

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: May 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.

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ALL

Ref	Appeal	Decision
APP/J0350/C/22/3294356	Rear Outbuilding 265, Stoke Road, Slough, SL2 5AX Conversion of outbuilding and its use as a self-contained dwelling (shown on the attached plan edged blue) and erection of dormer extension (Unauthorised Development)	Appeal Dismissed 27 th March 2024
APP/J0350/C/22/3310694	Land at 22, Milton Road, Slough, SL2 1PF Without planning permission the material change of use of an outbuilding to form an independent self-contained unit of residential accommodation and facilitating works (the unauthorised use), as shown edged with a solid blue line on the annexed plan'	Appeal Dismissed 4 th April 2024
APP/J0350/D/24/3338996	111 Upton Court Road, Slough, Berkshire SL3 7NG Construction of a first floor side and rear extension Officers had recommended that the application be refused as a result of width of the first floor side extension when combined with the first floor rear extension resulted in a detrimental impact on the character and appearance of the character of the area given it was located within a RESPD. The Inspector however had considered that the two elements (side and rear extension) should not be viewed as a combined with the rear extension, and should be viewed as a side extension only and would not objectively create a terracing effect (which is the objective of EX15 of the RESPD). The Inspector concluded with regards to reason for refusal 2 that from their site visit that the outlook from, or light to those windows from the neighbouring dormer window would be unduly restricted, despite inaccuracies of the plans submitted.	Appeal Granted 8 th May 2024
APP/J0350/X/23/3327215	407, Rochfords Gardens, Slough, SL2 5XE Lawful development certificate for a proposed single storey side garage (extension to existing garage which will not exceed 2.5m in height)	Appeal Dismissed 10 th May 2024

Appeal Decision

Site visit made on 19 April 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.05.2024

Appeal Ref: APP/J0350/D/24/3338996

111 Upton Court Road, Slough, Berkshire SL3 7NG

- 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 Mahipal Dadyal against the decision of Slough Borough Council.
 - The application Ref P/13634/008, dated 25 September 2023, was refused by notice dated 7 December 2023.
 - The development proposed is a first-floor side and rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor side and rear extension at 111 Upton Court Road, Slough, Berkshire SL3 7NG in accordance with the terms of the application Ref P/13634/00, dated 25 September 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans. Nos. 11UCR/001/PL Rev B, 11UCR/004/PL Rev B, 11UCR/005/PL Rev B and 11UCR/006/PL Rev B.
 - 4) The first-floor windows in the flank elevation of the development hereby approved shall be glazed with obscure glass and permanently fixed shut unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

Main Issues

2. The main issues are the effect of the development on; the character and appearance of the host property and the surrounding area, and the living conditions of the occupiers of No.113 Upton Court Road.

Reasons

3. The appeal property is located within a Residential Area of Exceptional Character (RAEC), as identified by saved policy H12 of the Slough Local Plan 2004 (the Local Plan). This policy indicates that development will not be
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permitted which would have a detrimental impact upon the character and amenity of residential units including by (g) extensions which would change the scale and nature of the property.

4. No.111 is part of a row of semi-detached properties located along a spur loop setback from the main part of Upton Court Road. The semi-detached properties with bow windows, hipped roofs and garages to the side have a homogeneity. The separation between them, together with the green space in front, create a spaciousness and rhythm to the street scene. The appeal property is located at the eastern end where the properties have a staggered layout following the arc to the road. The extension is designed with a subservient form and reflects the design advice within the Residential Extensions Guidelines 2010, Supplementary Planning Document (SPD) – EX12, EX13 and EX14. Nonetheless, EX15 also advises that first-floor side extensions will not normally be permitted in RAEC.
 5. While the proposed side extension would result in a limited gap to the boundary, the appeal property is sited significantly further back than the neighbouring semi-detached pair, with the full side profile of No.113 visible in views along the street from the west. Due to this juxtaposition, I do not find that the extension would appear visually adjoined to the neighbour to have a terracing effect, which is the objective of EX15. Additionally, given the siting of the properties and the set back and down of the extension it would not be prominent in views along Upton Court Road. As such, I do not find that the spacious quality of the area would be significantly altered.
 6. The proposed extension also extends to the rear and in combination with a previous extension it would result in a sizeable increase to the property. The Council's concerns in this regard appear to be based on the limitation within the SPD (EX12) of not exceeding 50% of the width of the house. However, I agree with the appellant that EX12 relates to side extensions only, which the proposal accords with. It also accords with the provisions of EX26 for rear extensions.
 7. With the materials and a subservient form reflecting the existing property I do not find that the extensions would be of an imposing scale, and the resultant property would sit comfortably within the plot. While the Council are concerned that this development would set a precedent it is the individual circumstances in this case which lead me to conclude that the side extension, which is not normally permitted in RAEC, would preserve the low-density and spacious character of the area. Additionally, from my observations on site, extensions are exhibited to other properties in the locality, and the RAEC designation does not preclude appropriate alterations.
 8. In conclusion, I find that the proposed extensions would not result in harm to the character and appearance of the host property or the RAEC. The development therefore complies with policy CP8 of the Core Strategy Development Plan Document (December 2008) (the Core Strategy) and policies EN1, EN2 and H15 of the Local Plan. Taken together, among other things, these are concerned with development achieving an attractive and high-quality design, in keeping with the existing property and maintaining the character and amenity of Residential Areas of Exceptional Character. It would also, as a whole, accord with the SPD, and the requirement for good design in the National Planning Policy Framework (the Framework).
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Living Conditions

9. The Council also refused the scheme on the grounds that they were unable to determine the impact on No.113 Upton Court Road due to inaccuracies with the plans. Whilst the block plan (plan reference 11URC/001 PL Rev B), which is based on the OS plan, does not show the existing extensions to No.113, a plan showing compliance with a 45-degree line from the edge of the first-floor window was provided. I was also able to assess the relationship on-site. The dormer window, which is the Council's concern, has an elevated position and given the proposed hipped roof to the extension, I do not consider the outlook from, or light to those windows would be unduly restricted.
10. First-floor windows are proposed in the flank elevation of the side extension facing towards No. 113. These are to serve bathroom facilities and obscure glazing can be secured by condition. As such, there would be no additional opportunities to overlook the neighbour's garden.
11. I therefore find that the proposed development would not result in harm to the living conditions of the occupiers of No.113. Thereby, there would not be conflict with those parts of the Core Strategy policy CP8 and Local Plan policies H12, H15, EN1 and EN2 which require development to have a compatible relationship with nearby properties, and not to have a detrimental impact upon amenity. Nor would it conflict with the requirement for a high standard of amenity for existing and future user set out in the Framework (paragraph 135).

Conditions

12. I have imposed the standard conditions in relation to the commencement of development and requiring compliance with the submitted plans. In addition, in the interests of the character and appearance of the area, a condition is necessary to ensure that the materials match the host property.
13. As set out above, a condition is required to ensure the first-floor side windows are obscurely glazed to maintain privacy. The Council have also suggested a condition restricting the use of the ground floor roof as a balcony, however as this is an existing extension and there is no access proposed I do not consider this necessary.

Conclusion

14. For the reasons set out the appeal is allowed.

G Ellis

INSPECTOR
