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## Appeal Decision

Site visit made on 29 September 2020

**by David Murray BA (Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 October 2020**

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**Appeal Ref: APP/J0350/D/20/3254579**

**1 Dalton Green, Slough, SL3 7GA.**

- 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 A Soni against the decision of Slough Borough Council.
  - The application Ref. P/17882/003, dated 11 February 2020, was refused by notice dated 6 April 2020.
  - The development proposed is the construction of a single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear extension at 1 Dalton Green, Slough, SL3 7GA, in accordance with the terms of the application, Ref. P/17882/003, dated 11 February 2020 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The external walls of the extension approved shall match those of the existing house.
  - 3) The development hereby permitted shall be carried out in accordance with the approved plan- drawings PA1-196701; 02; 03; and 04.

### Main Issues

2. The main issues are the effect of the proposed addition on the character of the area and on the living conditions of future occupiers of the property.

### Reasons

#### *Background*

3. The appeal site comprises a two storey end-of-terrace house which is situated in a residential area of mainly similar properties. Following the Council's refusal of a 4m long extension, the appellant proposes a 3m single storey rear lean-to extension. This would normally be 'permitted development' (PD) under the GPDO<sup>1</sup> but a condition imposed on the original planning permission for the housing estate removes this provision. The submitted plans indicate that the existing rear garden is 8m long.

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

*Effect on character*

4. The Council is satisfied that the design of the extension will not visually harm the character or appearance of the area; its concern is over the effect of the residual area of garden. The garden is enclosed by a high fence on the three external boundaries of the site and little of the garden area is seen in the public realm. The proposal would also be seen against the presence of an extension of a similar length at the adjoining property although the Council says this is not permitted. In visual and physical terms, the reduced area of garden would not harm the character of the area and there would be no conflict with parts (a), (b), (c), or (d) of Policy H15, or Policy CP8 in terms of securing sustainable development

*Effect on living conditions*

5. The proposed extension would occupy about a third of the existing rear garden and so the 5m depth retained would be deficient compared to the local guidance of 9m set out in the Council's Residential Extensions Guidance SPD. However, this SPD was adopted in 2010 and predates the government's amendments to the GPDO in 2015, which generally sought to increase the scope of PD, and this limits the weight that can be given to it.
6. Local Plan Policy H14 deals with an appropriate level of amenity space for dwellings and criterion (d) indicates that account can be taken of the proximity of existing public open space and play facilities. There is an extensive public park and children play area around Tracy Avenue very close to the appeal site. While such a park and playground will not have the same function as a private garden, the majority of the existing garden space will remain and it can continue to meet the qualitative criteria set out in part (b) of this policy. Overall, I find that the proposal does not conflict with the requirements of the policy when it is read as a whole.

*Planning balance*

7. Although the proposed rear extension would occupy more of the existing garden/outdoor amenity space than indicated by the SPD, in this case the quality of the retained space and close proximity to other outdoor facilities means that the proposal otherwise meets the terms of the development plan when read as a whole. The proposal strikes a reasonable balance between the needs of the appellant to extend his property while retaining sufficient outdoor amenity space to maintain the living conditions of present and future occupiers. This overall accord with the development plan is not outweighed by any other consideration.
8. The Council recommend imposing standard conditions on the commencement of development, external materials, and accord with the approved plans. These are reasonable and necessary and I will impose them with minor variation to reflect the site.

**Conclusion**

9. For the reasons given above I conclude that the appeal should be allowed.

*David Murray*

INSPECTOR