

## SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 27 May 2020

### PART 1

### FOR INFORMATION

#### Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

#### **WARD(S)**

#### **ALL**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
P/07749/011	172, Langley Road, Slough, SL3 7EE  Construction of a front porch, part single storey, part two storey side extensions, relocation of front entrance, new rear entrance, conversion of loft with 2no. dormers and 1no. rooflight to rear elevation, 2no. rooflights and 2no. new windows to front elevation and alterations to existing roof structure to allow for a crown roof. Changes to fenestration.	Appeal Dismissed  11 <sup>th</sup> March 2020
P/17812/000	45, St Georges Crescent, Slough, SL1 5PL  Lawful development certificate for a proposed single storey rear extension.	Appeal Dismissed  16 <sup>th</sup> March 2020
P/08962/001	4, Furnival Avenue, Slough, SL2 1DW  Lawful development certificate for a proposed loft conversion with rear dormer	Appeal Dismissed  16 <sup>th</sup> March 2020
Y/17765/002	30, Westlands Avenue, Slough, SL1 6AN  The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, with a maximum height of 3m, and an eaves height of 3m	Appeal Dismissed  18 <sup>th</sup> March 2020
X/00130/004	Grass verge & pavement outside No1. Hawthorne Crescent, Slough, SL1 3LQ  Proposed 20 metre high telecommunications mast and associated cabinets at ground level.	Appeal Dismissed  24 <sup>th</sup> March 2020
P/14707/006	359, Goodman Park, Slough, SL2 5NW  Construction of a first floor side extension	Appeal Decision  25 <sup>th</sup> March 2020

2018/00188/ENF	49, Sussex Place, Slough, SL1 1NH Change Of Use to HMO/Flats	Notice Squashed 26 <sup>th</sup> March 2020
2018/00098/ENF	146, High Street, Langley, Slough, SL3 8LF Change Of Use to HMO and creation of additional dwelling	Appeal Allowed /Notice Squashed 26 <sup>th</sup> March 2020
P/10726/013	24, Bell Close, Slough, SL2 5UQ Outline Planning Application for the demolition of the existing dwelling and construction of three two storey, three bedroom terraced houses with rear gardens and off street parking to front. Matters of scale, layout, appearance, access, and landscaping to be dealt with by Reserved Matters.	Appeal Dismissed 31 <sup>st</sup> March 2020
P/14363/002	14, Belmont, Slough, SL2 1SU Construction of a two storey side and rear extension	Appeal Dismissed 2 <sup>nd</sup> April 2020
P/16302/003	74, Hampden Road, Slough, SL3 8SE Construction of a part single storey, part two storey side and first floor rear extension.	Appeal Granted 2 <sup>nd</sup> April 2020
P/17900/000	1, Lochinvar Close, Slough, SL1 9HE Construction of a front porch and two storey side extension  The LPA considered the closure of the visual gap between the site and properties on Haig Drive was unacceptable, resulting in an overbearing and dominant impact upon the general street scene, and the living conditions of neighbouring occupiers. The LPA considered that the development would reduce the on site parking to a substandard level, with an impact upon parking and highways safety in the area.  The planning inspector concluded that due to a set back from the front wall, set down from the main roof ridge and use of matching materials, the proposed two storey side extension would not harm the character and appearance of the area and host dwelling. The planning inspector acknowledged that the side extension would have an impact upon neighbouring occupiers, given the separation distance between these neighbours and the appeal site, however concluded that this would not be significantly different from the current situation, and was therefore acceptable. The additional parking requirements for the proposed extension was not considered by the planning inspector to be harmful, and he concluded the local road network could accommodate the marginal increase in parking demand.	Appeal Granted 2 <sup>nd</sup> April 2020

P/04878/008	<p>1, Lambert Avenue, Slough, SL3 7EB</p> <p>Retrospective application for a single storey rear extension</p>	<p>Appeal Granted</p> <p>2<sup>nd</sup> April 2020</p>
P/07240/008	<p>3, Mina Avenue, Slough, SL3 7BY</p> <p>Lawful development certificate for a proposed rear outbuilding.</p> <p>The LPA considered that the size of the proposed rear outbuilding had not been substantiated, nor its proposed use should be accepted as incidental to the enjoyment of a dwellinghouse given the footprint of the proposed outbuilding is greater than the footprint of the original dwelling.</p> <p>The proposal included an outbuilding to provide a snooker room, gym and storage room; the LPA considered the snooker room excessively large (40m<sup>2</sup>), and was not reasonably required, when a smaller room would have served the same purpose.</p> <p>The planning inspector concluded that although the outbuilding would be relatively large, the size of the snooker room, and therefore the size of the outbuilding, was reasonable, and granted a lawful development certificate.</p>	<p>Appeal Granted</p> <p>12<sup>th</sup> May 2020</p>

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## 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**

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**Appeal Ref: APP/J0350/D/19/3242392**

**172 Langley Road, Slough SL3 7EE**

- 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 M.A Choudhery against the decision of Slough Borough Council.
  - The application Ref P/07749/011, dated 5 September 2019, was refused by notice dated 14 November 2019.
  - The development proposed is construction of a two storey front extension, new front porch, storey side and rear extensions, roof alterations including a crown roof element, 2no. rear dormers, 2no front rooflights and 1.no rear rooflight to facilitate a loft conversion. Changes to fenestration.
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### Decision

1. The appeal is dismissed.

### 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. The area surrounding the appeal site comprises a mix of dwelling types and sizes. The appeal site itself is a detached dwelling made up of Mock Tudor type cladding and brick work that has previously been extended. It is of a distinctly different design and appearance to the other properties nearby on both Langley Road and the adjacent side street. Its unique appearance in the street is a positive aspect contributing towards its attraction. It is one of many properties identified as being within a Residential Area of Exceptional Character.
5. Although not matching, given their size and position low down on the main roof the existing dormers at the property are relatively discrete and partly hidden by the front and rear gables. The larger matching dormers would be more prominent, being located higher up the roof slope and would occupy a large part of the roof space. The proposal would introduce a crown to the main roof and much of the catslide element to the rear would be lost. While this would

- allow the gables to be enlarged and create a more balanced appearance and eaves height to much of the main roof, it would be at odds with the existing diverse roofscape character of the property.
6. Although the proposed side extension would bring the closer to the side street, it would not have a significant footprint and there is already a tall wall along the boundary with a wide verge beyond. Nonetheless, while the eaves height would be relatively low, this element of the scheme would add to the bulk of the property and introduce an uncharacteristic hipped element that would jar with the main roof. I note a single storey option was discussed however such a scheme is not before me.
  7. The appeal scheme would introduce a more uniform appearance to the property with proportionate features and openings. In addition, it would retain many of the existing windows and use matching materials. Notwithstanding this, the existing variation in the built form, comprising features of different designs and sizes gives a quirky charm to the property representing its development and extension over time. The appeal scheme would erode the variation to the existing roofscape and the property as a whole that currently contributes to the character and interest of the dwelling.
  8. The existing boundary treatments and vegetation would screen the proposal to some degree. Nonetheless, the increased bulk and more regimented design would increase the prominence of the dwelling from views along Langley Road and the side street as well as from nearby properties.
  9. The Council have raised no concerns over the proposed ground floor front extensions or effects on existing landscaping at the site. Given the low level and small scale of those extensions and their position, along with the separation between the proposed scheme and landscape features I see no reason to reach a different finding.
  10. Nevertheless, the proposal would harm the character and appearance of the area. Therefore, it would be contrary to Core Policies 8 and 9 of the Slough Local Development Framework Core Strategy as well as Policies H12 and H15 of The Local Plan for Slough. 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 development to be in keeping with the existing building.
  11. Furthermore, it would be contrary to the SPD<sup>1</sup> where it aims to ensure that extensions harmonise with the scale and architectural style of the original building. Finally, it would fail to accord with the National Planning Policy Framework where it states developments should be sympathetic to local character.

### **Other Matters**

12. My attention has been drawn to several developments granted planning permission in the area<sup>2</sup> and that other properties have been extended on Langley Road. I do not have full details of the considerations that led to those schemes being considered acceptable. While many relate to corner plots and share elements of the appeal proposal, many are related to semi-detached

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

<sup>2</sup> 45 Castle View Road, 96 Mirador Crescent, 90 Cherry Avenue, 8 Carlton Road and 92 Mirador Crescent

properties, of a different character to the appeal property and none would be viewed with it. Therefore, they are not directly comparable to the scheme before me.

13. There would be benefits associated with energy efficiency and sustainable construction from the scheme. However, given the scale of the proposal these benefits would be small. I also appreciate that the proposal would provide enlarge living accommodation for the appellant and their family. Nonetheless, even when taken cumulatively these benefits would not outweigh the harm I have identified to the character and appearance of the area.
14. The Council have not included refusal reasons relating to the living conditions of the occupiers of nearby properties, security, parking or outdoor space at the appeal site. Nonetheless, a lack of harm is a neutral factor and does not weigh in favour of the scheme.
15. The conduct of the Council in its handling of applications at the site has been raised. Nevertheless, I have assessed the appeal on its planning merits.

### **Conclusion**

16. 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 Inspection on 9 March 2020

**by Graham Self MA MSc FRTPI**

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

Decision date: 16<sup>th</sup> March 2020

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**Appeal Reference: APP/J0350/X/19/3234992**

**Site at: 45 St George's Crescent, Slough SL1 5PL**

- The appeal is made by Mr Steve Rance under Section 195 of the Town and Country Planning Act 1990 as amended against the refusal by Slough Borough Council to grant a certificate of lawfulness.
- The application (Reference Number P/17812/000) dated 7 June 2019 was refused on 1 August 2019.
- The application was made under Section 192 of the Town and Country Planning Act 1990 as amended.
- The application sought a certificate of lawfulness for: "Erection of a single storey extension to the rear of the property at 45 St Georges Crescent, Cippenham, Slough SL1 5PL".

**Summary of Decision: The appeal does not succeed.**

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## Reasons

1. The dispute in this case concerns the "permitted development" allowances under Article 3 and Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the "GPDO"). These provisions of the GPDO grant planning permission for the enlargement of a dwellinghouse<sup>1</sup> subject to various provisos, restrictions and limits. One of the provisos (in sub-sub-sub-paragraph A.1(j)(iii) of Class A) is that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
2. As is explained in the government's published Technical Guidance on permitted development rights for householders, a wall forming a side elevation of a house is any wall which cannot be identified as a front wall or rear wall. This point is illustrated by a diagram in the Guidance showing a house with "stepped" rear projections, the side walls of which are labelled as walls forming a side elevation.
3. The rear of the house at the appeal site is not flat - the northern part behind the kitchen projects beyond the southern part at the rear of a living room. The projection is quite small - I measured it at 0.35 metres (or 35 centimetres or about 14 inches) - but it means that there is a short piece of wall which is not rear-facing. It is obviously not a front wall and it is side-facing; so it has to be treated as a side elevation. It extends to the full two-storey height and is clearly

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<sup>1</sup> It is necessary for me to use the old-fashioned term "dwellinghouse" here because that is the term used in the legislation.

part of the original house. The proposed extension would project beyond this side elevation and would have a width greater than half the width of the original house.

4. The government's published Guidance has not always been found to be legally correct; but in this instance I do not see good reason to interpret the GPDO other than in accordance with the Guidance. If the effect of the rear projection were to be ignored because of the small scale of the side-facing piece of wall, the question would arise: would a projection of, say, a slightly greater extent create a side elevation within the meaning of the GPDO? If so, how much greater? Where should the line be drawn? Moreover, the GPDO as currently drafted does not provide for flexibility - it merely refers to a wall forming a side elevation. The existence of the rear projection with its side-facing component is also a clearly visible feature of the house design.
5. I conclude that the proposal would not be permitted under Class A of the GPDO, because the extension would project beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. Nor would it be permitted by any other part of the GPDO, and evidently no application for specific planning permission has been made. This finding does not of course affect the possible outcome of an application for planning permission if one were to be made in the normal way.

#### **Conclusion**

6. For the reasons given above I find that the council's refusal to grant a certificate of lawfulness in respect of application reference P/17812/000 relating to "Erection of a single storey extension to the rear of the property at 45 St Georges Crescent, Cippenham, Slough SL1 5PL" was well-founded.

#### **Formal Decision**

7. I dismiss the appeal.

*G F Self*

Inspector



# Appeal Decision

Site Inspection on 9 March 2020

**by Graham Self MA MSc FRTPI**

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

Decision date: 16<sup>th</sup> March 2020

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**Appeal Reference: APP/J0350/X/19/3235391**

**Site at: 4 Furnival Avenue, Slough SL12 1DW**

- The appeal is made by Mr A Ahmad under Section 195 of the Town and Country Planning Act 1990 as amended against the refusal by Slough Borough Council to grant a certificate of lawfulness.
- The application (Reference Number P/08962/001) dated 2 February 2019 was refused on 2 May 2019.
- The application was made under Section 192 of the Town and Country Planning Act 1990 as amended.
- The application sought a certificate of lawfulness for: "Proposed loft conversion".

**Summary of Decision: The appeal does not succeed.**

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## Assessment and Reasons

1. The dispute in this case concerns the "permitted development" allowances provided under Article 3 and Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the "GPDO"). These provisions of the GPDO grant planning permission for the enlargement of a dwellinghouse<sup>1</sup> consisting of an addition or alteration to its roof, subject to various provisos, restrictions and limits.<sup>2</sup>
2. Permitted development rights for additions or alterations to dwellinghouses under the GPDO only arise where the property in question is or was lawfully used as a dwellinghouse at the relevant date, which in this instance is the date of the certificate application. The main matter of dispute in this case is whether, at that time, the appeal property was lawfully a dwellinghouse.
3. Planning permission was evidently granted in 1991 for development at the appeal property comprising the erection of a single storey rear extension and conversion of the house into two flats. The council say that this permission was implemented and the re-conversion back into a house has not been authorised. The appellant says that the permission was not implemented, the property was never converted into flats and that the rear extension was built under permitted development rights.
4. At the time of my inspection building works were in progress at the appeal property, including the construction of a rear extension. A side extension had

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<sup>1</sup> It is necessary for me to use the old-fashioned term "dwellinghouse" here because that is the term used in the legislation.

<sup>2</sup> The GPDO contains provisions for other roof alterations under Class C of Part 1 of Schedule 2, but this proposal would clearly not be permitted under Class C because of the extent of projection above the roof plane.

also recently been built. The property appeared to be in use as a number of separately-occupied rooms or as a house in multiple occupation, though the precise nature of the use was not clear. Be that as it may, the key date is 2 February 2019 when the certificate application was made.

5. As has been pointed out in written comments by the appellant's agent, a completion certificate from the council's building control department should have been presented if the building had been converted into flats. On the other hand, the council's evidence includes an officer's report noting that when the site was visited as part of the assessment of the application, separate meter cabinets and waste pipes were seen, suggesting the existence of an upstairs kitchen.
6. During my inspection I saw one external meter cabinet (next to the side extension) which appeared to be new. There were two adjacent kitchens on the ground floor, one obviously newly installed and one older. But the existing layout of the building does not provide clear evidence about the past. One of the difficulties I have in assessing the evidence in this case is that the appeal property has been subject to so much recent change that what I saw is not a good indication of how the property may have been laid out and used more than a year ago in February 2019.
7. Condition B.2(b)(i)(bb) of Class B of Part 1 of Schedule 2 of the GPDO<sup>3</sup> provides that development permitted by Class B is subject to the condition that the roof enlargement must be constructed so that the edge of the enlargement closest to the eaves of the original roof is, so far as is practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves. Although not mentioned as a reason for refusing the application, the council have referred to this condition and contend that the proposal would not provide the required 0.2 metres or 200mm set-back. The appellant's agent has drawn attention to the 240mm dimension labelled on the application drawing of the proposed side elevation.
8. It seems to me that neither side has fully considered this aspect of the proposal. The rear face of the dormer would have a full-length glazed opening with an external balustrade or railing. As far as I can tell by measuring from the submitted plans, this latter feature would project about 0.1 metre or 100mm from the face of the dormer. It would obviously be a fixture and would be an integral part of the roof enlargement, necessary for safety reasons. The 240mm dimension labelled on the elevation drawing does not allow for this item. Taking it into account, the edge of the dormer closest to the eaves of the original roof would be less than the 0.2 metres from the outside edge of the eaves specified in the GPDO condition quoted above. There is no reason why the "so far as is practicable" proviso should justify not applying this criterion.
9. The onus of proof in this type of case is on the appellant. The evidence put before me by both sides about the history of the appeal property is sketchy and largely based on assertion. There are no sworn statements, no independent confirmation (such as statements from a past occupier or a builder) of the date when the single-storey rear extension was built or the way the house was laid out and used at that time. It certainly did not appear to be used for single-family occupation at the time of my inspection. The council's evidence is weak, but so is the evidence for the appellant.

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<sup>3</sup> The council refer to this condition as "Condition B.2(bb)", although the incorrect reference is understandable given the convoluted structure of the GPDO.

10. On balance, I find that with regard to the site history, the onus of proof which lies with the appellant has not been met. I am not satisfied that the property was used as a single dwellinghouse at the time of the certificate application. In addition, I find that the proposed dormer would not be permitted by the GPDO because it would not comply with Condition B.2(b)(i)(bb) of Class B of Part 1 of Schedule 2. Therefore the appeal fails.
11. I add here a note about the application drawings. At the labelled scale of 1:50 at A3 size, the drawings of the proposed front and rear elevations depict the proposed dormer structure as having a width of about 2.8 metres. This is clearly incorrect, as the scale is wrongly specified. This point has not affected my decision.

**Conclusion**

12. For the reasons given above I conclude that the council's refusal to grant a certificate of lawfulness in respect of application reference P/08962/001) dated 2 February 2019 was well-founded. Therefore the appeal fails.

**Formal Decision**

13. I dismiss the appeal.

*G F Self*

Inspector



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## Appeal Decision

Site visit made on 17 February 2020 by Elizabeth Davies BSc (Hons) PIEMA

**Decision by Andrew Owen BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 March 2020**

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**Appeal Ref: APP/J0350/D/19/3240415**

**30 Westlands Avenue, Taplow, Slough SL1 6AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO').
  - The appeal is made by Mr Wilfried Yonkio against the decision of Slough Borough Council.
  - The application Ref Y/17765/002, undated but stated in the appeal form to be 17 July 2019, was refused by notice dated 22 August 2019.
  - The development proposed is a single storey (6 metre deep) rear extension.
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### Decision

1. The appeal is dismissed.

### 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 main issue is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

### Reasons for the Recommendation

4. Paragraph (j) (iii) of Class A.1 sets out that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The GPDO defines "original" as a building existing on 1 July 1948 as it existed on that date, or a building built on or after 1 July 1948 as so built.
5. The appeal property is a two storey semi-detached dwelling which currently has a small rear extension that extends the living area and kitchen. The proposed development is for a 6m deep rear extension that would replace the existing extension.
6. The Council have provided a plan showing the layout of the original dwellinghouse, which appears to show a staggered rear elevation, prior to the construction of the existing rear extension. This staggered rear elevation included walls forming a side elevation of the original house. Whilst this plan is

undated and no evidence has been submitted to confirm when the existing rear extension was constructed, it is not contented by the appellant that the proposed extension would result in the house being extended beyond a wall forming a side elevation of the original dwellinghouse. Indeed, the appellant has submitted a hand drawn illustration of the dwelling, with the rear wall of the original house shown as being staggered, hence reflecting the Council's plan.

7. On this basis, and as the extension would be greater than half the width of the original house, I cannot conclude that the proposed extension would meet the criteria in paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

### **Other Matters**

8. The appellant has drawn my attention to a previous proposal at the site and a similar proposal at No 18 Westlands Avenue (No 18). Whilst full details of the planning approval at No 18, or the previous proposal for the appeal site, have not been provided, when assessing whether a development meets the GPDO criteria, other cases do not have an influence on my consideration.
9. I appreciate that the extension would provide more living space for the appellant's family. However, this private benefit does not influence whether the proposed extension would constitute permitted development.

### **Conclusion and Recommendation**

10. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

*Elizabeth Davies*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*Andrew Owen*

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: 24<sup>th</sup> March 2020**

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**Appeal Ref: APP/J0350/W/19/3240002**

**Grass verge outside 1 Hawthorne Crescent, Stoke Poges Lane, Slough SL1 3LQ**

- 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 EE Ltd and Hutchinson 3G against the decision of Slough Borough Council.
  - The application Ref X/00130/004, dated 13 May 2019, was refused by notice dated 3 September 2019.
  - The development is proposed telecommunications upgrade proposed phase 7 monopole and wrap around cabinets at base and associated works.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on the living conditions of the nearby residents, in particular Nos. 1 Hawthorne Crescent and 95 Stoke Poges Lane in respect of outlook; and
  - Whether the proposal would lead to an unacceptable flood risk.

### Reasons

#### *Character and appearance*

3. The appeal site comprises an open area of highway verge to the front of Nos 1 Hawthorne Crescent and 95 Stoke Poges Lane. To the south, the character of the area is defined by a number of commercial uses, which include a petrol filling station, a public house and a small parade of shops. To the north, the land use is generally more suburban in character. Greenery and landscaping, in the form of grass verges and trees are important features within the street scene. Within the vicinity of the appeal site, there is a reasonable amount of existing street furniture, including street lighting, bus stops and existing equipment kiosks. Some distance to the south of the appeal site, across the junction of Hawthorne Crescent and Stoke Poges Lane, is an existing telecommunications mast and associated equipment cabinets.

4. The proposed mast would be situated on a small area of open, undeveloped grass verge which provides an important and valuable green space, in what is a predominately urban environment. At 20m, the mast would be much higher than surrounding buildings. The overall bulk of the mast would also be considerable, when compared with existing street furniture. Due to its height and bulk, the mast and associated equipment cabinets would be clearly visible in views from and along surrounding roads. As a result, the proposal would therefore be an incongruous addition to the street scene. It would draw the eye, resulting in unacceptable harm to the character and appearance of the street scene and the locality.
5. It is submitted that the proposal represents an upgrade to the existing telecommunications site. As a result, no other potential sites or options have been explored and therefore no site search evidence is before me. Whilst there is an existing mast within the vicinity, this is located a considerable distance from the appeal site. On this basis, I do not consider that the appeal proposal would represent an upgrade to an existing telecommunications site.
6. The submitted plans show that this existing mast, along with existing cabinets would be removed as part of the proposal. Whilst the removal of this equipment is detailed on the submitted plans, the existing site is not included within the redline of the appeal site, although this could be controlled via a suitably worded condition. Even if there was a mechanism in place which could secure the removal of the existing mast/equipment, prior to the erection/installation of the appeal development, unacceptable harm would nonetheless still be caused to the character and appearance of immediate area due to the height and bulk of the proposed development.
7. For the reasons outlined above, I conclude that the proposed development would be harmful to the character and appearance of the area and, in this respect, would be contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework (2006-2026) December 2008, Policy EN1 (Standard of Design) of the Adopted Local Plan for Slough 2004 and Paragraphs 113 and 127 of the Framework which collectively seek to achieve a high standard of design.

#### *Living conditions*

8. The appeal site comprises an area of open grassland, which lies directly to the front of numbers 1 Hawthorne Crescent and 95 Stoke Poges Lane. The principal elevation of these dwellings faces onto the appeal site. The front boundaries of these properties comprise a combination of low level fencing and a brick-built wall, which provide little in the way of screening.
9. The proposed telecommunications mast would be positioned close to the existing front garden boundary of these residential properties and would be clearly visible. At a height of 20m, the mast would be considerably taller than the ridge height of these properties and that of surrounding street furniture. Its location, directly in front of these dwellings would result in an oppressive and overbearing form of development, clearly visible in views from the principle elevation of these properties. As a result, the proposal would cause harm to the occupiers of the nearby dwellings leading to a material loss of outlook.
10. For the reasons outlined above, I conclude that the proposed development would be harmful to the living conditions of surrounding residents and, in this

respect, is contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework (2006-2026) December 2008, Policy EN1 (Standard of Design) of the Adopted Local Plan for Slough 2004 and Paragraph 127 of the Framework, which amongst other things seek to ensure the design of proposals respects the living conditions of surrounding residents.

#### *Flood risk*

11. The appeal site is located within Flood Zones 2 and 3. The Framework (in Footnote 50) identifies when development proposals are required to be accompanied by a site specific Flood Risk Assessment (FRA). Amongst other things, this includes all proposals for new development within Flood Zones 2 and 3. No FRA was submitted with either the appeal application or the appeal, with the appellants submitting that the proposal was exempt on the basis that the proposal would constitute a minor development and, by virtue of Footnote 51, would not require an FRA.
12. Having reviewed Paragraph 163 of The Framework, I am not persuaded by the appellants' submissions. Regardless of whether the scheme is a minor development, Paragraph 164 of The Framework makes it clear that, even minor developments should still meet the requirements for site-specific flood risk assessments set out in footnote 50. Therefore, in the absence of an accompanying FRA, it not possible to conclude that the proposal would not result in increased flood risk within the area.
13. I am unable to therefore conclude that the proposed development would not lead to flood risk in the area, and in this respect, it is contrary to Core Policy 8 (Sustainability and the Environment) of the Slough Local Development Framework Core Strategy (2006-2026) December 2008 and The Framework which collectively seek to minimise and reduce the risk of flooding.

#### **Other Matters**

14. My attention has been drawn to the Framework and the benefits of having effective telecommunications networks to support the economy. However, these benefits need to be balanced against the identified harm from the proposal. In this instance, I have identified harm to the character and appearance of the area and to the living conditions of surrounding neighbours. I have also found that the proposal could result in an increased flood risk. Therefore, on balance, and based on the information that is before me, I find that the aforementioned harm outweighs the benefits of the proposal.

#### **Conclusion**

15. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Adrian Hunter*

INSPECTOR





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## Appeal Decision

Site visit made on 3 December 2019

**by S Shapland BSc (Hons) MSc CMILT MCIHT**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

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**Appeal Ref: APP/J0350/D/19/3236958**  
**359 Goodman Park, Slough SL2 5NW**

- 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 Waseem Ali against the decision of Slough Borough Council.
  - The application Ref P/14707/006, dated 7 May 2019, was refused by notice dated 14 August 2019.
  - The development proposed is construction of a first floor side extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - The living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

### Reasons

#### *Character and appearance*

3. Goodman Park is an expansive estate which comprises of mainly terraced houses in groups. The appeal site is an end of terrace property, set back from the highway with a large amount of parking to the front of the property. The property benefits from an existing ground floor extension. The appeal proposal is for the construction of a first floor extension.
4. The appeal site is in close proximity to two other groups of terraces, Nos.361-373 and Nos.375-387a Goodman Park. These run at a similar alignment to the terrace the appeal property is on, but they are offset. It was evident from my site visit that No.387 Goodman Park benefits from a two storey extension which now comprises of a separate self-contained unit. The appeal site is separated from No.361 via a footpath and soft landscaping.
5. When the appeal site is viewed from Goodman Park, there is a clear visual separation between the site and the neighbouring properties. The appeal proposal with its first floor extension would reduce this gap between the properties and remove the open visual gap between them. This would be more prevalent due to the existing two storey extension at No.387 Goodman Park which has already reduced this visual gap. The addition of a second storey at

the appeal site would therefore result in an overly built and terracing effect to this part of the estate, which would harm the character and appearance of the area.

6. The appellant has drawn my attention to an appeal decision at No.295 Goodman Park<sup>1</sup>, for a first-floor extension on an end of terrace house. In that case the inspector found that the proposal would not harm the character and appearance of the area. I do not find that the two cases are directly comparable. No.295 Goodman Park is situated perpendicularly to the main street, and as such the first-floor extension did not lead to a terracing effect which reduced the visual gap between properties. In any event, I have determined the appeal on its own merits.
7. Consequently, I find that the proposal would harm the character and appearance of the area. As such there is conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document 2008 (CS) and Policies EN1, EN2 and H15 of the Slough Local Plan 2004 (LP). Together these policies seek, amongst other things, that development is of a high-quality design. I also find conflict with Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD), which seeks, amongst other things that development does not erode the character of the surrounding area. The Council's reason for refusal also makes reference to the Framework. Whilst I have not been directed to specific areas of conflict, I find that it would fail to accord with its objectives towards good design.

#### *Living Conditions*

8. The appeal site sits forward of the neighbouring property of No.361 by approximately 11 metres, and as such the outlook from this property is currently dominated by the flank wall of the appeal site. The provision of a second storey in this location would further erode the outlook from this property. Due to its scale it would be overbearing and create a sense of enclosure for occupiers of this dwelling. As such I consider that the proposal would harm the living conditions of occupiers of No.361 in respect of their outlook.
9. The Council have indicated that the proposal would also harm the outlook of occupiers of No.387a. However, given the larger separation distance between this property and the appeal site I find that the proposal would not unduly harm the outlook from this property.
10. The Council have also raised concerns that the provision of an additional window at the front of the property of the first floor would cause harm to the living conditions of No.387a in regard to overlooking and a loss of privacy. The positioning of this window would mean that it would face the existing first floor window of No.387a. However, this window would be centrally located within the extension and does not look directly at the neighbouring dwelling. Given that it would be viewed at a diagonal angle, and the separation distance between the two properties I do not find that the proposal would impact the privacy of No.387a.
11. Consequently, I find that the proposal would harm the living conditions of neighbouring occupiers at No.361 with particular regard to outlook. As such

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<sup>1</sup> APP/J0350/17/3183656

there is conflict with Core Policy 8 of the CS and Policies EN1, EN2 and H15 of the LP. Together these policies seek, amongst other things that development is of a high-quality design which respects the amenities of adjoining occupiers. I also find conflict with the SPD, which seeks, amongst other things that development does not impact on the amenity of neighbouring residents. The Council's reason for refusal also makes reference to the Framework. Whilst I have not been directed to specific areas of conflict, I find that it would fail to accord with its objectives towards good design and the provision of high standards of amenity.

### **Conclusions**

12. For the reasons given above the appeal is dismissed.

*S Shapland*

INSPECTOR



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## Appeal Decision

Site visit made on 17 March 2020

**by Stephen Hawkins MA MRTPI**

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

**Decision date: 26 March 2020**

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### **Appeal Ref: APP/J0350/C/19/3235593**

### **Land at 49 Sussex Place, Slough SL1 1NH**

- 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 Balginder Sandhu against an enforcement notice issued by Slough Borough Council.
- The enforcement notice was issued on 16 July 2019.
- The breach of planning control as alleged in the notice is without planning permission:
  - 1) The erection of a front and rear gable end roof which is higher than approved under permission P/09369/002 granted on 26 November 2015;
  - 2) The erection without planning permission of a large meter box housing on the side return of the ground floor front bay window (items 1 and 2 together are "the unauthorised operational development"). In breach of condition on planning permission P/09369/002;
  - 3) Non-compliance with condition number 3 to planning permission P/09369/002 granted on 26 November 2015 by failure to provide cycle parking within the land for ten cycles as shown on the approved plan 15134 005 P3;
  - 4) Non-compliance with condition number 4 to planning permission P/09369/002 granted on 26 November 2015 by failure to provide a 600mm high front boundary wall prior to first occupation of the development;
  - 5) Non-compliance with condition number 5 to planning permission P/09369/002 granted on 26 November 2015 by failure to provide a vehicle crossover prior to first commencement of development (items 3, 4 and 5 together are the "breaches of condition").
- The requirements of the notice are
  1. Unauthorised operational development:
    - 1.1 Rebuild the front and rear gable end roof so that it complies with the approved plans to planning permission P/09369/002 granted on 26 November 2015;
    - 1.2 Demolish the meter housing and remove the meters located on the side return to the front bay window.
  - 2 Breaches of condition:
    - 2.1 Provide cycle parking for ten cycles in the rear garden in accordance with condition number 3 to planning permission P/09369/002 granted on 26 November 2015;
    - 2.2 Provide a 600mm high boundary wall to guide vehicles to safely cross the carriageway to the front garden parking area in accordance with condition number 4 to planning permission P/09369/002 granted on 26 November 2015;
    - 2.3 Provide a suitable access crossover to allow vehicles to safely cross the carriageway to the front garden parking area in accordance with condition number 5 to planning permission P/09369/002 granted on 26 November 2015.
  3. Other:
    - 3.1 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 six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The enforcement notice is quashed.**

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## The enforcement notice

1. The planning permission referenced in the enforcement notice was for construction at the appeal property of a single storey rear extension, a loft conversion including front and rear dormers, internal alterations and demolition of a garage. Eight conditions were attached.
2. A breach of planning control is defined at s171A (1) of the 1990 Act as either: (a) carrying out development without the required planning permission; or (b) failing to comply with any condition or limitation subject to which planning permission has been granted. At s173 (1) (b), the Act requires an enforcement notice to state which paragraph of s171A (1) the breach of planning control falls within. As s171A (1) (a) and (b) are mutually exclusive, a breach of planning control cannot fall within both paragraphs; it must either be development undertaken without planning permission or a failure to comply with conditions. The enforcement notice states that the alleged breach falls within paragraph (a) of s171A (1). However, both operational development without planning permission and failure to comply with conditions are referred to in the allegation and the requirements. Therefore, as issued the notice cannot be correct.
3. At s176 (1), the Act provides for correcting a defect, error or misdescription in an enforcement notice, subject to there being no injustice caused to the appellant or the Council. I have sought and taken into account the views of both main parties, concerning whether the notice could be corrected so that the allegation referred to either the carrying out of development without planning permission or to a breach of conditions attached to the above permission, whether any consequent correction of the requirements was necessary and the implications of such corrections.
4. By deleting the references to the breach of conditions 3, 4 and 5 of the above permission in both the allegation and the requirements, as suggested by the Council, the notice could be corrected to refer solely to the carrying out of development without planning permission. However, s173 (1) of the Act provides that where an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed but does not do so; and all the requirements of the notice have been complied with, then, so far as the notice did not so require, a deemed unconditional planning permission is granted in respect of that development.
5. Therefore, if the notice were to be corrected as set out above, following which the front and rear gable end roof of the building were to be modified and the meter housing removed as required by steps 1.1 and 1.2 of the notice, a deemed unconditional planning permission would be granted for the building operations, thus removing the effect of the conditions on the above permission. Given that, as far as I have been made aware, there is a continuing failure to comply with the requirements of conditions 3, 4 and 5 and having regard to the other conditions on the above permission imposing continuing restrictions on the property, this cannot have been the Council's intention. As a result, I find that correcting the notice as set out above would cause the Council injustice.
6. The building operations specified in the allegation deviate from the approved plans listed in the above permission. Condition 2 of that permission required development to be carried out only in accordance with the listed approved plans. Alternatively therefore, the notice could be corrected to refer to s171A

(1) (b) of the Act, with the allegation corrected to refer to a failure to comply with condition 2 of the above permission in addition to conditions 3, 4 and 5. However, in such an eventuality compliance with the notice requirements would make the development comply with the terms, including the conditions, of the above permission. As a result, the notice would be more onerous and restrictive than if the appellant had not made an appeal in the first place. He would be deprived of a deemed unconditional planning permission in respect of the building operations following compliance with the notice requirements, having regard to s173 (11). This would clearly cause injustice to the appellant.

7. Accordingly, I find that the notice is incapable of correction.

### **Conclusion**

8. For the reasons given above I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. It is not open to me to correct the error in accordance with my powers under section 176 (1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under ground (a) as set out in section 174 (2) of the 1990 Act as amended and the application for planning permission deemed to have been made under section 177 (5) of the 1990 Act as amended does not fall to be considered.

### **Formal Decision**

9. The enforcement notice is quashed.

*Stephen Hawkins*

INSPECTOR



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## Appeal Decision

Site visit made on 17 March 2020

**by Stephen Hawkins MA MRTPI**

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

**Decision date: 26 March 2020**

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**Appeal Ref: APP/J0350/C/19/3239940**

**Land at 146 High Street, Langley, Slough SL3 8LF**

- 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 Victoria Yao against an enforcement notice issued by Slough Borough Council.
- The enforcement notice was issued on 24 September 2019.
- The breach of planning control as alleged in the notice is: (i) Without planning permission, the material change of use of the dwellinghouse on the land to self-contained flats ("unauthorised use"); (ii) Without planning permission, the erection on the land of a single storey side extension and an attached timber conservatory on the front elevation ("unauthorised works").
- The requirements of the notice are: (i) Cease the unauthorised use; (ii) Remove all kitchens and kitchenettes from the land except one from the dwellinghouse; (iii) Remove all doors, walls and partitions which facilitate the unauthorised use; (iv) Demolish the unauthorised works; (v) Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the requirements listed (i) (iv) (*sic*) inclusive.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(e), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

**Summary of Decision: The appeal is allowed and the enforcement notice is quashed.**

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### Preliminary Matter

1. In the absence of a ground (a) appeal, arguments regarding the planning merits of what is alleged in the notice cannot be considered.

### Ground (e) appeal

2. At s172 (2), the Act requires copies of an enforcement notice to be served on the owner and on the occupier of the land to which it relates and on any other person with an interest materially affected by the notice.
3. The detached building at the appeal property is used as several self-contained units of accommodation, one of which is occupied by the appellant and her family. The Certificate of Service supplied shows that copies of the notice, addressed to the appellant, 'the owner' and 'the occupier(s)' respectively, were delivered personally to the property by a Council Officer on 24 September 2019. As a result, insufficient copies of the notice were delivered to enable occupiers of each unit in the building to receive one.

During my visit to the property, I observed that the units were not individually numbered and did not have individual letterboxes. Even so, it should have been possible to provide sufficient copies of the notice for the occupiers of each unit, particularly as the allegation refers to use of the building as self-contained flats.

4. I am given to understand that the Council advised the appellant to alert other occupiers of the building, with the notice copy addressed to 'the occupier(s)'. Nevertheless, the duty to serve the notice on the occupiers rests with the Council, not the appellant. I am given to understand that no part of the building is rated separately for Council Tax purposes and that the appellant had previously described the property as being used as a house in multiple occupation. However, this does not explain why sufficient copies of the notice were not provided for the occupiers of each unit.
5. Moreover, an enforcement notice is required to be served in accordance with s329 (1) of the Act. The methods of service set out therein include delivering the notice to the person on whom it is to be served or to whom it is to be given, or by leaving it at the usual or last known place of abode of that person. I am given to understand that all the notice copies delivered were handed to the appellant. As sufficient copies of the notice were not provided for the occupiers of each unit, copies cannot have been delivered to those occupiers or left at their usual or last known place of abode.
6. In any event, the service of an enforcement notice by addressing it to 'the occupier' is only provided for by s329 (2) of the Act where that occupier's name cannot be ascertained after reasonable enquiry. I am given to understand that the Council undertook a search of HM Land Registry prior to taking enforcement action. However, the tenants of a property are unlikely to be listed as having an interest on the Title Register. The Council could have tried to ascertain the names of all occupiers of the building, for example by serving a Planning Contravention Notice under s171C of the Act, but as far as I have been made aware they did not do so. As a result, I am not persuaded that the Council have made sufficient efforts to try and ascertain the names of the occupiers of each unit and address copies of the notice to them accordingly.
7. Due to the above factors, I conclude that on the balance of probability the notice was not served as required by s172.
8. At s176 (5), the Act provides that where it would otherwise be a ground for determining an appeal under s174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, that fact may be disregarded if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.
9. As occupiers of each unit were not served with copies of the notice by the Council, they were reliant on the appellant to make them aware of the notice, its implications and their right of appeal. I am not clear whether this occurred. I acknowledge that several occupiers made representations with the appeal. This shows that those occupiers were at least aware of the notice prior to submission of the appeal. However, that does not inevitably mean that the occupiers had all been provided with copies of the notice by the appellant. As a result, there is no assurance that the occupiers have been in receipt of a copy of the notice and its accompanying documentation. It follows that there is no assurance that all the occupiers have been afforded the opportunity to take



part in these proceedings as appellants and to fully argue why their appeals should be allowed.

10. Upholding the notice would have significant consequences for occupiers of the building, as it is likely to result in some or most of them having to find somewhere else to live after six months, or otherwise there would be significant changes to their living conditions. Consequently, there would be substantial prejudice if the appeal were to proceed without giving all the occupiers an opportunity to fully take part in the proceedings. It follows that it would not be appropriate for me to disregard the failure to serve all the occupiers.
11. Therefore, the ground (e) appeal succeeds.

### **Conclusion**

12. For the reasons given above I consider that the appeal should succeed on ground (e). Accordingly, the enforcement notice will be quashed. In these circumstances the appeal under grounds (f) and (g) does not need to be considered.

### **Formal Decision**

13. The appeal is allowed and the enforcement notice is quashed.

*Stephen Hawkins*

INSPECTOR



## Appeal Decision

Site visit made on 17 March 2020

**by R E Walker BA Hons DipTP MRTPI**

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

**Decision date: 31 March 2020**

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**Appeal Ref: APP/J0350/W/19/3242013**

**24 Bell Close, Slough SL2 5UQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Amrik Singh against the decision of Slough Borough Council.
  - The application Ref P/10726/013, dated 21 June 2019, was refused by notice dated 11 September 2019.
  - The development proposed is the demolition of the existing dwelling and the erection of three terraced houses.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application, which accurately describes the proposal.
3. The planning application was made in outline with all matters reserved. As such, I have regarded all elements of the drawings submitted as indicative.
4. Since the appeal was lodged, the Government has published its 2019 Housing Delivery Test (HDT) results. In the interests of fairness, the main parties were given the opportunity to comment on these results.

### Main Issues

5. The main issues are:
  - The effect of the proposal on the character and appearance of the surrounding area;
  - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to noise, disturbance and odour; and
  - The effect of the proposed parking arrangements on highway safety in Bell Close.

## Reasons

### *Character and appearance*

6. The appeal site comprises of an end terrace property within a block of 4 houses. No 24 Bell Close (No 24) occupies a large corner site at the north eastern end of Bell Close. Although there is a front extension to one of the middle properties, there is symmetry in the design of the block. The 2 end terrace properties have a 2-storey element with a hipped roof which projects forward of the building line of the middle properties. This design feature is repeated in several other terrace blocks in the street and contributes to its character.
7. At the end of the street on either corner are large gaps. The gap between No 24 and No 26 Bell Close (No 26) is fenced off and forms part of the grounds of No 24. Despite this, views can still be achieved to the buildings and trees to the rear of the site. These gaps are important features within the street scene and help break up the terrace blocks.
8. The proposal would result in the demolition of No 24. Although individually the property is of no particular architectural merit, its loss would disrupt the balance within the terrace block. The appearance of the remaining terrace block would, in my view, be harmed as a result.
9. Although submitted for indicative purposes, the proposed plans show how a scheme for 3 houses could be developed on the site. I recognise that the design of the indicative houses would appear in keeping with the surrounding area. Moreover, due to their position angled in the corner, the houses would not be prominent in the wider area. However, they would still be visible toward the end of the street and from nearby properties.
10. Each of the proposed dwellings would have reasonable sized rear gardens and a sense of space to the rear. To this end the buildings would not appear cramped. However, the angle and orientation of the proposed housing within the original corner gap would be at odds with the prevailing pattern of housing.
11. I recognise that the indicative layout seeks to maintain a gap between the remaining terrace block and the proposed houses. This would allow some views through to the rear of the site. However, the gap would be reduced and its contribution to break up the neighbouring terrace blocks would be significantly eroded. Moreover, the frontage area would be dominated by parking and the access drive. Given the amount of hardstanding and the layout of the vehicle parking as it narrows adjacent to the rear garden of No 22 Bell Close (No 22), in my view, the frontage area would appear somewhat cluttered and cramped.
12. Overall, the combination of these factors leads me to conclude on the first main issue that the proposal would harm the character and appearance of the surrounding area. As such, the proposal would conflict with the requirements of Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document (CS) (2008) and Policy H13 and EN1 of the Local Plan for Slough (LP) (2004). These policies require, amongst other things, that development respects its location and surroundings.
13. These policies are broadly consistent with paragraph 127 of the Framework, which broadly seeks to secure high quality design and therefore any conflict with them are a matter of significant weight.

*Living conditions*

14. The proposal incorporates parking to the front of each of the houses which would be accessed from a shared driveway positioned between No 26 and No 22. Both properties would be aware of the vehicular movements even if there are no windows on the end wall of No 22. Vehicles would pass near the front garden and front windows of No 26 and near the rear and front garden of No 22 and its front windows.
15. I recognise that the appellant has sought to position the driveway to minimise the effects on the occupiers of No 26 and frontage parking is a common characteristic within the street. However, such parking serves single properties rather than a group of 3. To this end, my concerns relate to the level of vehicular activity and movements near the 2 neighbouring properties. These movements would give rise to noise, disturbance and exhaust fumes. The combination of which would be to the detriment of the living conditions of the occupiers of the immediate neighbouring properties.
16. I therefore find that the proposal would harm the living conditions of the occupiers of neighbouring properties with particular reference to noise, disturbance and odour. The proposal would therefore conflict with the requirements of Core Policy 8 of the CS and Policy H13 and EN1 of the LP. These policies require, amongst other things that the design of all development within the existing residential areas should respect the amenities of adjoining occupiers.
17. These policies are broadly consistent with paragraph 127 of the Framework, which seeks, amongst other things, to ensure good standards of living conditions for existing occupants. As such, any conflict with these policies is a matter of significant weight.

*Parking arrangements*

18. The indicative plans show parking to the front of each of the properties with vehicles needing to reverse out. The Council's highway officer objects to any layout that results in reversing onto the highway.
19. Bell Close appeared to be a reasonably quiet road with vehicles not travelling at a high speed. This is particularly the case around the appeal site which is positioned at the end of the street. Other properties along the street have parking with vehicles reversing onto the highway, there is also some on street parking available and space at the end of the street to turn. I have no substantive evidence before me that the existing arrangements within the street have resulted in any highway safety issues.
20. I recognise that each of the units would be provided with sufficient vehicle parking spaces. Although it has not been demonstrated that vehicles would be able to enter and exit in a forward gear, given the existing parking situation and the nature of Bell Close, I am satisfied that the proposed parking arrangements would not have an adverse effect on highway safety.
21. The proposal would therefore comply with the requirements of Policy T2 of the LP and Core Policy 7 and 8 of the CS. These policies require, amongst other things, residential development to provide a level of parking appropriate to its location. The proposal would also comply with paragraph 109 of the Framework

which seeks to ensure that development does not have an unacceptable impact on road safety.

### **Other Matters**

22. My attention has been drawn to a previous planning permission for a single dwelling which was approved (Ref: P/10726/006) by the Council for a 2-storey 3-bedroom house. This did not involve the demolition of No 24 and I'm told has been implemented. As such, I am satisfied that if the appeal proposal were not erected, there is every likelihood that this fallback position would be built.
23. However, it is common ground that the size of the built form and number of units are greater than the proposal before me. Moreover, I have no substantive evidence that the fallback position, even considering any potential permitted development rights, would result in similar or greater effects to those identified.
24. In my view, the effects of the proposal on the character and appearance of the surrounding area and on the living conditions of occupiers of neighbouring properties from this fallback position would not be as substantial as the proposal before me.
25. The Council raised no concerns in relation to the principle of development, the impact of the dwellings themselves on the occupiers of neighbouring properties or to the standard of accommodation proposed. I have no reason to disagree with these findings. However, the absence of harm in these respects is a neutral matter weighing neither for nor against the proposal.
26. Concerns regarding the processing of the application, including errors made by the Council, are not issues that I can assess as part of this appeal. The validity or not of such matters do not affect the planning merits or effects of the proposal before me.
27. I have also had regard to third party representations made raising a series of other concerns about the proposal. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.
28. None of the other matters raised alter or outweigh my conclusions on the main issues.

### **Planning Balance**

29. I am satisfied that the policies on which the Council relied upon in this case are consistent with the aims of the Framework. Moreover, I find that the proposal would conflict with the requirements of the policies of the development plan when read as a whole.
30. The Council has confirmed that it cannot currently demonstrate a 5-year housing land supply. The presumption in favour of sustainable development as set out in paragraph 11 of the Framework is therefore engaged. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
31. The proposal would accord with the Government's objective of significantly boosting the supply of housing. I attach significant weight to the shortfall of housing and under delivery over several years, as evidenced by the Council and

the HDT results. However, due to the number of dwellings sought the proposal would only have a limited impact in the context of the overall housing supply, and I attach limited weight to the benefit in that regard.

32. Against these limited benefits, the proposal would result in significant harm to the character and appearance of the surrounding area and harm to the living conditions of the occupiers of the neighbouring properties. I find these harmful effects weigh significantly given the environmental aims of the Framework.
33. I therefore find the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

34. For the reasons set out above and having regard to all matters raised, I conclude that the proposed development would conflict with the development plan and Framework when read as a whole.
35. Overall, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
36. The appeal is therefore dismissed.

*Robert Walker*

INSPECTOR



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## Appeal Decision

Site visit made on 19 March 2020

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 02 April 2020**

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**Appeal Ref: APP/J0350/D/20/3247070**

**14 Belmont Slough SL2 1SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs B Kaur against the decision of Slough Borough Council.
  - The application Ref P/14363/002, dated 31 May 2019, was refused by notice dated 25 November 2019.
  - The development proposed is a two storey side and rear extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property, adjoining terraced properties and the area.

### Reasons

3. The appeal property at No. 14 Belmont (No. 14) is a two storey end terrace dwelling located in a mature well-established residential area, typically characterised by terraced and semi-detached properties set back from the road behind a front garden/driveway. The properties are relatively evenly spaced, of comparable scale and form, with the end terrace properties having distinctive gabled roofs that create a book-end feature to each of the blocks. No. 14 being situated on a corner plot has more expansive grounds with the front gable being a distinctive feature on a number of corner properties in the surrounding area.
4. The proposal would entail the construction of a two storey side extension that would extend across the full width of the house and project out by about 3.0m from the rear elevation of the property. It would be set back at first floor level from the front elevation by about 1m and would extend out about 3.5m from the side elevation of the property. The proposed extension would be constructed with a dual hipped pitched roof that would be stepped down below the ridge height of the host property and adjoining terrace.
5. The Council's Residential Extensions Guidelines Supplementary Planning Document July 2010 (SPD) states that two storey side to rear extensions on corner plots should be subordinate to the main dwelling to avoid a detrimental impact on the area and the roofs should respect the original form of the house.

6. Although the proposed extension would not appear overlarge, relative to the overall plot size, the two storey scale and form of the proposed extension would nevertheless be substantial in this location and would fail to respect the established pattern and layout of the area. Whilst it would be set back and stepped down, the awkward design and bulkiness of the hipped roof over the extension would be very much at odds with the distinctive gable roof of the host property.
7. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Belmont and Greenside. The proposed extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property, adjoining terraced properties and the area.
8. I have considered the appellant's arguments that the design and layout of the extension has been carefully considered and redesigned in response to the previously dismissed scheme at the property<sup>1</sup> and the Council's comments during the planning application process. Whilst the use of matching materials and fenestrations would assist in integrating the extension with the host property, these aspects do not overcome the adverse effects outlined above.
9. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision. I also note the appellant's request to consider both sets of plans submitted to the Council. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.
10. Consequently, I conclude that the proposal would result in harm to the character and appearance of the host property, adjoining terraced properties and area. It would be contrary to the overall aims of Core Policy 8 of the Slough Local Development Framework Core Strategy 2008, Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the SPD. These policies and guidance seek, amongst other things, to ensure that development and residential extensions are of a high quality design that is compatible with the existing property and respects the character of the surrounding area. The proposal would not accord with the National Planning Policy Framework that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

## **Conclusion**

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

*David Troy*

INSPECTOR

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<sup>1</sup> APP/J0350/W/17/3174339





## Appeal Decision

Site visit made on 19 March 2020

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 02 April 2020**

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### **Appeal Ref: APP/J0350/D/20/3246814**

#### **74 Hampden Road Slough SL3 8SE**

- 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 Ghauri against the decision of Slough Borough Council.
  - The application Ref P/16302/003, dated 4 October 2019, was refused by notice dated 11 December 2019.
  - The development proposed is a part single storey, part two storey side and first floor rear extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a part single storey, part two storey side and first floor rear extension at 74 Hampden Road Slough SL3 8SE in accordance with the terms of the application, Ref P/16302/003, dated 4 October 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 approved plans: No. PL-01 received 16/10/19, No. PL-02 received 16/10/19, No. PL-03 received 16/10/19, No. PL-04 received 16/10/19, and No. PL-05 received 16/10/19.
  - 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.
  - 4) The bathroom window on the side elevation of the development hereby permitted shall be glazed with permanently obscured glass to at least scale 5 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level and thereafter retained.

### **Procedural Matter**

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

## **Main Issues**

3. The main issues are the effect of the proposed development on
  - (i) the character and appearance of the host property and the area;
  - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 72 and 76 Hampden Road with particular regard to light and outlook; and
  - (iii) the living conditions of the future occupiers with particular regard to the outdoor amenity space.

## **Reasons**

### *Character and appearance*

4. The appeal property at No. 74 Hampden Road (No. 74) is a two storey end terrace dwelling with a single storey extension and detached outbuilding at the rear. The property is located in a mature well-established residential area, typically characterised by terraced and semi-detached properties set back from the road behind a front garden/driveway.
5. The proposal would entail the construction of a part single, part two storey side extension that would extend across the full width of the house and project out by about 3.2m from the side elevation of the property. The flat roofed single storey element of the side extension would extend up to the flank wall of the existing rear extension. The part two storey side extension would be constructed with a gabled pitched roof with the same eaves and ridge height as the host property and adjoining terrace. The proposal would also involve the construction of a first floor rear extension with a hipped pitched roof that would be set in from the rear and side boundary walls of the existing rear ground floor extension and stepped down below the ridge height of the host property.
6. The Council's Residential Extensions Guidelines Supplementary Planning Document July 2010 (SPD) states that two storey side extensions and first floor rear extensions should be subordinate to the main dwelling and set back from the boundaries with neighbouring properties. The SPD specifies two storey side extensions should generally not exceed 50% of the width of the host property in order to appear subordinate to the main dwelling and should have a minimum set back of at least 1m from the side boundary in order to give visual separation from adjoining properties. In this case, the proposed side extension would be just over 50% of the width of the host property and be set-in about 1m from the side boundary. It would be separated from the side elevation of the adjacent terraced property at No. 76 by a pedestrian access, close boarded fence and driveway running between the properties.
7. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. Whilst the proposed side extension would be located in a prominent position, it would be seen in the context of the scale and two storey form of the existing dwelling and adjacent properties and varied gaps between the buildings in the surrounding area. The proposed development would have a similar arrangement to the end terrace properties at Nos. 62 and 64 situated at the other end of the adjoining terrace that have a staggered form and are separated by a driveway.

8. Against this backdrop, the scale, form and design of the proposed side extension, set in, and rear first floor extension, stepped down and set back, would not appear significantly out of place or excessive in relation to the built form of the host property and the relationship with the adjacent properties would allow reasonable space to prevent any significant terracing effect.
9. The use of matching materials, fenestrations and the roof design would ensure the proposed extensions would sit relatively unobtrusively against the two storey form of the main property and allow the proposal to achieve an appropriate degree of subordination to the main house. I therefore consider that the overall bulk and form of the proposed extensions would not significantly detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
10. Consequently, I conclude that the proposal would not result in significant harm to the character and appearance of the host property and area. It would be consistent with the overall aims of Core Policy 8 of the Slough Local Development Framework Core Strategy 2008 (CS), Policies H15, EN1 and EN2 of the Slough Local Plan 2004 (LP) and the SPD. These policies and guidance seek, amongst other things, to ensure that development and residential extensions are of a high quality design that is compatible with the existing property and respects the character of the surrounding area. The proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

*Living conditions of the occupiers of the neighbouring properties*

11. The proposed extensions would be located adjacent to the two storey properties at Nos. 72 and 76 Hampden Road (Nos. 72 and 76). The adjoining terrace property at No. 72, to the north of the appeal site, has a small patio area leading out to an enclosed garden area at the rear immediately next to the shared common boundary. The adjacent property at No. 76, to the south, is set further forward and is separated from the appeal site by a pedestrian passageway, close boarded fence and driveway between the properties.
12. The nearest first floor windows at the rear of Nos. 72 and 76 serve a bathroom with obscured glazing and the proposed extensions would be set back from the nearest first floor windows to the habitable rooms at the rear of the adjacent properties. The Council indicate that the proposed first floor rear extension would breach the 45-degree line from the closest edge of the nearest first floor windows of the habitable rooms at the rear of Nos. 72 and 76. However, the appellant's statement and submitted plans indicate that this would not be the case. Given the overall design and layout of the rear first floor extension, set in and stepped down, and the orientation of the buildings, I consider that the proposal would not significantly reduce the amount of light reaching the main first floor habitable rooms at the rear of Nos. 72 and 76.
13. In term of outlook, whilst I accept that there is some impact from the development, given the overall height and design of the proposed extensions, set back, together with the boundary treatment and the separation distance between the properties, I consider that the extensions would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 76.

14. Consequently, I conclude that the development would not cause significant harm to the living conditions of the occupiers of the neighbouring properties at Nos. 72 and 76 with particular regard to light and outlook. It would be consistent with the overall aims of Core Policy 8 of the CS, Policies H15 and EN1 of the LP and the SPD. These policies and guidance seek, amongst other things, to ensure that residential extensions are of a high quality design and there is no significant adverse impact on the amenity of adjoining occupiers. It would also accord with the Framework that development should seek to create places with a high standard of amenity for existing users (paragraph 127).

*Living conditions of the future occupiers*

15. A small enclosed garden measuring about 10 metres in depth with an area of 117 sqm, including an outbuilding, is provided at the rear of the host property<sup>1</sup>.

16. The Council requires a rear open garden space to be provided for a four bedroom dwelling with a minimum garden depth of 15 metres or 100 sqm in line with the guidance in the SPD. The appellant states that the submitted plans show three bedrooms and a study at first floor level and adequate amenity space. However, irrespective of the difference between the main parties, the proposed extension would retain the vast majority of the existing rear garden. This, in my view, would provide the future occupiers with a usable garden space of sufficient quality and size to carry out leisure and household activities, particularly during the summer months. I therefore consider that the proposal would provide adequate outdoor amenity space and result in a satisfactory living environment for the future occupiers in this particular case.

17. Consequently, I conclude that the proposal would not cause significant harm to the living conditions of the future occupiers with particular regard to outdoor amenity space. It would, therefore, accord with Policy H15 of the LP and the SPD that seek to ensure that residential extensions protect amenity and provide an appropriate level of rear garden amenity space. It would also accord with the Framework that development should seek to create places with a high standard of amenity for future users (paragraph 127).

**Conditions**

18. Having regard to the Framework, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character of the area and safeguard the amenities of the nearby residents, I have imposed conditions requiring matching external materials and the use of an obscured glazed and non-opening bathroom window below a height of 1.8 metres taken from internal finished floor level on the side elevation.

**Conclusion**

19. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR

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<sup>1</sup> EJB Planning Appeal Statement February 2020 Paragraph 7.33



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## Appeal Decision

Site visit made on 19 March 2020

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 02 April 2020**

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**Appeal Ref: APP/J0350/D/20/3246635**

**1 Lochinvar Close, Slough SL1 9HE**

- 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. Slawomir Kocalski against the decision of Slough Borough Council.
  - The application Ref P/17900/000, dated 1 October 2019, was refused by notice dated 31 January 2020.
  - The development proposed is a porch and two storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a porch and two storey side extension at 1 Lochinvar Close, Slough SL1 9HE in accordance with the terms of the application, Ref P/17900/000, dated 1 October 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 approved plans: No. 050 received 04/10/19, No. 051 received 04/10/19, No. 101rA received 06/01/20, No. 102rA received 06/01/20 and No. 103rA received 06/01/20.
  - 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 used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

### Main Issues

3. The main issues are the effect of the proposed development on
  - (i) the character and appearance of the host property and the area;
  - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 14 and 16 Haig Drive with particular regard to outlook; and

- (iii) whether the proposal makes appropriate provision for off-street parking in the interest of highway safety.

## **Reasons**

### *Character and appearance*

4. The appeal property at No. 1 Lochinvar Close (No. 1) is a two storey end terrace dwelling with a pitched roof single garage attached at the side. The property is located in a mature well-established residential area, typically characterised by terraced and semi-detached properties set back from the road behind a front garden/driveway. Nos. 1 and 2 Lochinvar Close are set back and staggered further from the road than the adjoining terrace of properties.
5. The proposal would entail the demolition of the single garage and the construction of a two storey side extension that would be set back from the front elevation of the property by about 0.6m. It would extend out up to the side common boundary with the adjacent terraced properties on Haig Drive and would be stepped down below the ridge of the main house with a pitched gabled roof. The proposal would also involve the construction of a new porch with a pitched roof at the front of the appeal property.
6. The Council's Residential Extensions Guidelines Supplementary Planning Document July 2010 (SPD) specifies a minimum set back of at least 1m for a two storey/first floor side extension from the front elevation and set-in requirement of least 1m from the side boundary in order to give visual separation from adjoining properties and preserve the areas character and sense of openness. In this case, the proposed side extension would be set-in about 0.3m from the side boundary and would be separated from the rear elevation of the adjacent terraced properties by the rear gardens and a high solid brick wall running between the properties.
7. Whilst the proposed side extension would be located in a prominent position, it would be seen in the context of the scale and two storey form of the existing dwelling and adjacent properties. Against this backdrop, the scale, form and design of the proposed side extension, stepped down and set back within a staggered frontage, would not appear significantly out of place or excessive in relation to the built form of the host property and the relationship with the adjacent properties would allow reasonable space to prevent any significant terracing effect.
8. The modest overall increase of the side projection at No. 1 together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. The proposal would therefore achieve an appropriate degree of subordination to the host property and as such would not detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
9. Consequently, I conclude that the proposal would not result in significant harm to the character and appearance of the host property and area. It would be consistent with the overall aims of Core Policy 8 of the Slough Local Development Framework Core Strategy 2008 (CS), Policies H15, EN1 and EN2 of the Slough Local Plan 2004 (LP) and the SPD. These policies and guidance seek, amongst other things, to ensure that development and residential

extensions are of a high quality design that is compatible with the existing property and respects the character of the surrounding area. The proposal would accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

*Living conditions of the occupiers of the neighbouring properties*

10. The proposed side extension would be located adjacent to the rear elevation of the two storey properties at Nos. 14 and 16 Haig Drive (Nos. 14 and 16). It would be set back from the nearest windows to the habitable rooms at the rear of the adjacent properties and would be separated by the small enclosed gardens and a solid brick boundary wall measuring approximately 1.5m high at the rear of Nos. 14 and 16.
11. Whilst I accept that there is some impact from the development, given the overall height and design of the extension, set back, together with the boundary treatment and the separation distance between the properties, I consider that the extension would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of Nos. 14 and 16. The outlook at the rear of Nos. 14 and 16 is already toward the blank side wall of the existing garage and the gable end of the adjacent property at No. 1 and the appeal site would be separated by the existing garden areas and brick wall at the rear of Nos. 14 and 16. As such, I consider the relationship between the proposed extension and the adjacent properties would not be significantly different to the existing situation on the site and not warrant dismissal of the appeal on these grounds.
12. Consequently, I conclude that the development would not cause significant harm to the living conditions of the occupiers of the neighbouring properties at Nos. 14 and 16 Haig Drive with particular regard to outlook. It would be consistent with the overall aims of Core Policy 8 of the CS, Policies H15, EN1 and EN2 of the LP and the SPD. These policies and guidance seek, amongst other things, to ensure that residential extensions are of a high quality design and there is no significant adverse impact on the amenity of adjoining occupiers. It would also accord with the Framework that development should seek to create places with a high standard of amenity for existing and future users (paragraph 127).

*Parking*

13. The development proposes a parking area with two parking spaces across the frontage of the site and vehicular access onto Lochinvar Close. The road in the vicinity of the access has footpath provision along the road.
14. In terms of parking provision, the Council's Parking Standards requires 2 off-street parking spaces to be provided for a three bedroomed dwelling in this location which should be 4.8m deep and 2.4 wide. The Council contend that the proposal would not provide the appropriate level and layout of the parking spaces as a result of the loss of the garage and would be hindered by the presence of the proposed porch at the front of the site. I acknowledge that the parking area at the front of the appeal property is restricted in nature and some properties in both Lochinvar Close and the surrounding streets rely on on-street parking and there is likely to be competition for parking spaces at peak periods.

15. However, there are no parking restrictions outside the appeal site and at the time of my site visit, there were parking spaces available at the front of the appeal property, along Lochinvar Close and the nearby streets, although this was obviously only a snapshot in time. The Local Highway Authority has not commented on the proposal and little substantive evidence has been submitted to demonstrate there is no residual parking capacity in the overall area.
16. Consequently, in view of the scale of development and the evidence before me, I consider that the extra demand for on-street parking generated by the development is relatively small in the context of the overall supply and availability of parking in the area and would not be significantly materially different to the existing situation on the site. In any event, the appeal site is located in a sustainable location within easy walking distance of the local services and facilities and public transport services and as such provides a viable alternative to the use of the car. Therefore, I consider that the effect is likely to be only marginal and certainly not severe, the test set by the Framework for preventing development on highway grounds<sup>1</sup>.
17. For the above reasons, I conclude that the development would have appropriate provision for off-street parking and would not have a significant adverse effect on highway safety in the area. The development would therefore be consistent with the aims of Core Policy 7 of the CS, Policy T2 of the LP and the SPD that require development proposals, amongst other things, to provide satisfactory parking provision in the interest of highway safety, to protect the amenities of adjoining residents and the visual impact of the area.

### **Conditions**

18. Having regard to the Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area and safeguard the amenities of the nearby residents, I have imposed a condition requiring matching external materials.
19. The Council have suggested the removal of permitted development rights. In light of my findings, given that the proposal is acceptable on its own merits for the reasons set above, there are no exceptional circumstances in this instance that would justify the removal of permitted development rights that are reasonable and necessary to make the development acceptable.

### **Conclusion**

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR

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<sup>1</sup> Paragraph 109 of the Framework





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## Appeal Decision

Site visit made on 19 March 2020

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 02 April 2020**

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### **Appeal Ref: APP/J0350/D/20/3244872**

#### **1 Lambert Avenue, Slough SL3 7EB**

- 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 Singh Dhaliwal against the decision of Slough Borough Council.
  - The application Ref P/04878/008, dated 21 January 2019, was refused by notice dated 23 October 2019.
  - The development is for a 5.12 metre long by 3.8 metre wide single storey rear extension, with maximum height of 3.06 metres.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a 5.12 metre long by 3.8 metre wide single storey rear extension, with maximum height of 3.06 metres at 1 Lambert Avenue, Slough SL3 7EB in accordance with the terms of the application, Ref P/04878/008, dated 21 January 2019, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 01-01 (Rev. P01) received 18/02/19 and 20-00 (Rev. P02) received 25/02/19.

### **Procedural Matter**

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the single storey rear extension has been constructed and is in use. I shall determine the appeal on this basis accordingly.

### **Main Issue**

3. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No. 3 Lambert Avenue with particular regard to light and outlook.

### **Reasons**

4. The appeal property at No. 1 Lambert Avenue (No. 1) is a two storey detached dwelling with a single storey extension and detached outbuilding at the rear. The property is located on a spacious corner position in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway.

5. The appeal scheme relates to the construction of a single storey extension with a flat roof measuring about 5.12m in depth and 3.8m in width that projects out from the rear elevation of the property. The extension is set back from the side boundary with No. 3 to the north of the site and is separated from the rooms and garden at the rear of the adjacent property by a close boarded fence about 1.8m high running between the properties.
6. The Council's Residential Extensions Guidelines Supplementary Planning Document July 2010 (SPD) specifies that single storey rear extensions on detached houses should measure no more than 4.25m in depth. However, in determining the maximum acceptable depth, the individual site considerations should be taken into account and a relaxation in these guidelines will be considered in cases where there is judged to be no material impacts on any neighbouring properties.
7. Whilst I accept that there is some impact from the development, given the overall height and design of the extension, set back, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the extension does not significantly reduce the amount of light reaching the main habitable rooms and garden at the rear of No. 3, nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 3.
8. I have considered the Council's arguments regarding the cumulative impacts of the single storey extension and the detached outbuilding at the rear of No. 1 on the occupiers of the adjacent property. However, the principle of the single storey extension to the rear of the appeal property has already been approved under prior approval application for a single storey rear extension measuring 4.25m in depth granted in 2018<sup>1</sup>. The submitted plans and supporting evidence illustrate that the rear extension in the appeal scheme is about 870mm greater in depth than the previously approved scheme. As such the relationship between the development and adjacent property would not be significantly materially different to the previously approved scheme.
9. I have noted the Council's comments regarding the condition to remove the outbuilding at the rear of No. 1 under the previously approved rear extension granted in 2015<sup>2</sup>. Whilst this may be the case, I have considered the site specific circumstances in this case and, for the reasons set out, my decision does not turn on this matter.
10. Consequently, I conclude that the development does not cause significant harm to the living conditions of the occupiers of the neighbouring property at No. 3 with particular regard to light and outlook. It is consistent with the overall aims of Core Policy 8 of the Slough Local Development Framework Core Strategy 2008, Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the SPD. These policies and guidance seek, amongst other things, to ensure that residential extensions are of a high quality design and there is no significant adverse impact on the amenity of adjoining occupiers. It also accords with the National Planning Policy Framework that development should seek to create places with a high standard of amenity for existing and future users (paragraph 127).

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<sup>1</sup> Y/04878/007

<sup>2</sup> P/04878/005

### **Other Matters**

11. I have noted the objections from a third party relating to the impact on the amenities of a neighbouring property and the extension being built contrary to the previously approved scheme on the site and the Council's policies and guidelines. However, I have addressed the matters relating to the living conditions of the occupiers of the neighbouring property in the main issue above. The other matters raised did not form part of the Council's reason for refusal. I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

### **Conditions**

12. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. I have specified the approved plans as a planning condition as this is necessary to provide certainty.

### **Conclusion**

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

*David Troy*

INSPECTOR



## Appeal Decision

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 12 May 2020**

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**Appeal Ref: APP/J0350/X/20/3244396**

**3 Mina Avenue, Slough, SL3 7BY**

- 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 Balwant Singh against the decision of Slough Borough Council.
  - The application Ref P/07240/008, dated 28 September 2019, was refused by notice dated 25 November 2019.
  - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
  - The development for which a certificate of lawful use or development is sought is a detached outbuilding to be used a games room, gymnasium and store room.
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### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operation which is considered to be lawful.

### Procedural Matter

2. As the appeal relates to the lawfulness of a proposed outbuilding, views were sought from the parties as to whether it would be necessary for me to visit the site. No objections to this course of action were received and I do not consider that injustice to the parties would arise from determining the appeal on the basis of the written evidence and plans before me.

### Main Issue

3. The main issue is whether the proposed outbuilding would be incidental to the enjoyment of the dwellinghouse.

### Reasons

4. There is no dispute between the parties that the proposed building would meet the conditions and limitations set out in paragraph E.1, Class E, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO). The Council's reason for refusal was on the grounds that the building would not be incidental to the enjoyment of the dwellinghouse as its footprint would be larger than the original dwellinghouse and therefore would not satisfy the requirements of paragraph E.(a) of the GPDO.

5. The drawings submitted by the appellant identify that the proposed building would comprise three rooms including a games room, a gymnasium and a storeroom. The proposed uses for the building in themselves would be uses incidental to the enjoyment of the dwellinghouse. The drawings submitted with the application include references to a kitchen, bathroom, cloakroom and utility room. However, the appellant confirms that these references were made in error and the proposal does not include any of these facilities.
6. There is no evidence before me of any limitations or conditions within Class E of the GPDO that require the building to be related to the footprint of the host dwellinghouse in its original, or current, form. The case of *Emin v SSE and Mid-Sussex District Council [1989] 58 P & CR 416* established that whilst the size of the building may be an important consideration when determining if a building is to be used incidental to the enjoyment of a dwellinghouse, it is not by itself conclusive. *Wallington v Secretary of State for Wales [1991] 1 PLR 87* established that a purpose incidental to a dwellinghouse should not rest on the whim of person who dwelt there.
7. The overall floor area of the building would be approximately 66.87sqm. This would be significantly larger than the footprint of the original dwellinghouse, which the Council confirms was approximately 49sqm. However, the original dwellinghouse has been extended at ground and first floor levels and currently has a floor area of approximately 145sqm, as confirmed by the appellant. There is no evidence before me that these additions are unlawful. The proposal should be considered on the basis of whether it would be genuinely and reasonably required for a purpose incidental to the enjoyment of the existing dwellinghouse as it would be associated with that dwellinghouse rather than the original one. I note that this is a similar approach taken by the Inspector in the appeal referred to me by the appellant<sup>1</sup>, whereby he considered whether the floor space attributed to the use was genuinely and reasonably required for a purpose incidental to the enjoyment of the dwelling as such and whether the space would fulfil its intended purpose and nothing more.
8. The Council raises no objection to the size of the proposed gymnasium and storeroom. Based on the evidence before me, I find no reason to conclude otherwise. Its primary concern is the size of the proposed games room, which itself would be approximately 40.1sqm. The appellant confirms that the games room would contain a medium snooker table (9') and has provided evidence regarding the minimum room dimensions required for various sized snooker tables and cue sizes. The minimum requirements for a 9' snooker table are approximately 5.8m x 4.5m when used with a full-size cue. The proposed games room would be 6.8m wide and 5.9m deep. The appellant states that this would allow for players and family members to spectate without interfering with play and allow access to the gymnasium and storeroom. I consider that this is a reasonable requirement and on this basis the games room would not be excessively large for its intended purpose.
9. Taking the above into account, having regard to the proposed use of the building and its comparison to the size of the existing host dwellinghouse, I find on the balance of probabilities that the proposed building would be used

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<sup>1</sup> Appeal Decision APP/R5510/X/18/3213915

incidentally to the enjoyment of the dwellinghouse, and therefore would be permitted development.

### **Other Matters**

10. I note that the building could possibly be reconfigured to accommodate the proposed uses with a smaller footprint. However, my consideration of the appeal has been based on the proposal before me and I have determined it on this basis.
11. The Council have referred me to two appeal decisions. In the Elmwood Avenue decision<sup>2</sup>, the Inspector found that it had not been demonstrated that the function of the outbuilding was reasonable, having regard to the accommodation offered by an extant permission to extend the host dwellinghouse. He went on to state that *'the proposed outbuilding is simply intended to maximise the potential permitted development rights for the property, and can therefore be categorised as resulting from the 'unrestrained whim' of the Appellant.'*
12. In the Cains Lane decision<sup>3</sup>, the proposal was for an outbuilding with a similar footprint to the host dwellinghouse. The Inspector found that the appellant had failed to justify the use as genuinely and reasonably required.
13. I note that there are similarities between these two appeals and the appeal before me, in terms of the nature of the proposed development and the matters in dispute. However, I have found that the appellant has demonstrated that the proposed building is genuinely and reasonably required for a purpose incidental to the enjoyment of the dwellinghouse and, whilst on the face of it the building would be relatively large, it does not result from the 'unrestrained whim of the appellant'.

### **Conclusion**

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate was not well founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Alexander Walker*

INSPECTOR

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<sup>2</sup> Appeal Decision APP/N1920/X/18/3213578

<sup>3</sup> Appeal Decision APP/F5540/X/18/3217388



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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 28 September 2019 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed operations would constitute permitted development within the terms of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed

*Alexander Walker*

Inspector

Date 12 May 2020

Reference: APP/J0350/X/20/3244396

### **First Schedule**

Detached outbuilding to be used a games room, gymnasium and store room in accordance with drawings SINGH/PLAN/001, Block Plan and Site Location plan.

### **Second Schedule**

Land at 3 Mina Avenue, Slough, SL3 7BY

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.





## Plan

This is the plan referred to in the Lawful Development Certificate dated: 12 May 2020

by **Alexander Walker MPlan MRTPI**

**Land at: 3 Mina Avenue, Slough, SL3 7BY**

**Reference: APP/J0350/X/20/3244396**

Scale: Do not scale

