

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: May 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
2020/00478/ENF	6, Glentworth Place, Slough, SL1 3UT Self Contained Outbuilding	Notice Squashed 6 th April 2022
X/00103/002	Grass verge off of Halkingcroft & Middlegreen Road Junction Prior approval for the installation of a new 15m high slim line Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works	Appeal Dismissed 11 th April 2022
P/07663/031	1-2 The Drive, Slough Variation of condition 2 (drawings) of planning permission P/07663/030 dated 21/12/2020 - changes to the height of the glazing/screening in the roof terrace area	Appeal Dismissed 12 th April 2022
P/00226/045	253-257, Farnham Road, Slough, Berkshire, SL4 4LE Change of use at ground floor from nursery (D1 Use Class) to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking , undercroft parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.	Appeal Dismissed 12 th April 2022
P/06651/107	Slough Retail Park, Twinches Lane, Slough, Slough, SL1 5AL Advertisement consent to display 1no. internally illuminated flagpole sign	Appeal Granted 25 th April 2022
P/05541/004	15, Elliman Avenue, Slough, SL2 5AZ Conversion of existing 2 bedroom house into 1x 2 bedroom & 1x 1 bedroom flats and erection of part single storey side extension, first floor rear / side extension, and internal alterations	Appeal Granted 25 th April 2022

	<p>It was the view of Officers that though NPPF policy encourages the provision of additional housing, it is still considered reasonable and necessary to control the mix and type of development in an area to suit that identified as being needed. The development does not comply with policy and would remove a larger house to convert it into flats. Though an additional unit is provided, this provision does not override the harm caused by the loss of family accommodation. However, the Inspector's view is accepted with regards to the planning balance and individual merits stated within the Decision Report.</p>	
P/17057/002	<p>76, Farnham Road, Slough, SL1 3TA</p> <p>Installation of a dropped kerb</p>	<p>Appeal Dismissed</p> <p>5th May 2022</p>
2020/00482/ENF	<p>34, Glentworth Place, Slough, SL1 3UT</p> <p>self contained outbuilding</p>	<p>Dismissed / Upheld</p> <p>6th May 2022</p>



Appeal Decisions

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 06th April 2022

Appeal A: Ref APP/J0350/C/21/3279700

Appeal B: Ref APP/J0350/C/21/3279702

Land at 6 Glentworth Place, Slough SL1 3UT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr Riaz Turab and Appeal B is made by Mrs Rehana Turab against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2020/00478/ENF, was issued on 21 June 2021.
 - The breach of planning control as alleged in the notice is the conversion of an outbuilding to form a self-contained dwelling ("**Unauthorised Development**") and shown on the plan attached to the notice edged in blue.
 - The requirements of the notice are to:
 - (i) Remove the kitchen and shower room from the outbuilding ("**Unauthorised Development**").
 - (ii) Remove the internal walls incorporating the kitchen and the shower room.
 - (iii) Remove all plumbing, boiler and associated pipework in connection to the kitchen and bathroom within the outbuilding.
 - (iv) 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 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2) (c) and (f) of the Town and Country Planning Act 1990 as amended (the Act).
-

Decisions (Appeal A and Appeal B)

1. The enforcement notice is quashed.

Reasons

2. An Inspector has a duty to 'get the notice in order if he can'¹. This includes the allegation.
3. It is abundantly clear from the appeal submissions of the Council and a professionally represented third party, that it is the positions of those parties that - as a matter of fact - the allegation is plain wrong.
4. Indeed, despite issuing the notice as the Local Planning Authority, the Council's appeal statement directly contradicts the notice allegation in arguing that a self-contained dwelling **house has been erected 'from scratch' rather than** resulting from the conversion of an outbuilding².

¹ Hammersmith LBC v SSE & Sandral [1975] 30 P&CR 19.

² "**The enforcement notice...** perhaps should have referred to the erection of an outbuilding to form a self-contained residential dwelling, as the breach of planning control."**(p3)**; "However, this is not a case of internal alterations being undertaken, rather it is the purpose built, erection of a self-contained dwelling house from scratch."**(p4)**; "The breach of planning control which the Local Planning Authority are enforcing against is effectively the construction of a detached self-contained outbuilding."**(p5)**; "...the breach of planning control relates to the outbuilding being built from the outset as an independent self-contained living accommodation rather than as ancillary accommodation to the main dwelling as per the planning approval."**(p11)**

5. This distinction has much significance in the determination of the appeals, since arguments put under both grounds (c) and (f) rely on a sufficiently precise allegation. For instance, it is not appropriate in the interests of fairness for the notice allegation to refer to conversion of an outbuilding when **the Council's** appeal arguments under ground (f) specifically turn on a position that the building was erected as a self-contained dwelling from the outset³.
6. Under s176(1)(a) of the Act, I may correct any defect, error or misdescription in the notice where I am satisfied that doing so will cause no injustice to the appellants or the Council.
7. In this case, to correct the notice in line with the Council (and third party) appeal position would cause injustice to the appellants since they would be worse off than had they not appealed; the new allegation would in essence state that the erection of the building was unlawful and would represent a widening of the existing allegation which concerns lesser aspects of lawfulness relating only **to the building's conversion. Further, had the allegation** been correctly stated in the notice from the outset the appellants would have been afforded a fuller and fairer opportunity to make a case against it upon appeal.

Conclusion

8. For the reasons given above I conclude that the enforcement notice does not correctly specify the breach of planning control alleged to have occurred as a matter of fact. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeals under the various grounds as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.
9. The Council may wish in these circumstances to consider the applicability of s171B(4)(b) of the Act.

Andrew Walker

INSPECTOR

³ **"The Council maintains its contention** that the kitchen and bathroom fittings need to be removed in order to remedy the breach of planning control. This is because the breach of planning control relates to the outbuilding being built from the outset as an independent self-contained living accommodation rather than as ancillary accommodation to the main dwelling as per the planning approval."**(p11, Council's Written Statement)**

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2022

Appeal Ref: APP/J0350/W/21/3281075

Junction of Halkingcroft with Middlegreen Road, Weham Court, Slough, Berkshire SL3 7BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Slough Borough Council.
 - The application Ref X/00103/002, dated 19 May 2021, was refused by notice dated 13 July 2021.
 - The development is proposed 5G telecoms installation: 15m high 'slim line' Phase 8 H3G street pole c/w wrap around cabinet and 3no. cabinets with ancillary works– to be coloured green.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the siting and appearance of the proposed development on the surrounding area, and whether any harm caused would be outweighed by the need to site the installation in the proposed location, having regard to the potential availability of alternative sites, and the requirements of national policy.

Reasons

3. The appeal site **forms part of an open and spacious 'T'-junction**. Either side of the junction are generous grass verges that provide a pleasing verdant quality to the established suburban surroundings. The grass verge in which the proposal would be sited hosts a diagonal footpath as well as a number of mature and substantial trees, all of which contribute to the pleasant and open environment. Street furniture close to the appeal site is currently limited to inconspicuous and low-level cabinets, as well as bins, road name signs and relatively small lampposts. Accordingly, the street furniture plays an entirely subservient role to the open and verdant nature of the broader surroundings.
4. The proposal would introduce a number of cabinets that would be of a more substantial appearance to the existing furniture. They would address the footpath, albeit with a marginal setback, and would create a substantial bank of structures that would span much of the footpath with very little space between. In addition, based on the evidence before me, the height of the proposed street pole would be taller than the substantial trees on the grass verge.

5. Due to the height of the street pole and the extent of the cabinets, the totality of the installation would result in a significantly dominant and imposing addition to the site. The size, height and layout of the installation would entirely overwhelm the pleasing surroundings in a manner that would be distinctly at odds with the verdant environment. The proposal would fail to integrate with the existing street furniture and instead, would be of a scale that would be fundamentally incongruous to the surroundings.
6. **I note the appellant's view that the proposal seeks to strike a balance between** operational requirements, network improvements, and environmental harm. However, although it is a revised proposal from that previously refused, for the reasons identified above, significant reservations remain regarding the proposed siting and appearance. I also note that other sites have been discounted. Nevertheless, based on the evidence before me, the site selection process does not appear to be particularly exhaustive, and the reasons given for discounted alternative sites are supplemented with very little detailed justification. Accordingly, in my view, the evidence before me fails to present a particularly compelling argument for the appeal site being the preferred location.
7. Paragraph 114 of the National Planning Policy Framework confirms that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology. The proposal would provide new 5G network coverage and therefore the Framework lends support to the appeal.
8. However, for the reasons identified above, the harm that would be caused to the character and appearance of the area would be of fundamental concern, and although not located within a conservation area, in my judgement, the level of harm would substantially outweigh these other considerations. Consequently, I conclude that the harm caused by reason of siting and appearance would substantially outweigh the need to site the installation in the proposed location, having regard to the potential availability of alternative sites, and the requirements of national policy.

Conclusion

9. The appeal should be dismissed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/J0350/W/21/3277161

1-2 The Drive, Slough SL3 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Khan against the decision of Slough Borough Council.
 - The application Ref P/07663/031, dated 15 March 2021, was refused by notice dated 13 May 2021.
 - The application sought planning permission for conversion of existing two (2x) two-bedroom first-floor flats into four (4x) one-bedroom flats and first floor extension to the rear of the existing building to create roof terraces without complying with a condition attached to planning permission Ref P/07663/030, dated 21 December 2020.
 - The condition in dispute is No 2 which states that: *The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority. (a) Site location plan, scale 1:1250, Recd On 15/10/202 (b) Drawing No. GRK/PLAN/002A, Dated 10th September 2020, Recd On 11/12/2020 (c) Drawing No. GRK/PLAN/004B, Dated 10th September 2020, Recd On 15/10/2020 (d) Drawing No. GRK/PLAN/008, Dated 3rd December 2019, Recd On 15/10/2020*
 - The reason given for the condition is: *To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.*
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions for the occupants of No 1A the Drive.

Reasons

Character and Appearance

3. The proposal relates to a single storey, flat roof extension to the rear of the building that has permission to be utilised as a roof terrace. Planning permission also exists for the provision of a 1.7m high enclosure above the extension, the top section of which consists of glazing.

4. The proposal seeks to alter the existing planning permission to enable the provision of a taller glazed screen. This would have the effect of increasing the height of the overall enclosure by 500mm. Accordingly, overall, an enclosure of some 2.2 metres would be provided above the single storey extension. This would have the effect of substantially increasing the bulk of the rear addition. Although much of this would already have permission, the increased height would substantially obscure much of the rear elevation. It would be of a height comparable with the existing eaves line and consequently, the resultant bulk and mass would represent a significant addition to the rear of the property.
5. Due to the orientation of the existing building, the rear elevation is highly prominent. Consequently, the proposed enclosure would be visible within the street scene. Although the enclosure would not have a roof, and the glazed material would be slightly more lightweight from a visual perspective, the height and bulk that would be created would become a dominant and imposing structure within the street. It would jar with the form of the existing building and take on an appearance comparable to a first-floor flat roof extension. Given the prominence of the rear elevation, this would cause demonstrable harm to the existing street scene.
6. Accordingly, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Core Policy 8 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS), and Policies H15, EN1 and EN2 of the Local Plan for Slough (2004) (LP). Taken together, these seek amongst other things, development of a high standard of design.

Living Conditions

7. The proposal would increase the height of the approved enclosure. However, it would be set in from the shared side boundary by a considerable distance. Due to this separation distance, the proposed increase in height would not be overbearing or substantially more dominant than the approved screen. Accordingly, in my judgement, the increased height would not have a material effect on the neighbouring dwelling.
8. Consequently, I conclude that the proposal would not harm the living conditions for the occupants of No 1A The Drive. On this basis, it would comply with Core Policy 8 of the CS, and Policies H15, EN1 and EN2 of the LP. Taken together, these seek amongst other things, development of a high standard of design which does not have a significant adverse impact on the amenity of adjoining occupiers.

Conclusion

9. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR

Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/J0350/W/21/3280796

253-257 Farnham Road, Slough SL2 1HA

- 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 Robert Dhaliwal on behalf of Hillstone Properties Ltd against the decision of Slough Borough Council.
 - The application Ref P/00226/045, dated 25 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed **was originally described as:** 'Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions for the occupants of No 2 Furnival Avenue, as well as future development opportunities.

Reasons

Character and Appearance

3. The appeal site is currently occupied by a two-storey building with a substantial footprint. It is located close to the junction of Farnham Road and Furnival Avenue. The building is also situated adjacent to an established petrol station forecourt with the consequence that it is set well back beyond the more substantial buildings which front onto Farnham Road. Due to this set back, the existing building does not address the principal road with the same prominence as its larger neighbours, and instead, has a greater presence when experienced within Furnival Avenue. When viewed from this road, the structure is located close to No 2, and set away from Farnham Road.

4. In its current form, the flat roof of the existing building aligns closely with the eaves height of the adjacent No 2. Although the building has a substantial footprint and consequently, is a large structure, due to the comparable eaves height, the appeal building and No 2 relate well with each other in the street scene. Accordingly, in its current form, the existing structure has a neutral effect on what is a transitional space between a suburban and more urban environment.
5. The proposal would introduce a two-storey extension onto the existing building. This would be designed as an additional storey to the flat roof building, with a mansard roof above. Accordingly, the proposal would substantially increase the eaves height of the building, as well as its overall height, bulk and scale. The resultant structure would represent a significantly larger building and due to such a dramatic increase in bulk and scale, it would result in a sharp transition to the adjacent dwelling. The consequence of this would be to create a building that would entirely dominate and overwhelm the adjacent two storey dwelling in a manner that would be detrimental to the pleasing composition of the street scene.
6. The increased bulk and height of the building would align more closely with those which front onto Farnham Road. Accordingly, when viewed in this context, the enlarged structure would not be so at odds with the prevailing street scene. However, due to the presence of the petrol station forecourt, the building is substantially set back from this main road which establishes a closer relationship with the dwellings on Furnival Avenue. For the reasons identified above, this relationship would cause significant and demonstrable harm to the composition of the street scene. It would create a building that would dwarf the adjacent dwelling, thereby being unacceptably dominant and imposing within the immediate street scape.
7. Consequently, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy EN1 of The Local Plan for Slough (2004) (LP), and Policies 8 and 12 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS). Taken together, these seek amongst other things, development of a high standard of design which is compatible with its surroundings.

Living Conditions

8. In its current form, the existing building has a series of elevated windows that face towards the side boundary of No 2. As a consequence, direct views are afforded into this private amenity space, thereby reducing overall privacy levels.
9. The proposal would increase the height of the building by introducing a two-storey extension above the existing first floor. Both of the new storeys would provide residential accommodation, and many of the proposed apartments would rely on views towards No 2 for their principal outlook. In addition, two balconies would be provided at second floor level and two at third floor level, each facing directly towards the side boundary of No 2.
10. I note the existence of planning permission for an additional storey, however, due to the number of additional windows and balconies at such an elevated level, the proposal would substantially exacerbate an existing awkward

relationship with the neighbouring dwelling. The increased level of overlooking would, in my judgement, dramatically reduce the already compromised levels of privacy currently experienced by the occupants of this property.

11. I note in the evidence that plans exist to demolish this property to facilitate a road-widening scheme. However, I am not aware of the time scales for this project and whilst No 2 remains in existence, the living conditions of the occupants should be safeguarded. The proposal would fail to do this on a significant scale, and this therefore represents a fundamental shortcoming of the development.
12. The proposal would also introduce a significant number of new openings and balconies to the other side elevation, overlooking the adjacent petrol station forecourt. In this regard, Policy H9 of the LP requires that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised. I note the **Council's concerns regarding how the** proposal may affect future development opportunities, however, I have not been made aware of any such proposals. The forecourt is already substantially overlooked and therefore I am satisfied that should development proposals come forward on this adjacent site, additional windows would not significantly alter this existing constraint. Accordingly, I am satisfied that the potential of the adjacent site would not be materially altered.
13. In arriving at the above conclusion, I am aware of the apparent similarities of the impact to both adjacent neighbours. However, in my judgement, there is a clear difference because one impact relates to existing occupiers, and one relates to hypothetical future occupiers, for whom a suitable design approach on any subsequent development could safeguard future living conditions. Consequently, I am satisfied that my findings in relation to each adjacent site can be different.
14. Accordingly, for the reasons identified above, I conclude that the proposal would significantly and demonstrably harm the living conditions for the occupants of No 2 Furnival Avenue. It would therefore fail to comply with Policy EN1 of the LP and Policies 8 and 12 of the CS. Taken together, these seek amongst other things, development which is compatible with its surroundings, including relationships with nearby properties.

Other Matters

15. The evidence confirms that the Council cannot provide a five-year supply of deliverable housing sites. Accordingly, the presumption in favour of sustainable development, as described in Paragraph 11 of the National Planning Policy Framework is engaged. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. The proposal would make a modest contribution to local housing supply on previously developed land in a highly sustainable location. I also note that as a small site, it could make an important contribution to meeting housing need and could be built-out relatively quickly. The construction phase would also generate employment, and future occupants would also introduce expenditure

into the local economy. These matters weigh in favour of the proposal. However, the scheme is only of a modest scale, and consequently, I only attach a moderate degree of weight to these considerations.

17. As identified above, I have found that the proposal would harm the character and appearance of the area and would harm the living conditions for the occupants of No 2 Furnival Avenue. In my judgement, due to the scale of harm that would be caused by these matters, they represent fundamental shortcomings of the proposal. Accordingly, I give these matters very significant weight, such that I am entirely satisfied that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
18. The appeal has also been accompanied by a draft Unilateral Undertaking to provide a contribution towards open space and recreation that would appear to comply with the requirements of the Council. However, in light of my findings set out above, the appeal has not proved successful and therefore I have no reason to consider this matter further. Even if I were to consider this matter fully, as an undertaking to provide mitigation, this would not represent a specific benefit of the proposal and it would therefore weigh neutrally in my assessment of the appeal, thereby not altering the planning balance set out above.

Conclusion

19. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR



Appeal Decision

Site visit made on 1 March 2022 by Ms S Maur

Decision by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/J0350/Z/21/3287220

Site Address: Slough Retail Park, Twinches Lane, Slough SL1 5AL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Lidl Great Britain Limited against the decision of Slough Borough Council.
 - The application Ref P/06651/107, dated 31 August 2021, was refused by notice dated 4 November 2021.
 - The advertisement proposed is an internally illuminated flagpole sign.
-

Decision

1. The appeal is allowed and express consent is granted for the internally illuminated flagpole sign as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹, and the following conditions in addition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19077 AD_500 Rev A; AT_503 Rev A.
 - 2) The intensity of the illumination of the sign permitted by this consent shall be no greater than 800 candela per square metre.

Appeal Procedure

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

Procedural Matter

3. The Council has drawn my attention to Development Plan policies it considers pertinent to this appeal and I have taken them into account where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and Planning Practice Guidance reiterate this approach.

Main Issue

4. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

disagree with the Council on this matter. Accordingly, the main issue is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

5. The appeal site is located on an area of landscaping between parking spaces on the corner of Slough Retail Park, in front of a cafe building. The site is situated to the northwest of the retail park, on the corner of Twinches Lane and Bath Road. It is in a prominent location with high levels of traffic along both roads and through the traffic light-controlled junction. The surrounding area is primarily commercial in character. There are a number of advertisements for the units within the retail park including a large totem sign nearby to the proposed sign and five free-standing flagpole signs also nearby, further east on Bath Road, within the application site. To the southwest of the retail park is another Lidl advertisement.
6. The proposal is for an internally illuminated advertisement attached to a steel flagpole. The flag itself would be made of aluminium and predominantly blue and yellow in colour.
7. The proposed advertisement would be seen in the context of the commercial surroundings and significant existing street furniture, such as tall streetlights. Although fairly large, it would still be smaller in both height and bulk than the existing totem sign. The proposed flag element of the advertisement would be made of bright colours. However, the existing totem sign is also multi-coloured, as are the signs to the shops in the retail park. The advert would need to be illuminated at night to notify customers when it is dark. Furthermore, collectively the level of illuminance, size and colours proposed has been permitted on a very similar flagpole sign that is located on the southern end of the retail park². The level of illuminance could be controlled by condition. Advertisements of similar scale, illumination and appearance are therefore an established character of the area.
8. There are a number of existing advertisements in the retail park, as noted above, but the proposed advertisement would be set around the corner from the existing totem pole, fairly distant from the flagpoles, and at the opposite end of the retail park from the similar flagpole sign. It would not, therefore, result in an unacceptably cluttered street scene.
9. Overall, the proposed advertisement would be of sufficiently similar character to the existing signage, and of appropriate appearance in the commercial setting of the retail park, so as not to harm the visual amenity of the area. It therefore accords with Policy EN10 of the Local Plan for Slough 2004 (the LP), which requires that advertisements respect the amenity of the local environment. The Council have referred to Policy EN11 of the of the LP. However, this deals with advertisements on commercial buildings and is not therefore relevant to the appeal scheme.

Conditions

10. The consent is subject to five standard conditions as set out in Schedule 2 of the Regulations. The condition confirming the drawings adds certainty. The condition restricting the illuminance levels is necessary to ensure the

² Advertisement consent Ref P/06651/106, dated 27 October 2021

advertisement would be in-keeping with the character and appearance of the area, and would not harm highway safety.

11. As set out at Part 3, 14(7) of the Regulations, the consent automatically expires after five years. I have not therefore added a specific condition in this regard.

Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Ms S Maur

Appeal Planning Officer

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

O S Woodward

INSPECTOR

Appeal Decision

Site visit made on 19 April 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/J0350/W/21/3285328

15 Elliman Avenue, Slough SL2 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Singh against the decision of Slough Borough Council.
 - The application Ref P/05541/004, dated 17 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is conversion of existing 2-bedroom house into 1x 2 bedroom and 1x 1-bedroom flats with approved part single storey side extension, first floor rear/side extension, internal alterations.
-

Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing 2-bedroom house into 1x 2 bedroom and 1x 1-bedroom flats with approved part single storey side extension, first floor rear/side extension, internal alterations at 15 Elliman Avenue, Slough SL2 5AZ in accordance with the terms of the application, Ref P/05541/004, dated 17 May 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the provision of family housing in the area; and
 - the character and appearance of the area.

Reasons

Family Housing

4. Core Policy 4 of the Core Strategy¹ states that there will be no net loss of family accommodation as a result of flat conversions, changes of use or redevelopment. Family housing is defined in the Core Strategy as a fully self-contained dwelling (with a minimum floor area of 76 square metres) that has direct access to a private garden, comprises a minimum of two bedrooms and

¹ Slough Local Development Framework Core Strategy

may include detached and semi-detached dwellings and townhouses, but not flats and maisonettes.

5. It is not disputed that the existing property falls within the definition of family housing. The proposed ground floor flat would meet the policy requirements for floor space and bedrooms. Moreover, sufficient private garden could be provided, and the building is a semi-detached property. Nonetheless, the policy excludes flats from being family housing.
6. Therefore, the proposed development would result in the reduction of family housing as defined by Core Policy 4 of the Core Strategy and be contrary to it.
7. Policy EN1 of the Local Plan for Slough (Local Plan) is included in the refusal reasons. However, as this relates to character and appearance it weighs neither for nor against the proposal in relation to this main issue.

Character and appearance

8. There is no clear evidence before me regarding the number of flats in the area in comparison to the number of single dwellings. There would be a single access point and nothing externally that would make it obvious the property was divided into flats. Comings and goings would not be greatly increased given the size of the scheme.
9. The external alterations are said to be the same as those approved for the building as a single dwelling. The proposed extensions would be no higher than the existing property. Those to the front and rear would be single storey and matching materials would be used. I also saw that there is some variety to the streetscene with some properties having been altered and extended nearby including where entrances have been added to the front elevation.
10. Consequently, the proposed development would not harm the character and appearance of the area. It would accord with the design and character protection aims of Core Policy 8 of the Core Strategy and Policy EN1 of the Local Plan.

Other Matters

11. The proposed extensions and alterations have previously been approved as an extension to the existing dwelling. There are no side elevation windows on 17 Elliman Avenue facing the appeal property and having limited separation between side elevations is not untypical of the street. Moreover, the extensions would not be forward of the existing building line. These factors would prevent any unacceptable effects on the living conditions of the occupiers of the neighbouring property.
12. Ownership Certificate A was submitted with the application and appeal forms declaring that nobody, except the applicant/appellant was the owner of any part of the land with which the application/appeal relates. No substantive evidence has been provided to the contrary.

Planning Balance

13. I have not been provided with any recent figures for family housing in the area. The scheme would provide sufficient outdoor space for a family unit and a condition can be imposed to ensure that this is retained for the 2-bedroom flat. Internal space would also be appropriate with direct access to the garden. Even

if I were to give full weight to Core Policy 4 of the Core Strategy, given the scheme would meet the other requirements of the policy, and in the absence of detailed justification for excluding flats from the definition of family housing, I give limited weight to the conflict with the policy.

14. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and the efficient use of land. Given the scale of the proposal these attract limited weight.
15. The same weight is given to the economic and social benefits from the build and occupation of the dwellings as well as support for local services and facilities.
16. On the basis of the individual merits of the scheme, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conditions

17. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
18. To protect the character and appearance of the area a condition regarding the external materials is imposed. A condition is imposed securing the rear outdoor space for the 2-bedroom flat to ensure sufficient space is provided for the larger unit.
19. I have also imposed conditions requiring the provision of a bin store to ensure adequate refuse facilities are provided, as well as a cycle store to facilitate sustainable transport options. Finally, I have imposed a condition regarding the provision of parking spaces in the interest of highway safety.

Conclusion

20. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions below.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 15EA-F/24112020/PD-1/2 and 15EA-F/24112020/PD-2/2
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise shown on the approved plans.
- 4) The rear external garden space shall be used for the ground floor flat only.
- 5) Prior to the occupation of any of the units hereby approved, bin and cycle storage facilities shall be erected in accordance with details that have first been submitted to and agreed in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 6) Prior to the occupation of any of the units hereby approved, parking spaces shall be provided in accordance with the Proposed Site Plan on Drawing No 15EA-F/24112020/PD-2/2 and shall be retained thereafter and not used for any other purpose.

Appeal Decision

Site visit made on 25 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/J0350/D/22/3291447

76 Farnham Road, Slough SL1 3TA

- 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 Daniel Pajic against the decision of Slough Borough Council.
 - The application Ref P/17057/002, dated 10 June 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the installation of a dropped kerb.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. **The description of development in the banner above is taken from the Council's decision notice.** It is more precise and accurate than that given in the application form and omits wording related to the merits of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the free flow of traffic and highway safety.

Reasons

4. The appeal property is an end of terrace house facing the A355 Farnham Road in a mixed use area of Slough. Most of the front garden is a hardstanding and some of the front boundary has been removed. The proposed dropped kerb includes a crossover of the pavement and a grass verge. This new access would be used to park cars in the front garden.
5. The A355 is a busy road with a single main lane in each direction and double yellow lines either side. Albeit a snap-shot, I saw that traffic along it ebbs and flows, including buses and HGVs. However, there were few sustained gaps, especially at the same time in both directions past the appeal site. It is likely that entry into, and egress from, the front garden hardstanding by a car, even in a forward gear, would sometimes require a significant amount of time and/or might result in an unduly hurried manoeuvre.
6. In the nearside direction, next to the proposed crossover, there are some low railings where part of the pavement turns away from the A355. At about this point the carriageway divides to provide a separate bus lane which would run across and in front of the dropped kerb. It can also be used by taxis,

motorbikes and cycles and outside of the peak travel restricted hours¹ it is available for a large part of the day to all traffic. Before the bus lane is a T-junction with an access road into a business park and then the A355 curves forward, in front of the appeal site, sloping up to a bridge.

7. Notwithstanding the depth of the pavement and grass verge, approaching traffic, including from a higher level, would appear behind a driver at a relatively short distance. This would be the case whether reversing into the front garden from the A355 or reversing out of the front garden onto the A355, including against the flow of on-coming traffic. Vehicles would be out of normal line of sight and require an acute sideways or rearward glance over the shoulder, including past or around any passenger(s).
8. In the other direction, near the proposed dropped kerb and crossover, there is a street lighting column towards the back edge of the pavement but protruding beyond the grass verge. While this would not unduly obstruct visibility and this part of the A355 is straight, there is nevertheless a staggered cross road junction nearby with a controlled pedestrian crossing. I also saw that across from the appeal site the A355 was used to park and unload a car transporter lorry outside a car dealership. This caused traffic to manoeuvre partly into the opposing lane against on-coming traffic not far from the proposed dropped kerb and crossover.
9. Accordingly, although subject to a 30 mph speed limit and with good street lighting, this section of the A355 has a high degree of complexity and an appreciable number of potential hazards. These would not only apply to drivers of cars parking in the front garden but generally to all road users. It is also, therefore, unlikely that the dropped kerb would be noticed as a marker for the access and so not provide any forewarning of associated vehicle movements.
10. Even if the access was relatively infrequently used, and despite that the appellant has parked in the front garden with apparently no incident so far, on the occasions that it was used the slowing, stopping, turning or accelerating of cars entering or leaving the appeal site in a forward or reverse gear, including cutting across the pavement and one or two lanes of traffic, would nonetheless be inherently unsafe. This would cause a significant increase in the potential for conflict between road users that could result in accident or injury. Moreover, these circumstances could otherwise clearly be repeated at the other houses in this terrace with similar undesirable outcomes.
11. I have been referred to dropped kerbs at some other properties fronting the A355 further away. I do not know if these have planning permission and there is no objective accident data in evidence. However, these accesses are in a relatively straight part of the A355 which is on a level gradient in both directions behind a very wide pavement. For these reasons they can be distinguished from the appeal proposal which I have, anyway, considered on its individual planning merits.
12. Taking all of the above into account, I find that the proposal would have an unacceptable adverse effect on the free flow of traffic and cause significant detriment to highway safety. Consequently, it would not comply with Core Policy 7 of the **Council's Core Strategy 2006-2026** which includes that development should improve road safety.

¹ Monday to Friday 07:00 to 10:00 and 15:00 to 19:00

Other Matters

13. I have had due regard to the health and quality of life of the **appellant's** mother, as has been referred to as part of the appeal. I sympathise with the **appellant's** sincere and genuine intentions in this regard, including a preference to drop-off or pick-up and park near the front door of the appeal property which is the family home.
14. While the driveway off Salt Hill Way is unsurfaced it nevertheless provides a means of vehicular access to the rear of the appeal property. Although it is further from the back door (than would be parking in the front garden in relation to the front door) it would not be an overly excessive distance or inordinate difference. It is within the control of the appellant to provide a secure and useable pedestrian entrance from this driveway to the back door through the garage and short rear garden, including provision for wheelchair access if necessary or appropriate.
15. Parking in the driveway would cause an obstruction but would not prevent temporary drop-off or pick-up. Permanent on-street parking in Salt Hill Way is restricted to permit holders. There is, though, no evidence that a permit would not be available to the appellant or other family members and relatives, whether resident at the appeal property or a visitor. I also saw that there is unrestricted permanent on-street parking nearby in Pitts Road.

Planning Balance

16. The proposal would result in private benefits to the occupiers of the appeal property and the dropped kerb, crossover and new access would remain long after the **appellant's** personal circumstances have ceased to be material. Accordingly, I give limited weight to these considerations.
17. The proposal would not provide a safe or suitable access to the appeal property and would have a significant negative impact on highway safety. This would be at odds with important objectives of the National Planning Policy Framework which also include to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
18. Consequently, the adverse impacts of the proposed development would outweigh the benefits.

Conclusion

19. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
20. Therefore, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/J0350/C/21/3281780

34 Glentworth Place, Slough SL1 3UT

- 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 Nadeem Butt against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2020/00482/ENF, was issued on 30 June 2021.
 - The breach of planning control as alleged in the notice is the conversation of an outbuilding, and its use as a self-contained residential dwelling and shown on the plan attached to the notice edged in blue ("**Unauthorised Use**").
 - The requirements of the notice are to:
 1. Cease the use of the outbuilding as self-contained unit of residential accommodation ("**Unauthorised Use**").
 2. Remove the kitchen and shower room from the outbuilding.
 3. Remove the internal walls incorporating the kitchen and the shower room.
 4. Remove all plumbing, boiler, connections and associated pipework that serve the kitchen and shower room within the outbuilding.
 5. 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 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (d) (f) of the Town and Country Planning Act 1990 as amended (the Act).
-

Decision

1. It is directed that the enforcement notice be:
 - corrected by the replacement of **the word "conversation" by "conversion"** in section 3;
 - varied by removing the words **"and shower room" from step 2**, section 5;
 - varied by removing step 3, section 5 in its entirety;
 - varied by **removing the words "and shower room" from step 4, section 5 while adding the words "save for those serving the shower room" to the end of the sentence.**
2. Subject to this correction and variations made due to success under ground (f), the appeal is otherwise dismissed and the enforcement notice is upheld.

Costs Applications

3. Costs applications have been made by Slough Borough Council against Nadeem Butt, and by Nadeem Butt against Slough Borough Council. These applications are the subjects of separate Decisions.

Procedural Matters

4. It was not necessary to conduct a site visit to determine this appeal, and I note from the appeal form that the appellant agrees.
5. I am using my powers to correct a simple typographical error in the notice allegation (conversion, not conversation), without any injustice to the parties.

Ground (d)

6. For an appeal to succeed under this ground, the burden of proof is on the appellant to satisfy me on the balance of probabilities that no enforcement action could be taken in respect to the breach of planning control on the date the notice was issued.
7. Section 171B(2) of the Act provides that where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no action may be taken after the end of the period of four years beginning with the date of the breach.
8. Accordingly, as the notice was issued on 30 June 2021, the appellant must demonstrate to the required standard of proof that the building had been in use continuously as a single dwellinghouse since at least 30 June 2017.
9. **There is no definition of the term 'dwellinghouse' in the Act** but it was accepted in *Gravesham*¹ that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.
10. So, when did the building provide viable facilities for living with regard to these *Gravesham* characteristics of a dwellinghouse?
11. Notwithstanding tenancy and other documents from the appellant asserting occupation of the building from 5 June 2016, the appellant accepts that a kitchen was not installed until sometime between Council visits on 12 February 2020 and 4 June 2021.
12. The appellant says that despite the lack of a kitchen before it was eventually installed, the occupants had mobile cooking facilities (a portable oven and microwave). However, I give this limited weight as I find it unlikely that the visiting Council officer would have failed to have made a note of those facilities in his records (submitted with **the Council's evidence**) - had they been in day-to-day use on 12 February 2020 - and I cannot see evidence of those facilities in the photographs taken by the officer on that date.
13. Therefore, on the evidence and as a matter of fact and degree, I find that the building did not have the facilities required for day-to-day private domestic existence until after the February 2020 Council visit. Accordingly, I am not satisfied on the balance of probabilities that the building had been in use continuously as a single dwellinghouse since at least 30 June 2017 and the ground (d) appeal fails.

¹ *Gravesham BC v SSE & O'Brien [1983] JPL 306*

Ground (f)

14. For an appeal to succeed under this ground, I must be satisfied that the requirements of the notice are excessive in achieving its purpose. It is clear from the way the notice has been drafted that its purpose is to remedy the breach of planning control by discontinuing the unauthorised use and restoring the land to its condition before the breach took place.
15. Given my finding on ground (d) that the breach set out in the notice – the conversion of the outbuilding to a self-contained residential dwelling – had not occurred at the time of the **12 February 2020 visit (which from the officer’s notes also appears to be the Council’s position at that time²)**, it is excessive to require the removal of the shower room which was in place before the breach took place. Clearly, **therefore, the shower room was not ‘part and parcel or integral’** to the breach as argued by the Council in its response to this ground of appeal.
16. The ground (f) appeal therefore succeeds, and I am varying the requirements of the notice so as not to require the removal of the shower room or the associated walls, plumbing, boiler, connections and associated pipework that serve it. Further, I am varying the notice to remove the requirement to remove **“internal walls incorporating the kitchen” as the Council’s** statement is clear that these do not exist due to the open plan nature of the arrangement³.
17. An interested third party has suggested that the requirements of the notice are not excessive enough, and that I should vary the notice in requiring demolition of the outbuilding as it is said to be unauthorised. However, I do not accede to that request (which would cause injustice to the appellant) as it would go beyond remedying the breach of planning control attacked by the notice which is conversion of the building rather than its erection.

Conclusion

18. For the reasons given above I conclude that the appeal should not succeed except on ground (f) since the notice requirements are excessive. I shall uphold the enforcement notice with a correction and variations.

Andrew Walker

INSPECTOR

² “Outbuilding has 2 rooms, a WC/shower room and a larger room... Advised to only use the outbuilding incidental to the main house, and that a planning application should not be forthcoming.”

³ “The outbuilding consists of an open plan kitchen, lounge area and bedroom and a separate bathroom.”