

Appeal Decision

Site visit made on 21 March 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 22nd May 2017

Appeal Ref: APP/J0350/W/16/3162845

Double garage next to Plot 2, Moreton Way, Berkshire, SL1 5LT

- 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 Andreas Loucas against the decision of Slough Borough Council.
 - The application Ref P00614/004, dated 26 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is conversion of double garage to a detached 2 bedroom maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:-
 - the effect on the character and appearance of the area;
 - the effect on the living conditions of the occupiers of neighbouring buildings in terms of outlook;
 - whether the proposed dwelling would provide adequate living conditions for future occupiers in terms of outdoor amenity space; and
 - whether the proposed dwelling would constitute family housing, and, if not, whether it would give rise to harm.

Reasons

Character and Appearance

3. The appeal site sits within a cottage-style estate characterised by modest houses and bungalows, where an open and green character is created by small front gardens, generally generous rear gardens and the presence of informal greens.
 4. The appeal building is a double garage set to the side of No. 2 Moreton Way and backing onto the rear garden of No. 11 Barnfield. The appeal proposal is for its outward and upward extension to create a two storey, two bedroom dwelling, with facing materials which would reflect those used elsewhere in the area.
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5. The appellant has suggested that the eaves height would be the same as that of adjacent buildings, but, having regard to the submitted drawings I am not convinced that this would be the case. While it would employ a roof pitch similar to that of adjacent properties, and elements such as doors and windows of a similar scale, they would be applied to a much smaller building, leading to a design that would be therefore incongruous within the area.
6. The building would furthermore have no hinterland beyond the parking spaces to the front, and would therefore appear very cramped on its plot. It would as a result appear urbanised, and at odds with the more open and green character of the suburban area.
7. I conclude therefore that the proposed development would have a harmful effect on the character and appearance of the area, and would thereby conflict with Policy EN1 of the of the Adopted Local Plan for Slough 2004 (the LP) which seeks development proposals which reflect a high standard of design and are compatible with and/or improve their surroundings, and with Policy H13 of the LP which requires that proposals for small scale infilling are in keeping with existing residential areas in terms of, among other considerations, design and scale. It would also fail to comply with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document 2008 (the CS) which seeks a high quality of design in new developments.

Outlook

8. Although the proposed dwelling would have a single storey, lean-to element adjoining the rear garden of No. 11 Barnfield, this would be relatively narrow, and the effect of the development would be to set what is, overall, a two storey building directly on or very close to the boundary with this garden. I consider therefore that the proposed building would have an overbearing effect in relation to this garden compared to that of the existing single storey building. As the garden area of No. 11 wraps around the northern flank of the appeal site I conclude also that this would heighten the sense of proximity.
9. I conclude that the proposal would cause some harm to the living conditions of the occupiers of No. 11 Barnfield in terms of outlook, and that this would conflict with Policies EN1 and H13 of the LP where they require development proposals to be compatible with their surroundings in terms of their relationship to nearby properties. It would also conflict CP 8 of the CS which requires development proposals which respect the amenities of adjoining occupiers.

Outdoor amenity space

10. The appeal proposal provides no dedicated outdoor amenity space. Although the parties disagree over whether the dwelling could be considered a family house, it has two bedrooms, and it could not therefore be ruled out that it might be occupied by a small family with children.
11. The appellant has suggested that one of the proposed parking spaces to the front of the dwelling could double as amenity space. However, it appears to me that as it would be a relatively small, hard-surfaced space with no boundary treatment, set on the back edge of the pavement, that it would not provide amenity space of an adequate standard in terms of usefulness, privacy, or attractiveness. It would also be likely to be at greatest demand for use as an

amenity space when the occupants were at home, and therefore most likely to be unavailable due to its parking use.

12. I have noted the proximity of Cippenham Village Green and the Mercian Recreation Ground, but conclude that they would not be able adequately to substitute for daily, casual and private use for purposes such as sitting out, drying clothes or for children to play.
13. I conclude therefore that the proposed dwelling would fail to provide an adequate standard of accommodation for future occupiers in terms of outdoor amenity space, and would therefore fail to comply with Policy H14 of the LP, which seeks adequate levels of outdoor amenity space. It would also fail to meet the requirements of EX48 of the Residential Extensions Guidelines, SPD, 2010 in terms of useable areas of garden space.

Whether the proposal would constitute family housing

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Core Policy 4 of the CS seeks to ensure that in urban areas outside the town centre, new residential development will predominantly consist of family housing. In seeking to relate the density of development to the accessibility of its location and the availability of services, facilities and infrastructure, while seeking to protect the character and identity of suburban residential areas this policy appears to me to be broadly in accord with the requirements of the Framework to pursue sustainable development. No evidence has been put before me to cause me to conclude otherwise.
15. The floorspace of the proposed dwelling is significantly below that set out in the definition of a family house contained in the CS, and, as I have concluded above, no dedicated outdoor amenity space is provided. It does not therefore meet the definition of a family house set out in the CS, and therefore fails to comply with Policy CP4. I note the appellant's contention that it could nonetheless be occupied by a small family, but as these shortfalls would lead to a standard of accommodation which would be inadequate for family use, this does not cause me to alter my conclusion.
16. However, the parties have drawn my attention to the appeal decision relating to the Granville Stores Site¹, a similarly small site within the suburban residential area. In his decision, the Inspector concluded that as this was an unusual plot which was not of a size or configuration that would lend itself to development for a family dwelling, an exception to CP4 would be appropriate if the development did not cause harm in terms of the other matters for consideration. This is a material consideration, to which I attach some weight. This appeal was dismissed on the grounds of the harm identified.
17. As I have identified that harm would arise from the appeal proposal relating to the character and appearance of the area and to the living conditions of adjoining occupiers and future occupiers of the dwelling, I conclude that although the site is a small and unusual one, and the garages are not associated with any dwelling and underused at present, treating it as an exception to Policy CP4 is not justified in this instance.

¹ Ref: APP/J0350/A/10/2123143

Conclusion

18. For the reasons given above therefore, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR