

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: December 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

Ref	Appeal	Decision
P/00114/007	Garages Rear Of 1, Alexandra Road, Slough, SL1 2NQ Demolition of existing garages and construction of 1no. two bedroom and 2no. one bedroom flats	Appeal Dismissed 3 rd November 2020
P/16862/003	193, Vicarage Way, Slough, Colnbrook, Slough, SL3 0RD Removal of condition 5 (permitted development rights) of planning permission P/16862/000 dated 22/05/2017	Appeal Dismissed 3 rd November 2020
P/05348/004	48a, Court Crescent, Slough, SL1 3JR First floor rear extension and loft conversion including hip to gable and 2no. front and 1no. rear rooflights.	Appeal Dismissed 19 th November 2020
P/17925/000	11, St Marys Road, Slough, SL3 7EN Construction of a front extension with pitched roof Planning decision was not received for the following application, however, the appeal statement recommended refusal for the following application. The main issue was the effect of the proposal on the character and appearance of the area. The Inspector allowed for the construction of the front extension as the site is set back from the main road. It has been pointed that there are difference as well as similarities between the pair of semi-detached properties. The Inspector considers the lean to sloping roof replacing the flat roof and the fenestration arrangement would give the dwelling more coherency. The St Mary's Church conservation area is centred around the church, and is not related to the appeal building. Considering these, the proposed development was considered acceptable.	Appeal Granted 20 th November 2020

P/03798/009	P/03798/009 29 & 29A, Merton Road, Slough, SL1 1QW	Appeal Dismissed 25 th November 2020
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Appeal Decision

Site visit made on 18 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2020

Appeal Ref: APP/J0350/W/20/3251809

Garage to the rear of 1 Alexandra Road, Slough SL1 2NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Messrs Emil and Paul Gaynor against Slough Borough Council.
 - The application Ref P/00114/007, is dated 24 May 2019.
 - The development proposed is the demolition of the existing garage to the rear of Alexandra Road and replacement with 3 no. flats spread over 2 storeys.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Messrs Emil and Paul Gaynor against Slough Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application was not determined prior to the appeal being lodged. The Council however has provided a statement confirming the grounds on which it would have refused the application.

Main Issues

4. The main issues are:
 - the effect of the proposal on the privacy of the occupiers of Alexandra Road and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. The site is bordered by the rear gardens of Alexandra Road and Chalvey Road West, these are continuous terraces with long gardens to the rear. A railway embankment and several trees form the other main boundary. The

appeal site has an access off Alexandra Road, it is an area of concrete hard standing and a row of garages and used for car repairs.

6. The windows of the rear of the Alexandra Road would face the appeal site. The (north west) facing wall of the proposed building would be almost blank except for high level fenestration to the stairs. This would not lead to overlooking.
7. However, the main facing elevation of the appeal proposal would be the south west. This would have three upper storey windows for the proposed flat 2, and these would be at an oblique angle to Alexandra Road which would limit the outlook to those rear windows and gardens but not sufficiently to avoid overlooking and maintain the perception of privacy.
8. Flat 2 would also have a balcony at the far end of the same south west elevation (on a corner of the building). Whilst this would not protrude outwards from the side of the building, there would be an inevitable tendency for the occupants to 'lean out', which would lead to overlooking.
9. The three windows and the balcony identified above would need measures potentially including a mix of obscure glazing, restricted opening or screening, but these may hinder the living conditions of the flat's occupants as two windows would serve habitable rooms. Indeed, such amendments would be beyond the scope of a condition; they need to be the subject of re-consultation and may well change the appearance of the elevation. Whilst the appellants indicate support for a condition on obscure glazing, more measures in various potential permutations would be warranted, and it would be inappropriate to re-design the scheme by condition.
10. The proposal would remove the existing car repair use. I agree with the Council that this would help living conditions as potential noise and disturbance would be removed. However, this does not outweigh the harm to the privacy.
11. I therefore conclude that the proposal would harm the living conditions of the residents of Alexandra Road. Policy 8 of the Slough Local Development Framework Core Strategy supports proposals which are respectful to living standards and The Local Plan for Slough Policy EN1 is similar whilst Policy H13 highlights the need to avoid overlooking. National Planning Policy Framework (the Framework) paragraphs 8 and 91 also seek to safeguard health and wellbeing. The proposal would conflict with these policies.

Character and appearance

12. The site is visible from Alexandra Road as there is a gap between this and the rear buildings at Chalvey Road West. Both have rear boundary fences which limit some of the public view, but the access itself is an open aspect. The proposed flats would be two storey but would be sufficiently distanced from the above so as not to compete or detract. The eye would still be drawn along the existing terraces and their significance would not be undermined, particularly as the proposal would only be visible from a very narrow public viewpoint.
13. Whilst the existing terraces have an assertive alignment, there is not an overly formal or regular pattern of development in the area, rather the

buildings appear in the spaces left after the railway or roads. Consequently, the proposal would not erode the discernible grain of development, it would simply be another building in its own context.

14. From Alexandra Road, the site appears significantly set back and is also distanced from the rear of Chalvey Road West. Consequently, it would appear to have its own space and would not impinge appear cramped or overdevelopment.
15. The elevations of the flats would be more contemporary compared with the adjacent terraces. Nonetheless they would have simple detailing which would be deferential to the surroundings. The massing of the proposal would be broken by a hipped roof and a subservient offshoot which would avoid a bulky appearance. The application form envisages tiles and brick, and these would work well with such a broken massing.
16. I therefore conclude that the proposal would not harm the character and appearance of the area. Policy 8 of the Slough Local Development Framework Core Strategy supports proposals which are respectful to the area, The Local Plan for Slough Policy EN1 provides criteria for general design, whilst Policy H13 allows for small scale residential development which is sympathetic to the area but makes specific reference to backland development. Paragraphs 127 -130 of the Framework promote quality design in conjunction with The National Design Guide. The proposal would not be contrary to these policies.

Planning balance

17. Both parties agree that the Council is not meeting its residential land supply requirements. Paragraph 11 (d) of the Framework applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
18. The appellant refers to the under supply of housing land and the new dwellings would be a helpful contribution. There is a pressing need for new housing in the area, particularly bearing in mind the continuing shortfall. There are extensive community services, facilities, public transport and employment in the area. The proposal is in an accessible area which would be well suited to new dwellings. The proposal would also utilise a brownfield site.
19. However, the proposal would impair the living conditions of the adjacent residents. Accordingly, the proposal contravenes paragraphs 8 and 91 of the Framework which seek to promote healthy living standards. The land supply shortfall questions the development plan housing policies, but the general thrust of policies 8, EN1 and H13 which requires development to respect living standards is still an appropriate strategy.

20. In overall balance, I therefore conclude that the impacts of the proposal are significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole.

Conclusion

21. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR



Appeal Decision

Site visit made on 20 October 2020

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 November 2020

Appeal Ref: APP/J0350/W/20/3255950

193 Vicarage Way, Colnbrook, Slough SL3 0RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Hashem Jamalzadeh against the decision of Slough Borough Council.
 - The application Ref P/16862/003, dated 2 April 2020, was refused by notice dated 26 June 2020.
 - The application sought planning permission for construction of a single storey side and rear extension without complying with a condition attached to planning permission Ref P/16862/000, dated 22 May 2017.
 - The condition in dispute is No 5 which states that: "The extension hereby permitted or any part of dwelling house and shall not be sub-divided or used in multiple occupation."
 - The reason given for the condition is: "To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area, which may occur if the property".
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal proposal seeks to remove a condition which removes the ability to change the appeal site from a house to a house in multiple occupation (HMO) using permitted development rights. As a result, the main issue is whether condition 5 meets the tests in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG) having regard to the amenity of the area.

Reasons

3. The Framework requires clear justification for the restriction of national permitted development rights. The PPG says that conditions restricting the future use of permitted development rights or change of use may not pass the tests of reasonableness or necessity but does not explicitly preclude them.
4. It is clear that at the time of the original application, there was concern, given extra weight by third-party contributions, that the proposed extension could lead to a potentially more intense future use of the property, which could harm the amenity of the area. In response to that concern, assurances were given on this point, and the appeal condition was imposed to ensure that such an

- increase in the intensity of use could be fully considered through a future planning application.
5. To my mind, the obvious parking pressure on Vicarage Way, with cars on the pavement and a proliferation of private signage seeking to impose control, adds weight to those earlier concerns, which have not otherwise disappeared, over the effects of a more intense occupation of the appeal site beyond those which could reasonably be expected as a single-family house. As a result, I consider that the condition is necessary, relevant to planning and relevant to the development permitted.
 6. There is nothing before me to suggest that the condition is not enforceable, and the precision of the condition has recently been addressed in another appeal decision ¹. There are no reasons for me to deviate from the conclusions reached in that decision and I agree with them.
 7. A condition must also be reasonable in all other respects. Condition 5 does not impose a restriction or limitation on the use of the site as a single-family house. It does, however, mean that planning permission is required to change the site from a single-family house to an HMO. If the appeal before me were to succeed, it would not cause such a change to come into effect, merely restore the permitted development right that has been removed. Given the above, I do not consider that it is unreasonable, in this case, and on this site, to require a planning application for such a change. As such, I consider that the condition is reasonable in all other respects.
 8. The appellant has given examples of houses which have been licensed as HMOs in the surrounding area. I do not consider that these examples are directly comparable to the appeal before me, as they do not involve the prior imposition of a relevant condition. In any event, HMO licensing and planning decisions are separate functions of the Council. I also do not consider that the condition is inconsistent with the overarching aim of the Council in providing safe and good quality housing for all residents.
 9. In light of the above, I consider that the condition meets the tests set out in the Framework and PPG, and is clearly justified by the submissions of the Council, supported by the content of adopted and saved development plan policies, including Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document, 2008, and saved policies H15, EN1 and EN2 of The Local Plan for Slough, 2004. These policies seek, amongst other things, to ensure that development respects its location and surroundings, their character and context, and protects the amenities of adjoining occupiers and that of the wider area.

Conclusion

10. For the reasons given above I conclude that condition 5 meets the tests in the Framework and the PPG. The appeal should therefore be dismissed.

S Dean

INSPECTOR

¹ Appeal Ref: APP/J0350/X/19/3228684



Appeal Decision

Site visit made on 20 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/J0350/W/20/3247724

48A Court Crescent, Slough SL1 3JR

- 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 John Clark against the decision of Slough Borough Council.
 - The application Ref P/05348/004, dated 12 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is first floor rear extension, hip to gable roof extension and front and rear rooflights to upper floor flat.
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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.

Procedural Matters

3. The appellant suggests that the guidance set out in the Slough Local Development Framework Residential Extensions Supplementary Planning Document Adopted January 2010 (SPD), is entirely out of date in the context of work that can be carried out under the General Permitted Development Order (GPDO). The SPD sets out in some detail what the Council consider to be good practice in terms of extending residential dwellings. While the amended GPDO permits hip to gable extensions, this does not, in my view, make the guidance set out in the SPD redundant. As such, I do not consider that document to be out of date for the purpose of this appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

5. The appeal site comprises an end of terrace property incorporating two flats on the north side of Court Crescent. The surrounding area is residential in nature with hipped roof forms a prevalent feature. This has created a sense of cohesiveness with regards to the built form in the area, providing symmetry to terraces and semi-detached buildings, and contributing positively to the area's character and appearance.

6. The hip to gable roof extension, as a result of its design, form and scale would fail to respect the existing roof form of the appeal property or achieve an appropriate level of subservience to it. Notwithstanding that this element would have a matching roof pitch and materials, it would result in unacceptable harm to the character and appearance of the host property.
7. It would also visually unbalance the terrace to which the appeal property is attached, which can be viewed in its entirety, albeit at an angle, in public views from Court Crescent. Moreover, given the exposed nature of the side elevation of the appeal property within the streetscene, the proposed gable end would appear as unduly prominent feature. As a result of its design, form and scale, therefore, this element would appear as an alien feature in the streetscene and harm to the character and appearance of the surrounding area would result. This is notwithstanding that the appeal site and the buildings within its vicinity are not subject to any specific heritage or landscape designations.
8. The proposed first floor rear extension appears to be of the same depth, width and height of the extension approved by the Council for which planning permission is extant¹ and I note the appellant's comments that the hip to gable extension would help to screen this element from public view. However, when taken in conjunction with the proposed hip to gable extension, significant bulk and mass would be added to the roof. The proposal would therefore fail to achieve an appropriate level of subservience to the host property and would, as a result of its overall scale and design, fail to respect its original size and form. This would diminish the contribution that the appeal property makes to the area and would result in harm to the character and appearance of the host property and the surrounding area.
9. In reaching this conclusion, I consider that the proposed works would result in a less convoluted roof form than the extant scheme. However, as that scheme would employ a form of hipped roof, it would relate more sympathetically to the original form and scale of the host property and surrounding development. Therefore, while the extant planning permission represents a fall-back position that is likely to be implemented in the event that this appeal is dismissed, its effect would be demonstrably less than the proposal before me. Consequently, this fall-back position does not justify the unacceptable development proposed.
10. I note the appellant's comments that hip to gable roof extensions are permitted by the GPDO and that such development could be constructed at numerous other dwellings in the area. However, the appeal property is a flat and so does not benefit from this permitted development right. Moreover, there is no information before me to indicate that the occupants of any other properties are intending to carry out such work. I therefore afford limited weight to these matters in my assessment and do not consider that they justify the proposed unacceptable development.
11. The appellant also suggests that the proposed gable end would appear no different to flank elevations of other end of terraced house in the wider area which feature a gabled flank. However, no details of any specific developments have been provided to me and so I am unable to consider this matter further.
12. I conclude that the proposal would result in harm to the character and appearance of the host property and the surrounding area. There would be

¹ Application P/05348/003, Construction of a first floor rear extension, decision dated 10 April 2019.

conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document December 2008 and Policies EN1, EN2 and H15 of The Local Plan for Slough March 2004. These require, among other things, development proposals to reflect a high standard of design and to respect its location and surroundings. They also state that proposals for extensions to existing buildings should be compatible with the scale, form, design, architectural style and proportions of the original structure and that extensions to existing dwelling houses will only be permitted if they are in keeping with the identifiable character of the surrounding area. The proposals also conflict with EX33 of the SPD which states that alterations to the main roof of the house by changing its shape will not normally be permitted, and the aims of Section 12 of the National Planning Policy Framework in achieving well-designed places.

Other Matters

13. I note that no objections have been raised by the Council in relation to the effect of the proposals on the living conditions of occupants of nearby properties or parking. There are also no third party objections to the proposals. I also note that the proposed roof lights are in the approximate locations as those approved under the extant planning permission and that no objection have been raised in relation to these. Having assessed these matters, I have no reason to reach a different conclusion. However, these are neutral factors in my assessment of the appeal and do not outweigh the harm I have set out above.
14. The appellant suggests that the proposal would facilitate a more efficient use of the roof space and he is concerned that the extant planning permission does not provide sufficient headspace in the loft. While the proposals would contribute to achieving the appellant's aims in this regard, these are private benefits which do not outweigh the harm that I have identified.

Conclusion and Recommendation

15. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR



Appeal Decision

Site visit made on 18 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/J0350/W/20/3250126

11 St. Marys Road, Slough SL3 7EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Philip Lomas against Slough Borough Council.
 - The application Ref P/17925/000, is dated 31 October 2019.
 - The development proposed is a front extension and pitch roof over existing/original front protrusion.
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Decision

1. The appeal is allowed and planning permission is granted for a front extension and pitch roof over existing/original front protrusion at 11 St. Marys Road, Slough SL3 7EN in accordance with the terms of the application, Ref P/17925/000, dated 31 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be commenced within 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following plans and drawings: DWG-01 Existing/Location plan/Block plan and DWG-02 Proposed Floor plans/Elevations.

Main Issue

2. Whilst the application was not determined, the Council did submit an appeal statement and it is evident that the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The site is set back from the St Marys through road and is one of a row of houses which appear to date back to the 1970s. On the other side of the road is a terrace of almshouses and the St Mary's church which is notable for a brick tower. The site includes a semi-detached house; there are some similarities between the pair but also some differences.
4. The appeal dwelling has an existing forward projecting garage/porch which is an overly dominant feature particularly due to the white panel door. This garage door would be replaced by a wall and windows which would be more in keeping with the existing dwelling. The garage/porch has a flat roof which would be also replaced by a lean-to sloping roof along the width of the

- dwelling. These alterations would give the dwelling more coherency because the projection would appear more part of the dwelling. The pitch roof would also unify the house whereas the flat roof jars with the original. Furthermore, the arrangement of the fenestration would give a symmetrical appearance to the dwelling.
5. Whilst the extension would be along the width of the appeal building, it is only single storey and would have hipped ends to the roofline which would soften its appearance. The proposal does not extend beyond the existing building line and is annotated as being only 1.517m wide. The proposal would be a modest scale which would appear subservient to the main dwelling.
 6. The proposed dwelling would not look the same as its attached semi-detached partner, however that would not be dissimilar to the current situation as the partner has a bay window and walling rather than the appeal's site garage door. The proposed changes are small scale and would not stand out. Similarly, there would not be any impact to the adjacent buildings, particularly as there is no uniformity to their style.
 7. Paragraph 3.3 of the Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document states that canopies which span the property will not normally be permitted. However, in this particular case there is an existing flat roof projection which is more assertive. Indeed paragraph 3.4 continues that such extensions must be in proportion and must not appear overly dominant. As I have found above the proposal would be modest width, subservient, in keeping with the appeal building and the area.
 8. The almshouses opposite are grade II* listed. However, being set within their own grounds and gabled end on to the road, they have a very limited relationship with the appeal site. Furthermore, the appeal building is set back from the road which gives it a different context. The grade I listed church has its own clearly demarked grounds and is segregated by the road, so that it is experienced distinctly from the appeal building.
 9. The St Mary's Church Conservation Area excludes the appeal site, and this appears purposely so by the indented boundary line. The Conservation Area is centred around the church, almshouses and other notable public buildings and does not relate to the appeal building. In any event I have found that the changes would not be harmful to the character and appearance of the area, and the effect on the setting of the Conservation Area and listed buildings would be neutral. I note that the Council's Conservation Officer came to a similar conclusion.
 10. I therefore conclude that the proposal would not harm character and appearance of the area, including the setting of the heritage assets. Policy 8 of the Slough Local Development Framework Core Strategy promotes design, which is respectful to the area, The Local Plan for Slough Policies EN1 and EN2 provide criteria for general design and extensions, whilst Policy H15 encourages sympathetic design of extensions. National Planning Policy Framework (the Framework) paragraphs 127 -130 promote quality design in conjunction with The National Design Guide. Paragraph 194 of the Framework seeks to protect the setting of heritage assets, particular weight is placed on those of greatest significance. Paragraph 193 places great weight on the significance of a

designated heritage asset. The proposal would accord with these policies and guidance.

Conditions

11. Paragraph 55 of the Framework and the Planning Practice Guidance provide the tests for the imposition of conditions. The approved plans are helpful for certainty. The Council's Conservation Officer recommends a condition requiring matching materials, but these are specified as such on the application form.

Conclusion

12. I therefore conclude that the appeal should be allowed.

John Longmuir

INSPECTOR



Appeal Decision

Site visit made on 20 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/J0350/W/20/3257478

29/29A Merton Road, Slough, Berkshire SL1 1QW

- 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 Iftakhar Ahmed against the decision of Slough Borough Council.
 - The application Ref P/03798/009, dated 2 December 2019, was refused by notice dated 26 May 2020.
 - The development is the erection of 1.8 metre high wrought iron boundary access gates.
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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.

Procedural Matters

3. In accordance with the details submitted by the appellant and from my own observations, it is clear that the development has been undertaken. I have therefore assessed the appeal on a retrospective basis.
4. The appeal form provides the address of the appeal site as 29 Merton Road. The address in the banner header above has been taken from the application form and I have proceeded on the basis that the development relates to Nos 29 and 29A Merton Road.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

6. The appeal site is located at the head of a residential cul-de-sac. Front boundary treatments within the road largely comprise low brick walls, railings and fencing enclosing landscaped gardens and parking areas, with a number of properties having open frontages to the road, all of which contribute to a sense of openness within this pleasant residential area.

7. The new gates are substantially higher than nearby front boundary treatments and they present as a prominent, incongruous feature within the streetscene, significantly enclosing the front of the dwellings that they serve. They have eroded the otherwise open characteristics of the streetscene. The planting of vegetation and trees behind the gates would be unlikely to mitigate the harm identified. That Merton Road is a no-through road does not, in my view, ameliorate this harm.
8. The appellant indicates that the gates are the same height as the boundary fencing shown on the plans attached to the planning permission for the new dwelling at the site. The Council appear to dispute this. In any case, I do not consider that the height of fencing elsewhere on the site justifies the unacceptable development undertaken or negates the harm that it has caused.
9. I observed the gates at No 1 Merton Road and the gates and railings at Merton Court (No 4 Merton Road). Both sets of gates are located at the entrance to Merton Road some distance from the appeal site, where the context of them is different to that of the new gates, in terms of both their location and the scale of buildings they serve. The circumstances of these examples is not directly comparable to the scheme before me and they do not provide justification for harmful development in this case.
10. I have been referred by the appellant to an application for gates at a block of flats in Church Street¹. However, no details have been provided of that proposal. I have also been referred to an approved application in respect of 39 Royston Way², which the Council indicate is approximately 5 kilometres from the appeal site. Again, no further information has been submitted and, given that neither example is in the immediate location of the appeal site, these developments would be likely to be seen in a wholly different context and are therefore unlikely to be comparable to the development before me. Likewise, the reference to gates at schools and commercial buildings has not been substantiated.
11. The appellant indicates that the gates have been erected to restrict access, improve security and to prevent theft and rubbish being dumped. However, it is likely that there may be other solutions available to the appellant which could resolve these issues and would not result in the harm that I have identified.
12. I conclude that the development has resulted in harm to the character and appearance of the area. There is conflict with Policy EN1 of The Local Plan for Slough March 2004 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document December 2008. These policies require, among other things, that development proposals reflect a high standard of design and that development within existing residential areas should respect the street scene. There would also be conflict with EX49 of the Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document Adopted January 2010, which states that gates shall be designed to reflect the existing character of the street and surrounding area, and the aims of Section 12 of the National Planning Policy Framework with regards to achieving well-designed places.

¹ Application P/18067/000.

² Application P/02289/007.

Other Matters

13. I note that a comment in support of the development was submitted to the Council by a local councillor, however the decision of the Council was to refuse planning permission having assessed the proposal and the representations received. This matter does not alter the conclusion that I have reached.
14. The appellant is also concerned with how the Council determined the application, suggesting that it was subject to pre-determination. He also states that the decision was made outside the prescribed period and questions whether it should have been considered by Planning Committee. However, the Council considered the development that was put before it, as it was reasonable for them to do so and a decision has been issued. These matters, therefore, do not add weight to the appellant's case.
15. While I note the appellant's comments regarding previous enforcement enquiries concerning the appeal site, I have assessed the development before me on its own merits. Further, I note that the Council did not raise any highways objections to the development. Having considered the matter, I see no reason to reach a different conclusion. However, this is a neutral factor in my assessment of the appeal.

Conclusion and Recommendation

16. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR