



Appeal Decision

Site visit made on 17 July 2019

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/J0350/D/19/3229501

1 Westlands Villas, Westlands Avenue, Slough, SL1 6AG

- 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 Talwinder Singh against the decision of Slough Borough Council.
 - The application Ref P/12408/007, dated 10 January 2019, was refused by notice dated 5 March 2019.
 - The development proposed is part single storey part two storey rear extension and single storey front porch.
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Decision

1. The appeal is allowed and planning permission is granted for erection of part single storey part two storey rear extension and single storey front porch at 1 Westlands Villas, Westlands Avenue, Slough, SL1 6AG, in accordance with the terms of the application Ref P/12408/007, dated 10 January 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 360WV001, 360WV002, 360WV003, 360WV004, 360WV005 and 360WV006.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the south or north elevations of the extension hereby permitted.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected other than those expressly authorised by this permission.

Main issue

2. I consider that the main issue in this case is its effect on the living conditions of residents by reason of loss of light and outlook and inadequate private amenity space.

Reasons

3. 1 Westlands Villas is a two storey semi detached house of brick construction with a gabled two storey front bay, a small open front porch and a small lean-to rear extension. It is in an established residential area and there is a recently constructed, two storey detached house in a similar style immediately to the south, No. 1A. No. 1 is sited directly on the boundary with No. 1A, with the latter separated from No.1 by approximately 1 metre.
4. The Council has raised no objection to the proposed front porch and I see no reason to disagree with this view.
5. The proposed single storey rear element would extend the full width of the existing house to a depth of approximately 3 metres from the main rear wall. The proposed two storey element would be of the same depth, directly on the side boundary with No. 1A, and approximately 3.3m wide, to a height of approximately 5m to the eaves and 5.9m overall.
6. I consider that the proposal would not cause unacceptable harm to the living conditions of the residents of No. 1A. It appeared to me during my site visit that the nearest point of the first floor rear window in No. 1A is just over 1 metre from the side wall and would therefore be approximately 2 metres from the side wall of the proposed extension. The submitted location and block plans indicate that the rear wall of No.1 is sited slightly further to the rear than that of No. 1 and my observations on site appeared to bear this out.
7. On this basis, I consider that, although the proposal would not wholly comply with the 45 degree line taken from the nearest edge of the first floor window at No. 1A, the result would not be severe enough to warrant dismissing the appeal. No. 1A lies to the south of No. 1 and receives ample light from the south and west. It has a larger rear garden than No. 1 and a more open aspect which would not be compromised by the proposal, either in terms of outlook or sense of enclosure.
8. The existing rear garden at No. 1 is relatively small and its size would be reduced by the proposal. However, the submitted plans indicate that there would be no increase in the number of bedrooms. Although, in theory, this could lead to an increase in the number of residents occupying the property, the existing rear first floor bedrooms are small and it is reasonable to allow for an improvement in the standard of the living accommodation by increasing the size of one of them. I do not consider that the proposal would compromise the living conditions of existing or future occupiers.
9. I have no information before me as to whether permitted development rights for ground floor extensions or outbuildings have been removed from the property. If not, then an extension of a similar footprint or an outbuilding could be constructed without the need for planning permission, with a similar impact on the amenity space.

10. I conclude that the proposal would not harm the living conditions of existing or future residents by reason of loss of light, outlook, sense of enclosure or amount of private amenity space. It would be consistent with policies EN1, EN2 and H14 of the Local Plan for Slough 2004 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, which relate to the design of development proposals, their relationship with neighbouring properties, the provision of an appropriate level of amenity space and the amenities of adjoining occupiers.
11. For the reasons given above, the appeal is allowed.

Conditions

12. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.
13. The conditions restricted permitted development rights in respect of additional windows and extensions and outbuildings are necessary and reasonable to protect the privacy and amenity space of existing and future occupiers.

PAG Metcalfe

INSPECTOR