



Appeal Decision

Site visit made on 13 November 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/J0350/D/18/3218954

2 Cornwall Avenue, Slough SL2 1AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr S Dhokia against the decision of Slough Borough Council.
 - The application Ref Y/17524/000, dated 23 September 2018, was refused by notice dated 1 November 2018.
 - The development proposed is single storey rear extension - flat roof with rooflights: extending 6 metres beyond the original rear wall, 3.4 metres maximum height, 3 metres maximum height to the eaves.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. As neither of the main parties have confirmed that a revised description of development has been agreed, I have used the one given on the original application.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

Reasons

4. The appeal property (No 2) is an end of terrace house attached to 4 Cornwall Avenue (No 4). To the rear, the side boundary between the properties is generally open apart from a single fence panel positioned against the houses and low level bushes towards the end of the gardens. The rear elevation of No 4 includes a ground floor window adjacent to the appeal site boundary and a pair of glazed doors set further away.
5. The side wall of the proposed extension would be on the boundary with No 4. Given its positioning and the general absence of boundary treatment, the

extension would be clearly seen from the neighbour's back garden and rear facing windows. As the rear elevations of No 2 and No 4 are in line, the full depth of the extension would be visible from the neighbouring property.

6. By reason of its proximity, depth and height, the extension would dominate the neighbour's rear window, glazed doors and the part of the garden closest to the house. Views from No 4's rear windows onto its own back garden will remain. However, being on the boundary, the extension would be visually intrusive and thereby would cause a significant overbearing effect. Also, together with the fence on the other side boundary of No 4's back garden, the extension would lead to a significant sense of enclosure.
7. Furthermore, the rear elevations of No 2 and No 4 face approximately southwards, meaning the extension would lie to the west of No 4, not north as claimed by the appellant. Whilst houses, trees and bushes lie around the appeal site, these are far enough away to avoid any significant overshadowing to No 4's back garden or rear windows. By virtue of its positioning to the west, proximity and height, it is likely the proposal would obstruct afternoon sunlight reaching No 4's rear window, glazed doors and garden at times of the year. This loss of light in combination with the overbearing effect and sense of enclosure would lead to a marked harmful effect on the amenity of No 4.
8. Concern has been raised that the proposal would lead to a loss of privacy if windows were included in the extension's side elevation. However, currently there is no meaningful boundary treatment that prevents overlooking from No 2's back garden onto No 4. Therefore, side windows would not result in additional overlooking or loss of privacy. However, a lack of concern in this respect fails to address the harm caused by reason of overbearing effect, overshadowing and sense of enclosure.
9. The use of good quality matching materials in the construction of the proposed extension would fail to address my concerns. I note the appellant's reasons for the proposal, but my assessment is limited to the impact on the amenity of adjoining premises. The personal circumstances of the appellant do not affect my assessment in that regard.

Conclusion

10. For the above reasons I conclude the proposed development would have a significant and unacceptable impact on the amenity of No 4. Consequently, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR