

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: June 2023

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
2020/00713/ENF	32 Furnival Avenue, Slough SL2 1DW Without planning permission, the unauthorised construction of the outbuilding and its use as a self-contained dwelling	Appeal Dismissed with variation 14 th April 2023
2020/00418/ENF	48, Furnival Avenue, Slough, SL2 1DW The conversion of the outbuilding and its use as a self-contained dwelling	Appeal Dismissed with variation 14 th April 2023
P/19883/001	6, Bader Gardens, Slough, SL1 9DN Construction of a first floor side extension with two velux windows.	Appeal Dismissed 19 th April 2023
P/19089/004	47A, Lowestoft Drive, Slough, SL1 6PB Construction of 1no new dwelling	Appeal Granted 12 th May 2023
P/19377/001	46, Parsons Road, Slough, SL3 7GU Construction of a two storey rear extension Officers considered that the first floor rear extension would not have complied strictly with the RESPD guidelines, minorly breaching the 45 degree line and the increase in depth substantially exceeding these guidelines, particularly given that the previously approved extension was already in breach of this. The further increase of this was considered to be excessive from a design perspective in terms of the additional bulk and volume added to the original dwelling. The Inspectorate has considered that given it would not visually prominent public viewpoints, that the extension would not be harmful to the character of the house and area, as well as not having a significantly harmful impact on the living conditions of neighbouring occupiers.	Appeal Granted 6 th June 2023

P/12815/001	29, Stoke Poges Lane, Slough, SL1 3NX Construction of a first floor rear extension, raising of roof height to accommodate loft conversion with 10no roof lights.	Appeal Dismissed 6 th June 2023
P/15049/002	377, Farnham Road, Slough, SL2 3AF Retrospective application for an outbuilding	Appeal Granted 6 th June 2023
P/15162/002	30, Castleview Road, Slough, Slough, SL3 7NQ Hip to gable loft conversion with rear dormer, installation of french doors with juliet balcony, new gable end window and 4no. front roof lights.	Appeal Dismissed 6 th June 2023
P/02350/004	7, Autumn Close, Slough, SL1 5DH Construction of 2no 4 bedroom dwellings with link detached garages; formation of a new access and construction of parking area with hard and soft landscaping.	Appeal Dismissed 16 th June 2023



Appeal Decision

Site visit made on 23 March 2023

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/J0350/W/22/3309721

47A Lowestoft Drive, Slough SL1 6PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lucy Pickering against the decision of Slough Borough Council.
 - The application Ref **P/19089/004**, dated 31 December 2021, was refused by notice dated 27 April 2022.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at 47A Lowestoft Drive, Slough SL1 6PB in accordance with the terms of the application, Ref P/19089/004, dated 31 December 2021, subject to the following 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: Site Location Plan – Produced 9 December 2021; 20-06-01; 20-06-02; and 20-06-03.
 - 3) No works above damp proof course shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The dwelling hereby permitted shall not be occupied until details of hard and soft landscaping, including means of enclosure and boundary treatment have been submitted to and approved in writing by the local planning authority. In relation to the boundary treatment, details will include position, external appearance, height, and materials. Development shall be carried out in accordance with the approved details.
 - 5) 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 extensions, buildings or enclosures other than those expressly authorised by this permission shall be constructed.
 - 6) 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/dormer windows other than those expressly authorised by this permission shall be constructed on any elevation.

Preliminary Matters

2. During the appeal process, the appellant has prepared some plans in support of the appeal. Although these were not considered by the Council when determining the application, they do not appear to materially change the proposed development as indicated on the submitted plans, but rather illustrate points made by the appellant in their appeal statement and I have considered them on that basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal site is located in a residential cul-de-sac where most properties are two-storey terraced houses on relatively small plots. Rear gardens surrounding the appeal site are typically subdivided by close boarded fencing. The proposed house would be attached to an existing bungalow of modest scale which is set back from the turning head of the cul-de-sac.
5. The Council has granted planning permission for an extension to the bungalow. I am satisfied that there is greater than a theoretical possibility that the extension proposal might take place and I attach significant weight to the existence of this extant planning permission. The proposed new dwelling has very largely adopted the same design, with the only significant differences being the introduction of an additional window and front door to the front elevation at ground floor level.
6. The proposed dwelling would result in an intensification of use compared to the extended bungalow as although the number of bedrooms would be the same, a new dwelling would increase comings and goings and would result in the introduction of additional domestic paraphernalia, such as waste bins and would also result in the introduction of an additional parking space. However, these are common features associated with a residential property and bearing in mind the proposed dwelling would be located in an established residential area, the intensification related to the introduction of a modest one bedroom house and associated elements would not cause harm to the character and appearance of the area.
7. Existing properties in the area are predominantly terraced houses on relatively small plots and gardens separated from neighbours by close boarded fencing are a common feature. The overall plot size would be similar to other properties in the area and the introduction of the proposed dwelling with a private garden would not appear incongruous or cramped. Further, the size of the garden would be similar in size to other gardens, would provide adequate private amenity space for future residents and would be separated from

surrounding properties, including the existing bungalow in a coherent way that would be compatible with its surroundings.

8. I therefore conclude that the proposal would not harm the character and appearance of the area and it would accord with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 adopted in December 2008 (SLDFCS) and Saved Policy EN1 of the Local Plan for Slough (LPS) adopted in March 2004 which amongst other things seek to ensure high standards of design and that that proposals should be compatible with and respect their surroundings and reflect the street scene and local distinctiveness of the area. The proposal would also accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character. In their reasons for refusal the Council cited Saved Policy EN2 of the LPS which relates to extensions and is therefore not relevant.

Highway safety

9. The proposal would involve the provision of an additional parking space which would be one of three communal spaces that would serve the appeal property and the existing bungalow. This would be adequate to serve the proposed dwelling. The introduction of an additional space would make parking somewhat tight in that part of the Lowestoft Drive. However, I am satisfied that the proposed new space would not prevent cars from using the existing spaces.
10. I accept that cars entering or exiting the three spaces serving the existing bungalow and proposed dwelling would at times reverse into or out of these spaces. However, this would not result in an unacceptable impact on highway safety as these parking spaces and others serving neighbouring properties are located adjacent to the turning head of the cul-de-sac which allows vehicles to turnaround and where vehicles would not be travelling at excessive speeds.
11. Further, even if vehicles reversed into or out of spaces, this would not be an unexpected manoeuvre in a cul-de-sac and wouldn't cause a significant inconvenience to existing or future residents.
12. I therefore conclude that the proposal would not have an adverse impact on highway safety. Therefore, it would accord with Core Policy 8 of the SLDFCS and Saved Policy T2 of the LPS which seek to ensure that proposals will be accessible and that a level of parking appropriate to its location will be provided which will overcome road safety problems. The proposal would also accord with the National Planning Policy Framework (Framework) which seeks to ensure that safe and suitable access to a site can be achieved for all users and that development should only be refused if there would be an unacceptable impact on highway safety.

Other Matters

13. The proposal would not result in family housing as defined in the SLDFCS. However, Core Policy 4 sets out that in areas such as this, residential development will predominantly consist of such housing and therefore doesn't preclude all non-family housing. Further, the proposal would result in an additional dwelling to add to the existing housing supply which is of some limited benefit.

14. The Council suggests that an unsuccessful application to reinstate permitted development rights at 47A indicates that the appellant knows that the site is cramped and unsuitable for a dwelling. There is no information before me to support that this represents the appellant's view. I have considered the proposal on its individual merits and the fact that a previous application for an entirely different proposal has been submitted does not alter my conclusions.
15. Neighbours have highlighted that the parking situation is already unacceptable as the existing property is never used as a residential dwelling, the existing property causes disturbance, and the proposal would result in the loss of privacy. I am dealing with a proposal for an additional dwelling next to the existing property and I have limited information about how the existing property is used, but in any event that matter does not materially affect my consideration of the planning merits of this appeal. In terms of the parking situation, for the reasons set out above, I consider that the provision of an additional space is adequate and overall, I have found that the proposal would not have an adverse impact on highway safety.
16. The only difference between the proposal and extant permission for an extension to 47A is the provision of an additional window and front door at ground floor level. As a result, the proposed dwelling would not result in an unacceptable loss of privacy. Similarly, the introduction of a one bedroom dwelling into an established residential area would not cause a harmful level of disturbance to surrounding residents.

Conditions

17. I have had regard to the conditions suggested by the Council and considered whether the tests set out in the Framework for conditions are met.
18. In addition to the standard time limit condition, in the interest of certainty I have imposed a condition requiring that the development is to be carried out in accordance with the approved plans. To protect the character and appearance of the area, it is necessary to impose conditions requiring that details of materials to be used and hard and soft landscaping, including boundary treatment are submitted for approval and the development is implemented in accordance with those approved details. Also, to protect the character and appearance of the area it is necessary to restrict permitted development rights in relation to extensions, buildings, and enclosures.
19. To protect the living conditions of neighbouring residents a condition is necessary to prevent new window openings, other than those expressly authorised. However, given the scale of the proposal and other conditions to be imposed, it is unnecessary to impose a condition related to vehicle access gates, roller shutter doors or other vehicle entry barriers.

Conclusion

20. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed.

S Rawle

INSPECTOR



Appeal Decision

Site visit made on 10 May 2023

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2023

Appeal Ref: APP/J0350/D/23/3317043

46 Parsons Road, Slough SL3 7GU

- 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 Davesch Chauhan against the decision of Slough Borough Council.
 - The application Ref P/19377/001, dated 2 October 2022, was refused by notice dated 9 January 2023.
 - The development proposed is a 2 storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey rear extension in accordance with the terms of the application Ref P/19377/001, dated 2 October 2022, 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: Site Location Plan, Block Plan, CHAUHAN/PLAN/002B, CHAUHAN/PLAN/004A, CHAUHAN/PLAN/005B and CHAUHAN/PLAN/007A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary matter

2. The Council based its decision on amended plans submitted during the application process. I have also based my decision on those plans, as listed above. During the course of the appeal, the Council provided 2 different versions of drawing CHAUHAN/PLAN/005B, both dated 20 December 2022. Only one of these is consistent with the other submitted drawings and the extracts shown in the Council's report. This is the version to which this decision refers.
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Main issues

3. The main issues are the effects of the proposal on:
 - i) The character and appearance of the house and the local area; and
 - ii) Living conditions at the next door property, No 48, in terms of light and outlook.

Reasons

Character and appearance

4. 46 Parsons Road is a 3 storey detached house of fairly recent construction and formal design, on an estate of similar houses. The proposal is to build a 2 storey extension across the whole back of the house. The appeal application follows on from the approval of a slightly smaller 1 and 2 storey rear extension. The single storey element would be the same, but the depth of most of the first floor element would increase from 4m to 5m (excepting a small section next to the boundary with No 48). The extension would connect to an existing single storey garage building at the back.
5. The Council's Residential Extensions Guidelines Supplementary Planning Document (SPD) advises at EX27 that the maximum permitted depth for a 2 storey rear extension will generally be 3.3 metres although deeper extensions may be allowed where site circumstances allow. The Council also refers to SPD EX24, which states that for single storey rear extensions, pitched roofs should be at least 150mm below any first floor window cill. The same principle could perhaps be said to apply to the 2 storey extension in this case, though that is not stated in the SPD. The SPD further confirms that each planning application will be considered on its own individual merits.
6. In this case, the extension would be low for a 2 storey structure and would not extend out so far to the rear that it would appear disproportionate with this sizeable building. The low profile roofs, although not complying with the numerical requirement set out in SPD EX24, would not interfere with the house's second floor windows or otherwise harm the appearance of the house. This would be a subservient structure, much lower and smaller than the main house, and discreetly sited where it would hardly be visible from Parsons Road or any other public vantage point.
7. I conclude that the proposal would not harm the character or appearance of the house or the local area. It accords with the shared aims of Core Strategy (CS) Core Policy 8, Local Plan for Slough (LP) policies EN1 and EN2 and the SPD, to secure high quality design for extensions, which should be compatible with the original structure and respect its surroundings.

Living conditions

8. The Council's concern here is that the extension would affect the light and outlook from a small first floor rear window at No 48 next door. The amended plans indicate that the extension would not break a 45 degree angle drawn from that window, so that there would not be any clear conflict with the 45 degree code set out at SPD EX26. Any infringement of the 45 degree line would be marginal and the window is high enough up so that it would continue to have views and receive light over the top of the extension. This window,

moreover, appears to be obscure glazed. The floor plans for No 48 submitted by the appellant indicate that it serves an en suite bathroom, which is not a considered to be a habitable room requiring protection of its light and outlook.

9. I conclude that the proposal would not significantly affect living conditions at No 48 next door, in terms of light or outlook. It accords with the shared aims of CS Core Policy 8, LP policies EN2 and H15 and the SPD, to ensure that extensions cause no significant adverse impact to the amenity of adjoining occupiers.

Conditions

10. I impose a condition specifying the relevant plans to provide certainty. A further condition requiring the use of matching materials is needed to ensure that the extension complements the character and appearance of the house.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR



Appeal Decision

Site visit made on 10 May 2023

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th June 2023

Appeal Ref: **APP/J0350/D/23/3316430**

377 Farnham Road, Slough SL2 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Anantpal Bhandal against the decision of Slough Borough Council.
 - The application Ref P/15049/002, dated 11 October 2022, was refused by an undated decision notice.
 - The development proposed is an outbuilding (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in accordance with the terms of the application Ref P/15049/002, dated 11 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location plan (unnamed), Block plan (unnamed) and PD756.
 - 2) The development hereby permitted shall only be used for purposes incidental or ancillary to the residential use of the dwelling known as 377 Farnham Road.
 - 3) No access shall be provided to the roof of the development hereby permitted by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.
 - 4) Notwithstanding the terms and provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no windows, other than hereby approved, shall be formed in the western flank or rear walls of the development hereby permitted.

Preliminary matters

2. Both the Council and the appellant advise that the decision on the appeal application was issued on 19 December 2022, but there is no date on the copy of the decision notice provided to me. The text of that notice is the same as in

the officer report dated 18 December 2022, so I am content that it does accurately set out the Council's reason for refusal of the application.

3. The proposal has been fully constructed so that I could see it at my site visit. Although the description of the proposed development is given as an 'outbuilding', it is physically connected to the house so could be more accurately described as an extension, albeit one with no internal connection to the house.

Main issues

4. The main issues are:
 - i) The effect on the character and appearance of the local area;
 - ii) The effect on living conditions at the next door property, 375 Farnham Road; and
 - iii) Whether the proposal is tantamount to the provision of a separate new dwelling, and if so whether satisfactory living conditions would be provided for future occupiers of both No 377 and the new dwelling.

Reasons

Character and appearance

5. 377 Farnham Road is an end of terrace 2 storey house, positioned side on to Farnham Road. The proposal is for a (recently constructed) single storey flat roofed rear extension to the building, running along the boundary with the next house in the terrace – No 375. The remainder of the garden and some other gardens in the immediate vicinity are enclosed by high walls. These walls almost completely screen views of the extension from the street, so that it can only really be seen from the back of No 375 and from the upper floors of nearby houses.
6. The extension itself forms a typical rear single storey wing. It is low in height and modest in scale and leaves sufficient outdoor space within the garden area. It is therefore in character with its surroundings and has at most a minimal impact on the local street scene. I note that this extension is much deeper than the 3.65m maximum permitted depth for single storey rear extensions to terraced houses advised by EX20 of the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD). That guidance, however, makes it clear that it must be applied in light of site considerations. In this case the extra depth has no significant visual impact on the local area.
7. I conclude that the proposal does not harm local character and appearance. It accords with the shared aims of Core Strategy (CS) Core Policy 8, Local Plan for Slough (LP) policies EN1, EN2, H14 and H15, the SPD and the National Planning Policy Framework (the Framework), to secure high quality design for extensions, which should be compatible with the original structure and retain sufficient space.

Neighbours' living conditions

8. The appeal structure stretches the full length of the side boundary with No 375, but is not much taller than the existing garden walls. SPD EX20's guidance regarding the depth of rear extensions also states that the impact of the development on the amenity of neighbouring residents must be taken into

account. In this case the Council has not drawn attention to any specific harm to living conditions at No 375 and the occupiers have not objected to the application. I find that the proposal is low enough that it avoids any significant effects on the outlook from No 375 or the light to that property. There is no impact on privacy.

9. I conclude that the proposal does not significantly affect living conditions at No 375. It accords in this respect with the shared aims of CS Core Policy 8, LP policies EN1, EN2 and H15, the SPD and the Framework, to avoid significant adverse impact on the amenity of adjoining occupiers.

Tantamount to a new dwelling?

1. The extension has no internal link to the house. The door and windows face out onto the modestly sized rear garden. Access is through the garden both from the house and from the street, via a pathway alongside the house. The extension has an open interior plan, with kitchen facilities built in at one end. The Council's concern is that due to the separate access and the provision of internal facilities, the extension could be lived in separately, leading to a situation where occupiers of both No 377 and the new dwelling would have inadequate privacy and garden space.
2. The proposal is not for a separate dwelling and the plans clearly state that it is for the incidental enjoyment of the householder at No 377. Despite the presence of a kitchenette, the extension is not provided with full facilities for independent living and there would be little room for such facilities in this small structure. Even if they were to be provided, the extension is closely associated with the house, being physically connected and sharing a garden and garden access. This would make it difficult to use the extension as a separate dwelling and such a use can be restricted by condition. I find no strong reason to support the Council's contention in this case.
3. I conclude that the proposal is not tantamount to the provision of a separate new dwelling. As the extension would be used by occupiers of the house, the Council's issue regarding living conditions does not arise. The proposal accords with the aims of CS Core Policy 8, LP policies H14 and H15, the SPD and the Framework, to ensure that appropriate levels of rear garden space and amenity are provided.

Conditions

4. As the development has already been carried out, the standard condition requiring a start within 3 years is not relevant. I impose a condition specifying the relevant plans to provide certainty. Further conditions restricting the use of the extension, the use of its roof and the normal permitted development rights to install windows and doors, are needed to protect living conditions at Nos 375 and 377 Farnham Road, in terms of privacy and garden space.

Conclusion

5. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR