

**SLOUGH BOROUGH COUNCIL**

REPORT TO: PLANNING COMMITTEE

DATE: September 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**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
APP/J0350/X/23/3328075	7, Brook Path, Slough, SL1 5ER  Lawful development certificate for a proposed garage conversion and hip to gable loft conversion with rear dormer and 2no front roof lights.	Appeal Dismissed  4 <sup>th</sup> July 2024
APP/J0350/W/24/3336360	47, The Myrke, Slough, SL3 9AB  Construction of a 1no 2 bedroom dwelling with garden area and 2no parking spaces to the R/O 47 The Myrke.  The proposed dwelling represents an amendment to a proposal which was refused by the LPA, and this decision upheld at appeal; the key issues for the previous scheme was an overly cramped development, with minimal separation distance to side boundaries, and not reflective of development or character in the area. The LPA did not consider that the amendments to the previously refused scheme was adequate, and would still result in a narrow and cramped backland development which did not reflect the character of the area. The Planning Inspector found that reduction in depth of 1m and additional separation distance to the side boundary of 0.9m was sufficient to overcome the previous reasons for refusal, and granted planning permission subject to conditions, including the requirement to provide details of external materials, landscaping, and archaeological evaluations to be submitted before development above ground level (eg foundation trenches and utility connections can be created prior to submission of the relevant details). Permitted development rights were restricted by the Planning Inspector, including enlargements, roof alterations and outbuildings for the new dwelling.	Appeal Granted  9 <sup>th</sup> August 2024
APP/J0350/D/24/3341026	139, Grasholm Way, Slough, SL3 8WF  Construction of a single storey rear extension and conversion of garage into habitable room with insertion of front window.	Appeal Granted  12 <sup>th</sup> August 2024

APP/J0350/D/24/3342476	1, Moundsfield Way, Slough, SL1 5UL Conversion of garage into habitable room and replacement of existing garage door with window	Appeal Dismissed 14 <sup>th</sup> August 2024
APP/J0350/W/24/3343896	17 Petersfield Avenue, Slough SL2 5DY Change of use from a 6 room HMO into a 7 room HMO (Sui Generis Use)	Appeal Dismissed 12 <sup>th</sup> September 2024

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## Appeal Decision

Site visit made on 24 July 2024

**by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

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**Appeal Ref: APP/J0350/W/24/3336360**

**47 The Myrke, Slough SL3 9AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Usman Khan against the decision of Slough Borough Council.
  - The application Ref is P/17550/004.
  - The development proposed is the construction of a two-bedroom dwelling with garden area and two parking spaces to the rear of 47 The Myrke.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a two-bedroom dwelling with garden area and two parking spaces at the rear of 47 The Myrke, Slough SL3 9AB in accordance with the terms of the application, Ref P/17550/004, subject to the conditions set out at the end of this decision.

### Procedural Matter

2. I have taken the description of development in the banner above from the Council's decision notice as it is more concise than that included on the application form.

### Main Issue

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

### Reasons

4. The appeal site is in an established residential area known as The Myrke. The proposed dwelling would be located in the rear garden of a detached property, with access via an existing road to the rear.
5. A previous proposal for a two-bedroom dwelling at the appeal site was dismissed at appeal in July 2023 on the basis of unacceptable harm to the character and appearance of the area (appeal ref APP/J0350/W/23/3315842). The previous Inspector stated, 'due to its width, limited set in from the common boundaries on both sides and irregular footprint ... the proposal would appear unduly cramped on the site, would not respect the existing pattern of development and would undermine the existing spacious character'. The current scheme seeks to overcome the previous concerns.

6. The proposed dwelling has been reduced in size from the previous scheme to allow more space around the property. It is indicated that the house has been reduced in length by one metre and in width by 0.9 metres. This would provide a larger buffer between the proposed dwelling and the rear garden of No.49 The Myrke. Also, the property would no longer sit directly on the boundary with the adjacent new dwelling in the rear garden of No.45. This set back, albeit small, coupled with the space which would be retained between the boundary and the neighbouring dwelling would ensure the appeal scheme would not look cramped. The proposed rectangular footprint would give rise to a simpler and more conventional dwelling form than the previously proposed larger irregular footprint. All of this would ensure the appeal proposal would sit more comfortably within the plot than the previous scheme and would not represent overdevelopment.
7. The Myrke is characterised by a mixture of house types with varying plot sizes, including a number which have been built to the rear of existing properties. Whilst the appeal proposal includes a narrow plot and would be a smaller property than the adjacent new dwellings, it would not appear incongruous as it would sit comfortably within the varied development pattern of the wider area.
8. Taking into account all of the above matters, the appeal proposals successfully overcome the previous Inspector's concerns. Consequently, the proposed dwelling would not unacceptably harm the character and appearance of the area. There would be no conflict with Core Policies 4 and 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 (2008) and the relevant parts of Saved Policies EN1 and H13 of the Local Plan for Slough (2004) and the National Planning Policy Framework. Taken together, these seek to secure high standards of design which are compatible with and respect their surroundings. Backland development should be in keeping with the existing area.

#### **Other matters**

9. I have considered several matters raised by local residents in opposition to the proposals. This includes loss of privacy, the overbearing nature of the development, inadequate access proposed and traffic generation. However, the Council does not raise any concerns in these respects, and I have no reason to disagree. Therefore, these matters are not determinative in the consideration of this appeal.
10. Concerns regarding the potential for disturbance during the construction phase would be addressed by attaching conditions to the consent which restrict construction and delivery times. I also note concerns regarding safety issues during the construction phase. These would be controlled by health and safety legislation.

#### **Conditions**

11. I impose conditions regarding timescales and setting out the approved plans to provide certainty. I attached conditions in relation to materials, landscaping in the interests of the character and appearance of the property and area. A condition requiring the provision of a bin and cycle storage areas would protect the character and appearance of the area and encourage active travel. I have imposed a condition in relation to parking in the interest of highway safety.

12. I attach conditions restricting hours of construction and deliveries, as well as removing permitted development rights for openings in the side elevations of the property to safeguard the living conditions of neighbouring occupiers. A condition removing permitted development rights for future extensions, outbuildings and means of enclosure is required to safeguard the character appearance of the site and area, as well as the living conditions of neighbouring occupiers.
13. A pre-commencement condition requiring an Archaeological Scheme of investigation would safeguard any archaeology present at the site. The appellants have confirmed that they would be willing to accept such a condition.
14. A condition relating to flood resilience would protect the living conditions of future residents.

### **Conclusion**

15. For the reasons given, I conclude that the appeal should be allowed.

*Rebecca McAndrew*

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 approved plans:  
  
Proposed Floor Plans HP-MK-02, Proposed Elevations HP-MK-03,  
Location and Block Plan HP-MK-03
3. No development shall take place until:
  - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
  - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority
4. The approved development shall be implemented and thereafter maintained in accordance with the recommendations of Flood Risk Assessment 6615 by Ambiantal Environmental Assessment.

5. No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
6. No development above ground level shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. No part of the development shall be occupied until the bin and cycle storage areas have been provided in accordance with the approved plans and shall be retained as such thereafter.
9. The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with the approved drawings. Thereafter those spaces shall be retained for the parking of vehicles only.
10. Construction works shall take place only between only between 8.00am to 6.00pm on Mondays to Fridays, 9.00am to 1.00pm on Saturdays and not at any time on Sundays or on Bank or Public Holidays
11. Deliveries shall be taken at or despatched from the site only between 8.00am to 6.00pm on Mondays to Fridays, 9.00am to 1.00pm on Saturdays and not at any time on Sundays or on Bank or Public Holidays.
12. 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 other than those expressly authorised by this permission shall be constructed on the side elevations of the dwelling hereby approved.
13. 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 development permitted by virtue of Classes A, B, C, D and E of Part 1 and Class E of Part 2 of Schedule 2 to the Order shall be undertaken.