

Registration Date:	09 July 2024	Application No:	P/17409/004
Officer:	Ismat Kausar	Ward:	Wexham Court
Applicant:	Ejaz Ahmed	Application Type:	Householder
		8 Week:	03/09/24
Agent:	Safdar Hussain, Arcadia Architects 36 Ioxwood, Lower Earley, Earley, Reading, RG6 5QZ		
Location:	61 The Frithe, Slough, Slough, SL2 5SX		
Proposal:	Retrospective single storey front, side, rear extension, rendering to the property and detached outbuilding to be used as office.		

Recommendation: GRANT planning permission, subject to conditions.



1.0 **SUMMARY OF RECOMMENDATION**

1.1 This is a householder planning which would normally be a delegated decision, however the applicant is an elected member, therefore in line with the Council's Constitution and the Scheme of Delegation, the application is required to be determined by the Planning Committee.

1.2 Having considered the relevant policies set out below, the personal circumstances of the applicant and all other relevant material considerations, it is recommended the application be APPROVED, subject to the following planning conditions:

Conditions:

1. The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

- (a) Drawing No: PL-100, dated 27/06/2024, Recd On 27/08/2024
- (b) Drawing No: PL-201, dated 27/06/2024, Recd On 09/07/2024
- (c) Drawing No: PL-300, dated 27/06/2024, Recd On 09/07/2024
- (d) Drawing No: PL-400, dated 27/06/2024, Recd On 09/07/2024
- (e) Drawing No: PL-401, dated 27/06/2024, Recd On 12/09/2024

REASON 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.

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no window(s) or doors, other than those hereby approved, shall be formed in the flank elevations of the development without the prior written approval of the Local Planning Authority.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties, in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

3. 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), the outbuilding hereby permitted shall only be used for domestic purposes incidental to the enjoyment of the main dwelling, with no cooking facilities installed, unless otherwise agreed in writing by the Local Planning Authority. The outbuilding shall not be used as separate self-contained residential accommodation or for any industrial, commercial or business use.

REASON To protect the amenities of the adjoining occupiers and the character of the area in accordance with Core Policies 4 and 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, January 2010.

4. No access shall be provided to the roof of the extension 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.

REASON To protect the amenities of the adjoining occupiers and the character of the area in accordance with Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, January 2010.

Informative(s):

1. The applicant is advised that the insertion of additional residential facilities in the outbuilding other than those considered being incidental to that of the main dwellinghouse and the use of the building as separate dwellinghouse is likely to result in enforcement action being taken by the Local Planning Authority. The applicant is in any doubt as to what is considered to be 'incidental', they are advised to seek advice from the Local Planning Authority.
2. It is the view of the Local Planning Authority that the proposed development does improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is in accordance with the National Planning Policy Framework.
3. The applicant is advised of their requirement to comply with the Party Wall Act 1996, including the need to serve appropriate notices on neighbours before work commences.
4. The applicant is reminded that at all times, without the prior permission of the freeholder there can be no encroachment onto the adjoining property.

PART A: BACKGROUND

2.0 **Proposal (Retrospective)**

2.1 This is a part retrospective householder planning application for the erection of a single storey side, rear, front porch extension and detached outbuilding to be used as an office. The dimensions for each element are listed below:

- Front porch: 3.75m high; 1.2m deep; 2.96m wide.

- Single storey side extension incorporating existing storage room 2.79m high; total depth 9.97m deep; 3.20m wide at the front & 2.60m to the rear of side extension.
- Single storey rear extension: 2.75m high; 6m deep; 5.49m wide
- Detached outbuilding to be used as a home office: 2.5m high; 5.09m deep; 4.19m wide.

2.2 It is noted that a number of the elements above have been approved through application P/17409/003 and therefore the key changes from this application include:

- The materials used changed from brick to white render and grey UPV windows and tiles;
- Fenestration design and proportions;
- Porch is changed from a mono pitched roof to gable end roof and reduced in width; and
- Inclusion of the rear outbuilding.

2.3 Amended plans were received over the lifetime of the application to accurately demonstrate the front porch elevation, site location red line boundary and amended application form to confirm the applicant is an elected Member of the Council.

3.0 **Application Site**

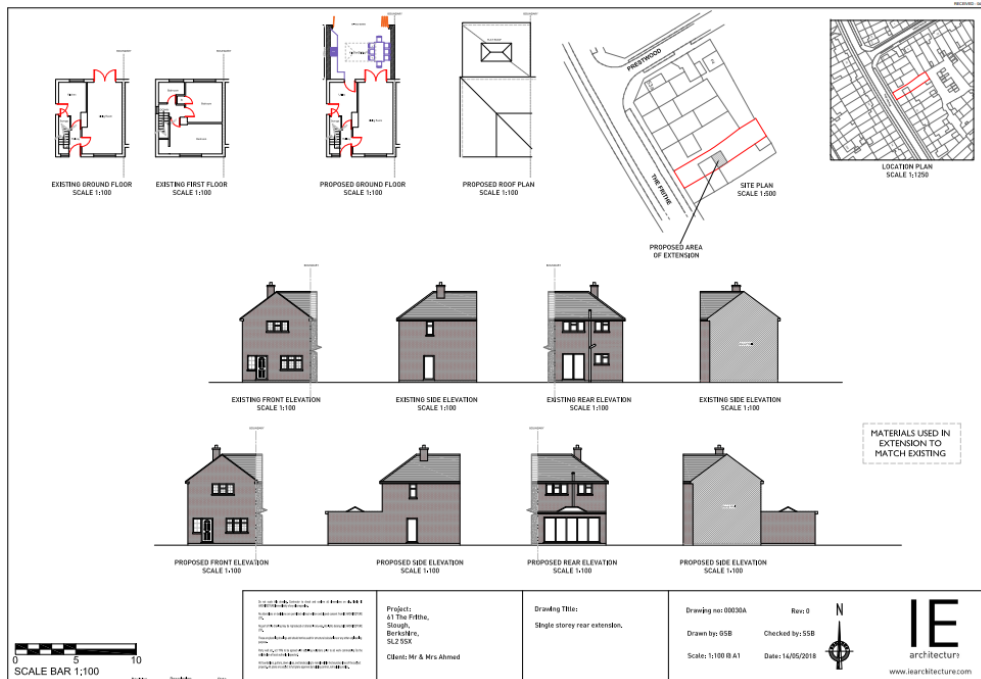
3.1 The application site primarily comprises an end of terrace two storey, two-bedroom dwellinghouse, located on The Frithe, in Wexham Lea which is predominately residential. The application site also includes a small parcel of land approximately 2.36m² belonging to the owner of the adjacent property at No. 59 The Frithe. This part of The Frithe consists of mainly terrace dwellinghouses with a few semi-detached dwellings. The scale and appearance of the dwellinghouses vary in the street with some dwellings significantly extended.

3.2 The site is located within a suburban area and is not subject to any defined land use planning constraints that would prevent the development in principle. The site is not located within a Conservation Area, high risk flood zone and does not have any Tree Preservation Orders. The site falls outside of the Town Centre boundary.

4.0 **Relevant Site History**

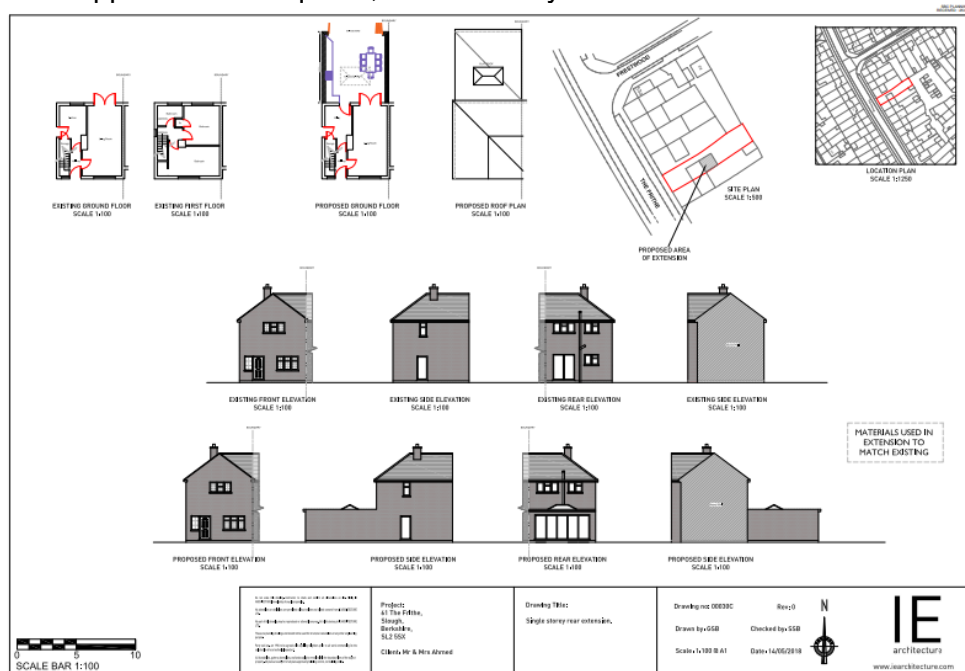
4.1 Y/17409/000

Proposal: The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, with a maximum height of 3.19m, and an eaves height of 2.79m
 Prior Approval Not Required, dated 02 July 2018



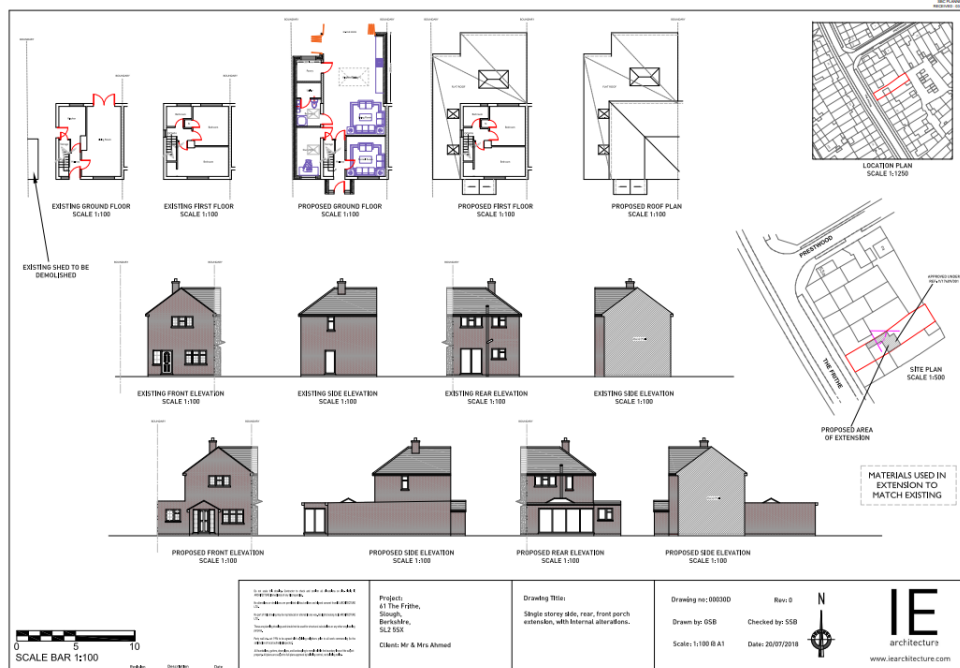
Y/17409/001

Proposal: The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, with a maximum height of 3.19m, and an eaves height of 2.79m
 Prior Approval Not Required, dated 26 July 2018



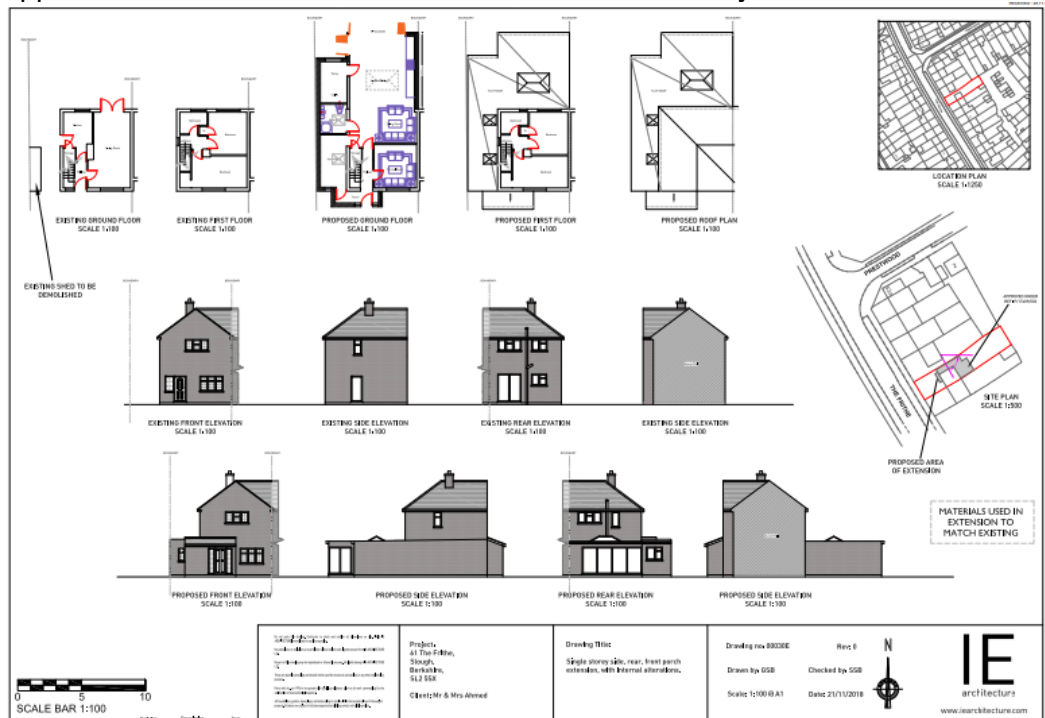
P/17409/002

Proposal: Construction of a single storey side & rear extension & front porch.
Approved with Conditions; Informatives, 26 October 2018



P/17409/003

Proposal: Construction of a single storey side, rear and front porch extension with internal alterations.
Approved with Conditions; Informatives, dated 18 January 2019



Enforcement

2008/00181/ENF – Alleged Unauthorised Side Garage. Case closed – no breach.

2023/00036/ENF – Appears to be larger than approved plans. Requires permissions, catalyst for this application.

5.0 **Neighbour Notification**

5.1 The application was publicised by site notices displayed on 2nd August 2024 and an amended site notice was displayed on 28th August 2024, due to an updated location/site plan being received and the description being updated to include the rendering of the property. This is in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015.

5.2 An objection has been put forward by the residents of the neighbouring property highlighting the below concerns.

- The applicant has breached previous planning permission in particular the informative relating to failure of serving the appropriate party wall act and any encroachment without freeholders permission.
- Trespassing on the on land.
- Failed to demolish outhouse as required by initial application.
- Inaccurate site/boundary plan – the initial application showing a straight boundary line between the two properties and the current application showing a kink. The title plan shows a straight boundary between the properties.
- Incorrect plans.
- Incorrect application form declaring conflict of interest.

Officers' response:

With regards to boundary dispute, trespassing and Party Wall Act, these are civil matters and fall outside the remit of the Local Planning Authority. The neighbour is advised to resolve this matter with the neighbour and/or seek independent legal advice as this matter falls outside of the remit of the Local Planning Authority to comment or advise on.

It is acknowledged a breach of the original planning permission has been made, but this does not prevent an applicant from applying for retrospective permission. This application seeks to regularise the breaches, including the side extension, rendering of the property, outbuilding and these have been assessed further within this report.

With regards to the concerns raised in relation to the plans submitted since the objection was received, the plans have been amended to correctly show the development, including rendering with the description and new site notice has been erected to notify neighbouring residents.

The red line boundary for a planning application can include land which does not form part of the applicant's land, as long as the appropriate Certificate B has been signed and served. The applicant has confirmed that they are an elected Member of the Council and therefore conflict of interest has been declared, further this application has been brought to Planning Committee to be determined on the basis that the applicant is an elected Member.

6.0 **PART B: PLANNING APPRAISAL**

6.1 **Policy Background**

The proposed development is considered having regard to the National Planning Policy Framework (NPPF) 2023, Core Policies 7 and 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Saved Policies H14, H15, EN1, EN2 and T2 of the Slough Local Plan 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010.

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

6.3 The NPPF 2023 makes it clear that good design is essential, stating at paragraph 131:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

6.4 Good standard of design is embedded in Core Policy 8 (Sustainability and the Environment) as well as within Policy EN1 (Standard of Design) of Slough Local Plan. Core Policy 8 of the Slough Core Strategy states that all development should be sustainable, of a high quality, and should improve the quality of the environment. To achieve high quality design, development should, amongst other things, respect its location and surroundings and reflect the street scene and the local distinctiveness of the area.

6.5 Policies H14, H15, EN1 and EN2 of Slough Local Plan (2004) further indicate that proposals should respect and respond to the proportions of the dwelling, as well as to the appearance and design of the vicinity in order to preserve or

enhance the character and appearance of the street scene. The Council's Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010, provides guidance to interpret and implement Core Policies and Local Plan policies regarding design.

6.6 The following saved policies are lifted from the adopted Slough Local Plan 2004:

Policy H14 (Amenity Space) states:

The appropriate level will be determined through consideration of the following criteria:

- a) type and size of dwelling and type of household likely to occupy dwelling;*
- b) quality of proposed amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility;*
- c) character of surrounding area in terms of size and type of amenity space for existing dwellings;*
- d) proximity to existing public open space and play facilities; and*
- e) provision and size of balconies.*

6.7 Policy H15 (Residential Extensions) states:

Proposals for extensions to existing dwelling houses will only be permitted if all of the following criteria are met;

- a) there is no significant adverse impact on the amenity of adjoining occupiers;*
- b) they are of high quality of design and use materials which are in keeping with both the existing property and the identifiable character of the surrounding area.*
- c) They respect existing building lines and there is no significant adverse impact on the existing street scene or other public vantage points.*
- d) Appropriate parking arrangements are provided in line with the aims of the integrated transport strategy;*
- e) an appropriate level of rear garden amenity space is maintained.*

6.8 Policy EN1 (Standard of Design) states:

Development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of:

- a) scale;*
- b) height;*
- c) massing/bulk;*
- d) layout;*
- e) siting;*
- f) building form and design;*
- g) architectural style;*
- h) materials;*
- i) access points and servicing;*
- j) visual impact;*
- k) relationship to nearby properties;*
- l) relationship to mature trees; and*
- m) relationship to water courses.*

These factors will be assessed in the context of each site and their immediate surroundings. Poor designs which are not in keeping with their surroundings and schemes which result in over-development of a site will be refused

6.9 Policy EN2 (Extensions) states: *Proposals for extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure. Extensions should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.*

6.10 The planning considerations for this proposal are:

- Design and impact upon the character and appearance of the area
- Impact upon on amenity of neighbouring occupiers
- Amenity space
- Highways and parking
- Representations

7.0 **Design and impact upon the character and appearance of the area**

7.1 The porch is 1.20m in depth, which complies with the recommended depth of 1.5m for terrace dwelling as set out in EX2 of the RESPD 2010. The depth and width of the front porch is acceptable, given the distance the dwelling is set back from the street. The porch would comply with the RESPD in all other respects. It is considered that the porch complements the scale, form, character, materials, and fenestration of the host building and is of an acceptable design.

7.2 It should be that the side extension (2.68m in width), excluding land within No. 59 was approved via application P/17409/003, decision dated 18 January 2019. However, this proposal now includes the width of the existing storage shed (part of which is within the curtilage of No. 59). The design of the extension is consistent with the approved extension barring this element, and the depth matches that of the extension approved via planning permission P/17409/003. As such, the proposed extension is acceptable in terms of design.

7.3 As the application site and development includes land belonging to the owner of No. 59, the applicant has confirmed that Certificate B has been served on the owner, as required under legislation. It is incumbent upon the Local Planning Authority to determine the proposal regardless of land ownership as long as the correct notices have been served and confirmed via the application form. An assessment in terms of the design needs to be made, it is considered that as the side element replaces the existing side element, no harm in terms of design, scale, form has been identified to adversely impact the street scene and character of the appearance.

7.4 The ground floor rear extension is 6m in depth and 2.75m in height. Whilst the extension would not comply with EX20 of the RESPD on terms of its depth, the extension benefits from a prior approval, reference Y/17409/001, which allowed for a 6m depth extension along the boundary with No. 63 The Frithe. Therefore, this necessitates a reasonable fall-back position for the extension.

- 7.5 Consideration has been given to previous planning applications and prior approval applications Ref: P/17409/003, P/17409/002 and Y/17409/001 which have granted the construction of a front porch, single storey side and rear extension and one roof light to rear extension. The decisions which have not expired are material considerations when determining this application. No objection is raised regarding these aspects of the proposal as they would match those previously approved on the site.
- 7.6 The application also seeks retrospective planning permission for a single storey rear outbuilding which measures 4.19m width, 5.09m length and 2.5m in height for use as a home office. It is considered that the outbuilding would not be out of character with the prevailing pattern of development within the area, noting the prevalence of rear outbuildings of similar scale and size within the immediate vicinity including the adjoining property at No. 63 The Frithe.
- 7.7 In addition, the outbuilding does not exceed the footprint of the original dwelling or exceed 3m in height and has a flat roof which complies with EX39 of the Residential Extensions Guidelines, Supplementary Planning Document 2010. Lastly, the outbuilding is not intended to be used as a separate dwelling and would be an ancillary to the use of the main dwelling as confirmed by the submitted plans and the case officer's site inspection. As such, the outbuilding is consistent with the prevailing pattern of development and in keeping with the character of the area and has been designed to be subservient to the existing dwelling.
- 7.8 The materials used include white render, grey roof tiles, grey UPVC windows and the outbuilding has white cladding, grey UPVC windows and doors. These materials are contemporary and not in keeping with the existing dwelling but does not substantially harm the character of the area, as it is noted that properties on The Frithe have used similar materials, including No. 30 and No. 34.
- 7.9 It is therefore considered that the proposal broadly accords with Saved Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010 and Core Policy 8 of the Slough Core Strategy (2008), and the NPPF 2023.
- 8.0 **Impact upon on amenity of neighbouring occupiers**
- 8.1 As set out in the proposal section above, the front porch has a maximum depth of 1.2m and is positioned away from No. 59 The Frithe boundary circa 2.3m and no. 63 The Frithe by a circa 2.8m. Although the front porch is visible, due to the separation distance with the neighbouring properties it does not cause significant on impact on neighbouring residential amenity.
- 8.2 In relation to the side extension, it is noted that the extension spans over the boundary with No. 59 however it should be noted that there is no access from No. 59 and there are no windows or doors proposed in the flank elevation. A condition has also been recommended to ensure there can be no additional windows or doors added without planning permission to avoid any detrimental overlooking as part of this consent. Also, the side extension replaces an existing storage/shed and is in the same position as existing shed/storage. It is considered the side extension does not cause an unacceptable impact in terms of overbearing, overshadowing, natural light, or outlook and therefore the impact is negligible. As

stated in para 7.3 of this report, it is noted there is an ownership/boundary issue however this is a civil matter between the neighbours. Certificate B has been signed on the application form and the applicant states they have served notice to the neighbour via the declaration of the submitted application form.

- 8.3 The 6m rear extension was previously approved under planning ref: P/17409/002 and no concerns of overshadowing or overlooking have been received from any of the adjoining neighbours on any of the applications submitted in regard to this element of the development.
- 8.4 With regards to the outbuilding this has a maximum height of 2.5m and has a separation distance of 20m to No. 57 The Frithe, 26m from 2 Prestwood and with regards to No. 63 The Frithe and No. 4 Preswood both these neighbours benefit from a similar size outbuildings. Given the relationship and distance from the outbuilding to the neighbouring properties it is considered the outbuilding does not result in unacceptable harm to overshadowing or overlooking of neighbouring properties.
- 8.5 It is therefore considered that the development complies with Saved Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the Slough Local Development Framework, Residential Extensions Guidelines, Supplementary Planning Document, adopted January 2010, and Core Policy 8 of the Slough Core Strategy (2008).

9.0 **Amenity Space**

- 9.1 The development does not increase the number of bedrooms, the property is a 2 bed dwellinghouse. EX48 of the Residential Extensions Guidelines requires a minimum garden depth of 9m (or 50sqm) for a two-bedroom house.
- 9.2 The remaining rear garden amenity space is approx. 11m deep with an area of 88sqm, thus meeting the above guidelines. Having regard to the retaining amenity area, it is considered to be at a good size and good quality external amenity space and therefore comply with policy H14 and H15 of the Local Plan and the NPPF.
- 9.3 The site benefits from a good size and good quality external amenity space and therefore complies with policy H14 and H15 of the Local Plan and the NPPF.

10.1 **Highways and Parking**

- 10.2 The National Planning Policy Framework states that development should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and pedestrians. Where appropriate local parking standards should be applied to secure appropriate levels of parking, minimise travel and maximise sustainable transport modes. This is reflected in Core Policy 7 and Local Plan Policies T2 and T8. Paragraph 115 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

10.3 The development does not result in any additional bedrooms, therefore, the existing parking arrangement is acceptable. The front driveway is able to accommodate 2 car parking spaces.

10.4 Based on the above the development would comply with policy T2 of the Local Plan, Core Policy 7 of the Core Strategy, and the NPPF.

11.0 **Representations**

11.1 Representations have been received by the adjacent neighbour which has been discussed in section 5.2.

12.0 **PART C: RECOMMENDATION**

12.1 The retrospective development is considered to comply with the Development Plan when considered as a whole and permission should therefore be approved, subject to the planning conditions listed in Section 1 of this report.