



Appeal Decision

Site visit made on 29 October 2019

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/J0350/C/18/3215997

Land at 16 Iona Crescent, Slough SL1 6JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Terence Hunt against an enforcement notice issued by Slough Borough Council.
- The enforcement notice was issued on 3 October 2018.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a first floor rear extension on the Land as shown marked in blue on The Plan (for the purposes of identification only).
- The requirements of the notice are:
 1. Fully demolish the Unauthorised Extension.
 2. Upon removal of the Unauthorised Extension, make good the affected areas on the rear of the house with matching bricks, mortar and bonding method to the original house.
 3. Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirement.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. There was no Council representative at the appeal site at the appointed date and time of my visit. Attempts by the Inspectorate to contact the Council were unsuccessful. I therefore undertook the visit on an unaccompanied basis. The appellant's agent was there only to provide access to the garden. I am satisfied I was able to see all I needed from the visit and have determined the appeal accordingly.

The appeal on ground (a)

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises a semi-detached bungalow which is finished in white render and facing brick. The street scene is predominately residential in character, although there is a large, two-storey sub-station adjoining the appeal site. Nevertheless, properties on the street are generally bungalows with pitched roofs, interspersed with two-storey semis. Materials are largely rendered walls with tiled roofs.
4. The appellant argues that the extension is small in relation to the dwelling and has the appearance of a dormer window. However, most of the extension projects beyond the rear roof slope of the property. Indeed, around 3.2m of the approximate 4.1m depth of the extension goes beyond the main roof of the property. Moreover, the extension covers almost the entire width of the rear ground floor extension and its height adjoins that of the ridge of the main roof. Coupled with the flat roof design of the extension and the contrasting use of hanging tiles on its elevations, the development results in an incongruous and dominant addition to the property.
5. The appellant indicates that first floor extension can only be viewed from the rear garden of 14 Iona Crescent. However, I was able to see from my site visit that it can be seen, albeit partially, from vantage points within the street. Moreover, the visibility from adjacent neighbouring properties at such close quarters only serves to reinforce its intrusive appearance.
6. I conclude, therefore, that the development will have a harmful effect on the character and appearance of the area. Consequently, it will conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document 2008 which states that all development will be of a high-quality design which respect its location and surroundings.
7. In addition, the development will not comply with Policies H15, EN1 and EN2 of the Adopted Local Plan for Slough 2004 which state: that extensions to existing dwellings will only be permitted if they are of a high quality design and use materials which are in keeping with the property and the area; that development is required to reflect a high standard of design; and, that extensions to existing buildings should be compatible with the scale, materials, form, design, fenestration, architectural style, layout and proportions of the original structure.
8. Finally, there would be conflict with paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design as well as with the Council's Residential Extensions Guidelines Supplementary Planning Document 2010 which states that extensions should be: in keeping with the original design of the house; that first floor extensions should be proportionate and subservient to the house; and that changes to the roof should respect the original roof form of the house.

Other Matters

9. Whilst the harmful appearance of the extension will be visible from the adjacent garden of No 14, as well as the properties to the rear, it will not be visible at particularly close quarters within the windows of those properties. To that end, I am satisfied that the extension does not have a harmful impact on the outlook of neighbouring residents. Nevertheless, the lack of harm in

respect of the living conditions of neighbouring residents does not outweigh the harm I have identified in respect of the character and appearance of the area.

Conclusion on the appeal on ground (a)

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (g)

11. An appeal on ground (g) is made on the basis that the time period given for compliance with the requirements of the notice is too short.
12. Whilst I recognise the need for expediency, it seems to me that the requirements to demolish the extension in its entirety would have a significant, disruptive impact on the life of the appellant and their family. In my view, six months would be a more reasonable period, as this would allow works to be carried out at a pace which can take into account of the disruption to the occupants.
13. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) therefore succeeds.

Formal Decision

14. It is directed that the enforcement notice is varied by the deletion of the words "three (3)" from paragraph 6 of the notice and the substitution of the words "six (6)" as the period for compliance.
15. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J Whitfield

INSPECTOR