



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: 20th November 2019.

Appeal Ref: APP/J0350/W/19/3232544

Land between 16 and 18 Layburn Crescent SL3 8QN

- 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 Wexham Homes Ltd against the decision of Slough Borough Council.
 - The application Ref P/17711/000, dated 20 February 2019, was refused by notice dated 7 June 2019.
 - The development proposed is described as a proposed 3 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted additional plans to accompany the appeal that were not before the Council when it made its determination of the application. This includes a plan which shows further details in relation to bin storage and cycle/car parking to overcome concerns in the refusal notice.
3. I have considered the matter in light of the principles established by the Wheatcroft judgement, to which the appellant has also referred. In the interests of fairness, I am obliged to determine the appeal on the basis of the application considered by the Council. Not to do so could potentially prejudice the interests of interested parties as I have no evidence to suggest that they are aware of the suggested revisions. Furthermore, I cannot be entirely certain there are not interested parties who did not comment on the basis of being content with the scheme as submitted and are unaware of the proposed changes.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area; and (ii) the living conditions of future occupiers of the proposed dwelling, with particular reference to outlook and privacy.

Reasons

Character and appearance

5. The appeal site comprises an area of open amenity land between Nos 16 and 18 Layburn Crescent and located within a planned residential estate. There are

similar parcels of land located around the estate where they occupy corners and gaps between dwellings. Their appearance is primarily grassed, although some contain a small number of mature trees. The appeal site is not allocated as a formal area of open space; however, it is evidently an inherent part of the original estate layout. The cumulative effect of these green spaces gives the estate a spacious appearance and contributes positively to the prevailing character and appearance of the area.

6. The proposed development would occupy most of the site, however, some grass areas will be left open to the side and in front of the proposed dwelling. Despite this, the proportion of the site that would be given way to built development, hard surfacing, enclosed private garden and attendant parking areas would occupy a large proportion of the site that would significantly reduce the green space in this part of the estate. The loss of this space to residential development would have an erosive effect on the area and diminish the valuable contribution the undeveloped green spaces provide.
7. It is acknowledged that the proposal could retain an area of grass and introduce landscaping to the side and in front of the dwelling through a condition. However, this is not comparable to the size of the area that would be lost, and the contribution of the residual land would not be commensurate with the more spacious areas of green space on the estate. Therefore, retaining these areas would not overcome the harm that has been identified. Moreover, part of the area to the side of the dwelling would be taken up by the proposed car parking.
8. I saw the area of green space adjacent to No 10 Layburn Crescent which was subject to an appeal decision¹ for a detached house. Although larger in area and containing mature trees, it is considered that in combination with the appeal site and other such spaces, they collectively add to the value of the estate's design and layout. The development of the appeal site would therefore result in a significant erosion of these spaces and would harm the visual qualities of the estate.
9. Comparisons have been drawn by the Appellant to a scheme approved by the Council where it did not equitably apply its open space policy. However, the nature and location of that scheme is materially different to the one before me. Additionally, it's noted that the Council deemed that acceptable mitigation was provided to overcome the loss of open space. That being the case I have afforded this permission little weight and considered the appeal scheme on its own merits.
10. Therefore, the proposal would harm the character and appearance of the area contrary to Policies OSC8 and EN1 of the Local Plan for Slough (2015) (the SLP) and Core Policies 8 and 9 of the Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document, (2008) (the SCS). Amongst other considerations, these policies require proposals to respect the area's character and surroundings and protect against the loss of green spaces. Insofar as is relevant to the appeal the Policies are consistent with the National Planning Policy Framework (the Framework).
11. Although the Council, in their determination of the application, referred to Policy H13 of the SLP, this policy is not relevant to the proposal as it relates to

¹ APP/J0350/W/16/3160238

this main issue. With regard to Policy EN1 of the SLP, I note there is no specific reference to the retention of this particular type of land as green space. However, its loss would result in unacceptable harm to the area and the development would not therefore be consistent with the policy's intentions, which amongst other matters, require development to be compatible with their surroundings having regard to visual impact. On this basis I consider that Policy EN1 is relevant to the first main issue.

Living conditions

12. The proposed dwelling's rear elevation would face the flank /side wall of No 16 Layburn Crescent (No 16) and maintain a distance of approximately 10.6 metres from the two-storey part of the dwelling. This falls short of the Council's desired 15m separation distance as set out in its design guide² (the SPD), however, this guidance relates to house extensions rather than space standards for new dwellings. Notwithstanding this, the two-storey flank wall of No 16 would be at an oblique angle where it faces the garden and rear elevation of the proposed dwelling. Furthermore, the width and height of the flank wall of No.16 would not be excessive to the extent that it would unacceptably enclose the space, nor would it result in an oppressive outlook for future residents from habitable rooms and the rear garden. The proposed separation distance is therefore considered acceptable.
13. There are two windows in the flank wall of No.16 that would face the garden of the proposed dwelling. The Council recognises that these are likely to serve non habitable rooms, but would have concerns regarding the insertion of any windows serving habitable rooms in the future and the resultant overlooking. However, I have not been presented with any evidence to suggest that the occupiers of No.16 would be installing windows in the flank wall. In any event permitted development rights place restrictions on the insertion of windows in flank walls and would ensure privacy would not be unacceptably harmed should this happen in the future.
14. The proposal would not therefore result in harm to the living conditions of future occupiers of the dwelling in terms of privacy and outlook. In this regard the proposal would therefore be in accordance with Policies H13 and H14 of the SLP where they relate to ensuring the amenity of surrounding occupiers is not unacceptably harmed. Insofar as is relevant to the appeal the Policies are consistent with the Framework.

Other Matters

15. The Council have raised concerns that the parking spaces do not meet the required space standards, whilst no details of cycle parking and bin storage were provided with the application. However, from what I have examined and saw on site there would be sufficient space within the appeal site to accommodate parking spaces, cycle parking and bin storage that meet the Council's standards in this respect. Collectively, these are matters that could be controlled by condition.

² Residential Extensions Guidelines Supplementary Planning Document, Adopted January 2010

Conclusion

16. The Council accept it cannot demonstrate a 5 year supply of deliverable housing land. The scheme would be located in an existing built up area with good accessibility to various modes of transport, services and facilities, and the general thrust of national policy seeks to boost housing provision. I accept that it would be an efficient use of underused land and have a design and use of materials that is consistent with other dwellings.
17. However, even if I accept the shortfall suggested, the combined benefits of the proposal are modest. Consequently, they are significantly and demonstrably outweighed by the harm I have identified to the character and appearance of the area.
18. That said, other material considerations do not indicate that my decision should be taken other than in accordance with the development plan. The proposal would not accord with the development plan, the appeal should therefore be dismissed.

R. E. Jones

INSPECTOR