according with planning policies which seek to avoid developments that would have a detrimental impact upon the character of properties within a Residential Area of Exceptional Character. The inspector also concluded that despite technical breaches of the SPD, the scheme, decided on its own merits, would comply with its aims to ensure that extensions harmonise with the scale and architectural style of the original building, and	Appeal Granted 5 th March 2020

	the character of the area, and thus accord with the National Planning Policy Framework where it states developments should be sympathetic to local character.	
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Appeal Decision

Site visit made on 2 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/J0350/W/19/3238233

Land at 80 Faraday Road, Slough SL2 1RS

- 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 N Khan against the decision of Slough Borough Council.
 - The application Ref P/12654/008, dated 9 October 2018, was refused by notice dated 9 April 2019.
 - The development proposed is construction of a 2 bedroom dwelling-house on land to the rear of 80 Faraday Road Slough (revision to application ref. P/12654/007).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted alternative options (Option B and Option C) for the proposed dwelling as part of the appeal. These alter the height and appearance of the proposed dwelling from that which was considered and consulted upon as part of the application. I cannot be satisfied that interested parties have had sufficient and fair opportunity to comment on the additional details. I have therefore considered the appeal on the basis of those details on which the Council based its decision, in order to avoid prejudice to interested parties.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. There are some buildings to the rear of the row of dwellings along Faraday Road where the appeal site is located. The position, size and appearance of these buildings varies. However, there is a consistency to the building line and layout of the dwellings with properties addressing the road, near the front of their plots and with generous rear gardens. I did not see any residential properties to the rear of existing ones in the same row of as the appeal site.
5. There is some variation in terms of plot and garden sizes in the area including at the bungalows near the site. Nevertheless, the proposed garden and plot would be considerably smaller in comparison to existing ones in this row. As a result, the scheme would be incongruous with the overall open and spacious

- character of the properties in this part of Faraday Road and at the adjacent land.
6. While the larger area of outdoor space would be off the main living accommodation, the dwelling would be close to the rear and other side boundary of the plot. Furthermore, a large proportion of the frontage of the proposed property would be occupied by tightly packed parking spaces for the dwelling itself and the flats already granted planning permission¹. This would limit the landscaping that could take place and accentuate the cramped appearance of the site.
 7. The plot would be wider than the adjacent ones. Nonetheless, the position of the dwelling and the main outdoor space would be discordant with the established grain of linear plots with generous rear gardens along Faraday Road.
 8. Boundary treatments, landscape features and existing properties would largely screen the dwelling from Faraday Road itself. Nevertheless, while I acknowledge conditions can be appropriate in some circumstances to secure details of landscaping and boundary treatments, they should not be used to try to hide development which is inherently unacceptable. In any event, from the details before me, there is no convincing evidence such measures would prevent the site being prominent in views from the adjacent public open space and open grassed area. These afford views into and over the rear gardens of properties in the same row. The site would appear cramped and this would erode the spacious feel to the rear gardens and adjacent open land. It would also be obvious from nearby properties.
 9. My attention has been drawn to a fallback position involving the construction of a garage at the appeal site². This would be located in a similar position to the proposed dwelling. Nevertheless, the dwelling would be of a greater height and footprint than the garage. Moreover, as with the existing outbuildings in the rear gardens of the properties along Faraday Road, it would have an ancillary appearance and would not be set in its own separate plot. Therefore, even if the garage were built in the event of the appeal being dismissed, it would not give rise to the same harm as the appeal scheme.
 10. The proposed dwelling would have a similar ridge height to the terraced bungalows at Thorndike Road and bungalows are not uncommon in the area. Nonetheless, these are a distinct group of properties separate from the appeal site. The position of the dwelling means that even with locally appropriate materials it would fail to relate to the bungalow properties or those along Faraday Road. In addition, the single storey dwelling proposed would be at odds with Faraday Road which is characterised by 2 storey properties.
 11. While relatively near the site, the flats at Furnival Avenue do not have the same open areas adjacent to them. They are seen in a different context to the appeal site where development is more compact. I do not have full details of the development at Wexham Road and therefore cannot be sure it represents a direct comparison to the scheme before me. In any event, it is some distance from, and would not be seen with, the appeal site. These are therefore materially different to the scheme before me.

¹ P/12654/004

² P/12654/005

12. Consequently, the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policies 1, 4 and 8 of the Slough Local Development Framework Core Strategy and Policies H13 and EN1 of the Local Plan for Slough. These, amongst other things, require development to be compatible with the character and identity of a site and its surroundings as well as reflecting local distinctiveness.
13. Moreover, the scheme would be contrary to the National Planning Policy Framework (Framework) where it states developments should be sympathetic to local character and the built environment.

Other Matters

14. The Framework seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The scheme would contribute to the mix and supply of local housing in the area. There would also be benefits associated with energy efficiency, sustainable construction and biodiversity. However, even if I were to consider the site was previously developed land and a more efficient use of land, given the scale of the proposal these benefits would be small. Even when taken cumulatively these benefits would not outweigh the harm I have identified to the character and appearance of the area.
15. The Council have not included refusal reasons relating to the living conditions of nearby or future occupiers, flooding, highway safety, parking provision, waste and cycle storage or the accessibility of the site to services and transport links. However, a lack of harm is a neutral factor and does not weigh in favour of the scheme.
16. I acknowledged that the appellant has sought to modify the scheme to overcome the concerns raised from a previous application and dismissed appeal³. This includes changes to the number of dwellings as well as to the size of the proposed built form, parking layout and outdoor space. However, I have found that harm would arise from the scheme before me and that this harm would not be addressed by the imposition of conditions.

Conclusion

17. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

Appeal Decision

Site visit made on 2 and 3 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/J0350/W/19/3237785

3 Newton Close, Slough SL3 8DD

- 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 Louis Bornman against the decision of Slough Borough Council.
- The application Ref P/17737/000, dated 16 March 2019, was approved on 10 July 2019 and planning permission was granted subject to conditions.
- The development permitted is conversion of loft into habitable room with rear dormer and 3no front rooflights.
- The conditions in dispute are Nos 2, 3 and 4 which state that:
 2. Notwithstanding constructional details shown on the drawings listed below, which are a matter for approval under the Building Act and associated Regulations and are not approved in this permission the development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:
 - (a) DPL.04. rev.A, dated 12 February 2019, received on 15 May 2019
 - (b) DPL.06. rev.A, dated 12 February 2019, received on 15 May 2019
 - (c) DPL.07. rev.A, dated 12 February 2019, received on 15 May 2019
 - (d) DPL.08. rev.A, dated 12 February 2019, received on 15 May 2019
 - (e) DPL.09. rev.A, dated 12 February 2019, received on 15 May 2019
 - (f) DPL.10. rev.A, dated 12 February 2019, received on 15 May 2019
 - (g) DPL.11. rev.A, dated 12 February 2019, received on 15 May 2019
 - (h) DPL.99. rev.A, dated 12 February 2019, received on 1 July 2019
 3. The development hereby approved shall not commence until a Noise and Vibration Impact Assessment has been submitted and approved in writing by the Local Planning Authority. The report should include an assessment of the impact on the future amenities of neighbouring residential occupiers in terms of vibration, noise and disturbance and any proposed mitigation. The approved mitigation shall be implemented prior to the first occupation of the development and thereafter any permanent measures shall be maintained in accordance with the approved details.
 4. Prior to the first occupation of the development, a secure cycle storage facility must be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The secure cycle storage facility shall then be retained in accordance with the approved details.
- The reasons given for the conditions are:
 2. 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 and to comply with Policies in the Development Plan.
 3. In the interests of the amenities of the area, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document (December) 2008 and the National Planning Policy Framework.
 4. In the interests of promoting the use of sustainable means of transport, in accordance with saved Policy T8 of Slough Local Plan 2004, Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, DPD and the National Planning

Decision

1. The appeal is allowed and the planning permission Ref P/17737/000 for conversion of loft into habitable room with rear dormer and 3no front rooflights at 3 Newton Close, Slough SL3 8DD granted on 10 July 2019 by Slough Borough Council, is varied by deleting condition 3 and by deleting condition 2 and substituting it for the following condition:

2) Notwithstanding constructional details shown on the drawings listed below, which are a matter for approval under the Building Act and associated Regulations and are not approved in this permission the development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority: Existing Drawings DPL.01.; Existing Drawings DPL.02.; Proposed Drawings DPL.03.; Proposed Drawings DPL.04.; Proposed drawings DPL.05.; Proposed Drawings DPL.06.; Proposed Drawings DPL.07.; Proposed Drawings DPL.08.; Proposed Drawings DPL.09.; Proposed Drawings DPL.10.; Proposed Drawings DPL.11.; and Location and Block Plan DPL.99. Rev.A

Background and Main Issues

2. The appeal seeks a revised but not substantially different design to a previously approved scheme including, but not limited to extending the dormer closer to the end of the roof to one side. The appeal scheme relates to the plans that were originally submitted to the Council as part of the application.
3. Having sought clarification on the matter, the appellant has confirmed that the appeal relates to conditions 2, 3 and 4 of P/17737/000. The appeal seeks the removal of condition 2 and replacement of it with one specifying the plans that reflect the amended design. The removal of conditions requiring a noise and vibration assessment (condition 3) along with the provision and retention of cycle storage (condition 4) is also sought.
4. From the reasons given for the conditions being imposed and the information before me, the main issues of the appeal are whether the conditions are necessary and reasonable, having regard to the effect that varying them would have on;
 - The character and appearance of the area;
 - The living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance; and
 - Whether the development would make appropriate provision for off street parking and encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities.

Reasons

Character and Appearance

5. There are no existing dormer extensions at the row of properties where the appeal site is located. Nevertheless, there are a number of nearby properties with rear flat roof dormers. These are often located close to or at the ridge

height of the main roof and there is some variation as to how far they are set in from the end of the roof.

6. The dormer would not be set in to the extent that the SPD¹ indicates would normally be permitted. However, it would be seen with other flat roof dormers and would be of a similar appearance and scale to them. The dormer would extend closer to one side boundary than the other. Nonetheless, the difference would not be significant and would not be overtly noticeable given the overall length of roofscape in which it would be located.
7. As such, removing the condition imposed and replacing it with one specifying the plans originally submitted to the Council would not harm the character and appearance of the area. Therefore, it would comply with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document (CS) where it, in part, requires development to reflect the streetscene, respecting its location and surroundings. Despite a technical breach of the SPD, the site-specific circumstances of this appeal mean that the scheme would still comply with its aim of ensuring that extensions harmonise with the scale and architectural style of the original building, and the character of the area.
8. It would also accord with the National Planning Policy Framework (Framework) where it states developments should be sympathetic to local character.

Living Conditions

9. From the details before me, there is currently no accommodation in the roof space at the appeal property. Nonetheless, there are already residential units adjacent and below it, as there is in the remainder of the row. Therefore, some noise and disturbance would already be experienced from adjacent units and is to be expected with this arrangement of properties. There has been no clear evidence put before me to suggest that this current arrangement has caused unacceptable noise and disturbance. I see no reason why the proposed scheme would give rise to such impacts.
10. The extension would increase the accommodation, and therefore potentially the number of occupants at the property. This may increase noise and disturbance from a greater level of comings and goings from the site and activities within the property. Nonetheless, the evidence before me indicates that the concerns are primarily a sound insulation matter. It has not been demonstrated that compliance with Building Regulations would be insufficient to mitigate any noise and vibration transmission and therefore avoid unacceptable harm.
11. Consequently, the disputed condition is not necessary or reasonable. Although the scheme would be likely to result in some additional noise and disturbance, it would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties. Without the condition the scheme would comply with Core Policy 8 of the CS where it states that development within the existing residential areas should respect the amenities of adjoining occupiers. In addition, the proposal would accord with the Framework where it seeks to provide a high standard of amenity for existing and future users.

¹ Residential Extensions Guidelines Supplementary Planning Document Adopted January 2010

Off Street Parking and Cycle Storage Provision

12. There is an existing vehicle access to a group of garages at the rear of the appeal site. One of these garages is said to be available for parking for the appeal property. The area in front of the garages did not appear to be well used and there was no vehicle within the garage when I visited. Nonetheless, the access was of sufficient width to allow a vehicle to pass along and the garage of sufficient size to accommodate a vehicle. There has been no compelling case to demonstrate otherwise. Therefore, there is potential for some off-street parking for the property.
13. The scheme would not provide the required minimum number of spaces as set out in the Transport and Highway Guidance Developer's Guide Part 3 Interim Document November 2008. Nevertheless, the Council consider it to be unlikely that the increased capacity of the accommodation would necessarily add to the parking demand in the area. I see no reason to reach a different finding.
14. The nearby streets are not subject to any parking restrictions and on street parking already occurs. I appreciate that my site visits are only snapshots in time. However, when I visited during the afternoon and morning, I saw that while there was some on street parking taking place there were also vacant parking bays available. I appreciate that at different times of day there may be greater parking demand. However, there has been no convincing case that the highway does not have capacity for further cars. Even if the proposal led to the need for additional on street parking of a vehicle due to the increase in accommodation, should the need arise it would be possible for additional vehicles associated with the appeal site to park in relatively close to the site.
15. While the appeal property may only be used for one family, the additional accommodation gives the potential for a greater number of occupants. Therefore, the level of cycle users and need for cycle storage would be likely to increase. The appellant has not disputed that facilities for cycle parking could be provided within the appeal site. However, while suggestions have been put forward for the cycle storage, no detailed information or plans for these areas have been provided to demonstrate they are appropriate. Without a condition requiring such details to be submitted and agreed I cannot be sure facilities would be sufficient. Moreover, the condition secures the retention of the facilities to prevent them being removed at a later time.
16. Accordingly, on the basis of the information before me, and the individual merits of this case, the disputed condition continues to serve a useful purpose and remains necessary. It would ensure the proposal accorded with the aims of Policy T8 of The Local Plan for Slough, Core Policy 7 of the CS as well as the Framework to ensure that appropriate cycle facilities are provided and to widen travel choices, by promoting sustainable transport modes.

Conclusion

17. For the reasons given above, and having taken into consideration all other matters, I conclude that the appeal should be allowed, deleting and substituting conditions as set out above.

Stuart Willis

INSPECTOR

Appeal Decision

Site visit made on 2 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/J0350/W/19/3238528 31 Walpole Road, Slough SL1 6AU

- 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 Paul Hughes against the decision of Slough Borough Council.
 - The application Ref P/13332/001, dated 13 December 2017, was refused by notice dated 9 April 2019.
 - The development proposed is new chalet bungalow to be built within large garden area of existing bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner heading above from the application form. While different to that on the decision notice, I have not been provided with any confirmation that a change was agreed.
3. There is a discrepancy between the plan references listed on the decision notice and those that the appellant has indicated were submitted to the Council¹. Whether the later revisions were before the Council or not at the time of their decision, they were submitted at the outset of the appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place.
4. The Council have raised concern over the property being detached in their appeal submissions. However, as with the plans, there has been an opportunity for the other main party to respond. Against this backdrop, whilst I have had regard to the principles established in Wheatcroft, no injustice would be caused to any appeal party or third party if I were to take these plans and comments into account. I have considered the appeal on that basis.

Application for costs

5. An application for costs was made by Mr Paul Hughes against Slough Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues of the appeal are the effects of the proposed development on:
- the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and outlook;
 - whether the proposal would provide appropriate living conditions for future occupiers, with particular regard to privacy, outdoor space, light and outlook; and
 - the effect on highways safety.

Reasons

Character and Appearance

7. The proposed dwelling would be of a similar height, scale and mass to some in the area, some of which appear to have been altered or extended. Nevertheless, the proposed dwelling would be set considerably further back from the road in its plot than the surrounding properties, including 31 Walpole Road (No 31) adjacent. This would be discordant with the building line and layout of plots in the street.
8. There are existing outbuildings located between properties on corner plots in the street. Nonetheless, the larger side gardens of these plots provide a greater degree of openness than at other parts of the street. The introduction of the dwelling, where there is an absence of built form of the scale proposed, would erode this openness.
9. The size of the proposed garden would be comparable with some of the nearby properties. Notwithstanding this, the dwelling would be located close to both side boundaries and the tapering boundary with 33 Walpole Road (No 33). Rather than resulting in the scheme being secluded, this would give a cramped appearance to the site. The above factors and size of the plot would be incongruous with the pattern and grain of development at corner locations in the street.
10. The front elevation of the proposed dwelling would have a hipped roof and there is some variation to the appearance of properties nearby and their roofscape. Nevertheless, the introduction of a detached dwelling would be at odds with the strong pattern of similarly proportioned semi-detached properties in the street. While a property has been built at 32 Walpole Road and can be seen from the street, this is not orientated to, or accessed from, Walpole Road. Therefore, unlike the appeal scheme would be, it is not viewed as part of Walpole Road.
11. Landscaping and boundary treatments are proposed. Nevertheless, the discordance of the appeal scheme with the established grain of development in Walpole Road would be obvious from the street and the surrounding properties. In addition, that a proposal could be screened is not a reason for allowing development that is inherently unacceptable.
12. The existing dilapidated garage would be removed. While this adds little to the streetscene at present, it is of a smaller size and height than the proposed

dwelling. Therefore, it has less of an impact on the streetscene than the proposed dwelling would.

13. The shared access would be relatively narrow. However, this and hard surfaced parking areas to the front and side of properties are not uncommon in the street.
14. Nevertheless, the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policies H13 and EN1 of the Local Plan for Slough (LP) and Core Policies 1 and 4 of the Slough Local Development Framework Core Strategy (CS). These, amongst other things, require development to be compatible with the character and identity of a site and its surroundings.
15. The scheme would also be contrary to the National Planning Policy Framework (Framework) where it states developments should be sympathetic to local character and the built environment.

Living Conditions of Nearby Occupiers

16. The proposed dwelling would be located closer to the windows and boundary with 512 (No 512) and 514 (No 514) Bath Road than No 31 is at present. I note reference to generally accepted standards with regard to separation distances between properties. However, my attention has not been drawn to any specific development plan policy requirements in this regard.
17. Some overlooking between properties is inevitable and tolerable in residential areas. I saw that the proposed separation between properties would be comparable to that which already exists in the nearby area. Moreover, while the presence of windows may give rise to a perception of overlooking, were the appeal to be allowed, conditions could be imposed restricting the glazing and opening of the rear elevation first floor window. This would prevent overlooking from this window towards the properties behind. Consequently, the scheme would not result in an unacceptable loss of privacy at No 512 and No 514 with regard to overlooking.
18. The narrower gable end of the proposed dwelling would be orientated towards No 512 and No 514. This would reduce the prominence of it in views from these existing properties and their rear gardens. The height and size of the windows at No 512 would provide an outlook over and away from the appeal dwelling. In addition, the position of No 514 would result in any outlook towards the appeal site being at a more acute angle. Along with the separation between the existing and proposed dwellings, these factors would prevent the scheme being an overbearing feature in the outlook from No 512 and No 514.
19. There would be an outbuilding and driveways between the proposed dwelling and No 33. This, and the limited openings at No 33 facing the appeal site, would be sufficient to prevent the proposed dwelling being dominant in the outlook from No 33. Conditions could be imposed regarding the opening and glazing of the front elevation first floor window were the appeal allowed. The above would prevent any unacceptable effects from overlooking to, or on the outlook from, No 33.
20. As such, the proposal would not lead to unacceptable effects on the living conditions of the occupiers of nearby properties with regard to privacy and outlook. It would accord with Policy EN1 of the LP and Core Policy 8 of the CS.

These, in part, seek to ensure development provides an appropriate relationship with nearby properties and respects the amenities of adjoining occupiers.

21. Although Core Policies 1 and 4 of the CS are included in the refusal reasons, they do not relate to living conditions. Therefore, they weigh neither for nor against the proposal in regard to this issue.

Living Conditions of Future Occupants

22. There would be views from the first-floor windows of adjacent properties into the garden and habitable room windows of the proposed dwelling. Nonetheless, this is a residential area where separation distances similar to those proposed are not uncommon. Mutual overlooking already occurs between properties with views from first floor windows along Bath Road into the rooms on the rear elevations of the bungalows along Walpole Road.
23. Were the appeal to be allowed conditions restricting the opening and glazing of certain windows could be imposed. However, despite this there would still be windows serving these upper floor rooms that would allow sufficient natural light to enter them. Moreover, side elevation rooflights would also allow light in to the upper floor. Furthermore, these clear glazed windows would provide an acceptable outlook from the bedroom.
24. The outdoor space for the proposed dwelling would be of an adequate size, comparable to others nearby. Furthermore, landscaping and boundary treatments would partly screen views into the plot.
25. Consequently, the proposal would provide appropriate living conditions for future occupiers of the proposed dwelling with regard to privacy, outdoor space, light and outlook. It would comply with Policies H14 and EN1 of the LP and Core Policies 1 and 8 of the CS. These, in part, seek to ensure development provides an appropriate level and quality of amenity space as well as an appropriate relationship with nearby.
26. Although Core Policies 1 and 4 of the CS are included in the refusal reasons, they do not relate to living conditions. Therefore, they weigh neither for nor against the proposal in regard to this issue.

Highway Safety

27. The operation of the shared access relies on the absence of a boundary treatment between the existing and proposed plots. I note the Council's concerns regarding the imposition of a condition regulating such development as the land that it would relate to is outside the appeal site. Notwithstanding this, rather than relying on a third party, the land is in the control of the appellant. Therefore, were the appeal to be allowed, a suitably worded condition could be imposed. As such, the route for vehicles passing over the shared drive could be maintained.
28. At the time of my site visit, which I appreciate is only a snapshot in time, there was some on street parking taking place along Walpole Road, including at the turning head near the site. Nevertheless, the Council have not raised concerns regarding the level of parking for the proposed or existing dwelling. In the absence of any compelling evidence to the contrary, I have reached the same view. As such, the scheme would not lead to additional on street parking.

Moreover, I saw that while there were yellow lines elsewhere in the area, large parts of Walpole Road and other nearby cul-de-sacs were not subject to any parking restrictions.

29. Shared pedestrian and vehicle access along driveways with others adjacent and without turning areas is not uncommon in the street. No convincing case has been put to me to indicate such arrangements currently cause highway safety issues. Only part of the proposed driveway would be shared by different properties and the length of it is not considerably longer than others nearby. In addition, the vehicles I observed entering and leaving driveways, and passing along Walpole Road, at the time of my site visit were travelling at low speeds. Conditions could be imposed to control the size and position of any boundary treatments at the boundary with No 33 were the appeal to be allowed.
30. Consequently, on the basis of the evidence before me, the proposal would not lead to an unacceptable effect on highway safety. It would comply with Policies EN1 and T2 of the LP and Core Policy 7 of the CS. These, in part, require the level of parking to be appropriate to the location and to overcome road safety problems as well as developments having appropriate access points.

Other Matters

31. The Framework seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The scheme would contribute to the mix and supply of housing in the area. The Framework excludes land in built-up areas such as residential gardens from the definition of previously developed land. However, even if I were to consider the site as such or to be derelict and the scheme a more efficient use of underutilised land, given the size of the development these benefits would be small. Even when taken cumulatively these benefits would not outweigh the harm I have identified to the character and appearance of the area.
32. The refusal reasons did not relate to drainage, flooding, contamination or the accessibility of the site to services and facilities. As I am dismissing the appeal, there is no need for me to consider these matters further. In any event, a lack of harm in these matters would be a neutral factor.
33. I note comments regarding the conduct of the Council during the application and appeal process as well as whether the proposal would set a precedent. However, I have considered the appeal scheme on its own individual circumstances and planning merits.

Conclusion

34. While I found that the scheme would not result in unacceptable harm to living conditions or highway safety, the harm to the character and appearance of the area is determinative.
35. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 14 January 2020

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/J0350/X/19/3228684

193 Vicarage Way, Colnbrook, Slough SL3 0RD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Hashem Jamalzadeh against the decision of Slough Borough Council.
 - The application Ref P/16862/002, dated 10 January 2019, was refused by notice dated 22 March 2019.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is: Change of use from a C3 (dwellinghouse) to C4 (small house in multiple occupation).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse the certificate was well-founded or not.

Reasons

3. On 22 May 2017 planning permission Ref P/16862/000 was granted for an extension to the building. Based on the information available to me, including my observations on my site visit, that permission was lawfully implemented. It was subject to planning conditions, of which condition 5 states:

"The extension hereby permitted or any part of dwelling house and shall not be sub-divided or used in multiple occupation.

REASON 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, which may occur if the property [is sub-divided]"

4. The condition contains drafting errors including the omission of the words in square brackets. Despite this, even in the absence of the words in square brackets, I am satisfied the condition is sufficiently precise to make clear that the property may not be used in multiple occupation and that a legitimate reason for the condition is included. As such, a permitted development right to change the use of the property from a dwellinghouse to a small house in multiple occupation does not exist. The proposal does not comply with the above condition and therefore is not lawful.

5. Correspondence has been provided which appears to claim the 2017 permission noted above is invalid or not extant. But no evidence has been provided which satisfies me that the permission was not lawfully implemented or that it has been revoked or modified in any way. As such, condition 5 noted above continues to have effect and the proposed change of use is not lawful.

Other Matters

6. My attention has been drawn to examples of other cases which are said to be similar. But there is no evidence to indicate that the facts in those cases are identical to those in this case and in any event, planning merits (including precedent) are not relevant to the consideration of a lawful development certificate.
7. My attention has also been drawn to comments made by officers of the Council and third parties. But none of these have led me to a different conclusion. The appellant's dissatisfaction with the Council and third parties is not a matter for me to consider in the context of an appeal under section 192 of the above Act. It is open to the appellant to apply for planning permission to remove condition 5 of the 2017 permission if they wish, and any such application would be unaffected by my determination of this appeal.

Conclusion

8. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a change of use from a C3 (dwellinghouse) to a C4 (small house in multiple occupation) was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

L Perkins

INSPECTOR



Appeal Decision

Site visit made on 14 January 2020

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/J0350/C/19/3230230

Land at 79-83 Uxbridge Road, Slough SL1 1SG

- 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 Mr Menderes Kurshumliu against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice was issued on 24 April 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission:
 1. Unauthorised change of use of the land as a carwash and valeting use (Sui Generis Use) ("Unauthorised Use")
 2. The Unauthorised Development of a portable cabin, container shipping storage unit and metal framed covered canvas canopy on the land ("Unauthorised Development")
 - The requirements of the notice are:
 1. Cease the Unauthorised Use.
 2. Remove the Unauthorised Development – the portable cabin, container shipping unit and metal framed canvas canopy from the land.
 3. 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 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice be corrected by deletion of the phrase 'Operational Development' in the fifth line of the notice. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. In the fifth line of the enforcement notice appears the phrase 'Operational Development'. It is clear from sections 3, 4 and 5 of the notice that it refers to a material change of use as well as operational development. The main parties have dealt with the appeal on this basis and so no injustice is caused by me correcting the notice in this way.
3. The evidence indicates the site has previously been subject to a temporary planning permission for a carwash which has expired. But full details of that permission, including its conditions, have not been provided so I cannot be certain the development before me is the same development that was the

subject of the temporary permission. As such, I have considered the appeal development as it has been described in the enforcement notice.

4. During this appeal the appellant submitted a revised scheme to the Council. However, the Council declined to determine this revised planning application, drawing on powers under section 70C of the above Act. Consequently, the appellant requested that the new application drawings be considered within this appeal.
5. Under section 177 of the Act, in an enforcement appeal, planning permission may be granted under ground (a) only in respect of the matters stated in the enforcement notice. So the deemed planning application for the enforcement appeal cannot include another scheme or amended plans, to resolve the enforcement issues and I have determined this appeal on this basis.

Reasons

The ground (a) appeal

6. The main issues in the ground (a) appeal are the effect of the development on (i) the character and appearance of the area, and (i) highway safety.

Character and Appearance

7. Taken together, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 (the Core Strategy) and Policies EN1 and EMP2 of the Local Plan for Slough 2004 (the Local Plan) seek that all development is of a high quality design which improves its surroundings.
8. The appeal site sits between a mosque and a two storey, brick-built, pitched-roof parade of shops with dwellings above. On the opposite side of the road is a hotel and a large supermarket. Behind the appeal site is a network of streets lined with two storey terraced houses.
9. The appeal site is a former petrol station. It has a very wide street frontage on to a main road, making it prominent within the street scene. The appeal development includes a portable cabin, shipping container and a large rectangular canopy and operates as a carwash. Overall, it has a temporary and industrial appearance and so whilst the character and appearance of the area is mixed, the appeal development appears incongruous in this context.
10. Whilst the buildings associated with the use may be typical of such a temporary use, it has already existed for a considerable period of time and so I am not satisfied that the development is temporary or that, therefore, its character or appearance is acceptable in light of the above development plan policies. In my judgement, the appeal development detracts from the character and appearance of the area and is harmful therefore. Consequently, it does not comply with Core Policy 8 of the Core Strategy or Policies EN1 or EMP2 of the Local Plan, noted above.

Highway Safety

11. Policy EMP2 of the Local Plan permits business development if, amongst other things, it can be accommodated upon the existing highway network without causing additional congestion or creating a road safety problem.

12. The National Planning Policy Framework (the Framework) states that in assessing specific developments it should be ensured that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. In addition, it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
13. The site has two accesses on to the main road. This is the A412 Uxbridge Road. It is a busy 40 mph dual carriageway with a crash barrier running down the middle. As such, access into the site from this road can only be achieved by turning left into the site and left out. From the information provided and my observations on my site visit, as currently operated, vehicles enter the car wash from the southern access, are washed and/or valeted, and then exit the site from the northern access.
14. The Council is concerned that, during peak car washing periods, cars have been witnessed queuing to enter the site. It is said that cars sit either in lane 1 of the dual carriageway, meaning passing vehicles need to manoeuvre into lane 2, or over the footway, meaning pedestrians have to navigate around queuing vehicles. In addition, it is said that cars have been witnessed reversing out on to the highway. In this context, in my judgement, each of the above are adverse effects on highway safety.
15. No evidence has been provided to dispute the above claims. There is a short distance between the site entrance from the highway and the location where cars are washed and valeted. So whilst the appellant may not be aware of any incidences of queuing, based on my own observations of how the carwash operates I am not satisfied that queuing on to the highway has not occurred or that it will not occur in the future.
16. The northern access is very close to a pedestrian crossing over Uxbridge Road. Due to this proximity, in my judgment, it is more likely that drivers concentrating on finding a gap in the traffic to pull out of the carwash may not see a pedestrian on this crossing.
17. I realise the site had a previous use as a petrol filling station. But there is no evidence to indicate the carwash operates in the same way the petrol filling station did or that the operation of the petrol filling station had no harmful effect on highway safety. In any event, refuelling a car takes considerably less time than washing and/or valeting it. So I do not consider the two uses to be comparable in terms of their likely queuing effects at peak times and the consequential effect on highway safety.
18. Considering all of the above points, based on the information provided and my own observations, in my judgement, the car wash as currently configured has an unacceptable impact on highway safety and creates road safety problems. As such, it does not comply with Policy EMP2 of the Local Plan or the highway safety policies of the Framework.

Conclusion on the ground (a) appeal

19. Considering each of the main issues for the ground (a) appeal, the appeal on ground (a) fails.

The ground (g) appeal

20. I have taken into account the request for more time to comply with the requirements of the notice and enable the appellant time to look for another site and give notice to its employees. But I have balanced this against the harm identified above in respect of highway safety and so I am not satisfied extending the period of compliance to 12 months as requested would be appropriate in this case. Carrying out the requirements of the notice would not require skilled persons so I am satisfied that 1 month is a reasonable period of time to carry out the requirements of the notice. As such the appeal on ground (g) fails.

Other Matters

21. Correspondence received from the appellant refers to a ground (f) appeal yet this was not pleaded when the appeal was lodged or before the statement deadline, meaning the Council did not have the opportunity to respond to this ground.

22. In any event, the appellant's position in this regard is reliant on their revised scheme which, as set out above, cannot be considered within this appeal. The purpose of the enforcement notice is to remedy the breach of planning control, and considering the above points, there are no lesser steps that have been suggested which would achieve the purpose of the notice. As such, based on the information provided, an appeal on ground (f), had it been pleaded, would fail.

Conclusion

23. For the reasons given above I conclude that the appeal does not succeed. I uphold the enforcement notice, as corrected, and refuse to grant planning permission on the deemed application.

L Perkins

INSPECTOR



Appeal Decision

Site visit made on 13 January 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/J0350/D/19/3238801

9 Mortimer Road, Slough, SL3 7SE

- 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 Saghir Malik against the decision of Slough Borough Council.
 - The application Ref P/16100/002, dated 20 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is a single storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. I note that the application is retrospective and that an extension to the property has already been built and occupied. For the avoidance of doubt, I have determined this appeal on the plans, as submitted with this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the residents of No. 65 Stile Road, with particular regard to overbearing.

Reasons

Character and appearance

4. The surrounding area is predominately residential and includes a mix of dwelling types, including terraced and semi-detached properties. The appeal site is an end of terrace property, which occupies a corner location within the estate, as a result, it is relatively visually prominent. The character of the surrounding area is defined by the uniformity of the layout and design of the dwellings. An important element of the street scene is that buildings are set well back from the road, with most houses have fairly long, but narrow gardens. Whilst a number of properties have been altered over the years, the original pattern of development remains apparent. Gaps between the rows of terrace properties are important within the street scene, which serve to break up the built form. Due to the orientation of the host building, the appeal site is located within one of these gaps.

5. The proposed development would introduce a single storey extension in the rear garden area of the appeal site. Whilst the proposed extension does not extend beyond the line of the host dwelling and those along Mortimer Road, it introduces development into the visual gap between the properties. The fenestration and position of the door of the existing dwelling, gives the appeal property a balanced appearance. The appearance and design of the appeal proposal, in particular the relationship between the roof of the extension and the host building, disrupts this balance. Considering the reduction in the visual gap and the relationship of the proposed extension with the existing dwelling, the proposal would be incongruous in the street scene and harmful to the character of the area.
6. I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, is contrary to Policies EN1, EN2, and H15 of the Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 and Residential Extension Guidelines Supplementary Planning Document January 2010 and the National Planning Policy Framework. These policies seek, amongst other things, to ensure that new development relates to the character and appearance of the area.

Living conditions

7. The adjoining property, No. 65 Stile Road, is a mid-terrace property with a northly facing single aspect garden. Due to the design and orientation of the estate, No 9 Mortimer Road backs on to the properties along Stile Road and, as a result, extends beyond the rear elevation of No. 65. The proposed development would significantly extend the built form along the boundary between these two properties and would fill in the gap between the original footprint and the boundary with No. 65.
8. The proposal would introduce a flank wall along the common boundary, which would, according to the submitted plans, be set partly on the site boundary, before being slightly set back. It would however extend for a considerable distance along the western boundary. Given the narrow garden of No. 65, the extended flank wall would have proportionately more impact. Due to the design and position of the proposed extension, the proposal would represent a visually intrusive and overbearing form of development, that would create a significant feeling of enclosure to the neighbouring property. This would be detrimental to the living conditions of occupiers of No 65.
9. I therefore conclude that the proposed development would have a harmful effect on the living conditions, with particular regard to outlook, of the residents of No. 65 Stile Road, in this respect, is contrary to Policies EN1, EN2, and H15 of the Adopted Local Plan for Slough 2004, Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 and Residential Extension Guidelines Supplementary Planning Document January 2010 and the National Planning Policy Framework. These policies seek, amongst other things, to ensure that new development does not harm the living conditions of surrounding residents.

Conclusion

10. In the light of the above, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR



Appeal Decision

Site visit made on 25 February 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/J0350/D/19/3242011

11 Briar Way, Slough SL2 1ER

- 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 Gill against the decision of Slough Borough Council.
 - The application Ref P/13012/002, dated 18 September 2019, was refused by notice dated 31 October 2019.
 - The development proposed is single storey front extension and addition of porch.
-

Decision

1. The appeal is allowed, and planning permission is granted for single storey front extension and addition of porch at 11 Briar Way, Slough SL2 1ER, in accordance with the terms of the application, P/13012/002, dated 18 September 2019, subject to the following 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 plans: Planning Drawings Ref PL-01 Rev P2
 - 3) 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.

Procedural Matter

2. I have taken the description of development in the banner heading above from the application form. While different to that given on the appeal form and decision notice, there has been no confirmation that any change was agreed.

Main Issue

3. The main issue of the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Although there is a general consistency to the style and features of the several blocks of properties in Briar Way, there is some variation to their frontages. This includes porches/front extensions with lean to roofs and ones that extend across the whole of a dwelling's front elevation. While these may have been

introduced prior to the SPD¹, they nonetheless form part of the existing context of the site and streetscene.

5. The SPD states that normally front extensions should not span the entire width of the property. Notwithstanding this, the proposed extension would be single storey, retaining the existing flat roof form and height. It would also not extend further forward than the existing porch line in the row or beyond the maximum depth stated in the SPD. Moreover, the extension would have matching external materials and replicate the existing fenestration. The extension would not replicate the predominant character of the street. Nevertheless, the existing variation in the streetscene and the above factors would prevent the proposal being overly dominant in, or distorting the appearance of, the row.
6. Consequently, the proposal would not harm the character and appearance of the area. It would accord with Policies EN1 and EN2 of The Local Plan for Slough and Core Policy 8 of the Slough Local Development Framework Core Strategy where they, in part, require developments to be compatible with their surroundings and reflect the streetscene. Moreover, the scheme would comply with the aim of the SPD to ensure that extensions harmonise with the scale and architectural style of the original building, and the character of the area. It would also accord with the National Planning Policy Framework where it states developments should be sympathetic to local character.

Other Matters

7. The proposal would not extend closer to 13 Briar Way or be higher than the existing porch. The porch at 9 Briar Way has a level window in the elevation facing the proposed extension. Nonetheless, this window is high level and there are larger glazing areas on its other elevations. Therefore, sufficient light would still be able to enter these properties.
8. While concerns have been raised over the Council's ability to resist further schemes, I have considered the proposal on its own individual merits. I have found it would be acceptable and therefore see no reason why it should lead to harmful development elsewhere. I note comments relating to the Party Wall Act. Nevertheless, this is dealt with under separate legislation and unrelated to the planning merits of the scheme.

Conditions

9. 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. A further condition is imposed requiring the external materials of the scheme to match those at the existing building to protect the character and appearance of the area.

Conclusion

10. For the reasons given, and having taken all other matters raised into account, I conclude that the appeal should be allowed subject to the conditions above.

Stuart Willis

INSPECTOR



Appeal Decision

Site visit made on 25 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Appeal Ref: APP/J0350/W/19/3242027 214 London Road, Slough SL3 7HT

- 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 Sumesh Arora against the decision of Slough Borough Council.
 - The application Ref P/17700/001, dated 15 April 2019, was approved on 25 October 2019 and planning permission was granted subject to conditions.
 - The development permitted is conversion of existing garage and construction of a single storey front and a part single, part double storey side and rear extension and installation of front/side boundary walls.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority.
 - (a) Drawing No PL-01 Rev P4, Dated 15/10/19, Reced on 15/10/2019
 - (b) Drawing No PL-02 Rev P4, Dated 15/10/19, Reced on 15/10/2019
 - (c) Drawing No PL-03 Rev P5, Dated 15/10/19, Reced on 15/10/2019
 - 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 and to comply with the Policies in the Development Plan.
-

Decision

1. The appeal is allowed and the planning permission Ref P/17700/001 granted on 25 October 2019 by Slough Borough Council, is varied by deleting condition 2 and substituting it for the following condition:
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Drawings ref PL-01 Rev P5, PL-02 Rev P4 and PL-03 Rev P7.

Background and Main Issue

2. The appeal seeks a revised but not substantially different design to a previously approved scheme. This includes larger extensions at ground floor level to the front and at first floor level to the rear. The appeal seeks the removal of the condition specifying the approved plans and replacing it with one specifying the plans that reflect the amended design.
3. During the appeal a plan was submitted to rectify an inaccuracy of the porch being missing on one side elevation. The porch was shown on the other elevations and roof plan. Therefore, the main elements of the scheme have not

altered from that originally submitted and upon which consultation took place. Against this backdrop, no injustice would be caused to any appeal party or third party by my taking this plan into account.

4. From the reason given for the condition being imposed and the information before me, the main issue of the appeal is the effect that varying the condition would have on the character and appearance of the area.

Reasons

5. The appeal property is one of many nearby identified as being within a Residential Area of Exceptional Character. There is a general consistency to the scale, form and materials in the row where the appeal site is located. Notwithstanding this, there is some variation between individual properties. This includes to the front elevations where the presence and size of porches differs and there is a 2-storey front gable extension at the dwelling attached to the appeal property. Moreover, there is no uniformity to the outbuildings and projections at the rear of the dwellings.
6. Some of the extensions and alterations in this row of properties, including that at 216 London Road may pre-date The Local Plan for Slough (LP) and the SPD¹. Nevertheless, they form part of the existing context of the appeal site and are seen in the same streetscene.
7. The SPD states that the width of an extension should typically be no more than 50% of the width of the original dwelling. Notwithstanding this, the front extensions would not span the entire frontage and would not adversely affect the existing bay window feature. Moreover, they would in part be forward of the proposed side extension rather than solely across the original dwelling.
8. Being single storey, the extensions would appear subordinate to the existing dwelling and they would not extend beyond the maximum depth stated in the SPD. Matching materials would be utilised. There would be only a minor increase in the projection of the approved porch and the hipped roof would be in keeping with nearby porches. Rather than jarring, the stepping back of the lean-to section on the front of the property would differentiate it from the porch and help to break up the mass on this elevation.
9. The property is set back from the A4 behind a wide verge and occasional landscaping. Nonetheless, the front elevation is clearly visible in the street. However, the scheme would be viewed in the context of the varied frontages and the larger projection at the adjacent property. As such, it would not dominate the streetscene or appear out of keeping.
10. While the first-floor rear extension would exceed the maximum depth generally permitted in the SPD, it also states that deeper extensions may be allowed dependant on the site circumstances. This rear element would also be greater than 50% of the width of the existing original property. However, it would be viewed with the, albeit single storey, full width extension at the rear of the adjacent dwelling. Moreover, its proportions would be considerably less than the depth and width of the ground floor extension. This along with the stepping of the ridge line reduces the bulk of the rear additions and it would be viewed with the varied built form at the rear of this row of properties. Therefore, even

¹ Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

when taken cumulatively the proposed extensions would not overpower the existing property.

11. Consequently, the proposal would not harm the character and appearance of the area. It would accord with EN1, H12 and H15 of the LP. These, in part, seek to avoid developments that would have a detrimental impact upon the character of properties within a Residential Area of Exceptional Character, and require proposals to be compatible with the surrounding area.
12. Despite technical breaches of the SPD, the scheme would comply with its aims to ensure that extensions harmonise with the scale and architectural style of the original building, and the character of the area. It would also accord with the National Planning Policy Framework where it states developments should be sympathetic to local character.

Other Matters

13. The initially approved scheme was considered to have complied with the development plan policies as well as the design guidance and the appellant was amenable to amending the scheme during the application. Notwithstanding this, I have found the appeal proposal would not result in harm to the character and appearance of the area. Therefore, as with the reasons for the appellant seeking additional space, these factors do not alter my findings.
14. While concerns have been raised over the Council's ability to resist similar proposals, I have considered the appeal scheme on its own individual merits. I have found it would be acceptable and therefore see no reason why it should lead to harmful development elsewhere.

Conclusion

15. I have considered other conditions attached to the permission but there is no substantive evidence before me to indicate that it is necessary to vary any of these.
16. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be allowed, deleting and substituting the condition as set out above.

Stuart Willis

INSPECTOR
