

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: January 2024

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
APP/J0350/W/23/3322820	<p>77, Harrow Road, Slough, SL3 8SH</p> <p>Retrospective construction of a front extension and part single, part double storey rear extension to no 77 Harrow Road and retrospective construction of 1no 3 bedroom house adjacent to no 77 Harrow Road and associated works.</p> <p><u>Officer Summary</u> The main issue of the appeal is the effect of the full width single storey front extension on the character and appearance of the host property and surrounding area. The Inspector states that the front extension is of a significant scale, but the depth of the front elevation aligns with the front elevation of no. 75 and therefore visually blends in with the stepped pattern of the row of houses. Whilst there is a small degree of conflict with the RESPD, this does not result in any material harm in this context. Therefore, the Inspector concludes that the effect of the front extension on the character and appearance of the host property and surrounding area is acceptable. The proposal therefore accords with Policies H14, H15, EN1 and EN2 of the Local Plan (2004) and Core Policy 8 of the Core Strategy (2008).</p>	<p>Appeal Granted</p> <p>6th December 2023</p>
APP/J0350/D/23/3328818	<p>35, Lansdowne Avenue, Slough, SL1 3SG</p> <p>Construction of a single storey rear extension, two and a half storey side infill extension with pitched roof, loft extension with side dormer, detached rear outbuilding and internal alterations.</p> <p><u>Officer Summary</u> Within the refusal report, no objections were raised by officers in relation to the outbuilding element, and therefore, officers are comfortable with the Inspectors findings on the allowance of this element. Given the reasons for refusal however, the application was refused by officers, with these elements of the decision being upheld by the Inspector.</p>	<p>Appeal Dismissed & Granted in Part</p> <p>12th December 2023</p>

APP/J0350/X/23/3321780	<p data-bbox="560 136 1086 165">64, Upton Court Road, Slough, SL3 7LZ</p> <p data-bbox="560 203 1214 264">Lawful development certificate for an existing side dormer</p> <p data-bbox="560 304 1214 405">The main issue is whether the side dormer is development permitted under Class B of Part 1 of Schedule 2 of the GPDO.</p> <p data-bbox="560 443 1289 674">The first reason for refusal was that building operations involved in the construction of the dwelling are unlawful, including the raised ridge height and eaves, first floor gable roof and erection of the dormer.” The Inspector stated that the LDC application was for a ‘side dormer’ and did not seek to establish the lawfulness of any other works.</p> <p data-bbox="560 712 1283 976">The operations were found by the Council to satisfy all criteria except for B.1(b), which requires the height of the dwelling, as a result of the works, not to exceed the height of the highest part of the existing roof. The inspector stated that this matter can be set aside because the application did not seek to establish the lawfulness of any increase in the height of the roof of the dwelling.</p> <p data-bbox="560 1014 1286 1279">The Council stated in the officer report that the total difference between the original roof and existing roof with all additions including the dormer window is 35.4 cubic metres and did not raise this as an issue. Therefore the Inspector concluded the side dormer complies with B.1(d)(ii) - that the resulting roof space of the dwelling must not exceed the cubic content of the original roof space by more than 50 cubic metres.</p> <p data-bbox="560 1317 1294 1648">Regarding the costs decision, the Inspector stated that the application was sought for an LDC for a side dormer and no other works. The Inspector stated that the delegated report concludes that the side dormer complies with all other criteria and conditions of Class B. Notwithstanding this, the Inspector states that it was unreasonable for the Council to refuse an LDC for the side dormer, the appellant has incurred unnecessary and wasted expense in submitting an appeal, and the claim for full costs therefore succeeds.</p>	<p data-bbox="1326 136 1453 197">Appeal Granted</p> <p data-bbox="1326 237 1465 338">18th December 2023</p>
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Appeal Decision

Site visit made on 2 November 2023

by R Lawrence MRTPI, BSc (Hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/J0350/W/23/3322820

77 Harrow Road, Slough SL3 8SH

- 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 Amrik Singh against the decision of Slough Borough Council.
 - The application Ref P/17249/009, dated 7 March 2023, was refused by notice dated 3 May 2023.
 - The development proposed is described as "Retrospective application for the construction of a single storey front extension and a part two storey, part single storey rear extension to No. 77 Harrow Road and retrospective construction of an attached 3no. bedroom house".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey front extension and a part two storey, part single storey rear extension to No. 77 Harrow Road and retrospective construction of an attached 3no. bedroom house at 77 Harrow Road, Slough SL3 8SH in accordance with the terms of the application, Ref P/17249/009, dated 7 March 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: As-Built Site Plan_(P-)01, As-Built Plans_(P-)02, As-Built Roof Plan_(P-)03, As-Built Elevations_(P-)04 and Design and Access Statement_ 77&77A Harrow Road Slough (prepared by TVR Design Consultancy and dated 08.03.2023).

Preliminary Matters and Main Issue

2. The description of development on the planning application sets out the background to the submission of the application, together with supporting comments, rather than describing the development itself. I have therefore used the description of development set out on the appellant's appeal form in the above banner heading.
3. The development had already taken place at the time of the site visit. There are some differences between the development constructed on site and the submitted plans. These include differences in the fenestration, the access and a structure in the rear amenity space of the property known as No 77a. For the avoidance of doubt, I have assessed the appeal scheme on the basis of the submitted plans.
4. My attention has been drawn to a number of permissions and Certificates of Lawful Development which are relevant to the appeal proposal. The effect of these, is that the majority of the appeal scheme already benefits from permission. This is reflected in the Council's sole reason for refusal which

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relates to the effect of the front extension. The main issue is therefore the effect of the front extension on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal site comprises a two storey, former end of terrace property, which has been extended with the addition of a further attached dwelling. The area is residential and characterised by terraced housing which is generally of a similar form and appearance. The housing is broken up by various pedestrianised areas which in some cases include attractive areas of open green space. One such green space is located to the front of the appeal site.
6. The front extension, whilst single storey, is of a significant scale. The height of the extension sits just below the eaves of the first-floor window, and also extends the full width of the property. Front extensions on neighbouring houses are often similar in terms of their height. However, these are of a much smaller width and a reduced scale overall. In this case, the main front elevation of No 77 is stepped back from its neighbour, No 75. The depth of the front extension at single storey level aligns with the front elevation of No 75, and therefore visually blends in with the stepped pattern of the row of houses. Although the width is significant, the single storey nature of the extension avoids it appearing unduly prominent within its setting. The set back of corner dwellings is a characteristic seen in the wider area and this is also replicated in the terrace to the north. In this case, the retention of the set back at first floor level is sufficient to reflect this pattern.
7. The overall level of amenity space has been drawn to my attention, as the appeal scheme has reduced both the front and rear amenity space. The reason for refusal refers to Policy H14 of the Local Plan for Slough 2004 (LP), which requires the provision of an appropriate level of amenity space. The Council's submissions indicate that this policy is relevant insofar as the reduced amenity space is harmful to the character of the area and cumulatively results in overdevelopment. The front extension, in combination with the other additions to the property including the addition of a new dwelling, result in development sitting much closer to the site boundaries and a reduction in amenity space to the front and rear. Although the space is reduced, the amenity space remains comparable in size to other front and rear amenity areas, such to avoid a harmful effect by way of overdevelopment.
8. My attention has been drawn to an appeal decision relating to a property on Brackenforde. That appeal related to a front extension and was dismissed on the grounds of the effect on the character and appearance of the area. Although that site is geographically close to the current appeal site, the context is notably different, relating to a detached chalet bungalow located centrally in a uniform row of similar detached houses in an area which exhibits a higher degree of openness. In comparison, the current appeal site is an end of terrace property which is enclosed by boundary hedging along its frontage.
9. Paras 3.2 and 3.3 of the Council's Residential Extensions Guidelines Supplementary Planning Document (RESPD) require front extensions to respect the character of the street scene and the design and appearance of the original house. The guidance goes on to state that front extensions which span the entire width of a property of dwelling will not normally be permitted. The inclusion of the term 'normally' indicates this is not an absolute requirement in

all cases. In this case, the setting immediately around the site is such that the front extension does not lead to an adverse effect on the surrounding pattern of development.

10. In conclusion, whilst there is a small degree of conflict with the RESPD, this does not result in any material harm in this context. Therefore, the effect of the front extension on the character and appearance of the host property and surrounding area is acceptable. The proposal therefore accords with Policies H14, H15, EN1 and EN2 of the Local Plan (2004) and Core Policy 8 of the Core Strategy (2008). These policies, insofar as relevant, require that development is of a high-quality design, respects its location and is compatible with its surroundings, including in terms of scale, height and mass and provides an appropriate level of amenity space.

Other Matters

11. In addition to concerns about character and appearance, which I have addressed above, third parties have raised concerns about discrepancies between the development as constructed and the submitted plans, the retrospective nature of the proposal and the effect on car parking.
12. It is understandable that the retrospective nature of the appeal scheme together with the discrepancies with the submitted plans are causes for concern and frustration amongst third parties. The role of this appeal however, is not a punitive one, and the appeal has been assessed based on the merits of the case.
13. In respect of car parking, there is no additional effect on car parking over and above that approved pursuant to the planning permission for the construction of a rear extension and additional dwelling¹ P/17249/002. The front extension has not resulted in the loss of a parking area and there is no increase in cars. In considering the effect on parking more widely, there is a high dependency on, and high levels of, on-street car parking. This is however an existing position, which the addition of one additional dwelling is unlikely to unacceptably add to.
14. As such, there is no clear justification to depart from the Council's position, who raise no objection in respect of car parking and which does not lead me to find otherwise than that the proposed development is acceptable.

Conditions

15. The Council has requested that a plan numbers condition be imposed in the event of my allowing the appeal. This is necessary in the interests of clarity. As the appeal scheme has already been constructed and found acceptable, it is not necessary to impose any further conditions in this case.

¹ Council's reference P/17249/002

Conclusion

16. For the reasons given above, the development accords with the development plan and there are no other material considerations which warrant a different decision. The appeal is therefore allowed.

R Lawrence

INSPECTOR



Appeal Decision

Site visit made on 28 November 2023

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/J0350/D/23/3328818
35 Lansdowne Avenue, Slough SL1 3SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Khan against the decision of Slough Borough Council.
 - The application Ref P/08268/005, dated 8 June 2023, was refused by notice dated 8 August 2023.
 - The development proposed is a single and two and half storey side infill extension with pitch roof, loft extension, single storey rear extension, internal alterations and ancillary rear outbuilding.
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Decision

1. The appeal is dismissed insofar as it concerns a single and two and half storey side infill extension with pitch roof, loft extension and a single storey rear extension.
2. The appeal is allowed and planning permission is granted solely for an ancillary rear outbuilding, at 35 Lansdowne Avenue, Slough SL1 3SG, in accordance with the terms of the application, P/08268/005, dated 8 June 2023, 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 hereby permitted shall be carried out in accordance with the following approved plans solely insofar as they relate to the ancillary rear outbuilding: 10-23-11 Revision E and 10-23-13.
 - 3) The materials to be used in the construction of the external surfaces of the ancillary rear outbuilding shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the side elevation of the outbuilding hereby permitted that faces towards the boundary with the attached dwelling at no. 37 Lansdowne Avenue.
 - 5) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 35 Lansdowne Avenue.

Main issue

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3. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

4. The appeal concerns a two storey semi-detached dwelling that fronts onto Lansdowne Avenue. There is a fairly large two storey projection that extends across part of the rear of no. 35 and the attached dwelling. At first floor level this is set in from the side of the property and the roof slopes down towards the flank. These factors tend to limit the bulk of this part despite its appreciable depth. However, the proposal includes a pitched roof addition to the side of the rear projection at first floor and roof level above the single storey addition below. The face of the new gable end would rise vertically towards the top of the rear projection, with its roof slopes extending appreciably from the host slope. It would also extend noticeably beyond the first floor side wall of the rear projection.
5. The gaps to the top of the host roof and the side wall of the front part of the dwelling when looking from the rear would be relatively modest, with there also being a more noticeable set back from the main rear wall of the dwelling. However, despite these factors and for the reasons given above, this feature would introduce significant additional bulk and mass. It would also compete with the gable end of the original dwelling and result in a somewhat unusual and incongruous double gabled side elevation.
6. Between this and the rear of the main body of the dwelling would be a flat roofed dormer addition. This would be somewhat squeezed between roofslopes giving a fairly awkward and cramped appearance. A flat roof single storey extension would also wrap around the end and side. To the side this would replace a noticeably subordinate ground floor addition that is set back from the end of the double storey projection and has a roof that slopes down towards the rear. However, the single storey extension replacing it would extend the full length of the projection and significantly beyond.
7. Because of its fairly considerable length and the side wall being set in a single plane with no articulation, it would be an unduly elongated feature with excessive horizontal massing. This would be the case despite the height of this flat roof part being relatively modest. There is a rear single storey addition at the attached dwelling. However, there is no evidence before me that this wraps around the entire side elevation of that part of the rear two storey projection at no. 37 and I was unable to check this at my site visit. In any event, this would not justify the substantial additional bulk and scale arising from the cumulative impact of the different parts of the proposed development.
8. Unlike the relatively clean lines and simple form of the existing rear projection the development would give rise to this part of the dwelling having an unduly cluttered and complex appearance. The enlarged rear projection would be a disproportionately large, bulky and overly dominant feature. The existing rear projection is itself a fairly unusual presence in its rear garden environment by comparison to nearby buildings. However, in these circumstances, the proposed additions would result in a particularly abrupt contrast. Moreover, because of the gap to the neighbouring block of flats, the detrimental visual impact of the development would be readily apparent in views from the street in Lansdowne Avenue.

9. There is a Certificate of Lawfulness for a dormer addition to the side which would be larger than that now proposed. However, this could not be constructed in conjunction with the gabled addition forming part of the appeal scheme. Furthermore, unlike the latter it would not extend beyond the side wall of the rear projection at first floor level. The Appellant refers to consent existing for a single storey rear extension that would be 6m deep. However, I have not been provided with the full details to enable any meaningful comparison with the current proposal. In consequence, these matters lend no significant support to the appeal.
10. For the above reasons, it is concluded that the character and appearance of the host dwelling and locality would be harmed. There would be conflict with Core Strategy 2008, Core Policy 8 and The Local Plan for Slough 2004, Policies EN1, EN2 and H15. Taken together and among other things, these are concerned with proposals achieving an attractive and high quality of design, while being compatible with the original structure and their surroundings in respect of visual impact, proportions, scale, bulk and massing.
11. The depth of the single storey extension beyond the end of the rear projection would exceed the maximum dimension given in the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD). Nevertheless, even if it was considered acceptable in this regard, the wraparound nature of the overall ground floor addition would result in it not being subordinate to and in proportion with the original house. As with the other additions proposed, it would therefore conflict with this guidance in the SPD.
12. In the National Planning Policy Framework it is indicated that decisions should ensure that developments satisfy a number of considerations. These include that the proposed development should add to the overall quality of the area, as well as being visually attractive and sympathetic to local character, which would not be achieved in this case.
13. It is acknowledged that the living conditions of the occupiers of adjacent dwellings would not be adversely affected and the proposal is also acceptable with regard to the effect on car parking and amenity space. However, the lack of harm in these respects are neutral factors that weigh neither for nor against the development.
14. The single storey rear outbuilding would not have any detrimental impact and the Council has raised no objection in relation to this part of the overall scheme. Moreover, it can be constructed independently of the rear additions so that a split decision is appropriate. The appeal therefore succeeds but only in relation to the rear outbuilding.
15. The harm that would arise in relation to the remainder of the scheme provides a particularly compelling objection in respect of a fundamental planning consideration that is, in itself, sufficient reason to justify rejecting this aspect. Therefore, regardless of whether there would be an appropriate level of headroom in relation to bedroom four, which is disputed by the Appellant, it is determined, taking account of all other matters raised, that the appeal fails in respect of these parts of the proposal.
16. With respect to the outbuilding a condition specifying the approved drawings is needed to provide certainty. The facing materials should match those of the host dwelling to ensure an appropriate appearance. The elevation facing the

attached dwelling at no. 37 would abut the rear garden boundary. As a result, it is necessary to remove permitted development rights to insert windows in this elevation in order to protect the privacy of the adjacent occupiers. A condition requiring the outbuilding to be used for purposes ancillary to the use of the associated dwelling is justified for the avoidance of doubt. This would be sufficient to require an appropriate use of the building and I am not persuaded that it is necessary to refer to matters such as industrial or business use as the Council suggests.

M Evans

INSPECTOR



Appeal Decision

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/J0350/X/23/3321780

64 Upton Court Road, Slough SL3 7LZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Barjinder Grewal against the decision of Slough Borough Council.
 - The application ref P/03290/004, dated 26 September 2022, was refused by notice dated 13 December 2022.
 - The application was made under section 191(1)(b) of the Act.
 - The development for which an LDC is sought is side dormer.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing operation which is found to be lawful.

Applications for costs

2. An application for costs has been made by Mr Grewal against Slough Borough Council. The application is the subject of a separate decision.

Reasons

3. The main issue is whether the side dormer is development permitted under Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 2015 GPDO). To satisfy criteria B.1(d)(ii) of Class B the cubic content of the resulting roof space of the dwelling must not exceed the cubic content of the original roof space by more than 50 cubic metres.
4. 64 Upton Court Road is a detached dwelling that has been extended pursuant to the grant of planning permission P/03290/002. A subsequent application for an LDC for a side dormer was refused because "...the proposal would not fall within the provisions of B.1(d), Class B, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres...".
5. The side dormer that has been introduced on to the roof of the dwelling is significantly smaller than that for which an LDC was previously refused. The LDC application for the side dormer as now built was refused because, in brief, "...the building operations involved in the construction of the dwelling are unlawful, including the raised ridge height and eaves, first floor gable and the erection of the dormer". The LDC application was for a 'side dormer' and did not seek to establish the lawfulness of any other works.

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6. The Council has not submitted an appeal statement and are relying on their Officer's delegated report prepared at application stage. In the report the application is assessed against all the criteria of Class B. The operations were found to satisfy all criteria except for B.1(b), which requires the height of the dwelling, as a result of the works, not to exceed the height of the highest part of the existing roof. This can be set aside because the application did not seek to establish the lawfulness of any increase in the height of the roof of the dwelling.

7. The report assessed the side dormer against criteria B.1(d)(ii). The conclusion reached was that "The total difference between the original roof and existing roof with all additions including the dormer window is 35.4 cubic metres". On this basis the author of the report further concluded that the side dormer complies with criteria B.1(d)(ii) of Class B. There is good reason therefore, on the basis of the Council's own evidence, to conclude that the side dormer is development permitted under Class B of Part 1 of Schedule 2 of the 2015 GPDO.

8. In their response to the application for an award of costs the Council has stated that "...development cannot retrospectively be made permitted development". Development that is permitted under the provisions of the 2015 GPDO can be carried out without the grant of planning permission and without any need to obtain an LDC beforehand. A property owner who undertakes permitted development is entitled, at any time, to apply for an LDC to ascertain the lawfulness of the development they have carried out.

9. For the reasons given the Council's refusal to grant an LDC for 'side dormer' at 62 Upton Court Road, Slough was not well-founded and the appeal thus succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 26 September 2022 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are development permitted under Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Signed

John Braithwaite

Inspector

Date: 18 December 2023

Reference: APP/J0350/X/23/3321780

First Schedule

Side dormer

Second Schedule

Land at 64 Upton Court Road, Slough SL3 7LZ

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 18 December 2023

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

Land at 64 Upton Court Road, Slough SL3 7LZ

Reference: APP/J0350/X/23/3321780

Scale: Not to Scale

