



Appeal Decision

Site visit made on 2 and 3 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/J0350/W/19/3237785

3 Newton Close, Slough SL3 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Louis Bornman against the decision of Slough Borough Council.
- The application Ref P/17737/000, dated 16 March 2019, was approved on 10 July 2019 and planning permission was granted subject to conditions.
- The development permitted is conversion of loft into habitable room with rear dormer and 3no front rooflights.
- The conditions in dispute are Nos 2, 3 and 4 which state that:
 - 2. Notwithstanding constructional details shown on the drawings listed below, which are a matter for approval under the Building Act and associated Regulations and are not approved in this permission the development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:
 - (a) DPL.04. rev.A, dated 12 February 2019, received on 15 May 2019
 - (b) DPL.06. rev.A, dated 12 February 2019, received on 15 May 2019
 - (c) DPL.07. rev.A, dated 12 February 2019, received on 15 May 2019
 - (d) DPL.08. rev.A, dated 12 February 2019, received on 15 May 2019
 - (e) DPL.09. rev.A, dated 12 February 2019, received on 15 May 2019
 - (f) DPL.10. rev.A, dated 12 February 2019, received on 15 May 2019
 - (g) DPL.11. rev.A, dated 12 February 2019, received on 15 May 2019
 - (h) DPL.99. rev.A, dated 12 February 2019, received on 1 July 2019
 - 3. The development hereby approved shall not commence until a Noise and Vibration Impact Assessment has been submitted and approved in writing by the Local Planning Authority. The report should include an assessment of the impact on the future amenities of neighbouring residential occupiers in terms of vibration, noise and disturbance and any proposed mitigation. The approved mitigation shall be implemented prior to the first occupation of the development and thereafter any permanent measures shall be maintained in accordance with the approved details.
 - 4. Prior to the first occupation of the development, a secure cycle storage facility must be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The secure cycle storage facility shall then be retained in accordance with the approved details.
- The reasons given for the conditions are:
 - 2. To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with Policies in the Development Plan.
 - 3. In the interests of the amenities of the area, in accordance with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document (December) 2008 and the National Planning Policy Framework.
 - 4. In the interests of promoting the use of sustainable means of transport, in accordance with saved Policy T8 of Slough Local Plan 2004, Policy 7 of The Slough Local Development Framework, Core Strategy 2006-2026, DPD and the National Planning

Policy Framework.

Decision

1. The appeal is allowed and the planning permission Ref P/17737/000 for conversion of loft into habitable room with rear dormer and 3no front rooflights at 3 Newton Close, Slough SL3 8DD granted on 10 July 2019 by Slough Borough Council, is varied by deleting condition 3 and by deleting condition 2 and substituting it for the following condition:

2) Notwithstanding constructional details shown on the drawings listed below, which are a matter for approval under the Building Act and associated Regulations and are not approved in this permission the development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved by the Local Planning Authority: Existing Drawings DPL.01.; Existing Drawings DPL.02.; Proposed Drawings DPL.03.; Proposed Drawings DPL.04.; Proposed drawings DPL.05.; Proposed Drawings DPL.06.; Proposed Drawings DPL.07.; Proposed Drawings DPL.08.; Proposed Drawings DPL.09.; Proposed Drawings DPL.10.; Proposed Drawings DPL.11.; and Location and Block Plan DPL.99. Rev.A

Background and Main Issues

2. The appeal seeks a revised but not substantially different design to a previously approved scheme including, but not limited to extending the dormer closer to the end of the roof to one side. The appeal scheme relates to the plans that were originally submitted to the Council as part of the application.
3. Having sought clarification on the matter, the appellant has confirmed that the appeal relates to conditions 2, 3 and 4 of P/17737/000. The appeal seeks the removal of condition 2 and replacement of it with one specifying the plans that reflect the amended design. The removal of conditions requiring a noise and vibration assessment (condition 3) along with the provision and retention of cycle storage (condition 4) is also sought.
4. From the reasons given for the conditions being imposed and the information before me, the main issues of the appeal are whether the conditions are necessary and reasonable, having regard to the effect that varying them would have on;
 - The character and appearance of the area;
 - The living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance; and
 - Whether the development would make appropriate provision for off street parking and encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities.

Reasons

Character and Appearance

5. There are no existing dormer extensions at the row of properties where the appeal site is located. Nevertheless, there are a number of nearby properties with rear flat roof dormers. These are often located close to or at the ridge

height of the main roof and there is some variation as to how far they are set in from the end of the roof.

6. The dormer would not be set in to the extent that the SPD¹ indicates would normally be permitted. However, it would be seen with other flat roof dormers and would be of a similar appearance and scale to them. The dormer would extend closer to one side boundary than the other. Nonetheless, the difference would not be significant and would not be overtly noticeable given the overall length of roofscape in which it would be located.
7. As such, removing the condition imposed and replacing it with one specifying the plans originally submitted to the Council would not harm the character and appearance of the area. Therefore, it would comply with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document (CS) where it, in part, requires development to reflect the streetscene, respecting its location and surroundings. Despite a technical breach of the SPD, the site-specific circumstances of this appeal mean that the scheme would still comply with its aim of ensuring that extensions harmonise with the scale and architectural style of the original building, and the character of the area.
8. It would also accord with the National Planning Policy Framework (Framework) where it states developments should be sympathetic to local character.

Living Conditions

9. From the details before me, there is currently no accommodation in the roof space at the appeal property. Nonetheless, there are already residential units adjacent and below it, as there is in the remainder of the row. Therefore, some noise and disturbance would already be experienced from adjacent units and is to be expected with this arrangement of properties. There has been no clear evidence put before me to suggest that this current arrangement has caused unacceptable noise and disturbance. I see no reason why the proposed scheme would give rise to such impacts.
10. The extension would increase the accommodation, and therefore potentially the number of occupants at the property. This may increase noise and disturbance from a greater level of comings and goings from the site and activities within the property. Nonetheless, the evidence before me indicates that the concerns are primarily a sound insulation matter. It has not been demonstrated that compliance with Building Regulations would be insufficient to mitigate any noise and vibration transmission and therefore avoid unacceptable harm.
11. Consequently, the disputed condition is not necessary or reasonable. Although the scheme would be likely to result in some additional noise and disturbance, it would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties. Without the condition the scheme would comply with Core Policy 8 of the CS where it states that development within the existing residential areas should respect the amenities of adjoining occupiers. In addition, the proposal would accord with the Framework where it seeks to provide a high standard of amenity for existing and future users.

¹ Residential Extensions Guidelines Supplementary Planning Document Adopted January 2010

Off Street Parking and Cycle Storage Provision

12. There is an existing vehicle access to a group of garages at the rear of the appeal site. One of these garages is said to be available for parking for the appeal property. The area in front of the garages did not appear to be well used and there was no vehicle within the garage when I visited. Nonetheless, the access was of sufficient width to allow a vehicle to pass along and the garage of sufficient size to accommodate a vehicle. There has been no compelling case to demonstrate otherwise. Therefore, there is potential for some off-street parking for the property.
13. The scheme would not provide the required minimum number of spaces as set out in the Transport and Highway Guidance Developer's Guide Part 3 Interim Document November 2008. Nevertheless, the Council consider it to be unlikely that the increased capacity of the accommodation would necessarily add to the parking demand in the area. I see no reason to reach a different finding.
14. The nearby streets are not subject to any parking restrictions and on street parking already occurs. I appreciate that my site visits are only snapshots in time. However, when I visited during the afternoon and morning, I saw that while there was some on street parking taking place there were also vacant parking bays available. I appreciate that at different times of day there may be greater parking demand. However, there has been no convincing case that the highway does not have capacity for further cars. Even if the proposal led to the need for additional on street parking of a vehicle due to the increase in accommodation, should the need arise it would be possible for additional vehicles associated with the appeal site to park in relatively close to the site.
15. While the appeal property may only be used for one family, the additional accommodation gives the potential for a greater number of occupants. Therefore, the level of cycle users and need for cycle storage would be likely to increase. The appellant has not disputed that facilities for cycle parking could be provided within the appeal site. However, while suggestions have been put forward for the cycle storage, no detailed information or plans for these areas have been provided to demonstrate they are appropriate. Without a condition requiring such details to be submitted and agreed I cannot be sure facilities would be sufficient. Moreover, the condition secures the retention of the facilities to prevent them being removed at a later time.
16. Accordingly, on the basis of the information before me, and the individual merits of this case, the disputed condition continues to serve a useful purpose and remains necessary. It would ensure the proposal accorded with the aims of Policy T8 of The Local Plan for Slough, Core Policy 7 of the CS as well as the Framework to ensure that appropriate cycle facilities are provided and to widen travel choices, by promoting sustainable transport modes.

Conclusion

17. For the reasons given above, and having taken into consideration all other matters, I conclude that the appeal should be allowed, deleting and substituting conditions as set out above.

Stuart Willis

INSPECTOR