

## SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: June 2021

### 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/17511/004	15, Ward Gardens, Slough, SL1 5ED  Retrospective application for a rear outbuilding and relocation of garage.	Appeal Granted  13 <sup>th</sup> May 2021
2017/00189/ENF	Golf Driving Range, Colnbrook  Alleged unauthorised car parking	Notice Varied / Upheld  26 <sup>th</sup> May 2021
P/17989/001	26a, Chalvey Road East, Slough, SL1 2LU  Conversion of loft into habitable room and insertion of a side and rear dormer and 2no. front rooflights	Appeal Dismissed  2 <sup>nd</sup> June 2021



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## Appeal Decision

Site visit made on 16 March 2021

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

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

**Decision date: 13<sup>th</sup> May 2021**

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**Appeal Ref: APP/J0350/D/21/3269332**

**15 Ward Gardens, Slough, SL1 5ED**

- 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 B Qejvani against the decision of Slough Borough Council.
  - The application Ref P/17511/004, dated 12 December 2019, was refused by notice dated 20 January 2021.
  - The development proposed is for an outbuilding and relocation of garage.
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### Decision

1. The appeal is allowed and planning permission is granted for an outbuilding and the relocation of a garage at 15 Ward Gardens in accordance with the terms of the application, Ref P/17511/004, dated 12 December 2019, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 Rev P2.
  - 2) The building hereby permitted shall not be occupied until the windows on the rear elevation facing the boundary with No. 13 Ward Gardens have been fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
  - 3) The fence on the boundary with 13 Ward Gardens shall be retained and maintained at 1.8m in height (the height measured from ground levels on the side of 15 Ward Gardens). The fence shall be maintained as such for the duration of the development hereby approved.
  - 4) The development hereby approved shall be completed in materials to match the main property.

### Main Issues

2. The appeal raises 2 main issues:
  - The effect of the proposal on the character and appearance of the street scene, and
  - The effect of the proposal on the living conditions of occupiers of a neighbouring property by reason of overshadowing.

## Reasons

### *Character and appearance*

3. The appeal site is a semidetached property located on a corner plot adjacent to a pedestrian footpath serving Cippenham Village Green. At the end of the footpath is a short drive which links the rear of the appeal site to Lower Cippenham Lane. The rear boundary of the site lies by properties in Rodwell Close.
4. At the time of my site visit building works had largely been completed.
5. The flank boundary to the footpath includes a high metal fence and gates which obscure views of the proposed building. There is effectively no streetscene at this point given the site's relationship with neighbouring properties. The proposed buildings can hardly be seen from the pedestrian footway at the side of the appeal site or from across the adjacent public open space.
6. The proposed scheme differs from a permission in 2018<sup>1</sup> for a rear outbuilding. The permitted scheme would have included an outbuilding separate from an existing garage in the rear garden, which would have extended across the garden away from the main property. In the original permission the flank wall of the outbuilding and the rear wall of the garage would have been close to the boundary with No.13 Ward Gardens. There would have been a small gap between the 2 buildings along this boundary.
7. In contrast the proposed building, has been re-orientated along the boundary shared with the neighbouring property and extended to include a relocated garage.
8. The combined structure would have a total floorspace less than of the approved scheme and the outbuilding would have a shallow pitched roof of similar design to that originally proposed. The garage has a separate shallow pitched roof.
9. Saved Policy EN1 of the Local Plan (2004) and Policy CP8 of the Core Strategy (2008) require that new development respects its surroundings. These policies are amplified in published guidance<sup>2</sup>. The appeal scheme is set well away from the flank boundary facing Cippenham Park and this together with the fencing means that it is largely obscured from views which could detract from the streetscene and Cippenham Village Green. It would not be dominant and out of keeping with the streetscene and its impacts are only marginally different from those of the permitted scheme.
10. For the above reasons, I conclude that the proposals would not adversely impact on the character and appearance of the street scene and would not conflict with Saved Policy EN1 of the Local Plan (2004) and Policy CP8 Core Strategy (2008) or published guidance.

### *Living conditions of neighbouring property*

11. The proposed building would have a length of just over 10m along the boundary with the neighbouring property and would vary in height from its eaves to the ridge height at about 3.5m. However, for its most part this would be stepped away from the boundary due to the shallow pitch. The garage

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<sup>1</sup> P/17511/000

<sup>2</sup> Slough BC Residential Extensions Guidelines 2010.

would lie adjacent to an existing shed in the rear garden of the neighbouring property.

12. The appellant owns the fence on the boundary between Nos.13 and 15 Ward Avenue and the appeal site. They have confirmed that a fence of up to 1.8m could be erected as part of the scheme. Whilst this would raise the height of the existing fence by several feet it would have the effect of reducing the impacts of the proposal on the neighbouring property without resulting in a loss of light. It would also reduce the potential for a loss of privacy from overlooking from the rear windows included in the building.
13. The degree of impact of the proposed scheme would be marginal when compared to the extant permission. Given its height to eaves the new building is only marginally higher than a normal garden fence. For this reason, it would not result in an increased sense of enclosure and overshadowing. A condition requiring extension in height of the fence between the appeal site and the neighbouring property would minimise the marginal impacts arising from the proposal.
14. For these reasons the proposed development would not conflict with Saved Policy EN1 of the Local Plan (2004) and Policy CP8 Core Strategy (2008) and published guidance.

#### **Other Matters**

15. Interested parties have raised various matters in respect of another property in the area. I do not have the details of this but the party could raise this with the appropriate authorities.

#### **Conditions**

16. I have imposed a condition in respect of the plans for reasons of certainty. Other conditions have been imposed regarding the materials to minimise the impact of the appeals on the character and appearance of the area. A further condition has been imposed to ensure that the 2 rear windows are retained in obscure glazing in order to reduce the risk of overlooking. Finally, a condition requiring the raising to the fence height to 1.8m to minimise the impact of the proposed scheme on the amenities of the neighbouring occupiers.

*Stephen Wilkinson*

INSPECTOR



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## Appeal Decision

Site visit made on 2 September 2020

**by AJ Steen BA(Hons) DipTP MRTPI**

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

**Decision date: 26 May 2021**

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**Appeal Ref: APP/J0350/C/17/3189567**

**Land at Former Golf Driving Range, Galleymead Road, Colnbrook, Slough  
SL3 0EN**

- 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 Douglas Hepsworth of Lanz Group against an enforcement notice issued by Slough Borough Council.
- The enforcement notice, numbered 2017/00189/ENF, was issued on 19 October 2017.
- The breach of planning control as alleged in the notice is:
  - i. Without planning permission, the unauthorised material change of use of the Land from use as a golf driving range (D2) to use as a (B8) storage area and as a sui generis commercial car park.
  - ii. Without planning permission, the unauthorised development comprising the laying of hardstanding (approximately located and shaded green on the Plan).
- The requirements of the notice are:
  - (i) Cease the use of the Land as a commercial car park.
  - (ii) Remove the vehicles associated with the commercial car park from the Land
  - (iii) Cease the use of the Land for the storage of waste containers.
  - (iv) Remove the waste containers from the Land
  - (v) Remove the hardstanding from the Land
  - (vi) Remove the fences erected to facilitate the use of the Land for storage of waste containers and parking of vehicles (approximately marked blue on the Plan).
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act also falls to be considered.

**Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.**

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### Preliminary Matters

1. I note that the site is no longer used for the storage of waste containers, such that the enforcement notice may have been complied with in this regard. No waste containers were on the site at the time of my visit. Nevertheless, these were stored on the site when the notice was issued so I need to take them into account in coming to my decision.
2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.

## **The Appeal on Ground (a) and the Deemed Planning Application**

### *Background and Main issues*

3. The Former Golf Driving Range, Galleymead Road, Colnbrook is located within the Green Belt and the appellant and Council agree that the proposed development would be inappropriate development within the Green Belt. As such, it would conflict with Policy CG9 of the Slough Local Plan (LP) and the Framework that seek to protect the strategic Green Belt gap between the Slough urban area and Greater London. I see no reason to disagree with their conclusions in this regard.
4. Consequently, the main issues are:
  - The effect of the development on the openness of the Green Belt;
  - The effect of the development on the intrinsic character and beauty of the landscape and access to recreation;
  - The effect of the development on flood risk;
  - The effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site;
  - The effect of the development on air quality;
  - The effect of the development on ecology and biodiversity;
  - Whether there are other considerations weighing in favour of the development; and
  - Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the proposal.

### *Reasons*

#### Openness

5. The former golf driving range comprised a car parking area adjacent to Galleymead Road with buildings to the rear extending across much of the width of the land. Behind those buildings was a large grass area. The grass over the northern part of that area has been replaced with hardstanding that has since been used for storage of waste containers and as a commercial car park.
6. Galleymead Road forms the access through an industrial estate, with substantial buildings and hardstanding to the north and west of the golf driving range. Over Bath Road to the south is residential development and woodland. To the east is the M25 motorway.
7. The development has resulted in the covering of much of the previous golf driving range with a substantial amount of hardstanding. This is visible through the trees from Bath Road on the approach to the bridge over the M25 and from the bridge itself. This results in further hardstanding within the substantial developed area in the vicinity of the site. This adds to the visual effect of built development on the site and reduces the amount of planting that would otherwise relieve the harsh appearance of surrounding built development.

8. Albeit of a somewhat transient nature, the uses for storage of waste containers and parking of vehicles on this hardstanding further results in harm to the openness of the Green Belt in spatial terms, over and above the visual effect of the hardstanding.
9. For these reasons, I conclude that the additional hardstanding along with its use for waste storage and commercial parking harms the openness of the Green Belt. As such, it is contrary to Core Policy 2 of the Slough Local Development Framework Core Strategy (CS) and the Framework that seek to preserve and enhance private and public open spaces and keep land within the Green Belt permanently open.

#### Landscape and recreation

10. The former golf driving range is located within Colne Valley Park and comprised an open green space to the rear of the buildings fronting Galleymead Road. Development on Galleymead Road otherwise comprises industrial and commercial buildings typical of an industrial estate. To the rear of the site is the M25 motorway with a strip of countryside between that and Heathrow airport. There is residential and industrial development to the opposite side of Bath Road to the side of the site, with treed open space closest to the M25 over which Bath Road crosses. Given the developed nature of Colnbrook and Heathrow airport, the site materially contributed to the landscape character within the limited strip of countryside separating these developments both in terms of its green appearance and its recreation use.
11. The development introduced hardstanding and open storage onto the land that extends commercial development into the green space adjacent to the urban area of Colnbrook. It extended the built commercial development of the industrial estate. Although hidden to some extent by the bund adjacent to the parking and open storage, this harms the landscape character of this area and reduces its contribution to the strip of countryside between Colnbrook and Heathrow airport.
12. I note that a landscaping condition could be applied to require further screening to the development. However, any planting would take some time to establish and it is unlikely to fully disguise the development such that some harm to the surrounding landscape would remain.
13. The land was previously used as a golf driving range. That use ceased prior to the use for car parking and outside storage having commenced. Nevertheless, these uses reduce the likelihood of the land returning to a recreational use, whether as a golf driving range or another open recreational use.
14. For these reasons, I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles harm the intrinsic character and beauty of the landscape and reduces access to recreation. As such, this is contrary to Policy CG1 of the LP and the Framework that seek to maintain and enhance the landscape of the Colne Valley Park, resist urbanisation of areas of countryside and provide opportunities for countryside recreation.

#### Flood risk

15. The majority of the hardstanding and uses for storage of waste containers and parking of vehicles is located within flood zone 3 where there is a high probability of flooding. The formation of hardstanding on the land will have

altered the flood characteristics of the site. Storage of containers and parking of cars will remove capacity from the floodplain.

16. Taking these factors into account, the hardstanding and uses of the land has reduced the capacity of the floodplain, which will increase the flood risk in the area and downstream.
17. For these reasons, I conclude that the development has increased flood risk contrary to Core Policy 8 of the CS and the Framework that seek to ensure development is safe, where it will not increase the risk of flooding elsewhere or reduce the capacity of the floodplain.

#### Highway

18. The access to the storage area for waste containers and car parking uses a previous access to the site. However, the use for storage and parking of cars has increased the intensity of use, with more vehicles coming and going to the facility and using the surrounding road network. The parking is related to Heathrow airport and adds capacity and choice for travellers using the airport.
19. The access to the site is close to the junction of the access to this and neighbouring industrial premises with Galleymead Road that could lead to conflict between vehicles using these junctions. However, it is unclear how much additional traffic is using the access compared to the previous use. Given the proximity of those junctions, it is likely that any increase in traffic has resulted in some harm to highway safety and convenience.
20. The car parking is located a short distance from the airport, such that it results in additional vehicle journeys. It would not reduce the need to travel and, given its location away from the airport, it would not be in the most accessible location.
21. I accept that it would provide additional choice of parking for users of the airport and may contribute to the need for airport parking, taking account of the potential expansion of Heathrow in the future.
22. Taking account of the above, on balance I conclude that the hardstanding and uses for storage of waste containers and parking of vehicles would have an adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. As such, it conflicts with Core Policy 7 of the CS that seeks development to be sustainable and located in the most accessible locations thereby reducing the need to travel.

#### Ecology and biodiversity

23. The Framework states that development should minimise impacts on and provide net gains for biodiversity. Whilst no specific harms have been identified to ecology and biodiversity, neither have I had my attention drawn to any net gains. Consequently, on balance, I conclude that the development does not comply with the requirements of the Framework in relation to ecology and biodiversity.

#### Air quality

24. The Council allege in the reasons for issuing the notice that the storage area for waste containers and car parking has contributed to worsening air quality in the area. It is unclear how the uses have contributed or what Local Plan



policies may be relevant. This may relate to the increase in vehicle traffic, although I do not have sufficient evidence to conclude whether the effects are material. On that basis, on balance I conclude that the development has not had a material effect on air quality.

#### Other considerations

25. I understand that the appeal site falls within the area that would be used for diversion of the M25 as part of the Heathrow Airport third runway proposals and siting of an emergency shaft within the consultation by Network Rail of the Western Rail Access to the airport. However, it is uncertain whether either or both of these proposals will proceed such that I can only give these modest weight in coming to my decision.
26. The site has previously been used as a temporary compound by Network Rail that altered the character of the use for that period. However, that use has ceased. Whilst the land may constitute previously developed land, its appearance reflected the previous golf driving range use. Consequently, this carries limited weight in the balance.
27. I note that the car park at the former golf range is currently used, with planning permission, for parking in relation to the surrounding industrial estate. However, this was an existing parking area such that it does not add more than very limited weight to the factors in favour of the development.
28. The skip storage at this site would form overflow storage when other storage is not available or full. This use supports the increase in recycling rates from the contents of the skips. The appellant owns a large number of skips and I have given this limited weight in coming to my decision.
29. A need for additional parking to serve Heathrow Airport has been suggested to support the provision of this car park. However, no detailed statistics and analysis of the parking needs of the airport have been provided such that the need has not been proven. Consequently, I can only give limited weight to this factor.
30. Reference is made to the use only continuing for a period of three years. However, any harm to the Green Belt or any other harm would continue for that period. Consequently, whilst I have taken the potential for a temporary grant of planning permission into account, this can only carry modest weight in the overall balance.

#### Conclusion

31. I have concluded that the proposal is inappropriate development that harms the openness of the Green Belt. In addition, I have concluded that the development harms the intrinsic character and beauty of the landscape, the safe and efficient operation of the highway network, ecology and biodiversity, and has resulted in an increased risk of flooding.
32. I note that the appeal site may be developed as part of the Heathrow Airport third runway proposals and/or the Western Rail Access to the airport, that the adjacent car park is in use for parking relating to the surrounding industrial estate, the need for skip storage and contribution to recycling rates, and need for additional parking for Heathrow. I have also considered whether a

temporary grant of planning permission may be appropriate. However, none of these matters attract more than modest weight.

33. Taking all the above into account, I consider that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations, either individually or cumulatively, sufficient to demonstrate very special circumstances. Therefore, the proposed development is contrary to Core Policy 2 of the CS, Policy CG9 of the LP and the Framework that seek to protect the Green Belt from inappropriate development.
34. On the basis of the above considerations, I conclude that the development does not accord with the development plan. The appeal on ground (a) therefore fails.

### **The Appeal on Ground (g)**

35. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
36. I understand that bookings for the airport parking can be made at least 12 months in advance. These would need to be cancelled were the appeal under ground (g) to fail. The appellant has, therefore, requested the 2 month period specified in the notice for compliance be extended to 12 to 18 months. It is unclear whether the company using the parking area have other facilities elsewhere or could obtain alternative accommodation for the parking. The impact of the coronavirus restrictions on travel and how they have affected the demand for parking are also unclear.
37. In addition, the appellant suggests that it would take some time to remove the hardstanding and fences as required by the enforcement notice. The appellant suggests that earth moving equipment would be required and that it would take at least 6 months to reinstate the land. I accept that, given the substantial size of the site, it would take some time to carry out the works once all the vehicles have been removed. Nevertheless, I consider the period requested is excessive but will amend the enforcement notice to require a period of 4 months.
38. For these reasons, I conclude that the appeal under ground (g) should succeed.

### **Formal Decision**

39. It is directed that the enforcement notice is varied by the deletion of 2 months and the substitution of 4 months as the period of compliance.
40. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*AJ Steen*

INSPECTOR



## Appeal Decision

Site Visit made on 18 May 2021

**by James Blackwell LLB (Hons)**

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

**Decision date: 2<sup>nd</sup> June 2021**

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### **Appeal Ref: APP/J0350/W/21/3268164**

### **26A Chalvey Road East, Slough SL1 2LU**

- 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 Nazaqat Riasat against the decision of Slough Borough Council.
  - The application Ref P/17989/001, dated 13 July 2020, was refused by notice dated 25 September 2020.
  - The development proposed is the insertion of rear dormers and 2 x no. front roof lights to form habitable space.
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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; and
  - the effect of the proposed development on the living conditions of the occupants of number 24 Chalvey Road East.

### **Reasons**

#### *Character and appearance*

3. The site is a semi-detached residential property containing two maisonettes located on a busy road, which includes a mixture of residential, retail and commercial premises. Whilst set back slightly, the appeal property is sited close to the pavement and benefits from large bay windows on the ground and first floors. There is an enclosed garden to the rear. The style and design of the appeal dwelling is typical of other residential properties in the surrounding area.
4. There is a pair of semi-detached houses very similar in appearance immediately adjacent to the appeal property. The two sets of properties are similar in design, frontage and roofscape, providing a symmetry between the dwellings which contributes positively to the general street scene.
5. The Slough Local Development Framework, Residential Extensions Guidelines Supplementary Planning Document (adopted January 2010) (SPD) sets out certain requirements for any proposed roof extensions and/or dormers which should be achieved before they can be considered acceptable. Guideline EX34 of the SPD says that dormers will normally only be permitted where there is a

minimum set in distance of 1 metre at either end of the main roof slope on which it sits and that the bottom of the dormer should be at least 1 metre above normal eaves level. Guideline EX34 also says that a dormer must not occupy more than 50% of the width of the existing roof slope on which it sits.

6. The proposed rear dormers fail to meet each of the guidelines highlighted above. This is true of both the dormer along the roof over the main part of the house as well as the roof which extends out from the rear of the property. Due to the conflict with the guidelines set out in the SPD, the additional bulk of the proposed dormers would be completely disproportionate to the size of the appeal property, causing substantial harm to its appearance, particularly from the rear.
7. Similarly, the significant scale and bulk of the rear dormer additions would cause a notable disparity with the roofs of neighbouring properties, including those immediately adjacent and other nearby dwellings of a similar style to the appeal property. This imbalance would be visually prominent and disruptive to the pattern of development in the area, which in turn would detract from the character and appearance of both the appeal property and the surrounding area.
8. Whilst I acknowledge there are examples of other residential properties with dormer features near to the appeal property, these are generally smaller and more proportionate in scale than the development proposed, and therefore more consistent with the surrounding roofscape.
9. For these reasons, the proposed development would be harmful to the character and appearance of the area, and would conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 – 2026), as well as Policies H13, H15, EN1 and EN2 of the Local Plan for Slough (adopted March 2004). Taken together, these policies require extensions to achieve improvement of the area through high quality design, be of a scale which is compatible with the existing property and be compatible with the surrounding area in terms of scale, bulk and visual impact.

#### *Living conditions*

10. As highlighted above, the proposed rear dormers would add significant bulk and mass to the roof of the appeal property, both along the roof of the main part of the house as well as the roof which extends out from the rear of the property. The rear dormers, which would affect almost the entirety of the rear roof of the appeal property, would have an overbearing impact on the occupiers of 24 Chalvey Road East, as the additional height and bulk would lead to an unacceptable sense of enclosure within both its rear garden, and the rooms to its rear.
11. The garden of number 24 and the rooms to its rear already experience a degree of overshadowing due to the height and siting of neighbouring properties. Any increase to the level of overshadowing experienced at number 24 would therefore be felt keenly by its occupiers. The additional height and bulk of the proposed dormers would invariably lead to an increased level of overshadowing at certain times of day. Whilst this increase would not be substantial, the impact would still be to the detriment of the living conditions of the occupiers of number 24 given the levels of overshadowing already experienced.

12. The additional height and bulk of the proposed development would create a feeling of enclosure to the rear of number 24 and would also lead to an increased level of overshadowing at its rear, both of which would be harmful to the living conditions of its occupiers. As a result, the development would conflict with Policy EN1 of the development plan and guidelines DP6 and DP7 of the Slough Local Development Framework Residential Extensions Guidelines (adopted January 2010). These policies state that any extensions should not be overbearing on neighbouring properties, nor result in significant overshadowing, loss of sunlight or daylight to neighbouring occupiers.

**Conclusion**

13. The proposed development would be harmful to the character and appearance of the area and to the living conditions of number 24, which is contrary to the development plan. For these reasons, I conclude that the appeal should be dismissed.

*James Blackwell*

INSPECTOR