



Appeal Decision

Site visit made on 15 October 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/J0350/W/19/3233748

23 Burnham Lane, Slough SL1 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Imran Moghul against Slough Borough Council.
- The application Ref P/15058/005, is dated 26 February 2019.
- The development proposed is for the construction of single storey outbuilding in rear garden.

Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issues

2. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission include reasons for refusal had they been in a position to determine the application. This includes reference to those development plan policies that the Council considers to be relevant to each of the refusal reasons put forward.
3. In light of the above, the main issues are the effect of the proposal on the character and appearance of the area; and the effect on flood risk.

Reasons

Character and Appearance

4. The appeal property comprises a semi-detached dwelling facing Burnham Lane. The side and rear boundaries of the site abut Brook Crescent, a residential cul-de-sac. A number of dwellings that face Burnham Lane also have a rear boundary onto Brook Crescent where access is obtained into rear outbuildings and gardens. Where there are outbuildings at the rear they are close to the boundary with Brook Crescent, single storey, and either have flat roofs or low profile pitched/ mono-pitched roofs. The outbuildings are primarily utilitarian in their design and appearance having few window openings or architectural detail. Although some of the outbuildings cover a large area within rear gardens, their low height, functional appearance and orderly alignment along the rear boundary, gives the rear of this part of Brook Crescent a consistent appearance when viewed from the street.
5. The proposal would be sited in a similar position to other structures, close to the rear boundary of the property, but with an L shaped footprint, and a taller

hipped roof profile. The proposed outbuilding would differ markedly from the other garden buildings when viewed from Brook Crescent. It would also rise excessively above the appeal property's boundary fence and appear as an overly dominant and discordant structure in contrast to the other outbuildings. This incongruity would be accentuated by the outbuilding's prominent siting in a corner position when viewed from the Brook Crescent cul-de-sac. This would unsettle the sense of space provided by the rear gardens of properties facing Burnham Lane which is not currently interrupted by the more subservient height of outbuildings that line closer to the rear boundaries with Brook Crescent further along the street.

6. I, therefore, conclude that the proposal would harm the character and appearance of the area. The proposal, therefore, would conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026, adopted December 2008 (SLDP), Saved Policy EN1 of the Local Plan for Slough (LP), adopted March 2004, and the associated guideline in the Residential Extensions Guidelines SPD. The policies, when taken together and amongst other things, seek high quality design which respects its location and surroundings, the street scene and local distinctiveness, including in terms of scale, height, massing/bulk, siting, building form and visual impact. The policies are consistent with the design objectives of the National Planning Policy Framework (the Framework) to which the proposal also would accord.

Flood Risk

7. The appeal site is located within Flood Zone 3, which is an area with a high probability of flooding as defined by the national Planning Practice Guidance (PPG). The proposal falls within the definition of minor development for the purposes of paragraph 164 of the Framework and therefore, should not be subject to the sequential or exception tests, but should be accompanied by a site-specific flood risk assessment (FRA).
8. An FRA has been submitted by the Appellant however this relates to a previously refused application for a dwelling on site, not the appeal proposal. The application for the proposed dwelling was located in a different location within the site closer to the host dwelling, and on what I observed from my site visit, to be higher ground. Furthermore, the mitigation details were based on a development of a different scale and siting, therefore it would not be clear whether these would effectively apply to minimising flood risk in relation to the appeal proposal or increase the risk of flooding elsewhere. I have therefore been presented with insufficient information to assess whether the proposal poses a risk to flooding.
9. I conclude that there is insufficient information before me to provide certainty that the proposed development would be appropriately flood resistant and resilient, with residual risks safely managed so as to not have an unacceptable effect on flood risk or the safety of future users of the building, and that it would not increase the risk of flooding elsewhere. There would be conflict with Core Policy 8 of the SLDP, which amongst other matters permits development where it is safe, and it can be demonstrated that there is minimal risk of flooding to the property and elsewhere. The proposal would also fail to accord with the flood risk assessment and management requirements set out in the Framework.

Other Matters

10. I have had regard to other matters raised by a neighbouring occupier including the risk to highway safety and privacy levels. However, the proposal faces a residential cul-de-sac, where I noted from my site visit, that traffic speeds were generally low and vehicle movements infrequent to the extent that I would not envisage the proposal to give rise to unacceptable highway safety impacts. In terms of overlooking from proposed windows, this could be adequately overcome by effective boundary treatment, and I note that this is already in place at the site. The absence of harm in those respects would be a neutral factor and therefore, would not change the outcome of the appeal.
11. The appellant has raised concerns in terms of the Council approach in failing to make a decision on the application subject of this appeal. However, such matters do not have a material bearing on the outcome of this appeal and I have necessarily considered the proposal on its planning merits.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

R. E. Jones

INSPECTOR