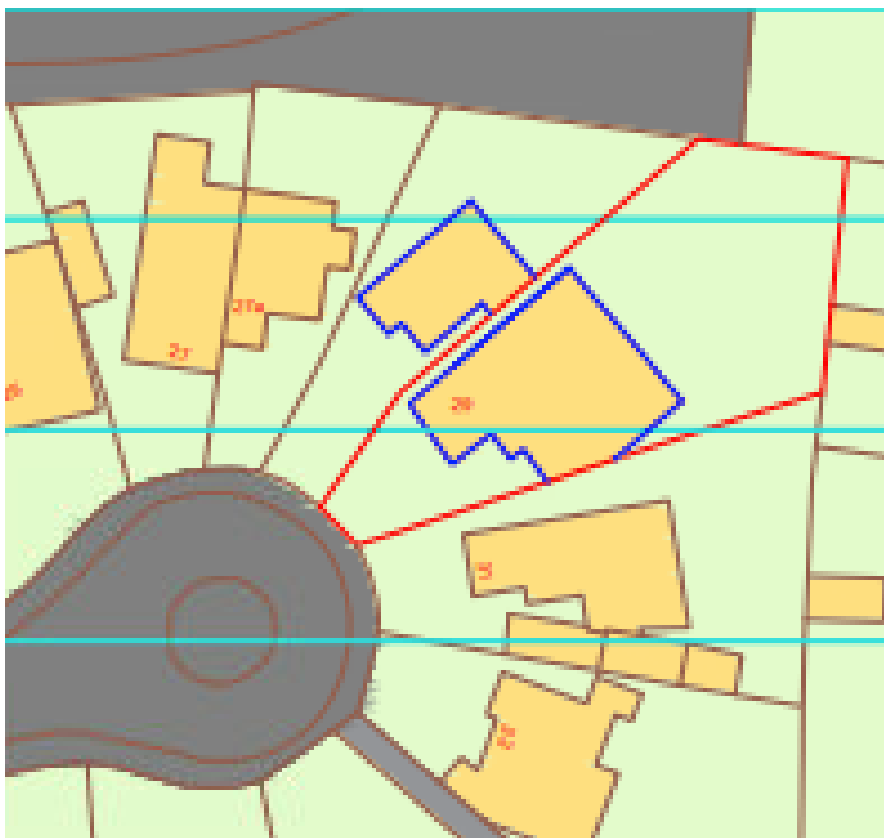


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|--------------------|---|-------------------|-----------------|
| Registration Date: | 02 December 2024 | Application No: | P/03798/011 |
| Officer: | Nyra John | Ward: | Herschel Park |
| Applicant: | Iftakhar Ahmed | Application Type: | Householder |
| | | 8 Week: | 27 January 2025 |
| Agent: | Shane Reeve, Arcitek Building Design Ltd, 3 Melford Close, Kings Lynn, PE30 3XH | | |
| Location: | 29 Merton Road, Slough, SL1 1QW | | |
| Proposal: | Construction of a single storey rear outbuilding for use of a gym | | |

Recommendation: GRANT planning permission, subject to conditions.



1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, and any comments that have been received from consultees, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager for approval subject to conditions.
- 1.2 Under the current constitution, this application is to be determined at Planning Committee, as it is an application made by a Councillor at Slough Borough Council.

2.0 **PART A: BACKGROUND**

Proposal (Retrospective)

- 2.1 The proposal is for a brick built outbuilding with clay roof tiles. The outbuilding is proposed 10m in width and 4.9m in depth, with a total Gross External Area (GEA) of 49sqm. The outbuilding has a hipped roof and is 3.7m in height. There is fenestration on the front elevation with two full height sliding doors and two small windows. The site level is to remain as existing and the finished floor levels are to be 150mm above the lowest point of the ground.
- 2.2 The applicants have stated that the outbuilding is intended to be use as gym and includes a W/C and shower room.

3.0 **Application Site**

- 3.1 The site is a detached property at the head of the cul-de-sac, Merton Road, in Upton. The existing 29a Merton Road next door is infill development that gained planning approval through appeal in June 2013. Both properties are narrow to the front and wider to the rear due to the curve in the road at the head of the cul-de-sac.
- 3.2 Pedestrian and vehicular access to the site is through the front gates for both 29 and 29a Merton Road.
- 3.3 The road is predominantly characterised by detached two storey suburban housing of broadly similar design.
- 3.4 The site lies 10m to the rear of the Town Centre boundary. The site itself is not in a Conservation Area but lies approximately 125m from a Conservation Area. The site lies in Flood Zone 1 and therefore has a low

risk of flooding, which is a 1 in 100 (1%) annual probability of flooding in any given year. There are no Tree Preservation Orders on site.

4.0 **Relevant Site History**

4.1 Planning History

| | |
|-------------|---|
| P/03798/001 | <p>Demolition of existing single storey side projection to No. 29 merton road and erection of a two storey four bedroom detached dwelling with on site parking for 2 no. cars.</p> <p>Validated 05-Jul-2012 Refused; Informatives 03-Oct-2012</p> <p>Appeal APP/J0350/A/13/2192496 Granted 13-Jun-2013</p> |
| P/03798/002 | <p>Demolition of existing single storey side projection to No. 29 Merton Road and erection of a two storey four bedroom detached house with on site parking for 2 no. cars.</p> <p>Validated 06-Nov-2012 Refused; Informatives 28-Dec-2012</p> |
| P/03798/003 | <p>Erection of an attached two storey 4 bedroom house with an on site parking and amenity space</p> <p>Validated 15-Jan-2013 Refused; Informatives 07-Mar-2013</p> |
| P/03798/004 | <p>Erection of two storey side and rear extension with hip roof following demolition of existing single storey side addition to a dwelling house.</p> <p>Validated 13-May-2013</p> <p>Appeal Dismissed 06-Jan-2014 Refused by Secretary of State 06-Jan-2015</p> |
| P/03798/005 | <p>Submission of details pursuant to condition no 3 (sample of materials) condition no 4 (detailed method statement) condition no 5 (details of hard and soft landscape) of planning application p/03798/001 dated 03/10/2013 appeal ref:app/j0350/a/13/2192496 for erection of a 4 bedroom detached house with parking provision at land forming part of 29 Merton Road.</p> |

| | |
|-------------|---|
| | Validated 12-nov-2013 Conditions complied with; informatives 08-apr-2015 |
| Y/03798/006 | The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.99m, with a maximum height of 3.10m, and eaves height of 3m. Validated 01-Jun-2016 Prior Approval; Permission Refused Not in Class A PD Terms 02-Jun-2016 Appeal APP/J0350/D/16/3154367 Granted 24-Feb-2017 |
| Y/03798/007 | The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, with a maximum height of 3m, and eaves height of 2.4m. Validated 27-Jul-2016 Prior Approval; Permission Refused Not in Class A PD Terms 06-Sep-2016 |
| P/03798/008 | Construction of a two storey rear extension and new pitched roof to existing converted garage. Validated 29-Mar-2018 Approved with Conditions; Informatives 14-Aug-2018 |
| P/03798/009 | Construction of 1.8m high wrought iron boundary access gates. Validated 13-Dec-2019 Refused 26-May-2020 Appeal APP/J0350/W/20/3257478 Dismissed 25-Nov-2020 |
| P/03798/010 | Construction of a two storey side and rear extension. Refused; Informatives 05-Nov-2021 |

4.2

Enforcement History

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| 2019/00161/ ENF | New high fence Opened 20-Sep-2019 Closed 13-Nov-2019 Reason for Closure- Expediency |
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|--------------------|--|
| 2017/00273/ ENF | Alleged unauthorised fence over 1m in height Opened 19-Oct-2017 Closed 13-Nov-2019 Reason for Closure- Complied Appeal APP/J0350/C/18/3211324 dismissed on 21 st June 2019 |
| 2016/00208/ ENF | Alleged current works not according to approved plans Opened 26-Oct-2016 Closed 26-Oct-2016 Reason for Closure- Expediency |
| 2016/00138/ ENF | Rear Outbuilding in Wrong Place Opened 07-Jul-2016 Closed 08-Jul-2016 Reason for Closure- Expediency |

5.0 **Consultation**

- 5.1 The application was publicised by site notices displayed on 11/12/2024 in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015. No comments were received over the consultation period.
- 5.2 Highways and Transport Officers were consulted on the application and provided comments on 13/01/2025 raising no objection.

6.0 **PART B: PLANNING APPRAISAL**

Policy Background

- 6.1 The proposed development is considered having regard to the National Planning Policy Framework (NPPF) 2024, Core Policy 8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document, December 2008, Saved Policies H14, EN1 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 2024 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 and EN1 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 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.

6.8 Core Policy 8 of the Core Strategy states that all development in the borough shall be sustainable, of a high-quality design, improve the quality of the environment and address the impact of climate change.

6.9 The Residential Extensions Guidelines SPD (RESPD 2010) provides further guidance on how to interpret the above policies. Section 9 provides specific guidance on outbuildings, in particular EX38 state that outbuildings should not detract from the character of the area through over dominance or obtrusiveness and EX39 states the acceptable scale/size of outbuildings (including footprint and height) will be determined having regard to:

- Size of the original dwelling
- Garden plot/sizes
- Siting of the outbuilding within the site relative to boundaries
- Siting of the outbuilding relative to public highway
- Changes in levels between properties
- Existing features, such as outbuildings, fences, walls, trees
- Pattern of development in area
- Orientation of properties

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
- External amenity space

- Highways and parking

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

7.1 The National Planning Policy Framework 2024 encourages new buildings to be of a high-quality design that should be compatible with their site and surroundings. This is reflected in Core Policy 8 of the Core Strategy, and EN1 of the Local Plan 2004. EX38 and EX39 of the RESPD 2010 refers to design guidance on outbuildings.

7.2 The outbuilding measures 10m width, 4.9m length and 3.7m in height for use as a gym. 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 at No's. 9, 11, 15 and 21 Merton Road.



In addition, the outbuilding is proposed 49sqm Gross External Area and therefore does not exceed the footprint of the original dwelling, which is 57.81sqm.

7.3 Supporting text of EX39 of the RESPD 2010, paragraph 9.5 states that outbuildings should not exceed a maximum height of 3 metres above ground level in the case of an outbuilding with a flat roof and 4 metres in the case of an outbuilding with a dual pitched roof. The proposal does not exceed 4m in height with a pitched roof and therefore complies with this guidance.

7.4 Paragraph 9.11 of the RESPD 2010 states that outbuildings shall not be used as a separate independent dwelling unit as this raise's issues of privacy, overlooking, noise and disturbance for neighbours, parking, and amenity space and would generally be contrary to the pattern of development. 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 proposed use as a gym. A condition is recommended to ensure this use is retained. 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.

7.5 The materials used for the proposed outbuilding include brick and although the main dwelling is rendered white, Officers consider these materials to be suitable and in keeping with the surrounding area. A condition is recommended to ensure it is constructed with the details provided.

7.6 It is therefore considered that the proposal accords with the saved policies EN1 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 2024.

8.0 **Impact upon on amenity of neighbouring occupiers**

8.1 DP6 of the REGSPD 2010 states that extensions should not be overbearing on neighbouring properties or result in loss of outlook and DP7 of the REGSPD 2010 states that extensions should not result in significant overshadowing, loss of sunlight or daylight. DP8 of the REGSPD 2010 states that window positions should avoid direct overlooking of neighbouring properties including gardens. EX9 of the REGSPD 2010 also states that flank wall windows will not normally be permitted. Whilst it is noted the above guidance is reference to extensions to existing dwellings, these principles are inherent in achieving good design and applicable to outbuildings.

8.2 Paragraph 9.5 of the RESPD 2010 states that the maximum height of the outbuilding to avoid an overbearing impact and excessive loss of light should be taken into consideration, which is 4m for an outbuilding with a dual pitched roof. The proposal has a maximum height of 3.7m and has a separation distance of approximately 5m from No. 29a Merton Road and 5.7m from No. 31 Merton Road. The property to the east at No. 6 Yew Tree Road is more than 15m away which is considered acceptable separation distance for a single storey outbuilding. There are no rear or flank wall windows proposed. 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.

8.3 It is therefore considered that the development complies with Saved policy EN1 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 **External Amenity Space**

9.1 The development does not increase the number of bedrooms, the property is a 4 bed dwellinghouse. EX48 of the Residential Extensions Guidelines requires a minimum garden depth of 15m (or 100sqm) for a 4+-bedroom house.

9.2 The remaining rear garden amenity space is approx. 8m deep at its shortest and 15m at its longest with an area of 188sqm, thus exceeding 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 of the Local Plan and the NPPF 2024.

9.3 The site benefits from a good size and good quality external amenity space and therefore complies with policy H14 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 116 of the NPPF 2024 states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

10.3 The front driveway is able to accommodate 2 car parking spaces. EX40 requires 3 on site car parking spaces for 4+ bedroom dwellings. However, the development does not result in any additional bedrooms, therefore, the existing parking arrangement is considered to be acceptable.

10.4 Transport Officers have been consulted on the application and have stated that whilst proposals are expected to comply with the parking standards; the Local Highway Authority would not object to the shortfall of one car parking space. Measurements taken shown there is almost room to provide 3 parking spaces. Whilst the site layout is not ideal; 3 vehicles may be able to park on site if vehicles are carefully parked and depending on vehicle size. Furthermore, Merton Road is subject to a single yellow line restriction which prevents parking between the hours of 8am – 7pm.

- 10.5 Therefore, the proposals are unlikely to cause increased parking demand on the surrounding roads and are not considered contrary to Slough Local Plan Policy T2 and NPPF 2024 Paragraph 116.

11.0 **PART D: CONDITIONS**

Conditions:

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. 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: 17269OB-LP Rev A, dated 19/11/2024, Recd On 02/12/2024

(b) Drawing No: 17269OB-PL1, dated 19/11/2024, Recd On 02/12/2024

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.

3. All new external work shall be carried out in materials as shown on the approved plan Drawing No: 17269OB-PL1, dated 19/11/2024, Recd On 02/12/2024, including brick and clay tiles.

REASON To ensure a satisfactory appearance of the development so as not to prejudice the visual amenity of the locality in accordance with Policy EN1 of The Adopted Local Plan for Slough 2004.

4. 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 or rear elevations of the development.

REASON To minimise any loss of privacy to occupiers of adjoining residential properties, in accordance with Policies EN1 and H15 of The Adopted Local Plan for Slough 2004.

5. 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.

Informative(s):

1. 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.
2. 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.