



Appeal Decision

Site visit made on 19 March 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/J0350/D/20/3244872

1 Lambert Avenue, Slough SL3 7EB

- 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 Singh Dhaliwal against the decision of Slough Borough Council.
 - The application Ref P/04878/008, dated 21 January 2019, was refused by notice dated 23 October 2019.
 - The development is for a 5.12 metre long by 3.8 metre wide single storey rear extension, with maximum height of 3.06 metres.
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Decision

1. The appeal is allowed and planning permission is granted for a 5.12 metre long by 3.8 metre wide single storey rear extension, with maximum height of 3.06 metres at 1 Lambert Avenue, Slough SL3 7EB in accordance with the terms of the application, Ref P/04878/008, dated 21 January 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 01-01 (Rev. P01) received 18/02/19 and 20-00 (Rev. P02) received 25/02/19.

Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the single storey rear extension has been constructed and is in use. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No. 3 Lambert Avenue with particular regard to light and outlook.

Reasons

4. The appeal property at No. 1 Lambert Avenue (No. 1) is a two storey detached dwelling with a single storey extension and detached outbuilding at the rear. The property is located on a spacious corner position in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway.

5. The appeal scheme relates to the construction of a single storey extension with a flat roof measuring about 5.12m in depth and 3.8m in width that projects out from the rear elevation of the property. The extension is set back from the side boundary with No. 3 to the north of the site and is separated from the rooms and garden at the rear of the adjacent property by a close boarded fence about 1.8m high running between the properties.
6. The Council's Residential Extensions Guidelines Supplementary Planning Document July 2010 (SPD) specifies that single storey rear extensions on detached houses should measure no more than 4.25m in depth. However, in determining the maximum acceptable depth, the individual site considerations should be taken into account and a relaxation in these guidelines will be considered in cases where there is judged to be no material impacts on any neighbouring properties.
7. Whilst I accept that there is some impact from the development, given the overall height and design of the extension, set back, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the extension does not significantly reduce the amount of light reaching the main habitable rooms and garden at the rear of No. 3, nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 3.
8. I have considered the Council's arguments regarding the cumulative impacts of the single storey extension and the detached outbuilding at the rear of No. 1 on the occupiers of the adjacent property. However, the principle of the single storey extension to the rear of the appeal property has already been approved under prior approval application for a single storey rear extension measuring 4.25m in depth granted in 2018¹. The submitted plans and supporting evidence illustrate that the rear extension in the appeal scheme is about 870mm greater in depth than the previously approved scheme. As such the relationship between the development and adjacent property would not be significantly materially different to the previously approved scheme.
9. I have noted the Council's comments regarding the condition to remove the outbuilding at the rear of No. 1 under the previously approved rear extension granted in 2015². Whilst this may be the case, I have considered the site specific circumstances in this case and, for the reasons set out, my decision does not turn on this matter.
10. Consequently, I conclude that the development does not cause significant harm to the living conditions of the occupiers of the neighbouring property at No. 3 with particular regard to light and outlook. It is consistent with the overall aims of Core Policy 8 of the Slough Local Development Framework Core Strategy 2008, Policies H15, EN1 and EN2 of the Slough Local Plan 2004 and the SPD. These policies and guidance seek, amongst other things, to ensure that residential extensions are of a high quality design and there is no significant adverse impact on the amenity of adjoining occupiers. It also accords with the National Planning Policy Framework that development should seek to create places with a high standard of amenity for existing and future users (paragraph 127).

¹ Y/04878/007

² P/04878/005

Other Matters

11. I have noted the objections from a third party relating to the impact on the amenities of a neighbouring property and the extension being built contrary to the previously approved scheme on the site and the Council's policies and guidelines. However, I have addressed the matters relating to the living conditions of the occupiers of the neighbouring property in the main issue above. The other matters raised did not form part of the Council's reason for refusal. I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

12. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. I have specified the approved plans as a planning condition as this is necessary to provide certainty.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR