

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: March 2022

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
2018/00425/ENF	35, Woodland Avenue, Slough, SL1 3BX Outbuilding being used as self-contained residential accommodation	Appeal Dismissed / Upheld 6 th December 2021
P/00997/009	23, St. Marys Road, Slough, SL3 7EN Construction of a first floor side extension and amendments to roof profile	Appeal Dismissed 20 th December 2021
P/17170/003	127, Langley Road, Slough, SL3 7DZ Construction of a two storey side extension and side extension to loft conversion.	Appeal Dismissed 20 th December 2021
P/19018/001	125, Monksfield Way, Slough, SL2 1QJ Raise the ridge of main roof and the erection of a full width dormer window	Appeal Allowed 7 th January 2022
P/06493/002	19, Crosthwaite Way, Slough, SL1 6ET Construction of a loft extension with dormers to both side elevations.	Appeal Dismissed 25 th January 2022
P/17353/004	20, Sutton Avenue, Slough, SL3 7AW Retention of first floor rear extension and loft conversion (part retrospective) The rationale behind the decision was that the previously discussed depth that was allowed was already beyond the scope of what the RESPD allows, but given the further assessment it was deemed as acceptable on that occasion (/003 application). What was built was even further than this, and therefore not policy complaint and considered to be	Appeal Granted 22 nd February 2022

	<p>excessive, and that depth was refused as part of the /002 application (5m). Given that and that decision was materially relevant to the development plan, a refusal decision was issued. I take the Inspector's view that there is little difference to what was approved, but I would stand by the above given our council policies on first floor rear extensions and taking in mind the depth from the original building.</p>	
P/02360/002	<p>9, Hempson Avenue, Slough, SL3 7RW</p> <p>Conversion of 1no dwelling into 2no seperate dwellings</p> <p>The application was submitted with the above description, however the plans were inadequate and inconsistent; the LPA therefore refused the application on the grounds that a full and proper assessment could not be made on the application and the principle of development (conversion into flats and thus the loss of a single family dwelling) based on the description proposed within the submitted planning application form.</p> <p>During the appeal process the appellant provided a detailed plan to overcome 1 reason for refusal. The LPA was provided with a copy of the amended plan and agreed that it now shows a completely different development and the plan was acceptable. Had that plan been provided at the time the planning application was submitted, the LPA would have approved the proposal on the basis that the now clear 2no individual two storey dwellings shown were policy compliant and we would support family housing in that location.</p> <p>The Planning Inspector concluded that the new plan is acceptable and the principle of development for the creation of a whole new individual single family dwelling is acceptable and thus allowed the appeal.</p>	<p>Appeal Granted</p> <p>22nd February 2022</p>
P/19482/000	<p>147, Granville Avenue, Slough, SL2 1JP</p> <p>Construction of a detached outbuilding for use as a gym use</p>	<p>Appeal Dismissed</p> <p>23rd February 2022</p>



Appeal Decision

Site visit made on 8 November 2021

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 6 December 2021

Appeal Ref: APP/J0350/C/21/3279253

Land at 35 Woodland Avenue, Slough SL1 3BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Satnam Gill against an enforcement notice issued by Slough Borough Council.
- The enforcement notice was issued on 30 June 2021.
- The breach of planning control as alleged in the notice is Without planning permission, the conversion of outbuilding to form a self contained dwelling, in the approximate position edged blue on the attached plan.
- The requirements of the notice are: 1) Cease the use of the outbuilding as a self-contained unit of residential accommodation; 2) Remove the kitchen and bathroom from the outbuilding; 3) Remove the internal walls incorporating the shower room and the kitchen; 4) Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

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

Preliminary Matters

1. The appellant made the appeal solely under ground (d) seeking to demonstrate that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control stated in the notice. However, it appears that the appellant's evidence seeks in fact to demonstrate that the breach stated has not occurred in that the appellant submits that the appeal building has not been used as a separate dwelling, but rather as accommodation ancillary/incidental to the main residential use. I therefore treat this as a 'hidden' ground (b) appeal.

The Notice

2. The notice refers to the breach of planning control as the 'conversion' of an outbuilding to form a self-contained dwelling. It is not clear from the term 'conversion' of itself whether the breach alleged represents a change of use, facilitating works, or both. In view of the requirements of the notice referring to ceasing the use, as well as removal of facilitating works, it is plain that the term 'conversion' in this instance is intended to refer to a change of use along

with facilitating works. I shall therefore correct the notice to refer to both of these. I consider that this can be done without injustice since the intention of the meaning of this term is clear from the face of the notice.

The 'hidden' appeal on ground (b)

3. The appeal on ground (b) is that the breach of planning control alleged in the notice has not occurred. The burden of proof is on the appellant to make their case on the balance of probability.
4. The appellant submits that the outbuilding has been in use only by family members in the household for some twenty years. The outbuilding has apparently been used for family events and gatherings, as well as for the appellant's children to gain independence and also for physical therapy for a member of the appellant's family. The appellant states that he has VHS tapes to evidence the historic usage of the outbuilding. Thus, the appellant claims effectively that historically, the outbuilding has not been used as a self-contained dwelling, but rather that uses have been ancillary/incidental to the residential use of the main dwelling.
5. The Council's evidence though is that a Housing Regulation Officer visiting a neighbouring property observed a couple leaving the outbuilding and enquired whether they lived there, to which the couple replied that they did. The appellant makes no specific response to the Council's submission in this regard and provides no substantive evidence to counter this claim. At my site visit, I saw that the outbuilding was vacant, in the sense of there being no one inside when I visited. Items such as bicycles and a boxing bag appeared to be stored within the building at the time of my visit.
6. However, it was plain that the outbuilding provided all of the facilities required for private day to day domestic existence, including a kitchen and shower room. The appellant has provided no logical explanation as to why a shower room and kitchen would have been required in the outbuilding for the uses stated. It may be that historically the building has not been used as a separate dwelling but that this is a relatively recent development. It may even be that this use has now ceased. However, either way, the appellant has not shown on the balance of probability that the outbuilding was not in use as a self-contained dwelling as at the date of issue of the notice.
7. As such, I find on the evidence before me and as a matter of fact and degree that the breach of planning control as alleged in the notice has occurred. The 'hidden' ground (b) appeal fails.

The appeal on ground (d)

8. The appeal on ground (d) is that as at the date when the notice was issued, no enforcement action could be taken in respect of the breach of planning control alleged.
9. The appellant's evidence, as outlined above, is that the outbuilding has been used for approximately 20 years as ancillary/incidental accommodation in connection with the use of the main house but not as a separate dwelling. The submissions put forward by the appellant do not therefore support an appeal on ground (d) which would need to evidence that the outbuilding *has* been

used as a separate dwelling for four years, such that it is too late for the Council to now take enforcement action.

10. I therefore find on the evidence before me and as a matter of fact and degree that the appeal on ground (d) should fail.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

12. It is directed that the enforcement notice is corrected by:

- In paragraph 3 of the notice, the deletion of the word 'conversion' and substitution of 'change of use'; and
- In paragraph 3 of the notice, the insertion of the words 'and facilitating works' after the wording 'self contained dwelling'.

13. Subject to these corrections, the appeal is dismissed and the enforcement notice is upheld.

V Bond

INSPECTOR



Appeal Decision

Site visit made on 7 December 2021

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 20 December 2021

Appeal Ref: APP/J0350/D/21/3282623

23 St. Marys Road, Slough SL3 7EN

- 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 Joanarc Kulandairaj against the decision of Slough Borough Council.
 - The application Ref P/00997/009, dated 28 May 2021, was refused by notice dated 26 July 2021.
 - The development proposed is a first-floor side extension and amendments to roof profile.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Decision Notice refers to the Slough Borough Council Residential Extension Guidelines Supplementary Planning Document 2010 (SPD), Section 8.0, which advises on roof extensions, dormer windows and roof lights. However, in the main body of the Officer Delegated Report, references are only made to side extensions and specific paragraphs within section 5.0 of the SPD. As such, the reference on the Council's Decision Notice is an error, and the merits of the appeal have been assessed with respect to the advice and guidance in section 5.0 of the SPD.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property, and whether it would preserve or enhance the character or appearance of St. Mary's Church Conservation Area.

Reasons

4. St. Mary's Church Conservation Area (the CA) is principally characterised by the siting of St. Mary's Church, its grounds and ancillary buildings, which are located to the south east of the designation. On the opposite side of the Road, it is generally contemporary dwellings fronting St. Mary's Road with a staggered building line. Most of these dwellings are outside the CA boundary, however, a row of dwellings, including two pairs of semi-detached period properties are included near to the bend in the Road. The significance of the CA is, in part, derived from the set back position of the buildings from the highway and the generous spacing between them, which contributes to the openness of the area.

5. 23 St Mary's Road is a two-storey contemporary detached dwelling located within the CA. The dwelling is orientated at an angle with a staggered set back, has a pitched roof, gable frontage and is finished in brick. The flat roofed extensions to the side are marginally forward of the adjacent neighbouring property's front elevation to the north, but a notable gap remains between the properties at first floor, which makes a positive contribution to the openness of the CA. The orientation of the host property, staggered building line and visual relief at first floor positively contributes to the character and appearance of the CA. The appeal site and street scene are appreciable from wider vantage points to the north, and from the bend in the Road to the south.
6. The extension would significantly increase the scale and width of the host dwelling at first floor, resulting in a dominant addition that would adversely impact upon the scale, massing, and appearance of the host dwelling from the front. The impact of the extension is exacerbated by the angle of the front wall and the complex series of roof designs, which would be incompatible with the orientation and simple pitched roof of the gable fronted dwelling. The extension would also be forward of the adjoining neighbours at first floor, largely infilling the notable gap between No 25 and the appeal property. As such, while a significantly smaller gap would be retained, the scale, siting and orientation of the extension would unacceptably dominate the host dwelling and diminish the contribution the gap makes to the openness of the area.
7. Although it is appreciated that the dwelling is positioned on a bend in the Road, the curve is not so significant that the scale and massing of the extension would not be appreciable from vantage points along the Road. Consequently, the siting of the dwelling on the curve would not adequately mitigate the scale and massing of the extension and the resultant impact upon the host dwelling and the CA.
8. Overall, the proposal would unacceptably impact upon the character and appearance of the host property and would fail to preserve the character or appearance of St. Mary's Church Conservation Area. As such, it would be contrary to Core Policy 8 of the Slough Borough Council Local Development Framework Core Strategy 2008, saved Policies H15, EN1 and EN2 of the Slough Borough Council Local Plan 2004 and Section 5.0 of the SPD. These policies, and guidance, seek to ensure proposals are of a high-quality design, which respects its location and surroundings, improving the quality of the environment and street scene. It would also fail to accord with the design objectives of the National Planning Policy Framework.

Conclusion

9. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR



Appeal Decision

Site visit made on 7 December 2021

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 20 December 2021

Appeal Ref: APP/J0350/D/21/3284374

127 Langley Road, Slough SL3 7DZ

- 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 Dinesh Sharma against the decision of Slough Borough Council.
 - The application Ref P/17170/003, dated 26 May 2021, was refused by notice dated 16 July 2021.
 - The development proposed is for the construction of a two-storey side extension and side extension to loft conversion.
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Decision

1. The appeal is dismissed

Main Issue

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

Reasons

3. Langley Road is a residential area with a mix of dwelling types and sizes. The dwellings are, for the most part, set within spacious plots, front the road and maintain an appreciable visual gap at first floor between each dwelling. The pattern of development provides some uniformity and a sense of space that positively contributes to the character and appearance of the area. The appeal site is identified along with many others as being within a Residential Area of Exceptional Character.
4. 127 Langley Road is a semi-detached dwelling with a pitched roof, a design that is repeated regularly along the Road. However, the adjoining dwelling, 125 Langley Road is a larger detached dwelling with an alternative scale, design and appearance. No 125 has a building line that is forward of No 127, and an existing first-floor extension that extends up to the boundary.
5. The proposal would match the height of the neighbouring extension and extend up to the side boundary, where a minimal gap would be maintained between the built form. It is acknowledged that the extension has been proposed with a set back and down and the neighbouring dwelling is a property with an alternative siting, scale and design. However, the visual break at first floor is minimal and the difference in siting, scale and design would not sufficiently mitigate the close proximity of the two extensions. Consequently, the extension would fail to provide any visual relief at first floor, contrary to the existing pattern of development, where the visual spacing between dwellings creates a

sense of space and is an important part of the character and appearance of the area.

6. In support of the appeal, it was indicated that the extent of side space between built forms within the locality is visually dominated by slender divisions. However, within the context of the appeal site, I saw that slender divisions are in the minority and were in most part due to an extension to the property. In any event, those that I saw served to confirm that such extensions change the nature of the relationship between the dwellings, to the detriment of the character and appearance of the area.
7. I, therefore, conclude that the effect of the proposal on the character and appearance of the area would be unacceptable. As such, it would be contrary to core Policy 8 of the Slough Borough Council Local Development Framework Core Strategy 2008, saved Policies H12 and EN1 of the Slough Borough Council Adopted Local Plan 2004, the Slough Borough Council Residential Extension Guidelines Supplementary Planning Guidance 2010. These policies, and guidance, in general seek to ensure proposals are of a high-quality design, which respects its location and surrounding and does not have a detrimental impact upon the street scene. It would also fail to comply with the design objectives of the National Planning Policy Framework.

Conclusion

8. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations raised, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR



Appeal Decision

Site visit made on 5 January 2022

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 07 January 2022

Appeal Ref: APP/J0350/W/21/3278348

125 Monksfield Way, SLOUGH, SL2 1QJ

- 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 & Mrs McDermott against Slough Borough Council.
 - The application Ref P/19018/001, is dated 26 November 2020.
 - The development proposed is raise the ridge of main roof and increase the height of the previously approved dormer.
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Decision

1. The appeal is allowed, and planning permission is granted to raise the ridge of main roof and increase the height of the previously approved dormer, at 125 Monksfield Way, Slough, SL2 1QJ, in accordance with the terms of the application, Ref P/019018/001, dated 26 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development shall be carried out in strict accordance with the following submitted plans: S01, S03 Rev A, S04, C01 Rev B, C02 Rev A and C03 Rev B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. The Council has not submitted an officer report or statement. I therefore do not have anything before me to inform me of the Council's view of the proposal. The Council has also not submitted copies of any local development plan policies that it considers to be relevant to the proposal. I will therefore determine the appeal on the basis of national planning policy.

Main Issues

3. On the basis of my assessment of the proposal and my observations on site I am of the view that the main issues that I should consider are the proposal's impact upon:
 - a) the character and appearance of the existing dwelling and the area, and

- b) the living conditions of the occupiers of neighbouring dwellings, with regard to privacy.

Reasons

Character and appearance

4. The appeal dwelling is within a 20th century housing estate. Dwellings in the area are consistent in terms of their two storey scale, terraced forms and use of brick and tile.
5. A rear dormer extension has already been approved at the site¹. The proposal seeks to increase this in height, which would take it above the ridge height of the existing dwelling. The increase in height would be modest. It would follow the full width of the dwelling and would adopt the slope of the front facing roof at its southern edge. The appeal building is at one end of a staggered terrace where the individual dwellings already adopt different ridge heights. As such the increase in height will not appear out of place when viewed from the front of the appeal building.
6. The dormer would be visible across the adjacent rear gardens from the southern end of Doddsfield Road to the west. However, it would be set back beyond other dwellings and would thus not be a harmful addition to the streetscene.
7. In summary, the proposal would not harm the character or appearance of the existing dwelling or the area. It would accord with paragraph 130 c) of the Framework, which seeks to ensure that development proposals are sympathetic to local character.

Living conditions

8. The proposal would occupy almost the entire rearward roof slope and would effectively add an additional storey to the rear of the dwelling. However, it would be no more significant than that already permitted by the Council through the grant of the previous planning permission. It would be typical of the relationship between many terraced dwellings and their neighbouring gardens, and would not be so significant that it would erode the level of privacy already enjoyed by those using the rear gardens of the adjacent dwellings, given the level of overlooking that already takes place.
9. In summary, the proposal would not harm the living conditions of the occupiers of the neighbouring dwellings. It would accord with paragraph 130 f) of the Framework, which seeks to ensure that development proposals create places with a high standard of amenity for existing users.

Conditions

10. The Council has not suggested any conditions. In considering which conditions I consider to be necessary I have had regard to the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty, and a condition to ensure that the materials match those specified on the approved plans to safeguard the character and appearance of the area.

¹ Council Ref: P/19018/000

Conclusion

11. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR



Appeal Decision

Site visit made on 11 January 2022

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 JANUARY 2022

Appeal Ref: APP/J0350/D/21/3288494
19 Crosthwaite Way, Slough SL1 6ET

- 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 D Dibble against the decision of Slough Borough Council.
 - The application Ref: P/06493/002, dated 11 August 2021, was refused by notice dated 12 October 2021.
 - The development proposed is dormer extensions to the roof to allow the conversion of loft space.
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Preliminary Matter

1. The description of development above has been taken from the planning application form and differs slightly from the description on the refusal notice and appeal form. However both descriptions adequately describe the proposal.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the host property and the street scene.

Reasons

4. No 19 Crosthwaite Way falls in the central part of an estate of bungalows of similar design. There is a strong sense of uniformity along this street and the wider area resulting from the consistent form and scale of dwellings. Many have been altered by the addition of roof windows set into the plane of the existing roof, and a few have been altered with dormers of a similar box-like design to those proposed in this case.
5. I have no information which indicates whether the few dormer extensions have been permitted following the consideration of a planning application, or whether they have benefitted from permission granted by a development order (permitted development). Notwithstanding that lack of information, the box like dormers I observed around the locality, with flat roofs extending out from close to ridge height, demonstrate a fundamental lack of design quality.
6. The proposed dormers in the case before me also exhibit that lack of design quality. I agree with the Council that the bulk and scale of the dormers would not respect the simple form of the host dwelling. The proposal would add large

box like structures to the existing simple roof structure which would be incongruous and out of place. Because of their positioning they would be obtrusive elements in the street scene when viewed from Crosthwaite Way. Despite other similar dormer extensions in the vicinity the character of the street is overwhelmingly defined by the simple design of the existing bungalows with their sloping roof planes. This proposal would undermine that existing character and would be visually harmful to the appearance of the area.

7. I understand the desire to maximise the use of space in the dwelling and recognise that permitted development may allow an alternative proposal to be implemented. But neither of these matters justifies the construction of what would be a fundamentally inappropriate addition to the existing dwelling.
8. Policies EN1, EN2 and H15 of the Local Plan for Slough (LP) are consistent with the National Planning Policy Framework in requiring a high standard of design and for extensions to be compatible with the original structure. The proposal is in conflict with these policies. There is also conflict with Core Policy H15, which includes similar design objectives. Core Policy 8 of the Slough Local Development Framework also requires high quality design which respects its location and surroundings. This proposal would conflict with those aims.

Other Matters

9. The Council refused planning permission partly on the basis that the proposal would be harmful to neighbouring living conditions with regard to overlooking and overbearing effects. I do not share that concern given the proposed configuration of the dormers and positioning of windows. However this finding is not sufficient to outweigh the significant harm identified in relation to the main issue.

Overall Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

Inspector

Appeal Decision

Site visit made on 3 February 2022

by G Powys Jones MSc FRTPI

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

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/J0350/D/21/3287684
20 Sutton Avenue, Slough, SL3 7AW

- 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 Saffi Hussani against the decision of Slough Borough Council.
 - The application Ref P/17353/004, dated 29 April 2019, was refused by notice dated 8 October 2021.
 - The development is described as retention of first floor rear extension and loft conversion (part retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the retention of first floor rear extension and loft conversion (part retrospective) at 20 Sutton Avenue, Slough, SL3 7AW in accordance with the terms of the application Ref P/17353/004, dated 29 April 2019.

Preliminary matters

2. In the interests of clarity I have adopted the description of the proposed development used in the Council's decision notice.
3. The development subject of the appeal has been completed and the appellant, in effect, wishes to retain it in its current form. I shall proceed on this basis.

Main issue

4. The main issue is the effect of the development on the character and appearance of the host property and its surroundings.

Reasons

5. The appeal property is a substantial detached dwelling set within a pleasant residential area. There is a recent history of applications affecting the property, of which the most relevant are: permission granted for a single storey rear extension¹; a refusal for a first floor rear extension², and a permission granted for a first floor extension and loft conversion³.
6. The 2018 permission has been implemented and completed. The plans approved in 2019 reflected the discussions held between the appellant and the Council, as to the means to overcome the objections raised by the Council in

¹ Ref P/17353/001 dated 13 July 2018

² Ref P/17353/002 dated 26 October 2018

³ Ref P/17353/003 dated 22 January 2019

respect of the refused 2018 two storey rear extension proposal. The Council says that, in granting permission it 'relaxed' some of the requirements set out in its Guidelines⁴, in particular, in respect of the depth of the approved two storey extension. The Guidance points to a maximum depth of 3.3m, whilst the extension approved in 2019 was about 4.5m deep. It does not feel that an additional, more generous relaxation is warranted in this case.

7. The development permitted in 2019 was not built in accordance with the approved plans. In particular, the roof's ridge height has been increased by about 300mm, and the rear extension, according to the Council's measurements, is 5.2m deep⁵. The applicant applied for permission in an attempt to regularise these departures from the plans. It is the Council's refusal of that application which led to this appeal.
8. The Council raises no objection to the main roof having been raised, and accepts that neighbouring living conditions have not been harmed by the rear extension. It also acknowledges that the level of impact on the street scene is acceptable. I concur with the Council's view on all these matters for the reasons set out in the officer report on the application, and having regard to what I saw on my site visit.
9. The Council says that the cumulative effect of the pre-existing single storey rear extension, the erection of the first floor and roof rear extension have resulted in a bulky addition to the property failing to respond to the original proportions, footprint and design of the house, and significantly altering this single dwellinghouse, harming the character and appearance of the area.
10. It strikes me, however, that the Council permitted the single storey extension in 2018, and the full width first floor extension in 2019. The sole material difference between the 'as-built' and that permitted in 2019 in respect of the rear extension element, is that it has been built about 0.7m deeper than permitted.
11. The Council does not consider this to be 'immaterial', but in my view, the additional depth has made very little difference, in terms of the effect on the original dwelling or surroundings, to that which the Council had already permitted. Moreover, the depth of the rear gardens in this part of the street, give rise, in combination, to a comfortable sense of spaciousness, within which the extended dwelling fits appropriately.
12. Accordingly, I find that the completed development, taking account of the full planning history, sits acceptably in its visual and spatial context with regard to the host property and its surroundings. I therefore find no conflict with those provisions of Core Policy 8 of Slough Core Strategy 2006-2026 requiring development proposals to provide high quality of design which appropriately responds to its context or with Policies H15, EN1 and EN2 of the Slough Local Plan (2004) which indicate that proposals should respect and respond to the proportions of the dwelling, as well as to the appearance and design of the vicinity in order to preserve or enhance the character and appearance of the street scene.

⁴ Residential Extensions Guidelines, Supplementary Planning Document, Adopted January 2010.

⁵ This measurement is not disputed by the appellant

Other matters

13. Since the development is complete no conditions are necessary. For the avoidance of doubt, the plans submitted with the application and subject of this permission are: the unreferenced location and block plans and plans Ref HUSSAINI PLAN 001; 002; 003; 004; 004A; 005; 006 & 007A.
14. All other matters raised in the representations have been taken into account. Whilst not decisive in my considerations, I note that none of the immediate neighbours objected to the original application on being consulted.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be allowed.

G Powys Jones

INSPECTOR



Appeal Decision

Site visit made on 3 February 2022

by G Powys Jones MSc FRTPI

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

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/J0350/W/21/3277301 9 Hempson Avenue, Slough, SL3 7RW

- 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 Mrs Herkirit Chagger against the decision of Slough Borough Council.
 - The application Ref P/02360/002, dated 16 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the conversion of 1No dwelling into 2No separate dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of 1No dwelling into 2No separate dwellings at 9 Hempson Avenue, Slough, SL3 7RW in accordance with the terms of the application Ref P/02360/002, dated 16 December 2020, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. In the interests of clarity, I have utilised the description of the proposed development used by the Council in its decision notice.
3. One of the Council's concerns relates to the alleged lack of clarity in the plans accompanying the original planning application. I note, however, that the original application was verified and registered, and the determination was made on the basis of the submitted plans.
4. The appellant has submitted another plan with the appeal documentation¹ so as to clarify certain aspects of concern to the Council. She has requested that the additional plan be taken into account as part of the appeal. The Council was given the opportunity to comment on this request and on the content of the plan, but did not respond.
5. The additional plan, in my view, does not alter the original scheme but provides more clarity and information. The Council was given the opportunity to comment on the plan that deals with its concerns on certain aspects of detail. It chose not to, but I do not consider that any injustice would be caused to it or any other party if I were to take the additional plan into account in my determination.

Main issue

6. The main issue is the effect of the proposed development on the supply of family housing in the locality.

¹ Plan Ref 4A3

Reasons

7. The appeal property forms part of a small terrace of dwellings set within a distinctly residential environment. The intention is to convert the dwelling into two dwellings, whereas the Council appears to have treated the application as one to convert it into two flats.
8. The briefest visual inspection would reveal that the appeal property is significantly wider than the other dwellings in the terrace, and that the plans show that the existing dwelling is to be split vertically rather than horizontally. It is clearly a proposal to create two dwellings rather than two flats.
9. The Council says that, in this part of Slough, development plan policy² is such as to guard against the loss of family housing. An appendix in the CS defines family housing in the following terms:
A fully self-contained dwelling (with a minimum floor area of [79] square metres that has direct access to a private garden, comprises a minimum of two bedrooms and may include detached and semi-detached dwellings and townhouses but not flats or maisonettes”
10. With reference to the plans, the appellant says that both dwellings proposed would fully meet this definition. The Council, having seen the appeal documentation, has not disagreed. I have no reason to conclude other than all the terms of the definition are met.
11. The plan submitted with the appeal shows the proposed car parking and refuse storage arrangements which were of concern to the Council. Two car spaces per dwelling are shown, as is an area for refuse storage. Whilst the frontage parking proposed for both houses may not quite have the capacity to park 2 lengthy cars in front of one another, I noted that the highway outside is not subject to parking restrictions, and at the time of my visit, ample parking spaces were available. Any overspill could therefore park conveniently in the street.
12. I conclude that the proposal would add to rather than reduce the level of family housing in the locality, and that, accordingly, there is no conflict with CS Core Policy 4.

Conditions

13. The Council has not suggested any conditions in the event of planning permission being granted. However, I consider that a condition identifying the approved plans is necessary in the interests of certainty.

Other matters

14. All other matters raised in the representations have been taken into account, including the representations of an immediate neighbour. For the reasons set out above, I have found that there would be no loss of family housing, and the parking arrangements are satisfactory. Since no extensions are involved, I do not consider that the proposal would result in overshadowing, loss of privacy or loss of neighbouring amenity. The replacement of one family house with two would not materially affect local character, and the elevational changes proposed to facilitate the conversion are not so significant as to materially affect the appearance of the building.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be allowed.

G Powys Jones

² Core Policy 4, Slough Local Development Framework: Core Strategy 2006 – 2026 (CS)

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: Drawings Ref *1A3; 2A3; 3A3; 4A3 & M2020/79/SK201*.



Appeal Decision

Site visit made on 3 February 2022

by G Powys Jones MSc FRTPI

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

Decision date: 23rd February 2022

Appeal Ref: APP/J0350/D/21/3289288

147 Glanville Avenue, Slough, SL2 1JP

- 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 Farzan Khan against the decision of Slough Borough Council.
 - The application Ref P/19482/000, dated 10 July 2021, was refused by notice dated 28 October 2021.
 - The development is the construction of a detached outbuilding for gym use.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. According to the application form it is said that work commenced on the construction of the outbuilding towards the end of June 2021. Photographs produced by the Council in its officer report show that work on the building was well advanced in August 2021. Work progressed after that, so that the building is now substantially complete and in use as a gym fully and well-equipped for fitness and boxing, including a ring.
3. I saw that a fence had been recently erected within the rear garden so as to form a separate pedestrian access to the gym from a covered alley running alongside the appeal property. The appellant explained that had been done so that the tenants temporarily occupying the dwelling could retain their privacy.
4. The house, however, was vacant when I visited, and the appellant said that he was currently living with his parents a few doors away - the pedestrian access had been created for him whilst he lived with his parents. He was shortly to move back into the appeal property and the fence would be removed.
5. The submitted drawings show a building with a maximum height of 2.5m, with a flat roof. But the appellant in his grounds of appeal does not dispute the Council's claim that the building is higher than that, and that it has a slightly sloping roof. The building also has side windows, not shown in the submitted plans.
6. Notwithstanding the inaccuracies in the submitted plans, my understanding is that the appellant wishes to retain the outbuilding, as built. I shall proceed on that basis.

Main issue

7. The main issue is the effect of the proposed development on the living conditions of neighbouring residents.

Reasons

8. The appeal property is comprised within a terraced property in a predominantly residential area. The outbuilding has been sited at the rear of the garden, virtually on the side boundaries shared with neighbours either side, and on the rear boundary. Because of its size and scale it dominates the rear garden.
9. The appellant claims that, notwithstanding its large footprint, the building is only marginally above the floorspace which would render the development permitted development, and this should not be ignored. However, no calculations have been provided in support of this contention. I note, however, that the building's height and siting on the boundaries means that it could not be classed as permitted development. There is no doubt in my mind that the building requires planning permission for more reasons than contended by the appellant.
10. I saw that several outbuildings have been built locally within rear gardens, but none that I could see were as large as that subject of this appeal. The appellant, with reference to a Google aerial photograph shows a similarly sized outbuilding further along in the street. That, however, is not characteristic of the size of outbuildings generally in the locality, and as the Council says, it did not receive the benefit of planning permission.
11. To my mind, the building is far too large for its context. It dominates the appeal property's rear garden, but more significantly dominates the rear gardens of the immediate neighbours either side. It is also sited very close to the glazing comprised in the rear extension built next door, at No 149. I have no doubt that the building has had a harmful effect on the neighbouring residents' amenities in view of the building's close proximity, bulk and dominating appearance.
12. I therefore conclude that the retention of the outbuilding would cause further harm to the living conditions of the residents either side of the appeal property by reason of its adverse visual impact upon them. The development thus conflicts with those provisions of Core Policy 8 of Slough's Core Strategy and Policy EN1 of Slough Local Plan designed to protect neighbouring occupants from the adverse effects of unacceptable development and to govern its relationship with other properties.

Other matters

13. I note that none of the neighbours living either side of the appeal site objected, but that is insufficient reason to allow the appeal in circumstances when I find the development objectionable in planning terms for the reasons already set out.
14. I also acknowledge that the limitations put on the size of outbuildings in the Council's guidance¹ does not appear to take account of permitted development

¹ Policy EX39 of the Slough Residential Extension Guidelines.

rights. However, had the appellant wish to use his permitted development entitlements, then it is clearly important that he should have built within its set limitations and constraints, which are clearly set out in the relevant Order.

15. All other matters raised in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be dismissed.

G Powys Jones

INSPECTOR