

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: September 2020

PART 1

FOR INFORMATION

Planning Appeal Decisions

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

WARD(S)

ALL

Ref	Appeal	Decision
P/10430/010	100b, Waterbeach Road, Slough, SL1 3JY Change of use from a dwelling-house (Use Class C3) to a large house in multiple-occupation (Sui Generis) for up to a maximum of nine (9x) persons	Appeal Dismissed 27 th July 2020
P/15307/001	53, Lansdowne Avenue, Slough, SL1 3SG Change of use from dwellinghouse (Use Class C3) to a House of Multiple Occupation (Sui Generis) (Retrospective)	Appeal Dismissed 28 th July 2020
P/05426/001	35, Blenheim Road, Slough, SL3 7NL Retrospective application for retention of a rear outbuilding. Planning permission was refused and the appeal sought the retention of the rear outbuilding. The inspector allowed for the retention of the rear outbuilding as despite not being subordinate to the main dwelling due to being of considerable size, bulk and footprint when compared with the floorspace of the host dwelling, as it would largely be hidden behind the host building and is visible only in limited, glimpsed views over the existing garage. Also, given the surrounding mix of housing designs and other outbuildings, the design and appearance of the outbuilding is therefore not out of context. Given the site specific circumstances, the larger footprint does not have a significant effect. Since the drawings do not indicate activities that are not considered ancillary to the main dwellinghouse, and the proposal was for a householder application, the inspector has not questioned otherwise. As the development appears to have been completed, no conditions are considered necessary	Appeal Granted 17 th August 2020



Appeal Decision

Site visit made on 22 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2020

Appeal Ref: APP/J0350/W/20/3246017

100B Waterbeach Road, Slough SL1 3JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Talwinder Singh against Slough Borough Council.
 - The application Ref P/10430/010, is dated 27 August 2019.
 - The development proposed is change of use from a dwelling house (Use Class C3) to a large house in multiple occupation (Sui Generis) for up to a maximum of nine (9x) persons.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Talwinder Singh against Slough Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Following the submission of the appeal against non-determination, in their Statement, the Council have clarified the position they would have taken had they determined the application. I have had regard to these submissions, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it done so. The main issues below are therefore informed by the Council's Statement.

Main Issues

4. The main issues are:
 - The effect of the development on the stock of family housing, including in terms of the character and appearance of the area;
 - The effect of the development upon the living conditions of occupiers of 100 and 102 Waterbeach Road, with particular regard to disturbance, intensification of use and the provision of parking to the rear; and
 - The effect of the development upon highway safety, in particular with respect to vehicular parking.

Reasons

Character and appearance

5. The appeal property comprises a substantial, detached dwelling, constructed on an infill plot. To the rear, accessed via an existing gateway and along a shared driveway with No 100 Waterbeach Road, is an area of hardstanding and a small lawn. The appeal site and No 100, appear to be the only examples in the vicinity where parking areas are available behind the front building line. The character of the street is suburban, which is primarily residential, although there is a school to the east, with its playing fields to the rear of the appeal site.
6. The proposal would involve the change of use of the existing building to a large house in multiple occupation (HMO) for up to a maximum of nine persons.
7. Core Strategy Policy 4 identifies that within suburban areas, limited infilling is allowed where it would consist of the provision of family houses, which are designed to enhance the character and identity of the area. The Policy further seeks to protect existing family housing and resist their loss through flat conversion, changes of use or redevelopment.
8. The effect of the development would be that the appeal property would no longer be available for family accommodation. Whilst there may be a demand for smaller properties, they are a form of high-density housing that is inappropriate for family use. 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.
9. I therefore conclude, for the above reasons, that the proposed development would result in the loss of a family dwelling which would harm the character and appearance of the area. In this respect, it would be contrary to Policies H20 and EN1 of the Adopted Local Plan for Slough 2004 (Local Plan), Core Policy 4 of the Slough Core Strategy 2006-2026, December 2008 (Core Strategy) and the National Planning Policy Framework (the Framework). These Policies, amongst other things, seek to protect family housing and require development to be of a high-quality design, be compatible with the character of their surroundings and enhance the identity of the area.

Living conditions

10. The access to the rear parking area is via an existing, narrow driveway, which is shared with 100 Waterbeach Road. The proposal would intensify the use of this shared driveway. There is no boundary treatment between the two properties and, as a result, vehicles and pedestrians would pass extremely close to the front door and ground floor windows of No 100.
11. 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.

12. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of surrounding residents and, in this respect, it would be contrary to Policies H20 and EN1 of the Local Plan and the Framework. These Policies, amongst other things, require development to respect the amenities of adjoining occupiers and to be compatible with their surroundings in terms of their relationship with nearby properties.

Highway safety

13. The site is located in a residential area where there is a strong reliance in off-road parking, with additional capacity provided by on-street parking.
14. The scheme includes the provision of 6 off-road parking spaces, with 3 located to the front, with a further 3 to be provided to the rear yard. The Council consider that the use would give rise to a need for 9 spaces. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network
15. With regards to the spaces to the front of the property, these would be readily accessible from the road and, whilst some manoeuvring would be required to access them, this would not be dissimilar to the arrangement for other off-street parking spaces along the road. With regards to the access to the rear yard, whilst no specific plan is before me to demonstrate how vehicles would access and exit these spaces, it would appear from the information that, notwithstanding my conclusions in relation to the second main issue, access to these spaces would be achievable.
16. I note from the submissions that the Council do not currently have any parking standards with regards to HMOs but have taken their overall requirement from their standards in relation to flat developments. In this regard, whilst there are no adopted standards, the wording of Policy H20 is helpful in that it requires proposals to make provision for appropriate parking. On this basis, the provision of 6 off-road parking spaces, would appear to be appropriate for the proposed use. Furthermore, I acknowledge the location of the site in relation to nearby public transport, local services and facilities.
17. For the above reasons, I therefore conclude the proposal would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy H20 of the Local Plan, which amongst other things, seeks to ensure appropriate levels of on-site parking spaces are provided in line with the aims of the integrated transport strategy.

Other Matters

18. My attention has been drawn to the permitted development that exists by virtue of the General Permitted Development Order (GPDO) (2015), which would allow the appeal property to be used as an HMO with no more than 6

residents. It has been submitted that this provides a fallback, which carries significant weight to justify making a decision not in accordance with the development plan. Be that as it may, in my view any such change would not be as substantial as the proposal now before me. In any event, this is not considered to outweigh the conflict I have found with the development plan.

Conclusion

19. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm to the character and appearance of the area and the living conditions of neighbouring residents. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed, and I refuse planning permission.

Adrian Hunter

INSPECTOR



Appeal Decision

Site visit made on 16 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2020

Appeal Ref: APP/J0350/W/20/3245018

53 Lansdowne Avenue, Slough, SL1 3SG

- 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 Faz Hassan against the decision of Slough Borough Council.
 - The application Ref P/15307/001, dated 8 January 2019, was refused by notice dated 9 December 2019.
 - The development proposed is retrospective application for HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Appeal Form and the Council's Decision Notice both describe the development as change of use from dwellinghouse (Use Class C3) to a House of Multiple Occupation (Sui Generis) (Retrospective). As this more accurately describes the development I have dealt with the appeal on this basis.
3. I observed that the change of use described above has already occurred. I have dealt with the appeal on that basis.
4. There is disagreement between the parties with regards to the number of residents that would live at the appeal property. On the basis of the plans showing 5 double bedrooms, the Council consider that it could be up to 10 residents. Contrary to this, evidence has been submitted which confirms that the property has a licence, granted by the Council, for up to 8 occupants. I give greater consideration to the licence and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues are the effect of the development upon:
 - the supply of family housing within the Borough;
 - the living conditions of future occupiers and those of surrounding neighbours, with particular reference to internal space, and any noise or disturbance which may arise from the development; and
 - The effect of the proposal upon highway safety, in particular with respect to vehicular parking.

Reasons

Supply of family housing

6. The appeal property is one of a pair of semi-detached houses situated within a residential street. Within the immediate vicinity of the appeal site are a range of dwelling sizes and types, including purpose built flats and older properties. The proposal would change the use of the building to a House in Multiple Occupation (HMO) with bedrooms on the ground and first floors. Communal living areas are provided on the ground floor, along with a study on the first floor.
7. The size and configuration of the house and garden mean that it would be suitable for family accommodation. The effect of the development has been that the house is no longer available for accommodation on such a basis and would be contrary to Slough Core Strategy (CS) Core Policy 4, which seeks to protect family housing and resist their loss through flat conversion, changes of use or redevelopment.
8. Paragraph 7.55 of the CS anticipates that an increase in the number of flats within the Borough through new development, will help to meet the need for smaller accommodation. Whilst the development would provide accommodation suitable for single persons in an accessible location, and this might be affordable, there is no substantive evidence that such a need could not be met alternatively. These attributes would not outweigh the harm that the loss of a family dwelling would cause.
9. For the above reasons, I therefore conclude that the development would result in the loss of a family unit of accommodation and, in this regard, is contrary to Policy CS4 of the CS.

Living Conditions

10. There would appear to be no Council adopted standards for room sizes within HMOs. Given that residents of the HMO are likely to be living independent of each other, residents may therefore spend more time in their private space. However, the size of the proposed rooms would appear to be suitable for their intended level of occupancy and use. Furthermore, the provision of communal facilities would also appear to be adequate.
11. Two of the ground floor bedrooms would face onto the parking area at the front of the property and would be located close to the main entrance. When compared with other bedrooms in the property, these rooms are likely to suffer from greater disturbance from comings and goings. The juxtaposition of these rooms with the access and external car parking area would therefore have some impact on the living conditions of occupiers of these rooms. However, I consider this would cause limited harm and, on its own, does not justify withholding planning permission.
12. The appeal property is attached to 51 Lansdowne Avenue. Although their respective front doors are not adjacent to each other, due to the shared single storey front addition, the two properties, nonetheless, have a sensitive relationship to each other. 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 household. Taking account of the size of the appeal property, the activity

generated by eight persons living independent lives, with separate routines, and their attendant comings and goings along with those of their visitors, would 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.

13. For the above reasons, I therefore conclude that the development would harm the living conditions of surrounding residents and, in this regard, is contrary to Policy H20 of the Local Plan, which amongst other things, seeks to ensure that proposals do not result in the loss of amenity for adjoining occupiers.

Highway safety

14. The scheme includes the provision of 3 off-road parking spaces. Within the vicinity of the appeal site, there are areas where parking is restricted and controlled through permit only parking.
15. The Council consider that the use would give rise to a need for 5 spaces. The National Planning Policy Framework (the Framework) has a core principle of making the fullest possible use of public transport, walking and cycling. Paragraphs 105 and 106 require, amongst other things maximum parking standards to be only set where there is clear and compelling justification that they are necessary for managing the local road network.
16. The site lies in a sustainable location with a range of nearby shops, services and employment opportunities. I noted a bus service and there is a mainline train station within walking distance. The use of sustainable transport should therefore be encouraged. In the absence of clear evidence of a local parking issue, I do not consider that the proposal would result in a significant shortage in off road parking provision. Nor has it been demonstrated that even if there was a deficiency, that it would have a harmful effect on highway safety. Furthermore, surrounding on-street parking is controlled through parking permits and it is therefore within the control of the Council to limit additional on-street provision.
17. With regards to the proposed layout of the car parking spaces as shown on the plans, I share the Local Highway Authorities concern's that a number of the spaces as drawn would be likely to be difficult to access and would result in an unacceptable number of manoeuvres. However, I note from my visit that current parking was arranged differently to that proposed. Whilst the current arrangement would appear to require vehicles to either reverse into or out of these spaces, this arrangement would not be dissimilar to other properties along the street. In my judgement, this is a matter that could be dealt with by means of a suitably worded condition were planning permission to be granted.
18. For the above reasons, I therefore conclude that the site lies in a sustainable location and that the proposed 3 parking spaces are adequate to accommodate the scale of the HMO use proposed and that overall, the proposal would be unlikely to have an adverse effect upon highway safety. In this regard, the proposal complies with Policy H20 of the Local Plan, which amongst other things, seeks to ensure appropriate levels of on-site parking spaces are provided in line with the aims of the integrated transport strategy.

Other Matters

19. In terms of the harm, my attention has been drawn to the permitted development that exists by virtue of the General Permitted Development Order (GPDO) (2015), which would allow the appeal property to be used as an HMO, occupied by no more than 6 residents. It has been submitted that this provides a fallback, which carries significant weight to justify making a decision not in accordance with the development plan. Be that as it may, in my view any such change would not be as substantial as the proposal now before me. In any event, this is not considered to outweigh the conflict I have found with the development plan.

Conclusion

20. I have found that the proposed development would not have an adverse effect upon highway safety. However, this is outweighed by the harm caused to the character and appearance of the area from the loss of a family dwelling and the harm to the living conditions of neighbouring residents. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR



Appeal Decision

Site visit made on 28 July 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2020

Appeal Ref: APP/J0350/D/20/3245659

35 Blenheim Road, Slough SL3 7NL

- 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 Zoheb Chaudhry against the decision of Slough Borough Council.
 - The application Ref P/05426/001, dated 2 September 2019, was refused by notice dated 25 November 2019.
 - The development proposed is construction of an outbuilding (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for construction of an outbuilding at 35 Blenheim Road, Slough SL3 7NL in accordance with the terms of the application, P/05426/001, dated 2 September 2019.

Preliminary Matters

2. I note that the application is retrospective and that the outbuilding has already been constructed and is partially in use. For the avoidance of doubt, I have determined this appeal on the plans as submitted.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of surrounding residents, with particular regard to whether the use of the outbuilding would be ancillary to the main dwelling house.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached family dwelling, which has been extended over the years. It is located at the south-eastern end of Blenheim Road, which is a residential cul-de-sac. Due to the position of the appeal site around the vehicle turning area at the end of Blenheim Road, the plot width at the front is relatively narrow, but widens considerably at the rear. Within the surrounding area, there are a number of residential outbuildings to the rear of existing properties, including those within the rear gardens of the dwellings either side of the appeal site.

5. The proposed development is a single storey outbuilding, located adjacent to the rear boundary of the appeal site. It has a pitched roof and extends across the full width of the plot.
6. The building is of a considerable size, bulk and footprint when compared with the floorspace of the host dwelling. In this respect, the outbuilding is not subordinate to the main dwelling. Despite its size and bulk, it is however largely hidden behind the existing host building and, when viewed from the street, is only visible in limited, glimpsed views over the existing garage. It therefore does not detract from the character of the area through over dominance or obtrusiveness. Given this, I therefore find that, whilst it is larger than the footprint of the host dwelling, the development does not have a significant effect, such that the withholding of planning permission on these grounds alone would not be warranted.
7. Nonetheless, any lack of visibility from public areas alone does not justify the development plan's or the National Planning Policy Framework's (the Framework) requirement to achieve good design. The proposed outbuilding is of a modern design, drawing inspiration from the existing house in terms of its finished materials and external appearance. Given the surrounding mix of house designs and other outbuildings, the design and appearance of the outbuilding is therefore not out of context. Furthermore, due to the size and dimension of the plot, the appeal property would still retain a reasonably sized garden, which even given the presence of the outbuilding, is in keeping with the wider area. As such, whilst the outbuilding is relatively large, it would not be overly dominant.
8. For the above reasons, I therefore conclude that the proposed development does not harm the character and appearance of the area and, in this respect, is in accordance with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document December 2008 (Core Strategy), Policy EN1 of The Adopted Local Plan for Slough 2004 (The Local Plan), Slough Residential Extensions Guidelines Supplementary Planning Document Adopted January 2010 (The SPD) and paragraph 127 of The Framework. These policies, amongst other things, seek to ensure a high standard of design which is compatible with the surroundings.

Living conditions

9. Concern has been expressed that the outbuilding is not incidental or ancillary to the main dwelling and as such, would impact upon the living conditions of surrounding residents.
10. From a review of the submitted drawings, these do not appear to indicate that the use of the outbuilding would be for anything other than activities which are ancillary to that of the main dwelling house. I have been presented with no substantive evidence to the contrary. Furthermore, I note that the appeal application was made on an application form for householder development and the appeal was made on that basis, as such no change of use is proposed, and I have dealt with the appeal on this basis.
11. For the above reasons, I therefore conclude that the proposed development does not harm the living conditions of surrounding residents and, in this respect, is in accordance with Core Policy 8 of the Core Strategy, Section 9 of the SPD, and The Framework. These policies amongst other things, seek to

ensure that new development respects the living conditions of adjoining residents.

Conclusion

12. I conclude, for the reasons outlined above, that the appeal should be allowed and, that as the development appears to have been completed, no conditions are necessary.

Adrian Hunter

INSPECTOR