

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: July 2021

PART 1

FOR INFORMATION

Planning Appeal Decisions

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

WARD(S)

ALL

Ref	Appeal	Decision
P/12604/003	14, Lynwood Avenue, Slough, SL3 7BH Construction of 2no 4 bedroom detached dwellings with associated parking and access and alterations to existing dwelling.	Appeal Dismissed 1 st July 2021
P/08499/006	Land rear of, 33-43, Baylis Road, Slough, Berkshire, SL1 3PH Application for permission in principle for 8no two bedroom flats over two floors, 16no car parking bays, cycle and refuse storage areas and alterations to access.	Appeal Dismissed 1 st July 2021
Y/19114/000	56, Bryant Avenue, Slough, SL2 1LG The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, with a maximum height of 3.5m, and an eaves height of 3m	Appeal Dismissed 9 th July 2021
P/12001/002	13, Cress Road, Slough, SL1 2XT Construction of a part single, part two storey front, side and rear extensions and associated internal alterations, following demolition of the existing garage	Appeal Dismissed 13 th July 2021



Appeal Decision

Site visit made on 22 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/J0350/W/20/3265328

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/12604/003, dated 16 March 2020, was refused by notice dated 24 September 2020.
 - The development proposed is alterations to existing dwelling and erection of 2 detached dwellings with associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows a previous planning application at Nos 12 – 14 Lynwood Avenue for demolition of the existing dwelling and construction of 4no. three bed dwellings and 2no. four bed dwellings, which was dismissed at appeal on 26 October 2020¹. Whilst I have had regard to the previous appeal decision as a material planning consideration, I have determined the current appeal scheme on its own merits.
3. In comparison to the previous dismissal, the appeal site comprises No. 14 Lynwood Avenue only. The main changes comprise the re-location of the vehicular access closer to the boundary with No. 16; alterations to the dwelling at the front of the site; and, reduction of the number of proposed dwellings to the rear of No. 14 to two. The dwellings would each have a carport to the side and 2 parking spaces to the front.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area, (ii) ecology, and (iii) the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

¹ Appeal reference: APP/J0350/W/20/3246233

Reasons

Character and appearance

5. The appeal site consists of a large detached dwelling, which is positioned on a spacious plot with a large rear garden. Due to the location of the appeal site adjacent to a road bend, the plot widens to the rear which results in a larger garden than the surrounding properties. The existing dwelling is sited within a linear arrangement of detached and semi-detached dwellings of varied architectural design that are set back from the road behind front gardens. The street scene has a suburban character due to the grassed verges and street trees, and the gaps between the buildings, which enable glimpsed views of trees and vegetation to the rear. There is a verdant character to the rear of the properties in the vicinity of the appeal site due to the large size of the gardens, which includes trees and greenery, and only modest domestic outbuildings. This makes a positive contribution to the green and spacious character of the area.
6. Policy H13 of the Slough Local Plan 2004 relates to backland/infill development. It states that proposals for small scale infilling, including backland development, will not be permitted unless they comply with several criterion. This includes that the proposed dwellings are of a type, design, scale and density that are in keeping with the existing residential area.
7. The proposed 2 storey dwellings to the rear of the site would be served by a new access road that would run between the altered dwelling at No. 14 and the neighbouring property at No. 16. The location of the proposed dwellings to the rear of the established built frontage, with associated access road, parking and carports, would add considerable built form and hard-surfacing which would significantly erode the open and verdant character which is important to the setting of the attractive suburban street. The rear dwellings and access road would be clearly visible in the street scene, and its layout would appear at odds with the prevailing linear arrangement of dwellings. I find that this would not be adequately mitigated through new planting.
8. I acknowledge that there are backland developments in the wider area, including Whitehouse Way, Mina Avenue, Sophie Gardens and Hawtrey Close. However, Lynwood Avenue has an established and distinctive character and these examples are located in different streets that are not viewed in the same context as the appeal site. Details of the circumstances that led to those developments being granted are not before me, and I have nevertheless determined the appeal scheme on its own merits having regard to the characteristics of the site and its surroundings.
9. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CP1, CP4 and CP8 of the Slough Local Development Framework Core Strategy 2006-2026 (the Core Strategy) and Policies EN1 and H13 of the Slough Local Plan Adopted 2004 (the Local Plan). Amongst other things, these policies seek to ensure that development is of a high quality design that respects the character and identity of an area. The proposal would also be contrary to Chapter 12 of the National Planning Policy

Framework (the Framework) which, amongst other things, requires development proposals to be sympathetic to local character.

Ecology

10. The rear garden of the appeal site consists of mown grass and contains trees and vegetation mainly adjacent to the site boundaries. The appeal site is located in a built-up area and there is no information before me indicating that it is close to any important wildlife habitats or corridors. The appeal site does not seem to contain any features of such significance in habitat terms that would elevate the site to a greater degree of importance than any other private residential garden. Further, I have not seen any evidence to suggest in any great detail, from a statutory consultee or otherwise, that the appeal site would support protected or important species. In these circumstances, I am satisfied that a planning condition could be imposed to require the submission of an ecological appraisal for approval, including any necessary mitigation and measures to enhance biodiversity at the site.
11. For these reasons, I do not find that it would be appropriate to withhold the granting of planning permission for ecological reasons and therefore the appeal scheme has the capability to accord with Policy CP9 of the Core Strategy and Policy EN3 of the Local Plan, which, amongst other matters, state that development will not be permitted unless it enhances and preserves natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features. Chapter 15 of the Framework contains similar objectives to conserve and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

Living conditions

12. The previous Inspector stated that the new access to serve the proposal would be positioned in close proximity to both Nos. 12 and 14 with minimal separation distance from the edge of the road and flanks of these properties. Given the close proximity of the new access, he found that it would be highly likely that arrival and departure of both vehicles and pedestrians along the access would create considerable noise and disturbance to the occupiers of Nos. 12 and 14. Furthermore, the proposed turning head and 2 car parking spaces would be located at the bottom of the new reduced garden for No. 12 which means that the plot would be surrounded on three sides by areas accessible by vehicles.
13. In comparison to the previous appeal scheme, the number of dwellings to the rear of the residential frontage has been reduced to 2. The access road has been moved closer to the boundary with No. 16, albeit there would still be a reasonable landscaped buffer. Given the small amount of vehicular and pedestrian movements that would be associated with these dwellings, I do not consider that this would cause an unreasonable amount of noise and disturbance to the occupiers of Nos. 12, 14 and 16 Lynwood Avenue.
14. The Inspector for the previous appeal scheme found that the proposal would not harm the living conditions of the occupiers of Nos. 21, 23, 25, 41, 43 and 45 Blandford Road South in respect of noise. The Inspector stated that the gardens for the properties on Blandford Road South are currently adjacent to the existing gardens for Nos. 12 and 14, and as such it is reasonable to assume that there is currently a degree of disturbance caused from these gardens. To

my mind, the proposed land use is compatible with the residential nature of the area, and given that the number of dwellings proposed at the rear of the site is less than the previous appeal scheme, I see no reason to reach a different conclusion to the previous Inspector.

15. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. The proposal would therefore accord with Policy CP8 of the Core Strategy and Policy EN1 of the Local Plan, which, amongst other things, require development within the existing residential areas to respect the amenities of adjoining occupiers. It would also accord with paragraph 127 of the Framework, which amongst other matters, states that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

Other matters

16. The proposed dwellings at the rear of the site would each be served by 3no. on-site parking spaces, and 2no. parking spaces would be retained for the dwelling at the front of the site. This accords with the Council's parking standards, and the Council states that there are no highways issues that would warrant a reason for refusal. I see no reason to disagree.
17. Nevertheless, the Council's decision notice includes a third reason for refusal, which relates to a requirement for the appellant to provide a Unilateral Undertaking to mitigate the effects of the development with regard to traffic generation and parking restraint resulting from the proposed development. In this regard, I note that the Highway Authority seeks a financial contribution of £6,256 towards improvements to walking and cycling facilities in the vicinity of the appeal site. Furthermore, a financial contribution of £6,000 is sought for a parking study on Lynwood Avenue to identify any issues and recommend any measures to alter or restrict on-street parking on Lynwood Avenue to improve highway safety and to prevent obstruction in the highway.
18. A signed Unilateral Undertaking is not before me therefore no mechanism exists to secure these measures. As I am dismissing this appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning balance and conclusion

19. The Council is unable to demonstrate a deliverable 5 year housing land supply. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 7 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
20. Paragraph 59 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposed development would provide a net increase of 2 dwellings in an accessible location close to various modes of transport, services and facilities, which would make a small contribution towards the supply of housing in the Borough. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. The proposal would also create some employment at the construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to

support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals. Taking the benefits together, and for the reasons I have given, I would afford them modest weight.

21. Paragraph 122 of the Framework states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), amongst other matters. In this case, whilst the proposal would make a net contribution of 2 dwellings towards housing supply, it would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.
22. Overall therefore, whilst I have given weight to the benefits of the development, I find that the harm to the character and appearance of the area, and the associated conflict with the development plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR



Appeal Decision

Site visit made on 22 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/J0350/W/20/3253821

Land rear of 33-43 Baylis Road, Slough, Berkshire SL1 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Steve Cripps (ABC Developments) against the decision of Slough Borough Council.
 - The application Ref P/08499/006, dated 23 December 2019, was refused by notice dated 24 February 2020.
 - The development proposed is 8no. two bedroom flats over two floors, 16no. car parking bays, cycle and refuse storage areas and alterations to access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is for a permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme in terms of location, land use and the amount of development¹. The submitted drawings are for indicative purposes only and I have considered the scheme on the basis of the amount of development sought being a maximum of 8no dwellings.
3. The proposal follows a previous planning application at the appeal site for the construction of 6no 3-bedroom terraced houses, which was dismissed at appeal on 24 October 2019². Whilst I have had regard to the previous appeal decision as a material planning consideration, I have determined the current appeal scheme on its own merits.

Main Issues

4. The main issues are whether the proposed development would be appropriate in principle with regard to its effect on (i) the character and appearance of the area; and, (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² Appeal reference: APP/J0350/W/19/3232021

Reasons

Character and appearance (Location/Land use/Amount of Development)

5. The appeal site comprises land that was formerly part of the rear gardens of Nos 33-43 Baylis Road but has been partitioned. It is in a backland location and accessed through the sizeable gap between Nos 39 and 41. Baylis Road comprises 2 storey semi-detached dwellings that have uniformity in siting, scale and form. The dwellings are sited on a consistent building line and are set back from the road behind small front gardens. Many of the properties in the street have converted the gardens to provide on-site parking. The gaps between the buildings and the generous length of the rear gardens provide a degree of openness to the area. Some of the properties have single storey outbuildings in the rear gardens, which are generally modest in scale and therefore maintain the largely open aspect to the rear of the dwellings. The appeal site is vegetated and includes a group of single storey outbuildings that are of modest scale. Whilst the land is not part of any residential property, it contributes to the open aspect to the rear of the dwellings.
6. There is a 4 storey development at Pickfords Gardens behind the dwellings and the appeal site, which is visible through the gaps between the houses in Baylis Road, including the large gap between Nos 39 and 41. It can also be seen from Pool Lane when viewed in a southerly direction. Whilst this development is of a greater scale than the 2 storey houses, it maintains a considerable degree of separation. The upper floor windows of the flats at Pickfords Gardens afford views across the appeal site and the neighbouring gardens. There is also a public footpath that runs adjacent to the rear of the gardens.
7. The application has been made for a maximum of 8no dwellings. The indicative drawings show a proposed 2 storey building designed with a flat roof that would contain 8no 2-bedroom flats. The space to the front of the building is indicated as hard-surfacing, providing 16no parking spaces of which most would be covered by a timber pergola. Small private outdoor amenity spaces are indicated to the rear of the 4no ground floor units, and a communal outdoor amenity space is shown to the western side of the building. The appeal site is in a built-up residential area, therefore the location of the appeal site and the use of the land for residential development would be acceptable in principle.
8. The indicative footprint of the proposed building, combined with the access road and large parking area, would cover a disproportionate amount of the site, which would limit the opportunity for effective soft landscaping. The public realm of the proposal would be dominated by the access road and parking area, which would fail to provide a high quality environment. The private outdoor amenity areas for the ground floor units would be very constrained, and the communal outdoor amenity area sited adjacent to parking spaces and the blank side wall of the building displays the attributes of a left over dead space that would be poorly related to the residential accommodation.
9. The indicative drawings show that the proposed building would be of considerable width, resulting in a slab-like form that would neither respect nor respond to the form and proportions of the dwellings in Baylis Road. The incongruous nature of the proposal would be visible in the public realm through the gaps between Nos 33-44, including the large opening between Nos 39 and 41, as well as the public footpath to the rear of the appeal site. The scale of the

proposed building in this rear garden setting, close to the rear of the dwellings in Baylis Road and rising significantly above the neighbouring domestic outbuildings, would erode the characteristic open aspect to the rear of the properties. In order to grant permission in principle, I must be satisfied that the proposal is capable of accommodating the maximum number of dwellings sought. Taken together, the above factors indicate that the amount of development would be cramped on the site and would not respect the prevailing pattern of development and the open characteristic to the rear of the dwellings. There is little before me to indicate that an appropriate alternative arrangement to the illustrative drawings could be achieved for the amount of development proposed on the site.

10. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CP1, CP4 and CP8 of the Slough Local Development Framework Core Strategy 2006-2026 (the Core Strategy) and Policies EN1 and H13 of the Slough Local Plan Adopted 2004 (the Local Plan). Amongst other things, these policies seek to ensure that development respects and is compatible with its surroundings in terms of design, scale and density. The proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, requires development proposals to be sympathetic to local character.

Living conditions (Location/Land use/Amount of Development)

11. Vehicular access to the proposed development would be through the gap between Nos 39 and 41, which would serve 16no on-site parking spaces. This is in close proximity to existing flank wall windows at ground and first floor, as well as the rear amenity space of Nos 39 and 41.
12. The Inspector for the previous appeal scheme stated that the vehicular movements associated with 6no new dwellings are anticipated to be low over a 24 hour period, nevertheless vehicle noise would be expected to be characterised by engines starting, revving, doors opening and closing, and drivers and passengers talking. Further, the gated access would require vehicles to wait with their engines running at locations very close to the windows and garden areas of Nos 39 and 41; and some noise would be associated with the action of the gates opening and closing, and the regular trips by residents to the refuse storage area immediately abutting the boundary of No 41. The Inspector found that the sounds and activity in and around Nos 39 and 41 would be intrusive at certain times of the day and would have the effect of significantly harming the enjoyment that residents could reasonably expect from within rooms and the gardens of their properties. It was concluded that the proposals for planting and fencing along the side boundaries of neighbouring dwellings would not adequately mitigate the noise and disturbance that could arise.
13. In respect of the current appeal scheme, the appellant has submitted a noise assessment³ regarding noise from car movements and use of the car park, which is calculated on the basis of attenuation being provided by a 2 metres tall imperforate fence on the car park boundary to the rear of the dwellings. Furthermore, the entrance gates proposed in the previous appeal scheme are not indicated in the current proposal.

³ Prepared by Venta Acoustics Ref VA3029.191113.L1, dated 15 November 2019

14. Regarding vehicular movements, the noise assessment shows that the internal noise level of the rooms served by the nearest windows overlooking the driveway would be below the recommended daytime level of 35dB(A) and the night-time level of 30dB(A) set out in BS8233:2014⁴. Furthermore, the maximum noise level arising from car door slamming would be 42dB, which would be below the World Health Organisation⁵ recommended maximum noise level of 45 dB L_{Amax} . In respect of noise from residents talking in the parking area and using the bin storage area, I find that this would be sporadic and would not be likely to be at a level that would itself cause significant disturbance to the occupiers of neighbouring dwellings. Consequently, on the basis of the evidence before me, I am satisfied that the location, land use and amount of development would not be likely to cause significant disturbance to the occupiers of neighbouring residential properties.
15. For these reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of neighbouring properties at Nos 33-43 Baylis Road, with particular regard to noise and disturbance. The proposal would therefore accord with Policies H13 and H14 of the Local Plan, which, amongst other things, require development proposals to protect the amenity of existing and future occupiers. It would also accord with paragraph 127 of the Framework, which, amongst other matters, states that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

Planning balance and conclusion

16. The Council is unable to demonstrate a deliverable 5 year housing land supply. The appellant indicates that the Council has a housing land supply of 2.1 years, which is a significant shortfall. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 7 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
17. The Framework does not prescribe the weight that should be given to any conflict with the most important policies, and this is a matter for the decision-maker. Decision-makers are not legally bound to disregard policies of the development plan when applying the tilted balance.
18. Paragraph 59 of the Framework sets out the Government's objective of significantly boosting the supply of housing. In the context of the significant shortfall in housing supply, the proposed development would provide a modest contribution of a maximum of 8 dwellings, making efficient use of underused and derelict land. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. It would create some employment at the construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals.

⁴ BS8233:2014 Guidance on sound insulation and noise reduction for buildings

⁵ World Health Organisation Guidelines for Community Noise (1999)

19. I am mindful that occupiers of the proposed development would be within an existing built up area with good accessibility to various modes of transport, services and facilities. Taking the benefits together, and for the reasons I have given, I would afford them modest weight.
20. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. Whilst the Framework supports the efficient use of land and states that appropriate change such as increased densities should not be prevented, it says that the desirability of maintaining an area's prevailing character should be taken into account. In this regard, I have found that the amount of proposed development would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. Consequently, I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.
21. Overall therefore, whilst I have given weight to the benefits of the development, I find that the harm to the character and appearance of the area, and the associated conflict with the development plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR



Appeal Decision

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

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/J0350/D/21/3270392

56 Bryant Avenue, Slough, SL2 1LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Asma Malik against the decision of Slough Borough Council.
 - The application Ref Y/19114/000, dated 27 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issue

4. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO, and, the impact of the proposed development on the amenity of any adjoining premises, with particular regards, to the effect on the living conditions of occupants of Nos 54 and 58 in respect to outlook and light.

Reasons for Recommendation

5. The appeal property is mid terrace, in a short row of dwellings, set in a linear layout with modestly sized rear gardens. It is linked to No 54 but with an alleyway between at ground level allowing access to the rear. High wooden fences form the rear shared side boundaries with Nos 54 and 58. Both neighbouring dwellings have rear single storey extensions. All properties benefit from a southerly aspect at the rear.
6. The development proposed is a single storey rear extension with a depth of 6m which would extend beyond the rear wall of the original dwelling, and, would be a maximum of 3.5m in height and 3m at the eaves. Therefore, from the details provided the proposed extension would meet the limitations of the permitted development right set out in paragraph A.1, which has not been contested by the Council.
7. The proposed extension would fill a substantial portion of the rear garden of No 56, and, would be set almost flush to the boundary with No 58, with a slightly greater offset from the boundary with No 54. It would extend a considerable distance beyond the small rear extension of No 58, which has a window at its rear, close to the side boundary. It would also extend a significant distance beyond the larger rear extension of No 54, which has a window at its side elevation facing the boundary, as well as a larger aperture in its rear elevation.
8. The window in the extension at No 58 does not serve a habitable room. In respect to No 54, the window facing the boundary is a secondary opening, with the main source of light and outlook provided by the larger window at the rear, which is also situated near the boundary.
9. Although the current outlook from these windows is of a high fence, a sizeable proportion of the proposal would protrude above this fence, thereby encroaching into the remaining sense of space currently experienced by occupants of the neighbouring dwellings when in these parts of their properties. By virtue of its proximity and length, the new extension would dominate the outlook from these windows and from the respective garden areas close to the shared boundaries. As such it would appear oppressive and overbearing in this modest, close knit space. It would, as a result, make the ground floor rear habitable room of No 54 and the garden spaces near the affected shared boundary of both neighbouring properties less enjoyable places for the occupants of the dwellings to use.
10. Having regard for the scale of the extension and the orientation of the properties, the development would restrict light from reaching the stated windows in the rear elevation of No 54 and the immediate garden space near that elevation, in the morning period. In respect to No 58, light would similarly be restricted, at the rear window near the boundary and in the adjacent garden space, by the development in the evening. Given the height and length of the proposal and the tight grain of the properties occupants of Nos 54 and 58 would notice a material loss of light when using these parts of their properties and they would be less pleasant spaces to use as a result.
11. Sheds observed in the rear gardens of Nos 54 and 56 are stepped away from the rear elevations of respective properties and just visible above the fences. The shed at No 54 restricts light to that dwelling from the south, and, this matter is within the control of the occupant of the property to resolve if

required. As such, these smaller structures do not give rise to the harmful effects, with regards outlook and light, which would occur with the much larger bulk of the proposed development. Their presence does not weigh in favour of the appeal for this reason.

12. The fallback position allowed under permitted development rights is strong in this case and offers a less harmful solution to the appellant to address the need to extend the property. Such a development could be a little higher than the proposed extension, but it would have a substantially shorter depth and would be less harmful in this respect.
13. No objection from the occupants of No 58 is a neutral factor in this case and I am obliged to consider the effect on existing and future occupants of the adjoining dwelling.
14. Therefore, I conclude that the proposed development would have a harmful impact on the amenity of adjoining premises. It would be detrimental to the living conditions of the occupants of Nos 54 and 58 in respect to outlook and light. Although not determinative in this case, it would be contrary to Policy 8 of Slough Core Strategy Development Plan Document, Policies H15, EN1 and EN2 of Local Plan for Slough and guidance set out in Residential Extension Guidelines Supplementary Planning Document, which collectively elucidate matters relevant to the consideration of amenity, stating extensions should not result in significant loss of sunlight or create significant overshadowing.
15. It would also be inconsistent with policies of the National Planning Policy Framework which seek a high standard of amenity for existing and future users.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR



Appeal Decision

Site visit made on 12 March 2021

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/J0350/D/20/3265709

13 Cress Road, Slough SL1 2XT

- 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 Taqmeel Sadiq against the decision of Slough Borough Council.
 - The application Ref P/12001/002, dated 31 March 2020, was refused by notice dated 5 October 2020.
 - The development proposed is Construction of a part single, part two storey front, side and rear extensions and associated internal alterations, following demolition of the existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "*Side and rear storey extension with internal alterations*" to "*Construction of a part single, part two storey front, side and rear extensions and associated internal alterations, following demolition of the existing garage.*" This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance on the host dwelling and the local area; and the living conditions of the occupiers of no. 15 Cress Road with particular regard to daylight and outlook.

Reasons

Character and appearance

4. The appeal site is an end-of-terrace dwelling set on a corner plot, with a detached garage building. The dwelling is set back from the road, with parking to the front and side access to the garage and rear garden area. The terrace is a row of dwellings spanning a stretch of Cress Road. Where the road bends at each end of the terrace, those properties are set slightly forward of the remainder of the terrace, creating a more dominant feature to the corners of

- the street. I noted at the time of my site visit that number 19, the corresponding end property to the appeal site, was being extended and the main works to construct the walls had been carried out.
5. The proposed development would extend the property by wrapping around the side and rear of the dwelling, providing an open porch and two storey element to the front elevation, with a 1.5 storey extension to the side, and two storey extension to the rear. The roof of the proposed extension would reflect the existing by providing hipped gable features, however the 1.5 storey element would have a gable end feature. There are elements of the proposed design that would reflect the existing dwelling, such as the use of matching materials and the hipped gables.
 6. Notwithstanding, the extent of different elements proposed (namely the different roof levels), combined with the two storey elements would be discordant with the existing dwelling and remainder of the terrace which, in its current form, displays strong features and characteristics with a simple and uniform design and layout. In addition to this, the proposed open porch element across the frontage is in stark contrast to the character and appearance of dwellings in the local area and is not a feature frequently found in the locality.
 7. The appellant has drawn comparisons with no. 19 Cress Road, where I was able to see an extension was currently under construction. Whilst I acknowledge that the extension in that case may be sizeable when compared to the existing dwelling, I was able to see that the extension did not protrude beyond the front or rear walls of the original dwelling. In addition to this, the design of that particular proposal, as shown in the appeal documents is reflective of the overall character and appearance of the terrace and existing dwellings in its design and layout. I note also the Council has mentioned the porch element to number 23 Cress Road, however do not consider that the presence of this porch is sufficient to overcome the harm identified at the appeal site.
 8. I am not fully aware of the circumstances of either of these proposals, which are likely to be different, and in any event the fact that apparently similar extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
 9. Policies EN1, EN2 and H15 of the Slough Local Plan¹ (the Local Plan), require new development to (among other things) ensure the highest quality design and to be compatible with its surroundings, and existing building lines and ensure there is no adverse effect on the local area. The Slough Residential Extension Guidelines Supplementary Planning Document² (SPD) also sets out guiding principles for residential extensions and alterations, including expecting development to relate to the original building and to respect the streetscene and character of the area.
 10. I consider that the proposals would harm the character and appearance of the host dwelling, and as such would not accord with policies EN1, EN2 and H15 of the Local Plan the guidance in the Council's SPD. The proposals would thus

¹ The Local Plan for Slough (Adopted March 2004)

² Slough Residential Extension Guidelines (Adopted January 2010)

also conflict with the National Planning Policy Framework (the Framework) which requires, at paragraph 127, development to be visually attractive and sympathetic to local character to create high quality buildings and spaces.

Living conditions

11. The proposed development would result in a two storey extension across the full extent of the rear elevation of the property, 3.65m in depth, and immediately adjacent to the neighbouring property no. 15 Cress Road. The neighbour at no. 15 is separated from the appeal dwelling via a standard close-board fence. I was able to see at my site visit that no.15 has a glazed door closest to the appeal site, with two further windows at ground floor level. At first floor there are three windows.
12. The appellant has provided measurements of the 45 degree line in the context of the proposed development from the first floor, however there appears to be some difference between the parties in the correct methodology to test the impacts of development to neighbouring properties. Notwithstanding, the development would have an eaves height of 4.95m and the additional height and depth would create a solid flanking wall and would protrude beyond the existing rear elevation of no.15 creating an unneighbourly sense of enclosure and unacceptable loss of daylight and sunlight. Whilst the roof would slope away from no. 15, there is also a parapet wall and I do not consider that this overcomes the harm identified that would be caused as a result of the additional development in proximity to that neighbour.
13. The Council's SPD says that there is a general rule that two storey extensions to the rear of a house should be up to 3.3m as anything that is longer is likely to be too overbearing for neighbours. The SPD acknowledges that this depends on the arrangements on the site and neighbouring dwellings. In the instance before me, the development would extend to 3.65m from the rear of the existing house and so conflicts with the guidance in the SPD. I consider that this depth, combined with the proximity to, and the relationship between the neighbouring windows would result in an unacceptable impact by way of loss of daylight and sunlight and overshadowing.
14. For these reasons I conclude that the proposed development would cause harm to the living conditions of neighbouring properties by way of an oppressive outlook and an unneighbourly sense of enclosure and loss of daylight and sunlight to the occupiers of the dwelling at no. 15. The development would therefore conflict with Policies EN1, EN2 and H15 of the Local Plan and the Guidance of the SPD. These, amongst other things, seek to ensure developments protect occupiers of neighbouring properties from loss of residential amenity, do not cause unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight or sunlight, or result in an unneighbourly sense of enclosure.

Other matters

15. I note that the appellant has confirmed that there would be no closure of a gap between dwellings given the corner plot layout of the appeal site. Nonetheless, this does not outweigh the harm identified above.
16. I note that the proposals before me are 'scaled down' from a previous development which had been refused by the Council, and has been amended

following officer feedback. Even so, I do not find that there are sufficient reasons which overcome the harms identified to allow the development.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rebecca Thomas

INSPECTOR