

Appeal Decision

Site visit made on 9 September 2016

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2016

Appeal Ref: APP/J0350/W/16/3151164

18-31 Tilbury Walk, Slough, SL3 8EX

- 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 I M Investment Ltd against the decision of Slough Borough Council.
 - The application Ref P/01691/011, dated 1 February 2016, was refused by notice dated 26 April 2016.
 - The development proposed is the erection of an extension to the existing building to create an additional 1 bedroom flat with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant brings to my attention the fact that Nos 2 and 3 Tilbury Walk are located to the south of the proposed development the subject of this appeal. I also note that the appellant has clarified the measurements of the proposal.
3. The decision notice refers to the development as "construction of 2nd floor extension above existing ground and first floor southern wing. One additional car parking space and realignment of kerb."

Main Issue

4. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Nos 2 and 3 Tilbury Walk, with regard to outlook.

Reasons

5. The appeal property is a part two and part three storey modern block of flats. It forms part of a development of two storey houses, maisonettes and flats within a residential area.
 6. The block of flats is located to the north of two storey terraced dwellings on Tilbury Walk and its juxtaposition is such that its two storey element is located very close to the rear gardens of Nos 2 and 3 Tilbury Walk. The taller, three storey element of the block of flats is located further away to the north and this separation distance ensures that, despite their three storey height, the flats do not "loom" over the rear gardens of the terraced houses along Tilbury Walk.
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7. A characteristic of the surrounding area is that many dwellings have short gardens and/or parking areas to the front and longer gardens to the rear. During my site visit, I observed that rear gardens provide for a significant sense of space, greenery and openness within what is a relatively densely developed urban area.
8. It is proposed to create an additional flat by increasing the volume of the two storey element of the block of flats. This would result in significant additional built volume, such that the two storey element would become three storeys in height.
9. I find that the impact of the above would be keenly felt by the occupiers of Nos 2 and 3 Tilbury Walk, the rear of which look out across gardens directly towards the block of flats. Currently, whilst the two storey element of the block of flats is in very close proximity to their rear gardens, its height is such that, whilst it appears prominently, it does not tower above the gardens to a harmful extent.
10. By way of contrast, the proposed development would result in a tall, three storey development, of some considerable width and bulk, within very close proximity of rear gardens that provide occupiers with an important sense of space, greenery and openness. I find that these particular attributes would be severely eroded by the proposed development, which would, due to its height and proximity, unduly dominate the outlook from the rear gardens of Nos 2 and 3 Tilbury Walk to a harmful degree.
11. Taking the above into account, I find that the proposed development would harm the living conditions of the occupiers of Nos 2 and 3 Tilbury Walk, with regard to outlook. This would be contrary to the National Planning Policy Framework, Local Plan¹ policy EN1 and Core Strategy² core policy 4, which together amongst other things, seek to protect residential amenity. In this regard, I note that the supporting text to core policy 4 refers to "achieving a high standard of design which creates attractive living conditions."

Other Matters

12. In support of its case, the appellant states that the occupiers of Nos 2 and 3 Tilbury Walk already experience a predominantly 3 storey building in close proximity and that the proposal is not considered to be a significant change. However, taking into account my comments above, I find that the proposed increase in height so close to the rear gardens of Nos 2 and 3 would have a significant harmful impact, leading to the decision below.
13. Whilst I acknowledge that the proposal would not result in harm by reason of overlooking or daylight, these are not factors that outweigh the harm identified.

¹ Local Plan for Slough (2004).

² Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document (2008).

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR