
Appeal Decision

Site visit made on 2 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/J0350/W/19/3238528

31 Walpole Road, Slough SL1 6AU

- 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 Mr Paul Hughes against the decision of Slough Borough Council.
 - The application Ref P/13332/001, dated 13 December 2017, was refused by notice dated 9 April 2019.
 - The development proposed is new chalet bungalow to be built within large garden area of existing bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development in the banner heading above from the application form. While different to that on the decision notice, I have not been provided with any confirmation that a change was agreed.
3. There is a discrepancy between the plan references listed on the decision notice and those that the appellant has indicated were submitted to the Council¹. Whether the later revisions were before the Council or not at the time of their decision, they were submitted at the outset of the appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place.
4. The Council have raised concern over the property being detached in their appeal submissions. However, as with the plans, there has been an opportunity for the other main party to respond. Against this backdrop, whilst I have had regard to the principles established in Wheatcroft, no injustice would be caused to any appeal party or third party if I were to take these plans and comments into account. I have considered the appeal on that basis.

Application for costs

5. An application for costs was made by Mr Paul Hughes against Slough Borough Council. This application is the subject of a separate Decision.

¹ Site and Location Plans Drawing No 01k, Elevations 1 Drawing No 03q, Elevations 2 – Section Drawing No 04q and External Pavings-Planting Drawing No 05

Main Issues

6. The main issues of the appeal are the effects of the proposed development on:
- the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and outlook;
 - whether the proposal would provide appropriate living conditions for future occupiers, with particular regard to privacy, outdoor space, light and outlook; and
 - the effect on highways safety.

Reasons

Character and Appearance

7. The proposed dwelling would be of a similar height, scale and mass to some in the area, some of which appear to have been altered or extended. Nevertheless, the proposed dwelling would be set considerably further back from the road in its plot than the surrounding properties, including 31 Walpole Road (No 31) adjacent. This would be discordant with the building line and layout of plots in the street.
8. There are existing outbuildings located between properties on corner plots in the street. Nonetheless, the larger side gardens of these plots provide a greater degree of openness than at other parts of the street. The introduction of the dwelling, where there is an absence of built form of the scale proposed, would erode this openness.
9. The size of the proposed garden would be comparable with some of the nearby properties. Notwithstanding this, the dwelling would be located close to both side boundaries and the tapering boundary with 33 Walpole Road (No 33). Rather than resulting in the scheme being secluded, this would give a cramped appearance to the site. The above factors and size of the plot would be incongruous with the pattern and grain of development at corner locations in the street.
10. The front elevation of the proposed dwelling would have a hipped roof and there is some variation to the appearance of properties nearby and their roofscape. Nevertheless, the introduction of a detached dwelling would be at odds with the strong pattern of similarly proportioned semi-detached properties in the street. While a property has been built at 32 Walpole Road and can be seen from the street, this is not orientated to, or accessed from, Walpole Road. Therefore, unlike the appeal scheme would be, it is not viewed as part of Walpole Road.
11. Landscaping and boundary treatments are proposed. Nevertheless, the discordance of the appeal scheme with the established grain of development in Walpole Road would be obvious from the street and the surrounding properties. In addition, that a proposal could be screened is not a reason for allowing development that is inherently unacceptable.
12. The existing dilapidated garage would be removed. While this adds little to the streetscene at present, it is of a smaller size and height than the proposed

- dwelling. Therefore, it has less of an impact on the streetscene than the proposed dwelling would.
13. The shared access would be relatively narrow. However, this and hard surfaced parking areas to the front and side of properties are not uncommon in the street.
 14. Nevertheless, the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policies H13 and EN1 of the Local Plan for Slough (LP) and Core Policies 1 and 4 of the Slough Local Development Framework Core Strategy (CS). These, amongst other things, require development to be compatible with the character and identity of a site and its surroundings.
 15. The scheme would also be contrary to the National Planning Policy Framework (Framework) where it states developments should be sympathetic to local character and the built environment.

Living Conditions of Nearby Occupiers

16. The proposed dwelling would be located closer to the windows and boundary with 512 (No 512) and 514 (No 514) Bath Road than No 31 is at present. I note reference to generally accepted standards with regard to separation distances between properties. However, my attention has not been drawn to any specific development plan policy requirements in this regard.
17. Some overlooking between properties is inevitable and tolerable in residential areas. I saw that the proposed separation between properties would be comparable to that which already exists in the nearby area. Moreover, while the presence of windows may give rise to a perception of overlooking, were the appeal to be allowed, conditions could be imposed restricting the glazing and opening of the rear elevation first floor window. This would prevent overlooking from this window towards the properties behind. Consequently, the scheme would not result in an unacceptable loss of privacy at No 512 and No 514 with regard to overlooking.
18. The narrower gable end of the proposed dwelling would be orientated towards No 512 and No 514. This would reduce the prominence of it in views from these existing properties and their rear gardens. The height and size of the windows at No 512 would provide an outlook over and away from the appeal dwelling. In addition, the position of No 514 would result in any outlook towards the appeal site being at a more acute angle. Along with the separation between the existing and proposed dwellings, these factors would prevent the scheme being an overbearing feature in the outlook from No 512 and No 514.
19. There would be an outbuilding and driveways between the proposed dwelling and No 33. This, and the limited openings at No 33 facing the appeal site, would be sufficient to prevent the proposed dwelling being dominant in the outlook from No 33. Conditions could be imposed regarding the opening and glazing of the front elevation first floor window were the appeal allowed. The above would prevent any unacceptable effects from overlooking to, or on the outlook from, No 33.
20. As such, the proposal would not lead to unacceptable effects on the living conditions of the occupiers of nearby properties with regard to privacy and outlook. It would accord with Policy EN1 of the LP and Core Policy 8 of the CS.

These, in part, seek to ensure development provides an appropriate relationship with nearby properties and respects the amenities of adjoining occupiers.

21. Although Core Policies 1 and 4 of the CS are included in the refusal reasons, they do not relate to living conditions. Therefore, they weigh neither for nor against the proposal in regard to this issue.

Living Conditions of Future Occupants

22. There would be views from the first-floor windows of adjacent properties into the garden and habitable room windows of the proposed dwelling. Nonetheless, this is a residential area where separation distances similar to those proposed are not uncommon. Mutual overlooking already occurs between properties with views from first floor windows along Bath Road into the rooms on the rear elevations of the bungalows along Walpole Road.
23. Were the appeal to be allowed conditions restricting the opening and glazing of certain windows could be imposed. However, despite this there would still be windows serving these upper floor rooms that would allow sufficient natural light to enter them. Moreover, side elevation rooflights would also allow light in to the upper floor. Furthermore, these clear glazed windows would provide an acceptable outlook from the bedroom.
24. The outdoor space for the proposed dwelling would be of an adequate size, comparable to others nearby. Furthermore, landscaping and boundary treatments would partly screen views into the plot.
25. Consequently, the proposal would provide appropriate living conditions for future occupiers of the proposed dwelling with regard to privacy, outdoor space, light and outlook. It would comply with Policies H14 and EN1 of the LP and Core Policies 1 and 8 of the CS. These, in part, seek to ensure development provides an appropriate level and quality of amenity space as well as an appropriate relationship with nearby.
26. Although Core Policies 1 and 4 of the CS are included in the refusal reasons, they do not relate to living conditions. Therefore, they weigh neither for nor against the proposal in regard to this issue.

Highway Safety

27. The operation of the shared access relies on the absence of a boundary treatment between the existing and proposed plots. I note the Council's concerns regarding the imposition of a condition regulating such development as the land that it would relate to is outside the appeal site. Notwithstanding this, rather than relying on a third party, the land is in the control of the appellant. Therefore, were the appeal to be allowed, a suitably worded condition could be imposed. As such, the route for vehicles passing over the shared drive could be maintained.
28. At the time of my site visit, which I appreciate is only a snapshot in time, there was some on street parking taking place along Walpole Road, including at the turning head near the site. Nevertheless, the Council have not raised concerns regarding the level of parking for the proposed or existing dwelling. In the absence of any compelling evidence to the contrary, I have reached the same view. As such, the scheme would not lead to additional on street parking.

Moreover, I saw that while there were yellow lines elsewhere in the area, large parts of Walpole Road and other nearby cul-de-sacs were not subject to any parking restrictions.

29. Shared pedestrian and vehicle access along driveways with others adjacent and without turning areas is not uncommon in the street. No convincing case has been put to me to indicate such arrangements currently cause highway safety issues. Only part of the proposed driveway would be shared by different properties and the length of it is not considerably longer than others nearby. In addition, the vehicles I observed entering and leaving driveways, and passing along Walpole Road, at the time of my site visit were travelling at low speeds. Conditions could be imposed to control the size and position of any boundary treatments at the boundary with No 33 were the appeal to be allowed.
30. Consequently, on the basis of the evidence before me, the proposal would not lead to an unacceptable effect on highway safety. It would comply with Policies EN1 and T2 of the LP and Core Policy 7 of the CS. These, in part, require the level of parking to be appropriate to the location and to overcome road safety problems as well as developments having appropriate access points.

Other Matters

31. The Framework seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The scheme would contribute to the mix and supply of housing in the area. The Framework excludes land in built-up areas such as residential gardens from the definition of previously developed land. However, even if I were to consider the site as such or to be derelict and the scheme a more efficient use of underutilised land, given the size of the development these benefits would be small. Even when taken cumulatively these benefits would not outweigh the harm I have identified to the character and appearance of the area.
32. The refusal reasons did not relate to drainage, flooding, contamination or the accessibility of the site to services and facilities. As I am dismissing the appeal, there is no need for me to consider these matters further. In any event, a lack of harm in these matters would be a neutral factor.
33. I note comments regarding the conduct of the Council during the application and appeal process as well as whether the proposal would set a precedent. However, I have considered the appeal scheme on its own individual circumstances and planning merits.

Conclusion

34. While I found that the scheme would not result in unacceptable harm to living conditions or highway safety, the harm to the character and appearance of the area is determinative.
35. For the reason given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR