

## SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: August 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/07822/008	10, Shackleton Road, Slough, SL1 3QU  Construction of a part single storey side and part first floor rear and side extension	Appeal Dismissed  20 <sup>th</sup> July 2021
P/02939/003	27, The Spur, Slough, SL1 6EU  Variation of condition 2 (approved drawings) of planning permission P/02939/001 dated 27/06/2018 (minor alterations, including permanent obscure glazing to side facing roof lights)	Appeal Granted  23 <sup>rd</sup> July 2021
2018/00444/ENF	27, The Spur, Slough, SL1 6EU  Breach of condition - additional windows	Notice upheld  23 <sup>rd</sup> July 2021
P/11562/005	88 & 90, Quinbrookes, Slough, SL2 5RU  Variation of condition 9 (permitted development rights) of planning permission P/11562/003 dated 27/08/2004  Variation of condition 9 (permitted development rights) of planning permission P/11562/003 dated 27/08/2004  An application was received to vary condition 9 to remove reference to Classes B and C of the GPDO (essentially removing the restriction of a loft conversion and rooflights). Planning permission was refused as the addition of another bedroom would have increased the amenity provision beyond that which is available at the site. This would have meant that the owners would have to submit a planning application for any additional extensions/bedrooms and enabled officers to assess amenity provisions at that time, in line with the Council's SPD.  The appeal was and allowed. The Inspector amended the condition to allow Classes B and C.  The Inspectors justification for this was that the loft conversion may allow for an additional bedroom or even a home office which would not necessarily increase the number of occupants	Appeal Granted  5 <sup>th</sup> August 2021

	<p>of the dwelling and thus the amount of garden that is currently there would be sufficient. In addition to this, the Inspector also considered the side garden to be of useable amenity space and thus included that in his overall calculation; therefore indicating that the amenity space available exceeds the minimum size within the Council's SPD even if there were to be more than 4 bedrooms within the dwelling.</p> <p>The appeal was therefore allowed subject to the conditions listed within the Inspectors Decision.</p>	
P/10430/011	<p>100b, Waterbeach Road, Slough, SL1 3JY</p> <p>Conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations</p> <p>The LPA granted planning permission on 14 January 2021, with conditions to form a pair of semi-detached dwellings within the existing building; the condition the subject of the appeal required the approval of the LPA for the resultant dwellings to be subdivided or used in multiple occupation. The LPA considered the restriction on use was appropriate given the impact on the amenity of the area that use of both dwellings for up to 6 occupants each (12 in total at the site), which would be considered to be Permitted Development as a C4 use, particularly given the recent refusal of planning permission (and appeal dismissed) for a House in Multiple Occupation for up to 9 occupants, within the existing, single building.</p> <p>The planning inspector concluded that a condition restricting the subdivision of a dwelling would require planning permission in any event, and therefore this element of the condition was unnecessary. The planning inspector determined that a restriction on the rights to occupy the dwellings in multiple occupation was justified and necessary, and varied the condition to restrict the use in multiple occupation, given specific reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 and The Town and Country Planning (Use Classes) Order 1987.</p> <p>The planning appeal granted planning permission for the conversion of the existing building to a pair of semi-detached dwellings, upholding the conditions imposed by the LPA, and varying the condition regarding use in multiple occupation; such use would require planning permission as the condition removes Permitted Development rights in this regard</p>	<p>Appeal Granted</p> <p>10<sup>th</sup> August 2021</p>
P/03283/019	<p>230, Farnham Road, Slough, SL1 4XE</p> <p>Variation of condition 3 (Hours of opening) of planning permission P/03283/013 for "Change of use from A2 (Office) to A3 (Restaurant) with ancillary A5 (Hot-food takeaway) " dated 13/11/2018 to allow opening hours of Monday to Thursday 11:00 to 01:00, Friday to Sunday 11:00 to 02:00, seasonal variations Eid and Ramadan Only 11:00 to 03:00</p>	<p>Appeal Dismissed</p> <p>10<sup>th</sup> August 2021</p>

P/04532/005	<p>36, Albert Street, Slough, SL1 2BU</p> <p>Construction of a part single storey, part two storey front and rear extension and alterations to existing roof.</p>	<p>Appeal Dismissed (In Part)</p> <p>18<sup>th</sup> August 2021</p>
P/19122/001	<p>17, Telford Drive, Slough, SL1 9AD</p> <p>Construction of a front porch</p>	<p>Appeal Dismissed</p> <p>26<sup>th</sup> August 2021</p>
P/01272/012	<p>The Former Willow Tree, 62 , Station Road, Langley</p> <p>Demolition of existing structures and redevelopment of the site for a part single through to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision.</p> <p>1. The development is described as:</p> <p style="padding-left: 40px;">Demolition of existing structures and redevelopment of the site for a part single through to a part-five storey building to accommodate 41 residential units, with associated parking and amenity provision.</p> <p>. On 29th July 2020 the Planning Committee resolved to overturn the Planning Officer recommendation and refuse the planning application for reasons relating to the following:</p> <ul style="list-style-type: none"> <li>• the effect of the proposed development on the character and appearance of the area; and</li> <li>• the effect of the proposed development on the living conditions of neighbouring occupiers.</li> </ul> <p>. The applicant has since appealed the decision to refuse the application. Planning Officers provided a detailed written statement explaining and expanding upon the reasons for refusal. A virtual appeal hearing took place on 5<sup>th</sup> August 2021.</p> <p>. Following the close of the Hearing, the appeal was allowed.</p> <p><i>Character and appearance of the area:</i></p> <p>. The Planning Inspector found that overall, the proposed development would not harm the character and appearance of the area and would comply with Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan for Slough.</p> <p>. The Inspector noted the proposal would urbanise the site and alter the character of the area. However, the gradual stepping up of the building was considered to result in a sensible transition between the suburban character of Alderbury Road and the commercial character of Station Road. Consequently, the scale and massing of the scheme was considered to be</p>	<p>Appeal Granted</p> <p>31<sup>st</sup> August 2021</p>

acceptable.

*Living conditions of neighbouring occupiers.*

- . The Inspector found the proposal would not result in an oppressive environment for the neighbouring occupiers, and would not result in unacceptable harm in terms of outlook. Acceptable privacy from within the neighbouring properties would be retained.
- . The Inspector found there would be harm (albeit a low level) to the privacy of the neighbouring occupiers when using the rear gardens at Nos 117 and 119 Alderbury Road and this to conflict with Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan for Slough. The Inspector noted the harm would be somewhat mitigated by the inclusion of low level obscure glazing, Juliet balconies, the tree planting along the neighbouring boundary, and distance.

*Planning balance:*

- . The Inspector noted the Council are unable to demonstrate a five-year housing land supply and that the supply of housing lies in the region of 2.2 years.
- 0. In applying the harm to the planning balance, the Inspector found the loss of privacy in the rear gardens amounted to limited negative weight. The Inspector also found the proposal would conflict with Core Policy 4 of the Core Strategy due to the proposal not consisting of family housing. Limited negative weight attributed to this harm.
- 1. In applying the benefits to the planning balance, the Inspector noted the temporary economic benefit during the construction phase and future occupiers would contribute to the local Community. The Inspector found the proposal would contribute 41 dwellings to the housing supply in a sustainable location close to public transport and local services and facilities. Given the significant number of dwellings proposed and the acute housing shortfall, significant positive weight was attributed to this benefit.
- 2. In conclusion the Inspector found the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Local Development Plan and the National Planning Policy Framework taken as a whole and tilted in favour of the supply of housing.





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## Appeal Decision

Site visit made on 8 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

**by Martin Seaton BSc (Hons) DipTP MRTPI**

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

**Decision date: 20 July 2021**

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**Appeal Ref: APP/J0350/D/21/3271344**

**10 Shackleton Road, Slough, SL1 3QU**

- 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 Zacheer Kahn against the decision of Slough Borough Council.
  - The application Ref P/07822/008, dated 9 July 2020, was refused by notice dated 27 January 2021.
  - The development proposed is erection of ground floor part side and first floor side and part 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.

### Procedural Matter

3. A drawing of the proposed parking area which was not submitted with the original planning application forms part of the evidence for the appeal. I have considered it under the principles established by the Courts in *Wheatcroft*.<sup>1</sup> As it seeks to illustrate the manoeuvrability of vehicles at the already proposed parking area I have concluded that to consider it would not disadvantage anyone who might have otherwise been consulted on the plan. Accordingly, it has informed this recommendation.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area,
  - whether the proposed development would provide satisfactory parking spaces and the effect it would have on the safety of those using the public highway, with particular regard to pedestrians using the footpath and users of Shackleton Road,

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<sup>1</sup> Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- whether the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space, and
- the effect of the proposed development and on the living conditions of occupants of Nos 8 and 10a with regards outlook.

## **Reasons for Recommendation**

### *Character and Appearance*

5. The appeal property has a prominent position at a wide bend of Shackleton Road near the blocked junction of Queens Road. It is located in a residential area generally comprising well-spaced semi-detached dwellings. No 10a is a modern addition set close to its northerly side boundary. No 8, to the south, which was originally the paired dwelling with the appeal property, has been extended to the side and the three properties now form a short terrace. However, despite these alterations, a sense of openness and degree of uniformity remains through the spaces between properties and this shapes the character of the area. The existing side extension to the appeal property is single storey and does not encroach harmfully on this important feature of the immediate and surrounding area.
6. Although designed to be subservient to the host dwelling and utilising matching materials and finishes, the first floor on the existing side extension would substantially fill the gap between No 10a and the appeal property. Whilst acknowledging that the proposal would retain a 1m set in from the boundary with No 10a in accordance with the guidance of the Residential Extensions Guidelines Supplementary Planning Document (SPD), there would nevertheless be a resultant terracing effect given the proximity of the existing built form at No 10a to the shared boundary. The development would therefore effectively close a significant gap which would be highly visible and would substantially erode the remaining space between dwellings in this prominent part of the street scene. This would appear at odds with the prevailing pattern of spacing which forms the pleasing character of the area.
7. It would therefore be harmful to the character and appearance of the area. In this respect it would conflict with Policies H15, EN1 and EN2 of the Local Plan for Slough (LP) and Policy 8 of the Slough Local Plan Development Framework Core Strategy (Core Strategy) and the guidance of the SPD. These collectively require, amongst other matters, proposals to be of a high-quality design and compatible with their surroundings in terms of visual impact and relationship to nearby properties.
8. It would also be inconsistent with policies of the National Planning Policy Framework (Framework) which seek well designed places.
9. It is noted that the Council's decision notice has also cited policy H14 of the LP which relates to amenity space, but is not specifically relevant to this issue.

### *Parking and Highway Safety*

10. Policy 7 of the Core Strategy states minimum parking standards may be applied to any small-scale residential development that is allowed in existing residential areas. The level of parking within residential areas will be appropriate to both its location, the scale of development and taking account of

local parking conditions. However, this contrasts with the policy approach of the Framework, which at paragraph 106 states maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Furthermore, paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11. The existing off-street parking for the appeal property is to the front and accessed by crossing a wide footpath. Whilst this configuration is not unusual in the area, the space is small, and partially bound by a wall. Nevertheless, it appears to be just adequate for the parking of two vehicles without overhanging the footpath.
12. The proposed area for off-street parking for this development would be similar to that existing. Whilst the drawing submitted illustrates that three vehicles could be parked in this area when all three vehicles were parked it would be difficult for people to exit and enter the vehicles and access the dwelling. If vehicles were of a slightly larger size than a modest family car there would not be adequate space for this number of vehicles. Furthermore, larger vehicles parked at the angle shown on the proposed plans would overhang the footpath, leading to conflict with pedestrians on this narrower section of the pavement.
13. I am also mindful that the necessity for a greater level of manoeuvring when accessing and exiting from the angled and constricted space across the footpath would result in conflict between pedestrians and vehicles, and in this respect the footpath would be materially less safe for pedestrians as a result. It is for these reasons I am not persuaded that three vehicles could be safely parked without encroachment on to the footpath at the front of the property.
14. I have had regard to the urban location of the appeal property and that it is well related to services, schools and public transport. The proposed development would result in a family dwelling with at least 4 bedrooms with potential capacity in the first-floor study for an additional single bed. It is noted that the SPD advises of a requirement for three off-street car parking spaces for a four plus bedroom dwelling, but also that the parking guidelines may be relaxed to two spaces in respect of a 4 bedroom dwelling where there is sufficient parking capacity in the street.
15. Many dwellings, including the appeal property, have some off-street parking provision in this area. However, these spaces are generally small. There are double yellow lines on the carriageway restricting parking along the frontage of No 10, and on-street parking is extremely limited in the cul-de-sac near the dwelling. In this regard I observed a vehicle parked on the footpath/green verge at the front of No 8.
16. The nearest on-street capacity is to the north on the short straight stretch of Shackleton Road and to the west on one side of Gilliat Road, where on-street parking was permitted in part on the footpath, given the constraints of the carriageway. Whilst I recognise that this must be taken only as a snapshot at the time of my visit, on-street parking on Gilliat Road was almost full in the early morning although the provision on Shackleton Road was less busy. Whilst parking is limited and less than ideal in this busy residential area, I have had



regard to the absence of any technical evidence having been submitted regarding parking stress in the area

17. In light of this I am not persuaded that there is a clear and compelling justification for requiring three car parking spaces in this case. Applying the guidelines of the SPD, it would therefore be appropriate to consider a reduced provision of two off-street parking spaces, where vehicles could be parked safely without the harm identified in respect to conflict with the footpath and pedestrians. I also find the location of the property close to services and public transport to be an additional factor in support of this conclusion.
18. I therefore conclude that the proposed development would provide satisfactory off-street parking. The proposal would not have a harmful effect on the safety of those using the public highway, including pedestrians. It would not be contrary to Policy 7 of the Core Strategy in respect to improving road safety. Nor would it be inconsistent with the policies of the Framework, which are a significant material consideration in this case, and that state development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. In reaching my conclusions, and being mindful of my conclusions, I have also had regard to the concerns raised regarding the impact on the existing parking arrangements at No. 10a Shackleton Road. However, it is noted that the means of access to No. 10 Shackleton Road is not being altered and the drawings confirm that the proposed development would not encroach onto the existing parking area currently used by occupants of No 10a. Any issues with regards the approved parking arrangements for No. 10a and compliance with conditions of the planning permission for that property is not a matter before me in this appeal.

#### *Private Garden Space*

20. The residential area in which the appeal property is located is generally characterised by modest dwellings with modestly sized rear gardens. However, a number of properties have extensions which have eroded this pattern of development. Moreover, the adjacent No 10a is a large detached dwelling with a modestly sized rear garden of similar proportions to the appeal property.
21. The size of the rear garden space would not be reduced as a result of the development. Whilst noting it was originally designed to serve a much smaller dwelling than would result from the development, this changing pattern of development would not be at odds with the existing immediate character of the area.
22. The rear garden space would be small proportionally to the large dwelling it would serve with the sizeable outbuilding on the rear boundary further limiting the available space. However, there is sufficient space for hanging laundry, accommodating some play equipment and space where occupants of the dwelling could sit and relax. As such it would be of a sufficient size for occupants of the dwelling to enjoy and for family activities.
23. The Council has noted that there is no fence on the shared boundary between the appeal property and No 10a. However, this matter could easily be resolved through a condition which would provide adequate and a more private space

for occupants of both properties, and I am not persuaded that this matter is therefore determinative.

24. For these reasons, the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space. It would in this respect be consistent with Policies H14, H15 and EN1 of the LP, Policy 8 of the Core Strategy and guidance in the SPD, which collectively require, when determining the appropriate level of amenity space, consideration should be given to type and size of dwelling, quality of the proposed amenity space and character of surrounding area.
25. It would also be consistent with policies of the Framework which seek a high standard of amenity for existing and future users.

#### *Living Conditions*

26. The existing side/rear extension at the appeal property is set close to the shared boundary with No 10a and its length matches the two-storey side elevation of this neighbouring dwelling at the rear. The proximity of the two dwellings at this boundary has created an enclosing effect at ground level. However, the windows on the side elevation of No 10a do not serve habitable rooms and the occupants of that dwelling enjoy a sense of openness in rooms at the rear elevation and when in the rear garden due to the undeveloped nature of the boundary with Queens Road.
27. The proposed two-storey extension to the side and rear would roughly align with the two-storey side elevation of No 10a. It would not project beyond the existing footprint of the rear elevation at the appeal property and would be stepped in slightly at this aspect. Given the scale and position of the development, the small increase in bulk at the first floor would be largely set against the existing mass of the property when viewed from the rear. The proposal would not extend along the existing undeveloped area on the shared boundary to the rear and it would not be visible from windows which serve rear habitable rooms at No 10a. Therefore, it would not appear overbearing to the occupants of No 10a when using these parts of their property.
28. I have had regard to the concerns raised by the neighbour at No 8 and appreciate the importance of access to an acceptable quality of garden space and privacy when in ground floor habitable rooms of the dwelling. However, the shared boundary with No 10 is defined by a high fence which affords the occupants of No 8 some privacy at the rear of their property and would maintain an acceptable quality of usable garden in this regard.
29. I also note the proposed development would be positioned on the northern boundary of the appeal property, with a substantial separation therefore from the shared boundary with No 8. As such it would not appear as an overly dominant feature when viewed from the rear patio or rear habitable rooms of No 8. Indeed, the outlook from the patio and patio doors at the rear elevation when looking towards the shared boundary would be similar to the existing outlook of the side elevation of No 10a. Moreover, given the favourable south easterly orientation of the rear of No 8, I am satisfied that the proposal would not result in an unacceptable loss of light reaching the patio area or windows at the rear elevation of No 8.

30. The proposed development would not therefore have a harmful effect on the living conditions of occupants of Nos 8 and 10a with regards to outlook. It would not in this respect conflict with Policies H15, EN1 and EN2 of the LP, Policy 8 of the Core Strategy and guidance of the SPD, which collectively state that proposals will only be permitted if there is no significant adverse impact on the amenity of adjoining occupiers.
31. It would also not be contrary in this regard with policies of the Framework which seek a high standard of amenity for existing and future users.

### **Other Matters**

32. I have had regard to the appellant's desire to enhance his family's living conditions, but I am satisfied that an alternative scheme could achieve this aim and benefit without the harm to the character of the area identified in this case.

### **Conclusion and Recommendation**

33. The proposed development would not result in an adverse impact on highway safety by virtue of the provision of off-street parking, and would neither result in harm by virtue of the impact on the living conditions of future occupiers, nor the occupiers of neighbouring dwellings. However, there would be an adverse effect on the character and appearance of the area from the proposed development, for which there are no material considerations, including the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
34. For the reasons given above, I therefore recommend that the appeal should be dismissed.

*A J Sutton*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

35. I have considered all the submitted evidence and concur that the appeal should be dismissed.

*Martin Seaton*

INSPECTOR



## Appeal Decisions

Site visit made on 29 June 2021

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 23 July 2021**

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**Appeal A Ref: APP/J0350/C/21/3270258**

**Appeal B Ref: APP/J0350/C/21/3270259**

**27 The Spur, Slough SL1 6EU**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Mr Santosh Potnuru and Appeal B is made by Mrs Ramya Potnuru, both against an enforcement notice issued by Slough Borough Council.
  - The notice was issued on 16 February 2021.
  - The breach of planning control as alleged in the notice is:  
*The unauthorised construction of rooflights on the side of the dwellinghouse.*
  - The requirements of the notice are to:
    - (i) *Remove the unauthorised 8 no. windows/roof lights from the northern elevation of the property and make good and repair the roof appropriately.*
    - (ii) *Remove from the land all materials, rubbish, debris, plants and machinery resulting from compliance with the above requirements.*
  - The period for compliance with the requirements is 3 months.
  - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
  - Appeal B is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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**Appeal C Ref: APP/J0350/D/21/3269700**

**27 The Spur, Slough SL1 6EU**

- 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 Santosh Potnuru against the decision of Slough Borough Council.
  - The application Ref P/02939/003, dated 31 July 2020, was refused by notice dated 10 December 2020.
  - The development proposed is to vary condition 2 attached to planning approval ref. P/02939/001 to enable the retention of the existing dwelling subject to minor alterations, including permanent obscure glazing to side facing roof lights.
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### Decisions

#### Appeals A and B – the enforcement appeals

1. It is directed that the enforcement notice is corrected by the deletion of the alleged breach of planning control and its substitution with "The failure to comply with condition 2 of planning permission Ref: P/02939/001, granted on 27 June 2018 for the construction of a part front & single storey side extension & loft conversion including rooflights" and the deletion of word "plants" in requirement (ii) of the notice and its substitution with the word "plant".

2. Subject to the corrections, the appeals are allowed and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, I hereby discharge condition No 2 attached to planning permission dated 27 June 2018, ref: P/02939/001, granted by Slough Borough Council, and substitute the following new condition:

The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.

3. I also grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a part front & single storey side extension & loft conversion including rooflights at 27 The Spur, Slough SL1 6EU as shown on the plan attached to the notice without complying with the said condition and subject to the following conditions:

1. The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.
2. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building.
3. No windows, other than those hereby approved shall be formed in the north and south (side) elevations of the development without the prior written approval of the local planning authority.

### **Appeal C – the section 78 appeal**

4. The appeal is allowed and planning permission is granted for the construction of a part front & single storey side extension & loft conversion including rooflights at 27 The Spur, Slough, SL1 6EU without complying with condition 2 imposed on planning permission ref: P/02939/001, granted on 27 June 2018 in accordance with the terms of the application, Ref P/02939/003, dated 31 July 2020, and the plans submitted with it, subject to the following conditions:

1. The upper row of rooflights in the roof slope facing 25 The Spur shall be non-opening and obscurely glazed to at least Level 3 of the Pilkington range (or equivalent) and the lower rooflights shall be non-opening, and shall be so retained at all times.
2. All new external work shall be carried out in materials that match as closely as possible the colour, texture and design of the existing building.
3. No windows, other than those hereby approved shall be formed in the north and south (side) elevations of the development without the prior written approval of the local planning authority.

### **Costs**

5. An application for costs has been made by Mr Santosh Potnuru and Mrs Ramya Potnuru against Slough Borough Council. This application is the subject of a separate decision.

## **Preliminary Matters**

6. The notice purports to be one issued under paragraph 171(A)(b) of the 1990 Act and alleges a breach of condition, but the alleged breach of planning control makes no mention of a planning permission or any condition(s) said to be in breach. After I raised this with the main parties, the Council confirmed that the notice should allege a breach of condition, namely the failure to comply with condition 2 of planning permission Ref: P/02939/001, granted on 27 June 2018 for the construction of a part front & single storey side extension & loft conversion including rooflights, which states:

*The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:*

*(a) Drawing No. BW1-00708755, Dated April 30, 2018, Recd On 04/05/2018*

*(b) Drawing No. 903-A, Dated APR. 2018, Recd On 04/05/2018*

*(c) Drawing No. 903-B, Dated APR. 2018, Recd On 04/05/2018*

*(d) Drawing No. 903-C, Dated APR. 2018, Recd On 04/05/2018*

*(e) Drawing No. 903-D, Dated APR. 2018, Recd On 04/05/2018*

*(f) Drawing No. 903-E, Dated APR. 2018, Recd On 04/05/2018*

*(g) Drawing No. 903-F, Dated APR. 2018, Recd On 04/05/2018*

The reason for imposing the condition is:

*To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.*

7. The appellant has confirmed that this is how the appellant has viewed the breach of planning control and has been how the appeal has been approached. The occupier of 25 The Spur contends that what has been constructed is materially different from what was approved, in that the amount of new building work falls outside of the scope of the permitted development. Whilst I accept that it may not have been readily appreciated that the approved development would have entailed demolition and rebuilding to the extent that it has, I am nevertheless satisfied that the development is broadly in accordance with the permitted development. I am satisfied that no injustice would arise if I were to correct the notice to refer to the correct breach of planning control.
8. There is also a typographical error in requirement (ii) of the notice, which refers to "plants" instead of "plant". I shall correct this error as no injustice would arise from my doing so.

## **Appeal on ground (a) – that planning permission should be granted**

### **Main Issue**

9. The main issue is the effect of the removing or varying the condition on the living conditions of the occupiers of 25 The Spur, with particular regard to privacy and perceived overlooking.

### **Reasons**

10. The plans approved under planning permission Ref: P/02939/001 show 3 rooflights in the roof slope facing 25 The Spur, providing high-level light to a hallway, bedroom and utility room. The most significant difference in the development as carried out is that the internal room arrangement has changed, and that 8 rooflights have been installed in the roof slope facing 25 The Spur.
11. The side elevation of the extended property lies very close to the boundary with the bungalow at 25 The Spur. There are 8 rooflights set into the roof slope facing No 25, four at a lower level and 4 at a higher level. The 4 lower rooflights are all clear-glazed, but they provide light to a hallway and a family room, and are well above the height of the floor, and their height means that there can be no overlooking of No 25. The four higher rooflights provide light to a staircase, two bathrooms and a bedroom. At the time of my visit, all four had been obscurely glazed and the handles had been removed, rendering them unopenable. Were it not for these measures, they would provide scope for clear overlooking of windows in No. 25. Accordingly, with these mitigatory measures in place, no actual overlooking is possible.
12. The bungalow at 25 The Spur has a living room window and a kitchen window which face towards the appeal site, and the distance between these windows and the nearest rooflights is just a few metres, slightly more in the case of the kitchen. An L-shaped sofa is positioned immediately behind the living room window and a computer desk is next to it. Wherever anyone is seated on the sofa or in the chair at the computer desk, one or more of the rooflights can be seen. However, the angle between the room and the rooflights is such that little of the plane of the rooflights can be seen. Even so, the number of the rooflights and their closeness, particularly the lower ones, to the living room, and to a somewhat lesser extent to the kitchen, create an uncomfortable feeling that the room may be overlooked.
13. However, a relevant consideration is that the approved scheme allowed for 3 rooflights in the roof slope facing No.25, in a slightly lower position and of a slightly larger size than the lower ones currently installed, two of which would be clearly visible from the living room window and two from the kitchen window. In my judgement, because the approved rooflights would be lower, and therefore closer to the windows of No 25, and slightly larger, the perception of being overlooked would be of a similar magnitude to the current arrangement. The approved scheme is an obvious fallback position and I consider that the appellant would be very likely to construct the approved rooflights if this appeal were to fail. I therefore consider that it is a material consideration of great weight, so that, on balance, the perceived overlooking of the current arrangement is not materially different from that which would be experienced from the approved scheme.

14. The rooflights are also visible from parts of the rear garden of No. 25. Overlooking of rear gardens is a common feature of urban living, but here there would be no direct overlooking from the rooflights. Views of the rooflights from the garden are oblique and large parts are shielded by planting. I consider that no material harm would arise from perceived overlooking of the rear garden.
15. I therefore conclude on the main issue that the development, subject to the imposition of conditions requiring the upper rooflights to be permanently closed and obscurely glazed, does not result in material harm to the living conditions of the occupiers of 25 The Spur, and does not conflict with Core Policy 8 of the Slough Core Strategy or Policy EN1 of the Local Plan for Slough, which respectively deal with sustainable development and the standard of design, and seek to protect living conditions of neighbouring occupiers. Nor is there any conflict with the Council's Supplementary Planning Document – *Residential Extensions Guidelines*.

### **Other Matters**

16. The occupier of No 25 is also concerned about light pollution from the rooflights. Whilst it may be slightly noticeable when lights are on within the relevant rooms, given the shallow angle at which they are visible, I consider that this would be unlikely to cause material harm over and above that which would arise from the permitted windows.
17. The rooflights have no impact on the amount of light received in the rooms of the neighbouring property and have an almost immaterial impact on the outlook from that property in comparison with the approved scheme.
18. The occupier of No 25 has raised a number of other matters, including the way in which the Council dealt with the planning applications for No 27 and its enforcement investigations, as well as concerns about obstruction and trespass, but these are not matters which are the subject of my jurisdiction and they cannot affect my decisions on the appeals.

### **Conditions**

19. As I have discussed above, conditions are required to ensure that the upper rooflights are both obscurely glazed and non-opening to protect the privacy of the occupiers of No 25. I shall also require that the lower rooflights be non-opening to minimise the perception of being overlooked.
20. On both appeals, I shall reimpose the conditions on the original planning permission insofar as they are still capable of having effect.

### **Conclusions**

#### **Appeals A and B**

21. For the reasons given above, I conclude that Appeal A succeeds on ground (a) and the enforcement notice should be quashed. I shall discharge the condition which is subject to the notice, and grant planning permission on the application deemed to have been made for the operations previously permitted without complying with the condition enforced against but subject to new conditions as described above.



22. As the appeals succeed on the basis that a new planning condition should be imposed, it is necessary not only to grant planning permission on the deemed planning application under s177(5) and s177(1)(a), but also to discharge the condition that is subject to the enforcement notice under s177(1)(b) and impose the new condition on the original planning permission under s177(4).
23. The appeals on grounds (f) and (g) do not fall to be considered.

**Appeal C**

24. The appeal succeeds and planning permission is granted.

*JP Roberts*

INSPECTOR



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# Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

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

**Decision date: 05 August 2021**

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## **Appeal Ref: APP/J0350/W/21/3273097**

### **88 & 90 Quinbrookes, Slough SL2 5RU**

- 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 S Kaur against the decision of Slough Borough Council.
  - The application Ref P/11562/005, dated 21 August 2020, was refused by notice dated 4 December 2020.
  - The application sought planning permission for 'erection of pitched roof and single storey front extension and single storey rear extension with flat roof to 88 Quinbrookes and amendments to planning permission reference P/11562/001 to include the erection of a single storey rear extension with pitched roof and front bay window' without complying with a condition attached to planning permission Ref P/11562/003, dated 27 August 2004.
  - The condition in dispute is No 9 which states that: 'Notwithstanding the terms and provisions of the Town & Country Planning General Permitted Development Order 1995, Schedule 2, Part 1, Classes A, B, C, D, E, & F, no further extension(s) to the house hereby permitted or buildings or enclosures shall be erected constructed or placed on the site without the express permission of the Local Planning Authority.'
  - The reason given for the condition is: 'The rear garden(s) are considered to be only just adequate for the amenity area appropriate for houses of the size proposed and would be too small to accommodate future development(s) which would otherwise be deemed to be permitted by the provision of the above order.'
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## **Decision**

1. The appeal is allowed and planning permission is granted for 'erection of pitched roof and single storey front extension and single storey rear extension with flat roof to 88 Quinbrookes and amendments to planning permission reference P/11562/001 to include the erection of a single storey rear extension with pitched roof and front bay window' at 88 & 90 Quinbrookes, Slough SL2 5RU in accordance with application ref P/11562/005 dated 21 August 2020, without compliance with condition 9 set out in planning permission ref P/11562/003 dated 27 August 2004 but otherwise subject to the following conditions:
  - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be formed in the flank elevation of the development.
  - 2) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.
  - 3) Visibility splays of 2.4 metres by 2.4 metres at the junction of the access and the adjoining public footpath (to be measured along the edge of the

- drive and the back of the footway from their point of intersection) shall be kept free of all obstructions to visibility above a height of 600mm.
- 4) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no further extensions or additions to the dwelling known as 88 Quinbrookes or buildings or enclosures shall be erected, constructed or placed on the site.
  - 5) Notwithstanding the provisions of Schedule 2, Part 1, Classes A or E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no further extensions or additions to the dwelling known as 90 Quinbrookes or buildings or enclosures shall be erected, constructed or placed on the site.

### **Procedural Matter**

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.

### **Background and Main Issue**

3. Planning permission was granted on the appeal site for the erection of a two bedroom attached house (application reference P/11562/001). Permission was subsequently granted for extensions to the existing dwelling at 88 Quinbrookes and an amended attached house (application reference P/11562/003) ('the Original Permission').
4. Condition 9 of the Original Permission restricted a range of householder permitted development rights under Classes A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 1995. This Order has since been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO'), but the specified Classes relate to the same form of development under both iterations. The appeal relates to an application seeking to amend Condition 9 in order to reinstate permitted development rights under Classes B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof) and C (any other alteration to the roof of a dwellinghouse) of the GPDO.
5. Having regard to the above and the evidence before me, the main issue is whether or not Condition 9 is reasonable and necessary in the interests of the living conditions of occupiers of the development in respect of the provision of private amenity space.

### **Reasons**

6. The reason for imposing Condition 9 refers to the rear gardens as only just adequate for the amenity area appropriate for houses of the size proposed. Guidance within the Council's Residential Extensions Supplementary Planning Document 2010 (SPD) on roof extensions/dormer windows/roof lights does not refer to effects on amenity space. Nevertheless, Policy H15 of the

Local Plan for Slough 2004 (LP) sets out that extensions to dwellings will only be permitted where certain criteria are met, including that an appropriate level of amenity space is maintained. Core Policy 8 of the Core Strategy 2008 (CS) further includes a requirement that development provides appropriate amenity space and landscaping.

7. I note that in recommending that permitted development rights be removed for No 88, the commentary in the Council's officer report for the Original Permission referred particularly to ensuring that no other structures are built in the rear garden. Nevertheless, in considering whether or not amenity space is provided and maintained at an appropriate level, it seems to me that it would be necessary to consider the amount of space that is available in the context of factors including the number of occupiers reliant on it. In this regard, I note guidance at part 11 of the SPD which outlines minimum guidelines for usable rear garden areas which vary according to the number of bedrooms within a dwelling. I acknowledge that these guidelines are expressed as the sizes of gardens to be retained following rear extensions. Even so, they offer a useful indication of the level of private amenity space that would be considered generally appropriate to meet the needs of occupiers of different sized dwellings.
8. Development under Classes B or C of the GPDO would not reduce the area of the existing amenity spaces to 88 or 90 Quinbrookes. However, it would enable the provision of further habitable accommodation within their roofs. I accept that such accommodation may be used for purposes such as a home office which would not increase the occupation of the dwellings, but it could equally include additional bedrooms, and this could not be controlled.
9. At No 88, this could reasonably result in a dwelling with four bedrooms or more. The evidence before me indicates that while the area of No 88's garden meets the level suggested by the SPD for the existing three-bedroom dwelling, it is some way below the 100sqm that the SPD suggests would be necessary for a four-bedroom dwelling where the garden is less than 15m deep. Should No 88 be occupied as a four or more bedroom dwelling, I consider that the large shortfall in amenity space against the level that the SPD suggests would be appropriate for a dwelling of this size would be detrimental to the living conditions of the occupiers. Accordingly, I find for No 88 that a continued restriction on permitted development rights under Classes B and C of the GPDO would be justified and necessary to enable proper consideration of such effects in order to avoid unacceptable harm being caused.
10. Turning to consider No 90, I note that the rear garden is around 6m deep. However, there is additional space to the side of this dwelling, and the Council indicates that the total area of garden is around 107sqm. This is in excess of the minimum size which the SPD suggests would be necessary to allow a relaxation of suggested garden depths for four or more bedroom dwellings, as well as the lesser requirement for smaller dwellings. On this basis, I see no reason from the evidence before me that there would be inadequate private amenity space to meet the needs of occupiers of No 90, even if development under Classes B or C of the GPDO were to result in an increase in the number of bedrooms from the two existing.
11. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do

so. For the above reasons, I conclude that there is such a justification at No 88 where a restriction on development under Classes B and C of the GPDO would be necessary to ensure adequate private amenity space in the interests of the living conditions of the occupiers. However, there is no compelling evidence that development under Classes B or C of the GPDO would be detrimental to the living conditions of the occupiers of No 90 in conflict with Core Policy 8 of the CS or Policy H15 of the LP, or guidance within the SPD. I am therefore satisfied that the condition restricting these permitted development rights at No 90 is unreasonable and unnecessary.

### **Conditions**

12. The Planning Practice Guidance makes clear that permission granted under Section 73 of the Act should restate the conditions imposed on the earlier permission that continue to have effect. Where conditions of the Original Permission are still relevant, I have amended them where necessary having regard to the tests set out at paragraph 56 of the Framework or for the sake of consistency, brevity or clarity.
13. Because I have found that a restriction on Classes B and C of the GPDO is only necessary in the case of No 88, I have deleted the disputed Condition 9 and imposed two substitute conditions relating to No 88 and No 90 individually. These continue to restrict other permitted development rights under Classes A and E of the GPDO. I consider this is necessary and reasonable in the interests of the living conditions of occupiers given the constrained space around the dwellings which could be harmfully reduced by extensions or alterations increasing the footprint of built development within the rear gardens. The Original Permission also restricted permitted development rights under Classes A and F. However, these Classes relate to porches and to the provision or replacement of a hard surface for purposes incidental to the enjoyment of a dwellinghouse which would not diminish the amenity area available to occupiers. Although the appellant did not seek removal of the restrictions on Classes A and F, with regard to the stated reason for imposing the condition on the Original Permission, I do not therefore find that it is necessary or reasonable to restrict rights under these Classes, and I have not done so.
14. The development has been completed. Accordingly, conditions specifying the time limit and approved plans for implementation and concerning the materials to be used and formation of access to the site from the highway are not necessary. Nor is it necessary to restrict use of garages because none are present on the site. I have however reimposed a modified condition to require that visibility splays provided at the access are maintained free of obstruction in the interests of highway safety. I have also repeated conditions preventing the addition of flank windows and access to and use of the extension roof as a balcony or sitting out area which are necessary to safeguard the living conditions of neighbouring occupiers.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be allowed.

*J Bowyer*

**INSPECTOR**



## Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

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

**Decision date: 10 August 2021**

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### **Appeal Ref: APP/J0350/W/21/3273875**

#### **100B Waterbeach Road, Slough SL1 3JY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Talwinder Singh against the decision of Slough Borough Council.
  - The application Ref P/10430/011, dated 27 October 2020, was approved on 14 January 2021 and planning permission was granted subject to conditions.
  - The development permitted is conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations.
  - The condition in dispute is No 6 which states that: 'The dwellings hereby permitted shall not be sub-divided or used in multiple occupation without the prior written approval of the Local Planning Authority.'
  - 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 is sub-divided or used in multiple occupation in accordance with the provisions of Policy H20 of the adopted Local Plan for Slough 2004.'
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### **Decision**

1. The appeal is allowed and the planning permission Ref P/10430/11 for conversion of 1no dwelling house to form 2no 3 bedroom semi detached dwellings and external alterations granted on 14 January 2021 by Slough Borough Council is varied by deleting condition 6 and substituting the following condition:
  - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings hereby permitted shall not be used in multiple occupation, including any use within Class C4 of The Town and Country Planning (Use Classes) Order 1987 (as amended) or such other legislation as may subsequently supersede it.

### **Procedural Matter**

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I have had regard to the representations made.

### **Background and Main Issue**

3. Paragraph 56 of the Framework outlines that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to

planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

4. The appeal has been made pursuant to section 78 of the Town and Country Planning Act 1990 ('the Act') which provides the right to appeal where an application for planning permission is granted subject to conditions. It relates to the appellant's objection to Condition 6 which outlines that the dwellings should not be sub-divided or used in multiple occupation. Section 79 of the Act provides that I may allow or dismiss such an appeal, or reverse or vary any part of the decision of the Local Planning Authority, and I have considered the appeal on that basis.
5. With regard to the above background and the evidence before me, the main issue is whether or not Condition 6 is necessary and reasonable in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.

### **Reasons**

6. The first part of Condition 6 refers to the sub-division of the permitted dwellings. Such development would normally constitute a material change of use for which an application for planning permission is required. Accordingly, I find that this element of the condition serves no useful planning purpose and is not necessary.
7. The condition also seeks to restrict use of the dwellings in multiple occupation. Under the Town and Country Planning (Use Classes) Order 1987 (as amended), a dwellinghouse falls within Class C3, while a House in Multiple Occupation ('HMO') for between 3 and 6 unrelated individuals falls within Class C4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') provides that the change of use between these classes would typically be permitted development not requiring planning permission.
8. If not restricted, the exercise of these permitted development rights could allow for change of both dwellings to HMOs and the occupation of the appeal site by up to 12 unrelated individuals. The Council's evidence and representations by an interested party refer to past unauthorised use of the appeal site as flats which resulted in reports of parking issues, noise and disturbance. The unauthorised use is not a matter that is before me to consider as part of this appeal, but it is nevertheless clear against this background that the occupation of the site by multiple households could give rise to effects that would be noticeable to neighbouring occupiers.
9. Moreover, a previous proposal to change the use of 100B Waterbeach Road to a large HMO for up to 9 people was dismissed at appeal<sup>1</sup> where it was concluded that the development would harm the character and appearance of the area and the living conditions of surrounding residents. In support of these conclusions, the appeal Inspector found that:

*'The introduction of a large HMO, with the associated intensification of activity this would bring, into what is essentially a suburban location, would represent a form of development that would be uncharacteristic of the surrounding area.'*

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<sup>1</sup> Appeal ref APP/J0350/W/20/3246017

10. The decision further records that:

*'The occupiers of an HMO are likely to lead independent lives from one another. Families occupying a single dwelling, even a large one, are more likely to carry out day to day activities together as a single household. Taking account of the size of the appeal property, the activity generated by nine persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would be likely to lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, even one occupied by a large family. The resulting additional noise from vehicles entering and exiting and manoeuvring into the rear parking spaces would be very noticeable to the occupants of No 100. While the number of occupants could be limited to 9, the disturbance from additional vehicle and pedestrian activities would be likely to be detrimental to the living conditions of the occupiers of No 100.'*

11. I accept that the development subject of that appeal does not offer a direct comparison. Be that as it may, the potential use of the site now for 2 Class C4 HMOs could in my view result in a similar, if not greater, level of overall intensification of activity to the large HMO previously considered even when assessed against the higher baseline of 2 single family dwellings. From the evidence before me and my observations at my visit, I find no compelling reason to disagree with the previous Inspector that this activity would be uncharacteristic of the surrounding area. I also have no firm cause to disagree that the activity and consequent noise and disturbance would be detrimental to the quality of life of neighbouring occupiers.
12. The main parties indicate that planning permission previously granted for a pair of semi-detached dwellings on the site<sup>2</sup> did not include a condition restricting use of the dwellings in multiple occupation. However, that permission was granted some time ago, and I must consider the appeal before me on its own merits and in the context of the development plan and circumstances that apply at the current time.
13. The Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance (PPG) further states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Nevertheless, given the above and that occupation of the site by up to 9 unrelated individuals has been previously found unacceptable, I find that a restriction on rights to occupy the dwellings as HMOs would in this case be justified and necessary to enable proper consideration of effects on the character and appearance of the area and the living conditions of neighbouring occupiers in order to avoid unacceptable harm being caused.
14. I accept that levels of activity would vary according to the number of individuals, and it is possible that small HMOs could have similar or lesser impacts to 2 single-family dwellings, or use of the existing dwelling as one HMO for 6 people. However, if the appeal were to succeed it would also potentially allow for far greater occupation by up to 12 people. The condition does not prevent use of the dwellings in multiple occupation outright. Instead, it requires

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<sup>2</sup> Application reference P/10430/00



an application for planning permission to be made, at which point any proposal would be assessed according to its merits, taking into account factors such as levels of occupation. The condition does not prevent use of the site as 2 single dwellings, and in light of the above I do not consider the condition to be unreasonable.

15. The condition is clearly relevant to planning and relevant to the development permitted, and I see no reason that it would not be enforceable. The intention that the dwellings may not be used in multiple occupation is plain. However, I am mindful that the PPG advises that the scope of conditions restricting the future use of permitted development rights or changes of use needs to be precisely defined, by reference to the relevant provisions of the GPDO so that it is clear exactly what rights have been limited or withdrawn. I consider that reference to the GPDO should be made within the condition to ensure it is adequately precise. The inclusion of 'without the prior written approval of the Local Planning Authority' within the condition is also ambiguous and insufficiently precise as to what is required, and I have therefore omitted it.
16. Drawing matters together, I am satisfied that the circumstances of this case mean that a condition to restrict use of the dwellings in multiple occupation is reasonable and necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. These objectives are supported by Policy H20 of The Local Plan for Slough 2004 which includes a requirement that use of properties as HMOs does not result in loss of amenity for adjoining occupiers. However, it is not necessary to specify that the dwellings may not be sub-divided, and I find that the condition should also be amended in the interests of precision in accordance with the tests set out in the Framework and PPG.

### **Conclusion**

17. For the reasons given above, I find that a condition to restrict permitted development rights for use of the dwellings as HMOs is necessary and reasonable, but that the permission should be varied as set out in the formal decision.

*J Bowyer*

**INSPECTOR**



## Appeal Decision

Site Visit made on 27 July 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

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

**Decision date: 10 August 2021**

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### **Appeal Ref: APP/J0350/W/21/3275149**

#### **230 Farnham Road, Slough SL1 4XE**

- 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 Chaiwala Slough against the decision of Slough Borough Council.
  - The application Ref P/03283/019, dated 1 September 2020, was refused by notice dated 17 November 2020.
  - The application sought planning permission for change of use from A2 (Offices) to A3 (coffee shop) with ancillary A5 (take-away) service without complying with a condition attached to planning permission Ref P/03283/013, dated 13 November 2018.
  - The condition in dispute is No 3 which states that: 'the use hereby permitted shall not be open to members of the public / customers outside the hours of 23.30 hours to 08.00 hours'.
  - The reason given for the condition is: 'to protect the amenity of residents within the vicinity of the site in accordance with Policy EN26 of The Adopted Local Plan for Slough 2004'.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. In the period since the appeal was submitted, the Government published a revised National Planning Policy Framework 2021 (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the revised Framework.

### **Background and Main Issue**

3. Planning permission was granted for development described as 'change of use from A2 (offices) to A3 (coffee shop) with ancillary A5 (take-away) service under application reference P/03283/013. Condition 3 of this permission restricts the opening hours to 0800 – 2330. The appeal proposes amendment to these hours to allow the premises to be open 1100 - 0100 Monday to Thursday and 1100 - 0200 Friday to Sunday, with seasonal variations during Eid and Ramadan to allow opening hours of 1100 - 0300. The opening hours sought would reflect those allowed under a premises license for the site. However, the fact that this license has been granted does not mean that the opening hours would be acceptable in planning terms when it is assessed against the development plan
4. The main issue is the effect of the proposed variation of Condition 3 on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

## Reasons

5. The appeal relates to a ground-floor unit currently in use as a restaurant and takeaway which is located within the Farnham Road district shopping centre where there are a mix of commercial uses including other restaurants and takeaways. The premises directly above the appeal site are occupied by a law firm, but the majority of other units to the upper floors of buildings in the vicinity are in residential use, including those above the immediately adjacent units. In this regard, I note that the Council refers to past noise and disturbance to residents in the area, and highlights local concern over the number of people congregating which has resulted in multi-agency efforts to ensure that premises comply with planning conditions, including opening hours, as well as with COVID-19 measures.
6. The appellant suggests that gatherings outside the premises have only been observed recently and are queues of customers waiting to place an order before closing time, exacerbated by restrictions imposed through the COVID-19 pandemic. Extending the opening hours may help to spread the flow of customers over a longer period reducing queues, but would also be likely to attract additional customers to the appeal site. In either case, the proposal would extend activity at the site later through the evening and into the night than currently, to more sensitive times when even in a district centre location such as this, residents would reasonably expect a certain degree of peace and quiet and to sleep.
7. Outside of Eid and Ramadan, the proposed opening hours would be consistent with other units within the centre including at 246 and 248 Farnham Road where planning permission has been granted for similar uses to open until 0200. However, and irrespective of when they were permitted, I do not know from the limited information provided the full circumstances which led to the approvals for these hours, including any assessments undertaken of noise or disturbance at those locations. Nos 246 and 248 are also within a different parade, and while 238 Farnham Road is closer, the appellant advises that this unit is only open until 0100. Moreover, the proposed opening until 0300 during Eid and Ramadan would result in activity extending even later into the early morning than other similar uses drawn to my attention in this part of the centre.
8. The appellant advises that 'Liquor King' at 240 Farnham Road is open 24 hours a day, but as a shop it seems to me that it would be generally less likely to attract groups of customers or gatherings outside than the use at the appeal site. I also note recent changes under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which may allow premises to operate as restaurants or cafes without restriction on hours, but provision for takeaway at the site would also be likely to result in activity of a different nature with additional comings and goings. In any event, I must consider the appeal before me on its merits with regard to relevant policies of the development plan.
9. Nearby residents have not objected to the appeal proposal. Nevertheless, it does not necessarily follow that the development would be acceptable. From the evidence before me, the proposal would result in activity in close proximity to the closest residential neighbours to the site taking place much later than currently occurs, and the use of sound proofing and self-closing doors would do little to alleviate noise and disturbance generated by customers arriving at and

leaving the premises, or from those who may congregate outside. Allowing additional premises within the centre to open for longer hours also has the potential to increase visitors to the area as a whole, resulting in greater overall noise and disturbance in combination with existing uses.

10. For these reasons, I am concerned that introducing activity at the site at more sensitive times would be intrusive to residential occupiers at this part of the parade, as well as to occupiers in the wider area cumulatively with existing operations. Farnham Road may be relatively busy, but I have no substantive evidence to demonstrate existing background noise levels associated with either traffic or other uses near to the site, nor to consider how levels may change as a result of the proposal. Accordingly, I am unable to determine that additional noise and disturbance associated with the proposal would not be noticeable to surrounding occupiers in this location to the detriment of their quality of life.
11. In the absence of compelling evidence to the contrary, I conclude that the proposed variation of Condition 3 would cause unacceptable harm to the living conditions of neighbouring occupiers by reason of noise and disturbance. As a consequence, the proposal would conflict with Policy 8 of the Slough Local Development Framework Core Strategy 2008 (CS) and saved Policy S12 of the Local Plan for Slough 2004 (LP) which include requirements that development does not give rise to adverse environmental effects or unacceptable levels of noise. It would also be contrary to provisions within the Framework requiring a high standard of amenity for existing users and setting out that development should not be adversely affected by unacceptable levels of noise pollution.
12. The Framework is clear that economic activity should be supported, and I also note encouragement within the LP and CS for development within centres that would ensure they retain their vitality and viability. However, these objectives are balanced alongside requirements under the above noted policies and parts of the Framework to ensure that living conditions are not unacceptably harmed. I recognise that allowing extended hours may help to support the existing business and the jobs and local economic activity associated with it. I also have no reason to doubt the appellant's suggestion that the business is well received, nor that it has been used by local organisations for meetings and has made charitable contributions. However, I do not find that these factors in favour of the proposal are sufficient to outweigh the harm that would be caused contrary to the development plan.

### **Conclusion**

13. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
14. I therefore conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**



## Appeal Decision

Site Visit made on 22 June 2021

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

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

**Decision date: 18 August 2021**

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**Appeal Ref: APP/J0350/D/20/3257929**

**36 Albert Street, Slough, SL1 2BU**

- 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 Neel Anand against the decision of Slough Borough Council.
  - The application Ref P/04532/005, dated 17 October 2019, was refused by notice dated 27 May 2020.
  - The development proposed is the construction of a part single storey, part two storey front and rear extension and alterations to existing roof, enlargement of existing vehicular access and sliding gates.
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### Decision

1. The appeal is dismissed insofar as it relates to the enlargement of existing vehicular access and sliding gates. The appeal is allowed insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof at 36 Albert Street, Slough, SL1 2BU in accordance with the terms of the application, Ref P/04532/005, dated 17 October 2019, so far as relevant to that part of the development hereby permitted and 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, insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof only, shall be carried out in accordance with the following approved plans: Existing Ground Floor Plan Drawing No PL100; Proposed Ground Floor Plan Drawing No PL200; Existing First Floor Plan Drawing No PL400; Proposed First Floor Plan Drawing No PL500; Proposed Elevations Drawing No PL800; Proposed Street View Drawing No PL950; Proposed Site Block Plan Drawing No PL960 and Site Plan.
  - 3) Prior to the beneficial use of the rooms they relate to, the proposed first floor side elevation windows shall be fitted with obscured glazing, and no part of 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 in accordance with those details and once installed shall be retained thereafter.
  - 4) 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.

## **Preliminary Matters**

2. I sought comments from the main parties on the description of development as the ones given on the application form and decision notice do not include the enlargement of the access or provision of sliding gates. These are shown on the submitted plans and are clearly separate to the works to the dwelling itself. As these aspects would have highways implications that would be different to, and they are clearly severable from, the rest of the scheme I have considered a split decision. I have therefore amended the description so that it more accurately reflects the proposal as shown on the plans.
3. The appellant's appeal statement included different parking options to those before the Council at the time of their decision or when the application was consulted upon. I cannot be satisfied that parties have had sufficient and fair opportunity to comment on the various options suggested. Therefore, I have assessed the appeal on the same plans that were before the Council at the time of their decision and upon which notification took place.

## **Main Issues**

4. The main issues of the appeal are the effect of the proposed development on:
  - The character and appearance of the area,
  - The living conditions of the occupiers of 34 Albert Street and Chapman Court, with particular regard to privacy; and
  - Highway safety.

## **Reasons**

### *Character and appearance*

5. There is no consistency to the appearance of the properties along this part of the street. Moreover, elements such as the flat roof dormer and catslide roof to the front of the appeal property are anomalies and are not found at others nearby. At present, the existing dwelling adds little to the streetscene.
6. The proposed development would considerably alter the appearance, floor space and floor area of the dwelling. Nonetheless, the alterations to the front of the property, while extending across the whole of the frontage, would largely replicate the adjacent dwelling. The height of the roof would increase; however, the use of a gable roof is more typical of the buildings in the row and similar to the properties either side.
7. The rear extensions would also stretch across the whole width of the property significantly altering the rear elevation. The ground floor addition is said to have been subject to a previous Prior Approval and the overall depth of the property would be comparable to 34 Albert Road.
8. Elements of the proposal would be contrary to certain Design Principles given in the SPD<sup>1</sup> and the original form and shape of the existing building would be largely lost. Notwithstanding this, although the alterations would not be subordinate to the existing property, the proposed scheme would improve the appearance of it. Furthermore, the scale, bulk and shape of the dwelling would

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

assimilate into the streetscene and result in a property more in keeping with those it would be most readily seen with than the existing one currently does.

9. Therefore, the proposed development would not harm the character and appearance of the area. There would be conflict with elements of the SPD<sup>2</sup> as well as saved Policies H15 and EN2 of the Local Plan for Slough (LP) where they relate to reflecting the original dwelling.
10. Nonetheless, the scheme would accord with their aims to ensure extensions harmonise with the scale and architectural style of the character of the area and the impact on the character of the locality is acceptable. It would also comply with Core Policy 8 of the Slough Local Development Framework Core Strategy (CS) and saved Policy EN1 of the LP where they require developments to be compatible with their surroundings and reflect the streetscene.
11. Finally, it would comply with the National Planning Policy Framework (Framework) where it requires schemes to be sympathetic to local character.

#### *Living Conditions*

12. There would be additional first floor windows on both side elevations. However, the plans indicate these would be fitted with obscure glazing and be non-opening below 1.7m above floor level. Subject to the imposition of a condition to ensure they are provided and retained as such there would be no significant increase in overlooking at the adjacent properties.
13. Moreover, to one side the window would face a largely blank gable end wall at 34 Albert Street and the other side faces onto the driveway, parking and already overlooked outdoor space at Chapman Court.
14. Consequently, the proposed development would not harm the living conditions of the occupiers of 34 Albert Street and Chapman Court with regard to privacy. The scheme would accord with the amenity protection aims of Core Policy 8 of the CS, saved Policies H15, EN1 and EN2 of the LP and the SPD.

#### *Highways Safety*

15. At my visit, which was mid-afternoon, and I appreciate is only a snapshot in time, the road to the front of the site was busy with a relatively constant flow of traffic. The proposed sliding gates would be likely to require vehicles to wait on the road or partly across the layby while they opened. This would be detrimental to highway safety by obstructing the free flow of traffic and increase the risk of conflicts and collisions between users.
16. The Council have not raised concern over the widening of the existing access, and I have reached the same finding. This would also improve visibility to some degree for vehicles and pedestrians. However, on the information before me it is unclear whether this element is linked to the provision of the gates with them being shown as attached to the boundary wall.
17. While it has been put to me that living accommodation could be provided in the roof space, the floor plans show there would be no increase in the number of bedrooms at the site. Therefore, while there would be alterations to the layout and size of the accommodation at the property, there has been no compelling

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<sup>2</sup> Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document

evidence to indicate that parking demand or traffic generation would increase. On this basis, the provision of a turning area is not required.

18. However, the proposed development would harm highway safety with regard to the free flow of traffic. It would conflict with Policy T2 of the LP where it requires schemes to make appropriate provision for road safety. It would fail to accord with the Framework where it states that development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. As the level of parking should be appropriate to its location and parking demand would not increase, the proposal accords with Core Policy 7 of the CS where it states that the level of parking should be appropriate to its location.

### **Conditions**

20. In addition to the standard time limit condition, in the interests of certainty, a condition specifying the approved plans, and clarifying the elements of the scheme allowed is required. To protect the character and appearance of the area, a condition requiring the external materials to match that of the existing property is imposed. A condition requiring obscure glazing for new first floor side elevation windows is imposed to retain privacy at the adjacent properties.

### **Conclusion**

21. For the reasons given above, the proposal insofar as it relates to the construction of a part single storey, part two storey front and rear extension and alterations to existing roof accords with the development plan when considered as a whole.
22. I conclude that this element of the appeal should be allowed subject to the conditions above but dismissed insofar as it relates to the enlargement of the vehicular access and sliding gates.

*Stuart Willis*

INSPECTOR





## Appeal Decision

Site visit made on 17 August 2021

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

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**Appeal Ref: APP/J0350/D/21/3275839**

**17 Telford Drive, Slough SL1 9AD**

- 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 Sandeep Saddal against the decision of Slough Borough Council.
  - The application Ref P/19122/001, dated 15 March 2021, was refused by notice dated 17 May 2021.
  - The development proposed is ground floor front entrance porch.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Whilst I have had regard to the revised national policy in my decision, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, given the particulars of this case I am satisfied that there is no requirement to seek further comment from the parties on the revised Framework, and that in taking such an approach no party or their cases would be prejudiced.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and upon the surrounding area.

### Reasons

4. 17 Telford Drive (No 17) is an end-of-terrace house positioned within a residential estate that comprises mostly similar aged and styled houses and apartment blocks. The appeal property is within part of the estate that is characterised by terraces of two-storey houses. Constructed from a recurrent palette of materials, the houses within these terraces have similar repeated forms and sizes, giving this part of the estate a distinctly cohesive and planned appearance.
5. A further feature of some of the terraces is that at each end there are back-to-back houses. The presence of several such terraces, comprising repeated house sizes, forms, and materials enhances the cohesion of the area. Some of

the houses have tiled canopies over the front doors, with others having a canopy and a store. Such features give a clear legibility that differentiates each house, as well as maintaining the harmony of the terrace. No 17 is the rear property at the end of one of the terraces, and it has the simple form and style of the other houses, with a pitched roof canopy over the front door. Consequently, the house shares many of the repeated architectural details of the host terrace and those nearby, and it thereby makes a positive contribution to the harmonious character and appearance of the area.

6. Although the extension would not span the full width of the front elevation of the house, it would extend for much of the width of the dwelling, and it would thereby from a prominent addition to the property. Given that none of the nearby terraced houses have front extensions, the proposal would be an anomalous addition, unacceptably eroding the cohesive appearance of this part of the estate. The largely unaltered and repeated presence of entrance canopies and stores provides a visual harmony throughout the terraces that the proposed extension would disrupt.
7. Furthermore, the design of the extension would set it apart from the entrance canopies and stores. The enclosed nature of the extension with its front door and side window, blank side wall and glazed rear section would have a solid appearance that would mask much of the front ground floor. This would form an incongruous juxtaposition to the open, light-weight appearance of the canopies and stores nearby.
8. Moreover, the terrace is on a gentle slope, being in an elevated position that makes the property visible from Telford Drive. Having regard to this and that the property is at one end of the terrace, it would make the extension prominent within the area. In addition, views of the extension would be available from the parking areas. The use of materials to match the house would create some harmony with the host building. Despite this, the position, size and form of the extension would combine to harmfully disrupt the character and appearance the terrace and the contribution it makes to the area.
9. I have considered the concerns of the Council that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be treated on its individual merits, in accordance with the requirements of the current development plan and all other material considerations. It does not follow therefore, that if I were to permit this scheme that it would cause a precedent.
10. The appellant has drawn my attention to other front extensions. However, none of these examples is within terraces similar to that of which No 17 forms part. Of the others, some are upon semi-detached properties within part of the estate that has a broader diversity of house types. Given these differences, the comparisons do not form a binding precedent for approving the appeal scheme.
11. The extension would, therefore, neither respect the character and appearance of the host building nor that of the area, and this would be contrary to Policy 8 of the Slough Core Strategy (2008), and Policies H15, EN1 and EN2 of the Slough Local Plan (2004). These Policies and the Slough Residential Extension Guidelines (2010) seek amongst other things, that development is of a high quality of design, which is compatible with its location and surroundings,

thereby reflecting objectives of the Framework. Consequently, the proposal would fail to accord with the development plan when considered as a whole, and there are no material considerations that indicate the application should be determined other than in accordance with the development plan.

**Other Matters**

12. Finally, the appellant's concerns regarding the Council's handling of the application are procedural matters. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

**Conclusion**

13. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR



## Appeal Decision

Hearing Held on 4 August 2021

Site visit made on 5 August 2021

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> August 2021

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**Appeal Ref: APP/J0350/W/20/3265173**

**The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT**

- 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 T Atwal of SN Langley Ltd against the decision of Slough Borough Council.
  - The application Ref P/01272/012, dated 15 October 2019, was refused by notice dated 19 August 2020.
  - The development proposed is demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision at The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT in accordance with the terms of the application, Ref P/01272/012, dated 15 October 2019, subject to the attached schedule of conditions.

### Preliminary Matter

2. During the hearing I consulted the main parties regarding the updated National Planning Policy Framework (Framework) which was published in July 2021 and taken the comments into consideration in my assessment.

### Main Issues

3. 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 neighbouring occupiers.

### Reasons

#### *Character and appearance*

4. The site lies in a prominent position on the corner of Station Road and Alderbury Road and adjacent to a railway line to the north. Station Road is a

busy highway that passes under the railway line adjacent to the site through a short tunnel. Langley Railway Station lies adjacent to this intersection and opposite to the site lies Clare House, a four-storey commercial building in a modern architectural style. Adjacent to Clare House lies Langley Business Centre, a large two to three storey modern building. As such, the opposite side of Station Road in the vicinity of the site has a commercial character and appearance with buildings of varying height.

5. Along the same side as the site along Station Road are a small group of two storey dwellings that are set back from the pavement a considerable distance. To the south of these dwellings at Scholars Walk lie three-storey blocks of flats which are in a traditional architectural style with pitched roofs and are close to the pavement such that they have more prominence than the two storey dwellings. Further to the south lies the modern Langley College. As such, while there are two storey dwellings on the same side as the site on Station Road, the taller buildings are not a significant distance away and the character of this side of the road is also varied in terms of scale and massing.
6. Alderbury Road is primarily characterised by two storey semi-detached dwellings with similar forms, fenestration and materials such that the street has a pleasant, unified and residential feel.
7. The site itself is occupied by a former public house in a traditional architectural style with varying roof forms and heights and from my observations during the site visit appears in need of some maintenance. The building is set back from the pavement on both roads and has space to the rear and sides such that the character of the site departs from that of Station Road and Alderbury Road in terms of architectural style as well as pattern of development. In terms of massing and height, the existing building is taller than the dwellings of Alderbury Road but smaller in height than Clare House. As such, the existing site provides a neutral contribution to the character and appearance of the area.
8. Given its position at the junction of Station Road and Alderbury Road, and the unique form and position of the building on the site, the existing building appears prominent when viewed from the south along Station Road. Moreover, the more suburban dwellings along Alderbury Road are not prominent when approaching the site from the south and are not largely visible until a position close to the junction is reached. In addition, given the set back of the two storey dwellings on Station Road, these buildings are also not dominant in the view towards the site from the south. Accordingly, the site has a closer visual relationship with Clare House and Langley Business Centre than the two storey residential properties when viewed from the south.
9. The view towards Station Road from Alderbury Road is largely suburban in character given the two storey dwellings. However, the four storey Clare House is notable in this view and indicative of the transition in character from Alderbury Road to Station Road.
10. The proposed building would vary in height from single storey adjacent to No 119 Alderbury Road (No 119), stepping up to five storeys at the portion closest to Station Road. The five-storey portion would then extend to the north of the site forming an overall 'L' shape building.

11. Since the five-storey massing of the eastern part of the building would be significantly higher than the existing building and the footprint of the building would be greater than existing, it would reduce the sense of spaciousness of the site. However, since it would visually relate to Clare House on the opposite side of the road, would be of a similar height and would be seen in the same view, the proposal would not appear incongruous in the area. While I acknowledge the siting of Clare House set back from Station Road it appears prominent in the street scene, such that the proposal would appear to be a similar height when viewed from street level. In addition, the uppermost storey of the proposed scheme would be recessed such that it would soften the massing and reduce the impact of the top storey.
12. While the building would be sited adjacent to the two storey buildings along Alderbury Road, the portion closest to No 119 would be single storey and the building would step up towards Station Road. Accordingly, while the building would undoubtedly urbanise the site and alter the character of the area, the gradual stepping up of the building would result in a sensible transition between the suburban character of Alderbury Road and the commercial character of Station Road. Consequently, the scale and massing of the scheme would not harm the character and appearance of the area.
13. I acknowledge that the flatted blocks of Scholars Walk are three storeys high whereas the proposal would be up to five storeys. However, given the scale and position of the appeal site in a more prominent location adjacent to the railway line, tunnel and near Clare House, the character of the vicinity around the site is not directly comparable to that of Scholars Walk. Therefore, the greater massing of the proposal would not appear inappropriate when viewed from Station Road.
14. The building would be clad primarily in brick with full height windows and flat roofs which would result in a contemporary appearance. However, given the modern appearance of Clare House and Langley Business Centre, this aspect of the proposal would not be out of keeping. In addition, the use of brick and transition to single storey massing would echo elements of the buildings along Alderbury Road. While I acknowledge the reference to layout in the reason for refusal, the 'L' shape of the proposed building would reflect the corner position of the site and result in active frontages along both streets. Therefore, the appearance and layout of the proposal would not harm the character and appearance of the area.
15. From the evidence the Council has granted outline planning permission for the redevelopment of the site consisting of Langley Business Park. While I note that, if implemented, the scheme would be likely to alter the character of that site and surrounding area, since there is no certainty with respect to the specific scheme or timing of that development, I attribute limited weight to that permission. Likewise, notwithstanding the ongoing Crossrail development at Langley Station, limited evidence was provided regarding the timing of completion such that I attribute limited weight to that development also.
16. Overall, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document (December 2008) (CS) which seeks, among other things, development that respects its location and surroundings. It would also

conflict with Policy EN1 of The Local Plan for Slough March 2004 (LP) which seeks development that would be compatible with its surroundings in terms of scale, height, massing, building form and design among other things. The development would not conflict the Framework in this respect.

17. While CS Core Policy 9 is cited in the reason for refusal, the Council has stated that it is not relevant to this main issue. Since it relates primarily to historic and natural environment, I agree with the Council in this particular respect.

#### *Living conditions*

18. The west facing elevations of the five-storey part of the proposal would face the rear gardens of Nos 117 and 119 Alderbury Road (Nos 117 and 119). Notwithstanding the separation distance of around 17m, I observed during my site visit that given the height of the proposal, a number of these windows would appear fairly close when stood in these rear gardens including the patio areas closest to the houses.
19. The flats of the five-storey portion of the building facing the neighbouring gardens would lack balconies but would have balcony railings in front of the lower part of all glazed west facing full length windows and would have obscured glazing. This would restrict views to the gardens of Nos 117 and 119 from within the rooms. However, future occupiers would overlook the rear gardens when stood close to the windows. I acknowledge that a number of the windows serve bedrooms and are less likely to be used during the daytime. I also note that the view would be largely at an angle and not directly towards the rear of the houses.
20. Given the distance and angle of the windows in relation to the rear elevations of the dwellings at Nos 117 and 119, the proposal would not result in undue harm to the privacy of the neighbouring occupiers within their houses. However, given the number of windows that would face the gardens particularly from the second, third and fourth storeys, there would be some harm to the privacy of the neighbouring occupiers of these gardens.
21. While there may also be some views into the gardens of the properties beyond Nos 117 and 119, the distance would be greater such that there would not be undue effects on those neighbouring occupiers in terms of privacy. In addition, while I acknowledge the evidence regarding views to other surrounding properties, given the distance between those properties and the proposal, there would not be undue harm in this respect.
22. The proposal includes a planting scheme with mature trees along the boundary with No 119 to address the harm with respect to privacy. A condition could be reasonably attached that would ensure that trees of a certain height were planted and retained. While there can be no certainty that the trees would fully mitigate the harm to privacy of the occupiers particularly during the winter months, they would be likely to significantly reduce the views to the gardens during the summer when the trees would have the most foliage, and the gardens are most likely to be used.
23. I note concerns regarding overshadowing as result of the proposed trees. However, given the orientation of Nos 117 to 119, there would not be unacceptable harm in this respect.

24. While a similar relationship in terms of distance and angle may be acceptable between a few mutually overlooking two storey houses, the proposal would result in a number of windows at a greater height overlooking the gardens of Nos 119 and 117. Consequently, the privacy of the neighbouring occupiers would be adversely affected by the development.
25. While the development would be clearly visible from the neighbouring gardens, since there would be outlook in other directions, the scheme would not result in an oppressive environment for the neighbouring occupiers and would not result in unacceptable harm in terms of outlook.
26. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. Therefore, it would conflict with CS Core Policy 8 and LP Policy EN1 which together seek development that respect the amenities of adjoining occupiers and are compatible with their surroundings in terms of the relationship to nearby properties. The development would also conflict with the Framework in this particular respect.
27. Since the scheme would affect the privacy from the garden areas rather than the internal spaces of the houses, and the balcony railings of the windows of the proposed west elevation would have obscured glazing, the harm would be limited.

### **Other Matters**

28. I acknowledge local concerns including those relating to parking and highway safety. Given the proximity to the Langley Station and the accessibility of services and facilities, as well as the number of one-bedroom dwellings proposed, it is unlikely that all future occupiers would require a parking space. Therefore, the number of proposed parking spaces would be unlikely to result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. The proposed access would be of sufficient width and adequate visibility such that motorists would have adequate time and space to avoid collisions when entering or exiting the site. As such, I agree with the Highway Authority who has not objected to the scheme.
29. While I also acknowledge concerns regarding future improvements to the railway bridge, the proposed building would be set away from the railway line such that there would be unlikely to be any adverse effects in this respect and the Highway Authority has not objected on this basis.
30. I note concerns regarding the effect on Langley Station which is a Locally Listed Building the significance of which lies in the evidence of historic architecture. The visibility of the Station from the site is limited and since I have not found harm with respect to the character and appearance of the area, the scheme would not adversely affect the setting or significance of this building.
31. I also acknowledge concerns regarding the living environment of future occupiers and the effect on neighbouring occupiers with respect to the noise from the plant room and other sources. Given the conclusions of the noise assessment submitted with the application, I see no reason why conditions relating to noise levels would not mitigate the harm in this respect.
32. In addition, I acknowledge local concerns regarding the size of the communal rooftop garden and balconies as well as the proposed internal spaces. However,



given the limited number of bedrooms in the dwellings and likely number of future occupiers, there would not be any harm in this respect.

33. I acknowledge concerns regarding flooding. However, the site lies within Flood Zone 1 and I see no reason why a suitably worded condition regarding surface drainage could not mitigate any risk in this regard.

### **Planning Obligations**

34. The appellant has completed a Section 106 Agreement (S106) in conjunction with Slough Borough Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following matters:

**Affordable Housing:** CS Core Policy 4 which states that all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. The proposal would conflict with this Policy in this respect as less than 30% of the dwellings are proposed to be affordable homes. However, the Viability report submitted by the appellant demonstrates that any more affordable homes would make the scheme unviable. Furthermore, given the Council's housing land supply position, I attribute limited weight to the conflict with this Policy.

While the agreement does not provide for off-site contributions towards affordable homes, it does include a Viability Review Mechanism which requires that a viability review is carried out in the event that a substantial start has not been made within a certain time. Given the findings of the Viability Report submitted as part of the application, I consider this approach to be robustly justified. In addition, the provision of just over 10% of affordable homes is in line with the requirements of the Framework. Accordingly, I consider the agreement in this respect is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Highway Works:** The highway works set out in drawing 1910-099 Rev PL09 are necessary to make the development acceptable in planning terms and the S106 requires that a Highway Agreement is entered into with the Council to ensure that a portion of land is dedicated for a future road widening scheme among other things. The measures are in line with the Transport and Highway Guidance Developer's Guide Part 3 Interim Document November 2008. As such I consider the agreement is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Education Contribution, Car Club Contribution, Locality Parking Study Contribution, Sustainable Transport Contribution:** The sums in these respects are undisputed and the terms related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

### **Planning Balance**

35. The Council are unable to demonstrate a five-year housing land supply and therefore the tilted balance in the terms of paragraph 11(d) of the Framework are engaged. The supply of housing lies in the region of 2.2 years.

36. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. CS Core Policy 8 and LP Policy EN1 relate to sustainability and high-quality design and are consistent with the Framework. Accordingly, since these policies are most relevant to the scheme, the proposal would conflict with the development plan as a whole.
37. The proposal would adversely affect the living conditions of the neighbouring occupiers of Nos 117 and 119 with regard to privacy. However, the proposal would affect the privacy of the occupiers of the garden areas rather than the internal spaces. In addition, the proposed obscure glazing would restrict views to those gained when stood in close proximity to the windows and the proposed trees along the boundary would partially mitigate the remaining harm. Therefore, since the harm would be limited, I attribute limited weight to the conflict with CS Core Policy 8.
38. While the Council has not cited CS Core Policy CS4 in their reasons for refusal, conflict with this Policy was raised by interested parties. I acknowledge the conflict with CS Core Policy 4 which states that within existing suburban residential areas there will only be limited infilling which will consist of family houses. While I also note the evidence regarding the provision of 3 bedroom dwellings, given the lack of five-year housing supply, this Policy is out-of-date and given the acute housing shortfall, I attribute limited weight to the conflict with this Policy.
39. The proposal would contribute 41 dwellings to the housing supply in a sustainable location close to public transport and local services and facilities. The scheme would also provide a temporary economic benefit during the construction phase and future occupiers would contribute to the local community. Given the significant number of dwellings proposed and the acute housing shortfall, I attribute significant weight to this benefit.
40. The Council has accepted Section 106 agreements relating to affordable housing, highway works and contributions towards education, car club, locality parking study and sustainable transport, and have found that the location is otherwise suitable. Given that the harm to the living conditions of neighbouring occupiers would be limited, I do not consider that the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### **Conditions**

41. I have considered the conditions suggested by the main parties and made changes having regard to paragraph 56 of the Framework.
42. The conditions regarding time limits and specifying plans are necessary in the interests of certainty.
43. The conditions relating to surface drainage is necessary in the interests of flooding and the condition regarding archaeology is necessary since the site lies in an area of archaeological potential. Given the evidence of historic materials within the building fabric, a condition regarding a building record is also necessary. The conditions relating to construction management plans have been combined and condensed as the aims of the suggested condition requiring

- a construction environment management plan are met through one condition which is necessary to safeguard that living conditions of neighbouring occupiers. Given the existing use of the site, the conditions relating to contamination are necessary. A condition regarding landscaping is necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. A condition relating to future electric vehicle charging points is necessary in the interests of environmental sustainability. In order to safeguard underground utilities, a condition relating to piling is necessary.
44. Since a year has passed since the bat survey, the condition requiring a new survey to be carried out is necessary to safeguard the protected species.
  45. The above conditions need to be pre-commencement as they would affect the early stages of construction.
  46. In order to safeguard the character and appearance of the area, conditions regarding external materials and architectural detailing are necessary. A condition relating to wheelchair user dwellings is necessary in the interests of the living environment of future occupiers.
  47. A condition relating to noise is necessary to safeguard the living conditions of neighbouring occupiers. The condition does not need to be pre-commencement as it is unlikely to affect the early stages of construction. In order to protect the living environment of future occupiers, a condition regarding air quality is necessary.
  48. Conditions regarding green roofs and boundary treatments are necessary to safeguard the character and appearance of the area. In order to safeguard the living environment of future occupiers, a condition relating to privacy screening is necessary. Conditions regarding a delivery servicing plan and external lighting are necessary to safeguard the living conditions of neighbouring occupiers. In the interests of biodiversity, a condition relating to bird and bat boxes is necessary. A condition regarding CCTV is necessary in the interests of security. A condition regarding renewable energy is necessary in the interests of environmental sustainability.
  49. In order to protect the living conditions of neighbouring occupiers, a condition regarding the accessibility of flat roof areas is necessary. A condition relating to a landscape management plan is necessary to safeguard the character and appearance of the area.
  50. Conditions regarding trees have been combined and are necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. To safeguard the living environment of future occupiers, a condition regarding cycle storage is necessary. A condition regarding noise rating level is necessary to safeguard the living conditions of neighbouring occupiers. A condition regarding the electric vehicle charging points is necessary in the interests of environmental sustainability. In order to protect the living conditions of neighbouring occupiers, a condition relating to obscured glazing is necessary. A condition relating to car parking is also necessary in the interests of highway safety.
  51. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed that they approve of the pre-commencement conditions.

**Conclusion**

52. The Framework is a material consideration to which I attach significant weight. Therefore, notwithstanding the conflict with the development plan, the outcome of the tilted balance as a material consideration indicates that the appeal should be allowed.

*R Sabu*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos. 1910-001 PL01, 1910- 002 PL01, 1910-010 PL03, 1910-098 PL01, 1910-099 PL09, 1910-100 PL09, 1910-101 PL05, 1910-102 PL06, 1910-103 PL06, 1910-104 PL05, 1910-105 PL05, 1910-110 PL05, 1910-111 PL04, 1910-112, 1910-120 PL03, 1910-121 PL01
- 3) No development shall take place until a surface water drainage scheme for the site, based on
  - (i) sustainable drainage principles that control surface water run-off as close to its source as possible through a sustainable drainage approach to surface water management (SUDS), and
  - (ii) an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include a Whole Life Management and Maintenance Scheme for the Surface Water Drainage Scheme. The approved details shall be fully completed before first occupation of the development thereby approved and be retained and maintained at all times in the future in accordance with the approved details.
- 4) A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
  - (i) The programme and methodology of site investigation and recording.
  - (ii) The programme for post investigation assessment.
  - (iii) Provision to be made for analysis of the site investigation and recording provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (iv) Provision to be made for archive deposition of the analysis and records of the site investigation
  - (v) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5) No demolition works or construction works shall commence until an appropriate programme of building recording and analysis, the making of a detailed record of the building to Historic England Level 2, and a watching

brief during the demolition works; has been secured in accordance with a written scheme of investigation, to be approved by the planning authority. The development including the demolition phase shall be carried out in accordance with the approved details.

- 6) No development shall take place, including any ground works until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.
- 7) The findings of the Phase 1 - Preliminary Investigation Report (Job Reference: 17827/PIR\_R26/V1.2) identified the potential for contamination; thus, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the local planning authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.
- 8) Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the local planning authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the local planning authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.
- 9) No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the local planning authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

- 10) Notwithstanding the 8no. Electric Vehicle charging bays as shown on the approved plans, a Passive Electric Vehicle Charging Report shall be submitted to the local authority for approval in writing detailing how infrastructure capacity to power 100 percent of the parking provision for future Electric Vehicles could be delivered, post occupation of the development. The report shall comprise evidence of the physical equipment, alterations to the car parking area and building and any subterranean works required to convert passive Electric Vehicle charger spaces to active spaces along with the required power supply necessary to support the Electric Vehicle chargers. The report shall be submitted to the local planning authority prior to commencement of any development work. The future conversion of passive Electric Vehicle spaces to active spaces shall be carried out in accordance with the approved Passive Electric Vehicle Charging Report for the lifetime of the development.
- 11) Prior to the commencement of the development hereby approved, a detailed landscaping scheme pursuant to the Landscape Design Document (Standerwick Land Design), dated 13/09/19 shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Scaled plan showing the proposed trees, vegetation and landscape features to be planted pursuant to the approved plans and the Landscape Design Document (Standerwick Land Design), dated 13/09/19
- Location, type and materials to be used for hard landscaping including specifications in coordination with the approved drainage strategy
- Root protection details:
- a) appropriate design for the boundary treatment and any foundations along with tree pit design tree pit design to ensure boundary tree planting does not damage the boundary treatment
  - b) underground modular systems
  - c) use within tree Root Protection Areas (RPAs)
  - d) methods to prevent the crowns from the boundary tree planting overhanging neighbour boundaries
- A schedule detailing sizes and numbers/densities of all proposed plants and to include species which attract Bumble Bees;
- Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and a plan and / or schedule demonstrating coordination and compliance with the ecological enhancements.
- The approved details shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local planning authority.
- 12) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential

- for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 13) Prior to the commencement of the development hereby approved, bat surveys with mitigation and net gains should be undertaken and submitted to the local planning authority for approval before demolition is commenced. Any mitigation and net gains shall be implemented and completed in accordance with the recommendations set out in the bat survey.
  - 14) Prior to any development above the ground floor slab of any of the dwellings hereby approved, specification and appearance details the external materials used on the building and any ancillary structures, retaining walls, and all hard standing areas (in accordance with the approved drainage strategy) pursuant to the materials indicated in the submitted design and access statement shall be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 15) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed scaled plans of the architectural detailing and appropriate depths of the returns and reveals in the elevations pursuant to the submitted design and access statement be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 16) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed plans along with Building Regulation approval demonstrating a minimum of two of the residential units and access through the building shall be provided as Wheelchair User Dwellings in accordance with Building Regulation requirement M4 (3) Wheelchair User Dwellings shall be submitted to and approved in writing by the local planning authority.  
The Wheelchair User Dwellings and access through the building shall be fully completed prior to first occupation of the development thereby approved.
  - 17) No development beyond finished ground floor slab level shall be undertaken until a supplementary noise assessment to include details of permanent on-site ventilation plant and other permanent noise-generating equipment has been submitted to and approved by the Local Planning Authority. Any noise mitigation / recommendations shall be installed prior any on-site ventilation plant and other permanent noise-generating equipment is brought into first use and be retained in good working order at all times in the future.
  - 18) No development beyond finished ground floor level / floor slab shall be undertaken until a detailed technical study to ensure acceptable internal levels of air quality within the building, including the methods and equipment that will be incorporated into the development to achieve this, has been submitted to and approved in writing by the Local planning authority. The technical study will include an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> .
  - 19) Prior to the commencement of work on the relevant part of the buildings hereby approved, details of green roofs, including planting, methods for establishment, retention, expedited measure to address failure of the planting and maintenance schedules, and ecological enhancement measures for the



development shall be submitted to and approved in writing by the Local planning authority. The green roofs shall be laid out on the building, prior to first occupation in accordance with the details as approved. The green roofs shall be permanently retained thereafter and be maintained in accordance with the timescales and methods set out in the approved maintenance schedule.

- 20) Prior to the first occupation of the development hereby approved details of the proposed boundary treatment including position, external appearance, height, materials, shall be submitted to and approved by the Local planning authority. The approved boundary treatment shall be fully installed in accordance with the approved details prior to the first occupation of the development and retained at all time on the future.
- 21) Prior to the first occupation of the development hereby approved, details of appropriate privacy screening to the side of the external terrace areas and balconies measuring 1.8 metres in height from the floor level shall be submitted and approved in writing by the Local planning authority. The approved privacy screening shall in accordance with the approved details prior to the first occupation of the development hereby approved and retained as such at all times in the future.
- 22) Prior to first occupation of the development, a site servicing strategy or Delivery and Servicing Plan (DSP) for the development including vehicle tracking, for the Development shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses in the development.
- 23) No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local planning authority for external site lighting including details of the lighting units, hours of use, and Illuminance levels including on the neighbouring land. The scheme shall demonstrate there would be no unacceptable increase in light on neighbouring habitable windows over the ambient background lighting and have acceptable impacts on highway and railway safety.

The development shall be carried out in full accordance with the approved details prior to first occupation and shall be retained as such at all times in the future. No lighting shall be provided at the site other than in accordance with the approved scheme.

- 24) Prior to occupation of any part of the development, and in accordance with the recommendations of the Ecological Letter (CSA Environmental Ref: 4985/01/CSA, 06 May 2020), details of the location of Bird and Bat nesting Boxes shall be submitted to and approved in writing by the Local planning authority. The scheme shall detail in addition to locations the design, size and material of the bird boxes and elevations and plans shall be provided to identify the bird boxes to the satisfaction of the Local planning authority The development shall be carried out in accordance with the approved details prior to any occupation of the development and shall be retained and maintained for the lifetime of the development.

- 25) The development shall not be occupied until evidence has been submitted to and approved in writing by the Local planning authority to demonstrate how the applicant has used reasonable steps to incorporate measures to comply with Secured by Design Gold Award for the development including details of any proposed CCTV equipment. The evidence shall be submitted and approved in writing by the Local planning authority, prior to first occupation of the development, and the approved security measures shall be maintained and retained thereafter.
- 26) Within three months of first occupation of the development, evidence that the renewable energy technologies, sustainable design and energy efficiency measures that achieve the forecast cumulative on-site CO2 savings of 19.0% against a Building Regulations Part L 2013 compliant scheme of otherwise identical design, as set out in the approved Energy Statement (XCO2, September 2019), have been implemented in accordance with the approved details shall be submitted and approved in writing by the Local planning authority. The approved details shall then be retained in good working order for the lifetime of the development, unless replaced by features that provide improved energy performance, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 27) Flat roof areas not to be used as balconies or terraces unless specifically shown as such on the approved drawings. These areas will be provided as green roofs in accordance with the approved drawings, unless written approval is first given for use of part of the roof(s) for the purpose of providing photovoltaic panels in accordance with the approved Energy Statement and Sustainability Statement, which shall also demonstrate that the area of green roof concerned is not required to meet the requirement for surface water run-off to the site from being no greater than greenfield run off rates. Any renewable energy details approved in accordance with this condition shall be retained as such for the lifetime of the development unless replaced by features that provide improved energy performance, also in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 28) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the approved red line site plan shall be submitted to and approved in writing by the Local planning authority prior to the occupation of the development. The landscaped areas within the approved red line site plan shall be maintained in accordance with the timescales and methods set out in the approved Landscape Management Plan.
- 29) Any tree which forms part of the approved landscaping scheme within the car parking area at the rear of the building and adjacent to the western site boundary which fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced no later than the next planting season by a tree of the same species, and of a size and maturity to be approved by the local planning authority. Any other tree, planter or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub or planter of a species, size and maturity to be approved by the local planning authority.

- 30) The cycle parking racks and storage facilities for 41 bicycles within the development shall be provided in accordance with the approved plans. The cycle facilities shall be implemented prior to the occupation of the relevant part of the development and shall be retained thereafter at all times in the future for this purpose.
- 31) The noise rating level of plant associated with building services must not exceed typical background noise levels of the development site during construction and operation. The plant rating level limits to be achieved 1m from nearest window shall not exceed 40 LAeq T dB (during daytime) or 30 LAeq T dB (during 2200-0700 hours) at Noise sensitive receptor.
- 32) The 8 x Electric Vehicle charging points as shown on the approved plans must have at least a 'Type 2' sockets, and be Mode 3 enabled EV charging units and be rated at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase). The Electric Vehicle charging points shall be constructed to be fully operational and made available for use prior to occupation of the dwellings. The Electric Vehicle charging bays shall be retained in good working order at all times in the future.
- 33) The balcony railings as shown on the approved plans, elevations, and sections, shall be glazed with obscure glass at a height of 1.1 metres above the adjoining finished floor or roof level (whichever is relevant) prior to the first occupation of the development thereby approved.
- 34) The access and parking layout as shown on the approved General Arrangement drawing shall be fully completed and made available for residents upon first occupation of the development. The parking spaces as shown on the approved plans shall used for residential purposes in connection with the development hereby approved and be retained for this purpose at all times in the future.

END OF SCHEDULE

## **APPEARANCES**

### FOR THE APPELLANT:

Ms Anjoli Foster	Barrister - Landmark Chambers
Nicki Broderick MRTPI	Planning Consultant, NMB Planning Ltd
Mr Tom Berndorfer RIBA	Partner, DGA Architects
Mr Richard Langley BDES(Hons)	Associate, DGA Architects
Mr Teerath Atwal	Appellant (SN Developments)
Mr Tom Collinson	Appellant (SN Developments)

### FOR THE COUNCIL:

Mr Christian Morrone	Principal Planning Officer
Mr Daniel Ray	Group Manager for Planning and Building Control
Mr Neil Button	Development Management Lead

### DOCUMENTS

Signed Section 106 Agreement dated 12 August 2021