

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: November 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/17350/003	<p>28, Shaggy Calf Lane, Slough, SL2 5HH</p> <p>Demolition of existing house and construction of 4no. new two bedroom houses</p> <p>Planning permission was refused 20th February 2020, as the proposals were considered to be out-of-character with the street scene.</p> <p>The planning inspector considered the appearance of the street was characterised by the grass verge and tree line frontage, with properties having car parking to the front. Matters of detail in terms of the smaller size and different roof scape were not factors that the Inspector considered were harmful in the street view.</p> <p>Also the addition of four new dwellings would be "significant in helping meet the housing land supply shortfall" given the Council has not met its target.</p>	<p>Appeal Granted</p> <p>30th September 2020</p>
P/13310/018	<p>Coln Industrial Estate, Unit 8, Bath Road, Colnbrook, Slough, SL3 0NJ</p> <p>Construction of a single storey side extension to existing building</p> <p>An appeal was made against non-validation within the appropriate time-frame as a result of validation dispute in terms of a discrepancy between the application form and the site and its ownership. This was resolved but as the appeal had been submitted, the LPA were unable to issue the decision. The LPA confirmed via the appeal that had it validated the application and gone on to determine, planning permission would have been granted which the inspector agreed with.</p>	<p>Appeal Granted</p> <p>1st October 2020</p>
P/02498/006	<p>32 Langley Road</p> <p>Lawful development certificate for a proposed rear outbuilding as use as a gym and hobby/garden room</p>	<p>Appeal Dismissed</p> <p>1st October 2020</p>

P/17754/004	<p>77, Grasmere Avenue, Slough, SL2 5JE</p> <p>Construction of a single storey side and rear extension and a part first floor rear extension.</p> <p>Planning permission was refused 22nd June 2020, as the development is considered to represent poor design by reason of the large, unbroken and excessive ground floor flank elevation which relates poorly with the neighbouring dwelling of No. 79 Grasmere Avenue. The 10cm recess does not provide sufficient breathing room to break up the façade and as such is harmful to the character and appearance of the immediate area.</p> <p>The planning inspector considered the proposed extension along the flank wall does not differ in height to the extant scheme and would not lead to a sense of enclosure to No 79. The inclusions of a recess would break up the built form of the proposal and would mean it would not appear as overly dominate or overbearing within this neighbouring property. As such, that the proposal would not harm the living conditions of neighbouring occupiers of No.79 Grasmere Avenue.</p>	<p>Appeal Granted</p> <p>2nd October 2020</p>
P/17882/003	<p>1, Dalton Green, Slough, SL3 7GA</p> <p>Construction of a single storey rear extension</p> <p>Planning permission was refused 6th April 2020, as the proposed single storey rear extension by reason of its size and scale would result in an unacceptable loss of outdoor amenity space available to the host dwelling, to the detriment of the local character and the amenity of future occupiers.</p> <p>The planning inspector considered the quality of the retained space and close proximity to other outdoor facilities means that the proposal otherwise meets the terms of the development plan when read as a whole. Therefore the retained outdoor amenity space is sufficient to maintain the living conditions of present and future occupiers.</p>	<p>Appeal Granted</p> <p>14th October 2020</p>
P/02879/007	<p>32 & 34 Newton Close</p> <p>Construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages</p> <p>Planning permission was refused 9th December 2019, as the proposals were considered to be out-of-character with the street scene and harm the neighbours' amenities due to overshadowing and resulting poor outlook.</p> <p>The planning inspector considered the estate layout is not so pristine or architecturally notable that it cannot accommodate acceptable change. The new houses would not prove prominent, as they are deep in a gap between the existing properties. Also, the Inspector considered the impact of overshadowing, if at all, would not be harmful to the neighbours.</p>	<p>Appeal Granted</p> <p>16th October 2020</p>

P/08040/021	<p>4 - 10A Alexandra Road, Slough, SL1 2NQ</p> <p>Variation of Condition 6 (Approved Drawings) seeking amendments to the approved drawings comprising the relocation of vehicular access from Alexandra Road to the lower ground floor car park (under 4-10A Alexandra Road), adjustment to the angle of the external wall in the north western corner of the building and associated external works in connection with planning permission (As Amended by Ref: P/08040/004) dated 27th June 1995 for the erection of a supermarket and 9 no. retail shops with a guest house on the first and second floors containing ancillary facilities including 2 no. staff flats, 30 no. bedrooms and offices on the Chalvey Road West/Alexandra Road junction and erection of 10 no. residential units on the Alexandra Road frontage with car parking and servicing on the land at the rear of Alexandra Plaza.</p>	<p>Appeal Dismissed</p> <p>20th October 2020</p>
P/12604/002	<p>12-14, Lynwood Avenue, Slough, SL3 7BH</p> <p>Demolition of existing dwelling and construction of 4no. three bedroom dwellings and 2no. four bedroom dwellings with associated access, parking and amenity space</p>	<p>Appeal Dismissed</p> <p>27th October 2020</p>



Appeal Decision

Site visit made on 18 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/J0350/W/20/3248833

28 Shaggy Calf Lane, Slough SL2 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Macpherson against the decision of Slough Borough Council.
 - The application Ref P/17350/003, dated 15 May 2019, was refused by notice dated 20 February 2020.
 - The development proposed is 4 no two bed houses fronting Shaggy Calf Lane, following demolition of the existing property at 28 Shaggy Calf Lane.
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Decision

1. The appeal is allowed and planning permission is granted for 4 no two bed houses fronting Shaggy Calf Lane, following demolition of the existing property at 28 Shaggy Calf Lane, Slough SL2 5HH in accordance with the terms of the application, Ref P/17350/003, dated 15 May 2019, and the plans submitted with it, subject to the conditions in the schedule of conditions at the end of this decision.

Procedural Matters

2. The appellant's appeal statement explains that plans PT/1577/2 Rev A and PT/1577/3 Rev A were submitted as revised plans to the Council on September 2019. However, they were not listed in the informative of considered plans on the decision notice but have now been confirmed as those considered. These plans reduce the footprint of one pair of semi-detached dwellings by 1.2m and I have considered the appeal on this basis.

Main issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site is on the corner of Shaggy Calf Lane and Grasmere Avenue. The former is lined by trees and has a grassed open space opposite the site. The lane has a discernible building line whereby the houses are set back allowing parking on the frontage. There is also some consistency in the houses with gables in the eaves, plain tiled and hipped roofs and curved arched doorways. The Council suggest that the area has an arts and crafts influence. Grasmere

Avenue appears to be more reflective of 1970s style housing and is more varied in house types and form.

5. The site has a single dwelling which is currently vacant and boarded up. The garden has been cleared. The appeal site together with land to the south along Grasmere Avenue was granted planning permission for redevelopment. Two of these houses, on Grasmere Avenue have been built, but a permitted single new house fronting Shaggy Calf Lane has not been built.
6. The two new houses to the rear, off Grasmere Avenue, have closed off any outward view across the site and similarly the neighbouring dwelling to the east. Consequently, the proposal would not curtail any views.
7. The proposed 4 houses would front Shaggy Calf Lane, in alignment with the neighbouring houses, thereby maintaining the building line. Car parking would also be on the frontage which is again characteristic of the area. Similarly, the proposed semi-detached dwellings would also be reflective of the area
8. I observed on my site visit that there is a variety of the sizes of the gaps between the side of dwellings. Moreover, the lane is not overtly characterised by its residential frontage as the open space opposite the site draws the eye away from the buildings and the houses as are also set back so they are not particularly dominant.
9. The appellant states that there would be a 2.7m gap between the pair of semi-detached buildings. There would be a similar gap to the neighbour to the east. These gaps are sufficiently spacious so that the proposal would not appear cramped. Furthermore, fully hipped roofs would be used which would help the perception of space.
10. The dwellings would have a narrow frontage, emphasised by being limited to a door and window. Consequently, they would be perceived as small.
11. The dwellings would have rear gardens commensurately sized with most modern new housing and there would also be adequate space to the front for car parking. These aspects would also indicate that the development is not cramped, and the proposed 4 houses could be accommodated on the site without harming the area.
12. The proposed detailing of the dwellings would also be significant. Firstly, the fenestration of each semi is orientated towards the centre of the building, which helps break up its form. Secondly the proposal would give a symmetrical arrangement of the doors and windows which would make a simple harmonious appearance. Thirdly, the detailing would reflect the characteristics of the area; curved door arches, and window/wall ratio. The proposed hipped roof and eaves line dormers would also reflect the current building on the appeal site. The proposal would not therefore undermine the coherency of Shaggy Calf Lane.
13. From Grasmere Avenue the proposal would be prominent. However, the new houses would complete the frontage which would otherwise appear discontinuous for no apparent reason. The proposal helps to provide a logical and discernible frontage.
14. I therefore conclude that the proposal would not harm the character and appearance of the area. Policy 8 of the Slough Local Development Framework

Core Strategy supports proposals which are respectful to the area, The Local Plan for Slough Policy EN1 provides criteria for general design, whilst Policy H13 allows for small scale residential development which is sympathetic to the area. National Planning Policy Framework (the Framework) paragraphs 127 - 130 promote quality design in conjunction with The National Design Guide. The proposal would not be contrary to these policies.

Other matters

15. Third parties raise concerns about traffic, but the proposal would not significantly usage of the lane. The site would have good visibility and it would be possible to turn within the site boundary. Privacy is also raised but the dwellings would be within the building line and the new house to the south of Grasmere which backs on to the appeal site has a blank gable. Disturbance during construction has also been raised but the site would be big enough to accommodate building operations and hours of work and noise would be within other controls.

Planning balance

16. Both parties agree that the Council is not meeting its residential land supply requirements. The shortfall in land supply means that there is no presumption in favour of the Development Plan under section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 11 (d) of the Framework applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
17. The nature of the proposal would accord with the Framework, and the principle of the new housing here and the detailed proposal would not conflict with any Local Plan policy.
18. The 4 houses here would be significant to help ease the housing land supply shortfall. Indeed, the appeal site is an accessible location being close to everyday community facilities, public transport and employment opportunities. The proposal would bring social and economic benefits.

Conditions

19. The Council recommends conditions which are accepted by the appellant. The Framework at paragraph 55 and Planning Practice Guidance (PPG) provide the tests for conditions. The standard time and approved plans are helpful for clarity. Materials are important to the character of the area and therefore a condition is necessary. Parking and waste provision are important for the functioning of the development. Conditions to remove permitted development for alterations to houses and outbuildings are suggested. However, the proposed dwellings would be within a building line and would have reasonable garden space, which suggests that there should be scope within the parameters for reasonable alterations; the PPG also states that this is only warranted in exceptional circumstances.

Conclusion

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

John Longmuir

INSPECTOR

-----Schedule of conditions-----

- 1) The development hereby permitted shall be commenced within three years of the date of this decision.
- 2) The development hereby permitted shall only be implemented in accordance with the following plans and drawings hereby approved: PT/1577/1 rev G, PT/1577/2 Rev A, PT/1577/3 Rev A, PT/1577/4, PT/1577/5.
- 3) Samples of the walling and roofing shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of any external walling. The walling and roofing shall be undertaken in accordance with the approved samples.
- 4) The waste/recycling and parking/turning facilities as shown on the approved plans shall all be provided prior to the occupation of the development and retained as such thereafter.



Appeal Decision

Site visit made on 8 September 2020

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/J0350/W/20/3249338

Coln Industrial Estate, Unit 8, Bath Road, Colnbrook, Slough, SL3 0NJ

- 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 Raj Jagdev against Slough Borough Council.
 - The application Ref P/13310/018 is dated 5 November 2019.
 - The development proposed is extension of existing industrial unit.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of an existing industrial unit at Unit 8, Coln Industrial Estate, Bath Road, Colnbrook, Slough, SL3 0NJ in accordance with the terms of the application, Ref P/13310/018, dated 5 November 2019, subject to the conditions listed in the annex to this letter.

Background and Main Issues

2. This appeal against the Council's failure to give notice of a decision has transpired due to a validation dispute between the main parties. The main issues are therefore whether or not the planning application should have been validated by the Council, and in the event that I find it should have been validated, whether there are any other considerations that would warrant refusal of planning permission and dismissal of the appeal.

Reasons

3. A site plan was submitted with the application indicating highway land within the 'red line' showing the boundary of the area under consideration. Not all of the land within the red line on this initial plan was owned by the appellant, and the correct procedures to notify the necessary parties of the application had not been carried out by the applicant.
4. Although an amended site plan¹ was submitted during the consideration of the application, the Council did not validate the application. As an appeal has been made against non-validation within the appropriate time-frame, it falls to me to determine the appeal.
5. The Council has confirmed that all of the land within the red line of the amended site plan is within the control of the appellant. As there is no longer a

¹ Both the original and amended site plans are undated and are identical, with the exception of the position of the red line.

discrepancy between the application form and the site and its ownership, I consider that the application should have been made valid. In arriving at this decision, I am of the opinion that the minor nature of the difference between the original and amended site plans has not resulted in any parties being prejudiced.

6. The Council has indicated that had it validated the application and gone on to determine, planning permission would have been granted. There are no matters in dispute between the main parties, and the Council's evidence indicates that there are no issues of concern. The Council's assessment of the proposal is appropriate, and I see no reason to disagree with any of its findings.
7. I therefore conclude that the appeal should have validated by the Council, and that there are any no considerations that would warrant refusal of planning permission and dismissal of the appeal, including any conflict with the development plan for the area.

Conditions

8. I have assessed the Council's suggested conditions against the tests set out in the Planning Practice Guidance (PPG)². Condition No. 2 is included for the absence of doubt, and Nos. 3 and 7 to ensure that the character and appearance of the area is not harmed. Condition No. 4 is applied to ensure that the land is used as intended and in the interests of highway safety, and Nos. 5 and 6 to ensure that the living conditions of nearby residents are protected.
9. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

² PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

ANNEX – LIST OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan received by the Council on 14/06/2020; Proposed Floor Plan, drawing no 04 Rev A received by the Council on 14/06/2019; Proposed Elevations, drawing no 06 received by the Council on 19/11/2019; Proposed Roof Plans, drawing no 05 received by the Council on 19/11/2019.
- 3) 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 at the date of this permission.
- 4) The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
- 5) No service delivery vehicles may arrive, depart, be loaded or unloaded nor fork lift trucks operate within the site outside of the hours of 06:00 and 23:00 daily; and not more than four service delivery vehicles may arrive or depart from the site during any hour period between the hours of 18:00 and 23:00.
- 6) The construction of the extension shall be such that must provide adequate sound insulation to ensure that the noise generated inside the units by the operation of the plant machinery, etc. shall not include the background noise levels during day time expresses as LA90 [1 hour] (day time 07:00-2300 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00) at any adjoining noise sensitive locations or premises in separate occupation above the prevailing when the machinery is not operating. Noise measures for the purpose of this condition shall be pursuant to BS 4142:2014+A1:2019.
- 7) Details of the building foundations, which will be designed to avoid negative impact upon the roots of retained trees, shall be submitted to and approved in writing by the Local Planning Authority before the beginning of any building works. The foundations shall only be constructed in accordance with the approved details.



Appeal Decision

Site visit made on 2 September 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/J0350/X/20/3249567

32 Langley Road, Slough SL3 7AD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Dean Jalaf against the decision of Slough Borough Council.
 - The application Ref P/02498/006, dated 12 November 2019, was refused by notice dated 9 January 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is an outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant suggests that the proposed outbuilding would be lawful by reason of the planning permission granted under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This enables the construction of buildings etc. incidental to the enjoyment of a dwellinghouse. I understand that the Council do not dispute that the building would fall within the size criteria of the GPDO, including in relation to its distance from the property boundaries. I see no reason to disagree with their conclusions in this regard. Nevertheless, the Council suggest that, due to the size and proposed use of the building, it would not be incidental to the dwellinghouse as required by the GPDO.
3. Therefore, the main issue in this appeal is whether the Council's decision to refuse to grant an LDC was well-founded, taking account of the use of the outbuilding.

Reasons

4. Where an LDC is sought the burden of proving relevant facts rests with the appellant and the test of the evidence is on the balance of probability. The evidence to support the application should be precise and unambiguous.
5. The dwelling at 32 Langley Road is a large detached dwelling with an extension to the rear. It has a long rear garden that contains an existing outbuilding used as a garage or store and modest covered area to the rear that is shown as a

BBQ area on the plans. The proposal is for an outbuilding with three rooms including WC. The largest of the rooms is proposed to be used as a gym, with storage and hobby workshop in the adjacent room. Access to the building would be through bifold doors into the gym, with the other room and WC accessed from it.

6. The appellant has submitted details of the equipment intended to be installed in the gym. There is a significant amount of equipment and some of it is of substantial size, but the information submitted suggests the size of this room is not excessive for the purposes proposed. I note that a previous proposal indicated a smaller gym and the reason for the change in size is not clear.
7. The application form and plans suggest that the second room would be used for storage of garden furniture and a hobby workshop. However, in the appeal the appellant has listed a number of other items, such as dry food, to be stored in the second room. In addition, it would be used as a hobby room with space for a table and chairs and play space. Consequently, there is some inconsistency as to what would be stored in the room. As access is through the gym, storage of garden furniture may be impractical.
8. It is not unreasonable to provide WC facilities for users of the gym or hobby workshop, although this room is also quite large for this purpose. I note that the Council suggest that the building would be of a size to comply with the Nationally Described Space Standard for a 1 bedroom 2 person dwelling.
9. Taking account of all of this information, I consider the evidence is not precise and unambiguous. As such, it indicates that the building is more than can be considered as incidental to the dwelling.
10. Taking account of the existing garage or store building and the covered BBQ area, the proposals would result in outbuildings of considerable size in comparison to the main dwelling. As a result, on balance I consider that visually they would not appear ancillary or subordinate to the dwellinghouse. I conclude that, on the balance of probability, the use of the building would not be incidental to the dwellinghouse.
11. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed outbuilding with a flat roof to form a home gym room with a garden furniture store/workshop room and a WC was well-founded and that the appeal should fail. I will exercise the powers transferred to me under section 195(3) of the 1990 Act as amended.

AJ Steen

INSPECTOR



Appeal Decision

Site visit made on 17 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 2 October 2020

Appeal Ref: APP/J0350/D/20/3256850

77 Grasmere Avenue, Slough SL2 5JE

- 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 Aftab Ali against the decision of Slough Borough Council.
 - The application Ref P/17754/004, dated 28 April 2020, was refused by notice dated 26 June 2020.
 - The development proposed is proposed single storey side and rear extension and part first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension and part first floor rear extension at 77 Grasmere Avenue, Slough SL2 5JE in accordance with the terms of the application, Ref P/17754/004, dated 28 April 2020, subject to the conditions in the appended schedule.

Main Issues

2. The main issues are the effect of the proposal on the:
 - character and appearance of the area;
 - living conditions of the neighbouring occupiers of No.79 Grasmere Avenue, having particular regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a semi-detached dwelling located on Grasmere Avenue. The appeal site benefits from a detached garage located at the rear of the site. The appeal proposal is for the construction of a single storey side extension and rear extension, which would extend beyond the length of the house, and replace the existing garage at the rear of the property. A first floor rear extension is also proposed which would provide an additional bedroom.
4. The site benefits from an extant planning consent¹ which is largely identical to the appeal proposal. The extant proposal required a recess to be included on the flank wall of the side extension, which was of a depth of 1.4 metres. The appeal proposal differs from the extant permission as it seeks to replace this

¹ Reference P/17754/001 dated 15 August 2019

- 1.4 metre deep recess with a much smaller recess measuring approximately 10cm in depth.
5. The Council have confirmed that all elements of the scheme are acceptable in terms of character and appearance, aside from the proposed recess. Based on the evidence before me and observations made on site, I have no reason to disagree.
 6. Turning to the proposed recess, given the proposal extends the full length of the appeal site, it would appear as a solid unbroken elevation along the length of the boundary with the neighbouring dwelling of No.79 Grasmere Avenue. The recess therefore forms an important design element to break up the flank wall of the scheme. However, whilst the proposed recess is much smaller than the extant scheme, I am of the view that it would still achieve the same aim in as much as it provides a visual break within this flank wall of the proposal.
 7. Furthermore, based on the small separation distance between the two properties, the recess would not be readily visible from the public realm. Consequently, I am satisfied that would not harm the character and appearance of the area.
 8. Accordingly, I find that the proposal would not harm the character and appearance of the area. There is no conflict with policy CP8 of the Slough Core Strategy 2006-2026 (CS), and policies EN1, EN2 and H15 of the Local Plan for Slough 2004 (LP). Together these policies seek, amongst other things, that extensions are of a high quality design that are in keeping with both the existing property and the character of the surrounding area.
 9. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would accord with section 12, which seeks amongst other things, that development is of a good design that is sympathetic to the surrounding built environment. There is no conflict with the Slough Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD) which seeks, amongst other things, that extensions are of a high quality design.

Living conditions

10. The Council have raised concerns that the proposal with its depth and height would create a sense of enclosure and be overbearing to the occupiers of the neighbouring property at No.79. I do not find this to be the case. The proposed elevation along the flank wall is a single storey, and does not differ in height to the extant scheme. In any event, the proposal is only single storey in height, and would in my view not lead to a sense of enclosure within this property. The inclusions of a recess would break up the built form of the proposal and would mean it would not appear as overly dominate or overbearing within this neighbouring property.
11. Accordingly, I find that the proposal would not harm the living conditions of neighbouring occupiers of No.79 Grasmere Avenue. There is no conflict with policy CP8 of the CS, and policies EN1, EN2 and H15 of the LP. Together these policies seek, amongst other things, that development is of a high quality design that does not cause a substantial loss of amenity.
12. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal

would accord with section 12, which seeks amongst other things, that development is of a good design that achieves a high standard of amenity for existing and future users. There is no conflict with the Slough Residential Extensions Guidelines Supplementary Planning Document 2010 (SPD) which seeks, amongst other things, that extensions do not adversely impact the amenity of neighbouring residents.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. A condition relating to materials is necessary to safeguard the character and appearance of the area. I have imposed a condition requiring the window of the WC to be obscured glass, this is to ensure adequate privacy for occupiers. It has been necessary to impose a condition restricting the formation of any new additional windows in the flank elevation. This is to ensure adequate privacy of neighbouring occupiers is maintained.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR

SCHEDULE OF CONDITIONS – APP/J0350/D/20/3256850

- 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: Site location plan Area 2 HA Scale 1:1250, 1916C/pl/01 Existing Drawings dated 27/04/2020, 1916C/pl/02 Existing Drawings dated 27/04/2020, 1916/pl/03 Proposed Plans dated 27/04/2020, 1916C/pl/04 Proposed Elevations dated 27/04/2020
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building
- 4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no window(s), other than those hereby approved, shall be formed in the flank elevations of the development.
- 5) The flank window serving the WC at first floor level of the development hereby approved shall be glazed with obscured glass and shall only be top vent openable at a height not less than 1.7m above finished floor level. The window shall not thereafter be altered in any way.



Appeal Decision

Site visit made on 29 September 2020

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/J0350/D/20/3254579

1 Dalton Green, Slough, SL3 7GA.

- 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 A Soni against the decision of Slough Borough Council.
 - The application Ref. P/17882/003, dated 11 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is the construction of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 1 Dalton Green, Slough, SL3 7GA, in accordance with the terms of the application, Ref. P/17882/003, dated 11 February 2020 and the plans submitted with it, 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 external walls of the extension approved shall match those of the existing house.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plan- drawings PA1-196701; 02; 03; and 04.

Main Issues

2. The main issues are the effect of the proposed addition on the character of the area and on the living conditions of future occupiers of the property.

Reasons

Background

3. The appeal site comprises a two storey end-of-terrace house which is situated in a residential area of mainly similar properties. Following the Council's refusal of a 4m long extension, the appellant proposes a 3m single storey rear lean-to extension. This would normally be 'permitted development' (PD) under the GPDO¹ but a condition imposed on the original planning permission for the housing estate removes this provision. The submitted plans indicate that the existing rear garden is 8m long.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Effect on character

4. The Council is satisfied that the design of the extension will not visually harm the character or appearance of the area; its concern is over the effect of the residual area of garden. The garden is enclosed by a high fence on the three external boundaries of the site and little of the garden area is seen in the public realm. The proposal would also be seen against the presence of an extension of a similar length at the adjoining property although the Council says this is not permitted. In visual and physical terms, the reduced area of garden would not harm the character of the area and there would be no conflict with parts (a), (b), (c), or (d) of Policy H15, or Policy CP8 in terms of securing sustainable development

Effect on living conditions

5. The proposed extension would occupy about a third of the existing rear garden and so the 5m depth retained would be deficient compared to the local guidance of 9m set out in the Council's Residential Extensions Guidance SPD. However, this SPD was adopted in 2010 and predates the government's amendments to the GPDO in 2015, which generally sought to increase the scope of PD, and this limits the weight that can be given to it.
6. Local Plan Policy H14 deals with an appropriate level of amenity space for dwellings and criterion (d) indicates that account can be taken of the proximity of existing public open space and play facilities. There is an extensive public park and children play area around Tracy Avenue very close to the appeal site. While such a park and playground will not have the same function as a private garden, the majority of the existing garden space will remain and it can continue to meet the qualitative criteria set out in part (b) of this policy. Overall, I find that the proposal does not conflict with the requirements of the policy when it is read as a whole.

Planning balance

7. Although the proposed rear extension would occupy more of the existing garden/outdoor amenity space than indicated by the SPD, in this case the quality of the retained space and close proximity to other outdoor facilities means that the proposal otherwise meets the terms of the development plan when read as a whole. The proposal strikes a reasonable balance between the needs of the appellant to extend his property while retaining sufficient outdoor amenity space to maintain the living conditions of present and future occupiers. This overall accord with the development plan is not outweighed by any other consideration.
8. The Council recommend imposing standard conditions on the commencement of development, external materials, and accord with the approved plans. These are reasonable and necessary and I will impose them with minor variation to reflect the site.

Conclusion

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

David Murray

INSPECTOR

Appeal Decision

Site visit made on 30 September 2020

by G Powys Jones MSc FRTPI

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

Decision date: 16 October 2020

Appeal Ref: APP/J0350/W/20/3249519
32 & 34 Newton Close, Slough, Berkshire, SL3 8DD

- 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 N Dillon of Dillon Homes Ltd against the decision of Slough Borough Council.
 - The application Ref P/02879/007, dated 14 October 2019, was refused by notice dated 9 December 2019.
 - The development proposed is the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages on land at 32 & 34 Newton Close, Slough, Berkshire, SL3 8DD in accordance with the terms of the application Ref P/02879/007, dated 14 October 2019, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. Both principal parties refer to the lengthy planning history of the site, including a proposal dismissed on appeal¹. However, the history, whilst material, is not decisive in my considerations, and the appeal shall be determined on its merits having regard to the development plan and other material considerations.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of its surroundings, and on the living conditions of neighbouring residents.

Reasons

Character and appearance

4. The appeal site is comprised of parts of the combined rear gardens of Nos 32 & 34 Newton Close, and their respective garages. These dwellings sit in the corner of a small estate, which is contained within an L-shaped cul-de-sac. The predominant form of development is semi-detached housing of a fairly standard

¹ Ref: APP/J0350/W/16/3150400

design typical of the mid to latter part of the last century. The estate layout is relatively standard for its time, although the entrance to the development is marked by landscaping on either side of the estate road which softens the formality of the layout.

5. Unlike the previous proposal refused on appeal, which was bungaloid in form, the current proposal is comprised of a pair of semi-detached dwellings. Their siting would be a continuation of the semi-detached development on the northern frontage of the estate's entrance road. The pair would be set back slightly from No 32, but this is not considered objectionable since the existing frontage displays a staggered building line. The pair, however, would be set at right angles to No 34, so that the front elevation would look directly towards No 34's flank elevation, but at a sufficient distance to allow acceptable levels of outlook from the proposed dwellings. The existing garages would be demolished, and replacement garages provided alongside each of the existing dwellings; additional uncovered car spaces would also be provided.
6. The appeal site is large enough to comfortably accommodate the two dwellings and associated car parking. The Council also acknowledges that, having regard to its adopted standards, sufficient space would be provided for external amenity space for future residents of the proposed dwellings, and those of the existing dwellings.
7. The appellant has sought to replicate the predominant form of local development. The pair would not prove prominent in the local scene, being confined to a position relatively deep within the gap between houses. Thus the existing houses would screen the pair from view from many points within the estate. Moreover, the landscaping already referred to on the approach to the site, which includes mature trees, would provide a significant degree of screening from this direction. The removal of the garages, which appear rundown and unsightly, would be a benefit of the scheme. That which could be seen of the development, at relatively close quarters, would not prove objectionable. I consider that it would be perceived, in time, as a matching and appropriate continuation of the built form on the estate's northern frontage.
8. I note the previous Inspector's comments as to what he considered to be the harmful effect of the development proposed then on local character. However, in my view, the estate layout is not so pristine or architecturally notable that it could not accommodate acceptable change, in the context of Local Plan policy H13 criterion (e) of The Local Plan for Slough (LP), a policy directed to Backland/Infill development.
9. I conclude that the development proposed would sit acceptably in its visual and spatial context, without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of Core Policies 8 & 9 of the Slough Local Development Framework: Core Strategy 2006-2026 Development Plan Document and LP policies EN1 & H13 which, in combination, require new development to be of a high quality of design respecting its location and surroundings, in keeping with and compatible with their surroundings having regard to the detailed criteria of LP policy EN1.

Living conditions

10. The Council's concerns are centred on the contention that the residents of Nos. 48-52 Munster Way would suffer harmful overshadowing and poor outlook were the proposed development built. These dwellings form part of a terrace sited to the west of the appeal site, and outside the estate. There appears to be a disagreement between the parties as to the degree of separation between the existing and proposed properties in empirical terms. In essence the dwellings in Munster Way have relatively short rear gardens, but these are separated from the appeal site by a lane. Having regard to the submitted plans and the visual evidence of my site visit, I consider that most of the flank wall of the pair would be further from the western boundary of the site than claimed by the Council.
11. The Council does not suggest that the rear windows of the properties in Munster Way would suffer overshadowing. Its concern relates to the alleged overshadowing of their rear gardens '*at different times of the day*'. The dwellings would be sited to the east of the gardens. By mid-day or sooner, such would be the orientation of the sun that overshadowing of the gardens could not occur. The degree of overshadowing, if it occurred, would not be sufficient, to my mind, as to prove harmful, particularly since the gardens would be unaffected by overshadowing from the proposed development at a time when they are likely to be most used. As to visual impact or outlook, I consider that the degree of separation between the houses in Munster Way and the proposed dwellings to be sufficient as not to harmfully impair on the existing levels of outlook.
12. Although not decisive in my considerations, I note that not a single resident of Nos 48-52 Munster Way objected to the proposal, despite being notified of it. The only objection to the scheme by a local resident came from 67 Talbot Avenue, but that was not upheld by the Council, for the reasons set out in the officer report, with which I concur.
13. I therefore conclude that the proposed development would not harm the living conditions of the residents of Nos 48-52 Munster Way and therefore no conflict arises with the provisions of LP policy H13 directed to protect neighbouring residential amenity.

Conditions

14. The Council has suggested the imposition of several conditions, all of which shall be imposed subject to some changes in wording. In the interests of certainty a condition identifying the approved plans is imposed. In the interests of visual amenity a condition in respect of proposed external materials is imposed.
15. Conditions will be imposed in the interests of highway safety to ensure that the parking arrangements are in place before the dwellings are used and retained thereafter. Although the Council's draft conditions suggest otherwise, I cannot see any indication that details of refuse/recycling facilities have been shown on the submitted plans. I shall therefore impose a condition on this aspect in the interests of amenity.

16. I agree with the Council that a condition removing certain permitted development rights is clearly justified so as to protect neighbouring privacy in the future. Finally, I consider another condition, over and above those suggested by the Council, relating to drainage to be necessary, in the interests of sustainable development.

Conclusions

17. All other matters raised in the representations have been taken into account, including the references to the *National Planning Policy Framework*. No other matter raised is of sufficient strength or significance as to outweigh the considerations that led me to my conclusions on each of the main issues. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: The Location Plan & Drawing Nos. 4830/2/2/A and 4831/2/1/B.
3. No above ground development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The garages, parking spaces and turning areas shown on the approved plans shall be provided prior to occupation of the development and retained at all times thereafter for the parking and manoeuvring of motor vehicles.
5. Prior to the occupation of the dwellings hereby permitted details of refuse and recycling facilities shall be submitted to the Council for its written approval. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwellings and shall be retained thereafter.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), no additional windows shall be inserted in the flank elevations or roof slopes of the dwellings hereby permitted.
7. The development hereby permitted shall not commence (excluding any site clearance, demolition or ground investigation works) until details of the design of a sustainable surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.



Appeal Decision

Site visit made on 12 October 2020

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/J0350/W/19/3243603

4-10A Alexandra Road, Slough SL1 2NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission 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 AA & Sons Ltd against Slough Borough Council.
 - The application Ref P/08040/021 is dated 30 April 2019.
 - The application sought planning permission for the consolidation of planning application P/08040/001, and DOE appeal decision ref no T/APP/V0320/A/92/204598/P7, dated 22 October 1992, with minor adjustments to internal alterations, changes to fenestration and infill adjustment to south elevation, together with the relaxation of condition 12 of planning permission P/08040/001 without complying with a condition attached to planning permission Ref P/08040/004, dated 27 June 1995.
 - The condition in dispute is No 6 which states that: 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 2083/33A Dated May 1995
 - b) Drawing No 2083/34A Dated May 1995
 - c) Drawing No 2083/35A Dated May 1995
 - d) Drawing No 2083/36A Dated May 1995
 - e) Drawing No 2083/37 Dated May 1995
 - f) Drawing No 2083/30 Dated May 1995
 - g) Drawing No 2083/31 Dated May 1995
 - h) Drawing No 2083/32A Dated May 1995
 - i) Drawing No 0961/10 Rev B – relating to car parking
 - j) Drawing No 0961/11 Rev B – relating to car parking
 - k) Drawing No 0961/24 Rev D – relating to car parking
 - 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.
-

Decision

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

Application for costs

2. An application for costs was made by AA & Sons Ltd against Slough Borough Council. This application is the subject of a separate Decision.

Procedural Matters and Main Issue

3. The application seeks to vary the design of a terrace of flats, by amending an approved plans condition imposed on a planning permission approved in 1995. Other parts of that permission, which included the erection of a substantial commercial building, were carried out. The appellant is of the view that the remaining part of the permission can now be implemented. The variation to the design of the flats would not change the number of units or the appearance of the terrace from the road. It would modify the north end of the terrace by cutting back the side wall to align with the existing access road, thereby reducing the floor area of two of the flats and associated external space. The access would be moved to an underground parking area to the rear of the terrace rather than the side.
4. The appellant suggests that this matter could have been dealt with as a non-material amendment under section 96A of the Town and Country Planning Act 1990. However, changing the form of the building by substantially re-aligning an external wall, associated changes to areas of garden and a new location for the car park access are matters that are beyond the scope of a non-material amendment.
5. The Council is of the view that the flats were not included within application P/08040/004 (004) and therefore the proposal cannot proceed on this basis. Accordingly, whether the proposed variation to the condition is reasonable is the main issue of the appeal.

Reasons

6. Application P/08040/001 (001) granted permission for the development of a supermarket, retail units with two storeys of accommodation over and the erection of 10 residential units fronting Alexandra Road (AR) arranged as a terrace.
7. Planning permission 004 sought to consolidate a number of earlier decisions and some further modifications into one permission. The description of the development includes a clear reference to permission 001.
8. The site plan for permission 004 is only before me in black and white. The plan shows two separate outlined areas, with a double line where the two areas meet. The larger area is now occupied by the commercial building and the carpark. The smaller area covers the terrace of existing dwellings and includes 2-12 (even) AR. The smaller area is the area that would be occupied by the 10 flats. It is difficult to see what reasonable explanation there would be for marking two separate areas other than an intention to show the site area, which would have been outlined in red, and a separate area of land also owned by the applicant, which would have been outlined in blue. Given the substantial emphasis in the 004 application on the commercial side of the scheme, the suggestion that the smaller area was marked in blue to identify adjoining land in the applicant's ownership which did not form part of the 004 permission is logical. This accords with the address on the decision notice which refers only to land rear of Nos. 2-12 AR. This differs from the 001 permission which included Nos. 2-10 AR in the address.
9. This view is further confirmed by the fact that this smaller area shown on the site plan of the 004 permission included an additional property to the 001

permission, namely No. 12 AR. Either this was a drawing error, or this property was included in the blue line area as further adjoining land within the applicant's ownership.

10. Article 7.1 (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that a plan which identifies the land to which the application relates is not required for a section 73 application. However, a site plan, drawing No. P/01 Rev A was submitted with the application. This plan does not include No. 12 AR. Even if I took the view that the two outlined areas on the 004 site plan represented the red line area, the difference between the areas covered by the 004 plan and the red line area shown on drawing No. P/01 Rev A are significant. With reference to the Planning Practice Guidance¹ (PPG), the difference of site areas casts further doubt over whether a new permission would be the same development as previously permitted.
11. There are a number of additional significant factors that support the view that the 004 permission did not include the previous permission for the 10 flats. The applicant stated that the existing use of the land/building was commercial under question 11 of the application form submitted with the 004 permission. Furthermore, the applicant did not declare any new residential development under question 20, yet this would not appear to be an oversight as under the following question it was stated that the proposal did involve non-residential building or uses. If the 004 application had included the 001 approval in its entirety the answers to questions 11 and 20 would have been different.
12. Drawings approved by the 004 permission show the 10 flats in outline form only. Where elevation drawings are included they are referred to as approved. As the applicant and agent for both applications was the same it would have been easy to include these details to give the proposal context. It does not however follow that the inclusion of details of the 10 flats, which in some areas appear to be of an indicative nature, should mean that they formed part and parcel of the 004 proposal.
13. Additionally, condition 14 of permission 001, which related solely to the 10 flats, was not imposed on the 004 permission. Correspondence between the parties refers only to commercial development of the site. This includes the report for the 004 application prepared for the planning committee, which only refers to land to the rear of Nos. 2-12 AR and, despite its length and level of detail, makes no mention of the 10 flats.
14. I note that No. 2 AR was demolished and part of No. 4 AR altered to facilitate the development of the adjacent commercial building and in particular access to the parking area. There would appear to be some cross over of the two site areas and it does not look as though it would have been possible to erect the commercial building with its carpark and access without alterations to these dwellings. However, this fact alone does not mean that the demolition of these dwellings and replacement with the block of 10 flats was included within the 004 permission. Additionally, matters relating to whether the 001 permission was lawfully implemented are largely irrelevant, as my consideration of this appeal relates to the 004 permission.

15. A legal agreement associated with the 001 permission was referred to in an informative set out on the decision notice for the 004 permission. However, I give this little weight as the Planning Practice Guidance² advises that informative notes do not carry any legal weight and the legal agreement clearly relates to the earlier permission.
16. I accept that if I was to have regard to the natural and ordinary meaning³ of the description of the 004 permission in isolation it would appear that it included the 001 permission in its entirety. However, in light of the substantive evidence to the contrary, which is based on an examination of other documents that are directly related to the application, I find that I cannot agree that permission 001 was included in its entirety within permission 004. It is therefore not now possible to grant a new planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted in the manner proposed, as the subject plans relate to an area of land that was outside the scope of the previous permission.

Other Matters

17. The appellant refers to the Council's 5 year housing land supply position. However, this is an irrelevant matter in a section 73 appeal where an additional number of residential units is not proposed.

Conclusion

18. For the reasons above the appeal should be dismissed, and planning permission refused.

Andrew Tucker

INSPECTOR

² Paragraph: 026 Reference ID: 21a-026-20140306

³ Trump International Golf Club Limited and another v The Scottish Ministers (Scotland) [2015] UKSC 74



Appeal Decision

Site visit made on 17 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/J0350/W/20/3246233

Land at 12 - 14 Lynwood Avenue, Slough SL3 7BH

- 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 Matt Taylor (Churchgate Premier Homes) against the decision of Slough Borough Council.
 - The application Ref P/12604/002, dated 30 July 2019, was refused by notice dated 27 January 2020.
 - The development proposed is demolition of the existing dwelling and construction of 4no. three bed dwellings and 2no. four bed dwellings with associated access, parking and amenity space.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The description in the banner heading is taken from the Council's decision notice, and is the same description used by the appellant on the appeal form. I have considered the appeal on this basis.

Main Issues

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

Reasons

Character and appearance

4. The appeal site comprises No.12 and No.14 Lynwood Avenue, which are large detached properties on the eastern side of the road. Both properties benefit from sizeable rear gardens which extend a considerable distance from their respective dwellings. By virtue of its positioning on the bend of the highway, the garden of No.14 splays away from the house which means the rear garden is wider than that of the surrounding properties.
5. Lynwood Avenue is characterised by large detached and semi detached properties set in large plots. It is evident that dwellings in the vicinity of the appeal site all benefit from very long rear gardens stretching away from their

respective dwellings. Development is of a linear fashion, with houses that are set back from the highway with front gardens. The street itself appears as a tree lined avenue, and the presence of grass verges and trees on the edge of the road gives this area of Slough a pleasing verdant appearance. It was apparent from my site visit that whilst individual houses may have individual design features, the street has a uniform appearance which gives it a well established character.

6. The appeal proposal is for the demolition of No.14, and the erection of 6 dwellings. Plot 1 would be located adjacent to Lynwood Avenue in the space created by the demolition of No.14; with the remaining 5 dwellings being built within the rear garden areas. A new access road would be provided between No.12 and Plot 1, with a new simple priority junction with Lynwood Avenue being created.
7. Policy H13 of the Slough Local Plan 2004 (LP) pertains to backland and infill development. It states that proposal for small scale infilling, including backland development will not be permitted unless they comply with several criterion. This includes requiring that the proposal is of a type, design, scale and density of dwellings that are in keeping with the existing residential area.
8. This area of Lynwood Avenue is characterised with properties set in large plots, with long spacious rear gardens. The introduction of 5 new dwellings, with associated hardstanding in this location would introduce considerable built form within two spacious undeveloped residential gardens. The proposal would result in the loss of this verdant space, and would add a significant degree of urbanisation within these gardens. Furthermore, the formation of a new cul-de-sac behind the dwellings on Lynwood Avenue would introduce a form of development which would not be sympathetic to the established linear pattern of development in this area.
9. The large amount of hardstanding required to serve the proposed dwellings, would in this location appear as a significant urbanising effect within these open rear gardens. This would not respect their existing character. Furthermore, the introduction of a new access road to serve the development would also introduce a new feature which is uncommon within this street scene. This would appear as an incongruous addition to the existing tree lined avenue character of Lynwood Avenue.
10. The appellant contends that the development would not be readily visible from the public realm, which would reduce the harm to the character and appearance. I do not find this to be the case. The introduction of a new access would be highly prominent within the street scene, and the new dwellings would be clearly visible from Lynwood Avenue along this road. Furthermore, the proposal would be highly visible to a number of existing dwellings along Lynwood Avenue, including No.12, as well as the neighbouring properties of No.10 and No.16.
11. Whilst I note the appellant's comments that in the wider area there is a variety of residential types and densities, the character of Lynwood Avenue is well established and distinctive. The introduction of new dwellings in this location would appear as an incongruous addition to the rear garden area, as they do not reflect the pattern of development nor the spacious undeveloped nature of these gardens.

12. The appellant has drawn my attention to several backland development sites within the local area, which I visited during my site visit. This includes sites at Whitehouse Way, Mina Way, Sophie Gardens and Hawtrey Close. I note the comments made by the appellant that these sites demonstrate examples of backland development that has integrated well with the character and appearance of their respective area.
13. I have not been provided with the full details of those schemes, so cannot be certain of the circumstances which led to them being found acceptable by the Council. In any case, I do not consider that the examples given by the appellant are directly comparable to the appeal site.
14. With the exception of the site at Whitehouse Way, the examples provided by the appellant are of a much smaller scale than the appeal proposal. Whilst the development at Whitehouse Way is in close proximity to the appeal site, I do not consider that the characteristics are comparable. The development is served from Langley Road, which is a much busier road than Lynwood Avenue, as such the provision of a new access road is much more in keeping with the street scene.
15. The evidence submitted by the appellant indicates that the rear gardens surrounding that location are of a more moderate size than the appeal site, and therefore it appears as a much more densely built up area. This is not directly comparable to the long narrow largely uniform gardens apparent at the appeal site. In any event, every application and appeal must be determined on its own planning merits, which is what I have done in this case.
16. I note the appellant's assertion that paragraph 123 of the National Planning Policy Framework (the Framework) encourages an increase of housing density when a Council is unable to meet its required housing land supply. Furthermore, the Framework seeks to make more effective use of land in sustainable locations. However, this is caveated that any increase in density should not take place if there are strong reasons why this would be inappropriate. In this instance I find that the proposal would introduce significant built form into these open verdant gardens which would significantly harm the character and appearance of the area.
17. Accordingly, I find that the proposal would harm the character and appearance of the area. There is conflict with policies CP1, CP4, CP8 of the Slough Core Strategy 2006-2026 (CS), policies EN1 and H13 of the LP. Together these policies seek, amongst other things, that development is of a high quality design that respects the character and identity of an area. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would fail to accord with section 12, which seeks amongst other things, that development is of a good design that is sympathetic to the surrounding built environment.

Living conditions

18. The appeal proposal would position new dwellings along the boundaries of the neighbouring properties gardens on Lynwood Avenue. Most notable are plot 6 which would be in close proximity to the garden for No.16, and plot 2 would be adjacent to No.10. There would be minimal separation distance between the flank walls of these properties and the rear garden space.

19. Whilst I appreciate that the proposed dwellings are situated a fair distance from the neighbouring properties, the small separation distance from the boundary of the gardens and proposed scale and mass of the dwellings means they would appear as dominant and overbearing from within these gardens. This would introduce built form in close proximity to existing gardens which currently benefit from a pleasing open aspects which would harm the outlook.
20. I note the garden of No.16 currently has an outbuilding situated at the rear, and the appellant's contention that the presence of this building lessens the impact on the garden of this property. I do not find this to be the case. The flank of the dwelling in plot 6 would extend beyond the front of this outbuilding by a considerable distance. I find that this would be of a sufficient degree that the proposal would create a sense of enclosure within this rear garden which would harm the outlook enjoyed by occupiers.
21. The new access to serve the proposal would be positioned in close proximity to both No. 12 and No.14 with minimal separation distance from the edge of the road and the flanks of these properties. This would be the only access to the 5 dwellings, and would therefore be used by both pedestrians and vehicles.
22. Given the close proximity of this new access, I find it highly likely that arrival and departure of both vehicles and pedestrians along this access would create considerable noise and disturbance to the occupiers of No.12 and No.14. The evidence provided by the appellant's transport consultants¹ indicate the site would generate in the region of 30 new vehicular trips a day. This is a figure which would, in my view, create a noticeable increase in disturbance for these occupiers.
23. Given the width of the proposed access, cars entering and leaving the site would pass extremely close to No.12. Furthermore, the proposed turning head and two car parking spaces would be located at the bottom of the new reduced garden for No.12 which means the plot would be surrounded on three sides by areas accessible by vehicles. This would introduce a new source of noise in close proximity to this dwelling, which would in my view harm the living conditions of these occupiers.
24. Whilst the Council have raised concerns that vehicles on this access road would harm the living conditions of No.16; I consider that this property is far enough away from the access and turning head that there would not be any harm to the living conditions of these occupiers in respect of noise.
25. The Council have raised concerns that the location of the gardens of plots 2,3,4, 5 and 6 would lead to an intensification of residential use in close proximity to the neighbouring properties on Blandford Road South. It has been put to me that this increase in residential use and associated activity within the gardens would lead to an increase in noise and disturbance. I do not find this to be the case. The gardens for the properties on Blandford Road South are currently adjacent to the existing gardens for No.12 and No.14, and as such it is reasonable to assume that there is currently a degree of disturbance caused from these gardens. This is to be expected within a residential garden, and I do not find that the proposal would lead to any increased harm in this respect.

¹ Highway Planning Ltd letter reference 19.107.01 dated 18 October 2019

26. I have found that the proposal would not harm the living conditions of occupiers of Nos. 21, 23, 25, 41,43 and 45 Blandford Road South in respect of noise. However, it would harm the living conditions of occupiers No.12 and No.14 having particular regard to noise, and harm to the outlook of occupiers of No.10 and No.16 Lynwood Avenue.
27. There is conflict with policy CP8 of the CS and policies H13 and EN1 of the LP. Together these policies seek, amongst other things, that backland development is of a high quality design that does not cause a substantial loss of amenity. The Council have made reference to the Framework in their reason for refusal. Whilst I have not been directed to the specific area of conflict, the proposal would fail to accord with section 12, which seeks amongst other things, that development is of a good design that achieves a high standard of amenity for existing and future users.

Other matters

28. The Council have included a third reason for refusal in their decision notice, which relates to the need for the appellant to provide a financial contribution towards highway measures. This includes walking and cycling measures in the vicinity of the appeal site, as well as a contribution towards a parking study on Lynwood Avenue. A draft Unilateral Undertaking has been provided as part of this appeal, however this has not been signed and therefore no mechanism exists to secure these measures. Given that I am dismissing this appeal for other reasons it is not necessary for me to consider this matter in any further detail.
29. I note that there has been considerable representations made by interested parties in respect of the impact of the proposal on highway safety. This focusses on two key issues. Firstly; the parking on Lynwood Avenue, and secondly the capacity of the highway network and operation of the junctions at either end of Lynwood Avenue.
30. I have been presented with evidence from local residents in respect of the capacity constraints of the junctions at either end of Lynwood Avenue. A key concern appears to be the operation of the priority junction of London Road and Lynwood Avenue. Whilst I did not observe any excess queuing at this junction during my site visit, this was only a single point in time and I recognise this may not be wholly reflective of the situation during busier times.
31. It has been put to me that there are existing safety concerns as a result of traffic congestion in the area. The appellant has provided details of the accidents in the vicinity of the junction of Lynwood Avenue and London Road for a period covering the past 5 years. Whilst this has indicated 3 accidents in this location, this does not demonstrate to me that there is an inherent safety concern in this location. I note that the Highway Authority have not raised any safety concerns in this location. In any event, the small additional amount of vehicular movements from the appeal site would not cause harm to highway safety.
32. Turning to the issue of parking, it was evident from my site visit that there was a considerable amount of on street parking currently experienced on Lynwood Avenue. In places this restricts the width of the road to a single vehicle. The proposal would provide car parking on site which complies fully with the Council's parking standards. I have been presented with no evidence that this

level of parking would result in a need for future occupiers to park on Lynwood avenue. As such I am satisfied therefore that the proposal would not create any additional parking demand which would impact highway safety.

33. It has been put to me that that allowing the development within these rear gardens would set a precedent for other similar proposals in this area. I have not been provided with any examples of specific sites which could be developed on Lynwood Avenue. The appeal site is somewhat unique, as its location on a bend allows for a wider garden than surrounding properties. Furthermore, each appeal and application must be judged on its own merits, and I have not been provided with any compelling evidence to indicate that should the appeal be allowed this would encourage similar development in the area.

Planning Balance and Conclusions

34. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the Framework states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
35. In the context of the development plan, I have found that the proposed development would be contrary to policies CP1, CP4, CP8 of the CS, policies EN1 and H13 of the LP. For this appeal in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
36. The appellant contends that the proposal would deliver a number of benefits. The provision of 5 new dwellings in a relatively sustainable location, would make a small contribution towards the Council's 5 year housing supply. The proposal would also provide minor economic benefits. The construction of the site would likely provide short term employment benefits and new residents would provide limited support to the existing facilities in the area.
37. However, I have found that the proposals would result in significant harm to the character and appearance of the area. Furthermore, the proposal would harm the living conditions of neighbouring occupiers in respect of outlook and noise. Collectively, these are matters to which I afford significant weight in decision making terms. As such it is not considered to be sustainable development and would be contrary to the aims of the Framework to achieve well designed places, supportive of health and social well-being by providing a good standard of amenity for all.
38. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
39. For the reasons given above, I conclude that the appeal should be dismissed

S Shapland

INSPECTOR