

Appeal Decision

Site visit made on 30 September 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 October 2020

Appeal Ref: APP/J0350/W/20/3249519

32 & 34 Newton Close, Slough, Berkshire, SL3 8DD

- 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 N Dillon of Dillon Homes Ltd against the decision of Slough Borough Council.
 - The application Ref P/02879/007, dated 14 October 2019, was refused by notice dated 9 December 2019.
 - The development proposed is the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2no 3 bedroom semi-detached dwellings and 2no single detached garages on land at 32 & 34 Newton Close, Slough, Berkshire, SL3 8DD in accordance with the terms of the application Ref P/02879/007, dated 14 October 2019, subject to the conditions set out in the attached Schedule.

Preliminary matter

2. Both principal parties refer to the lengthy planning history of the site, including a proposal dismissed on appeal¹. However, the history, whilst material, is not decisive in my considerations, and the appeal shall be determined on its merits having regard to the development plan and other material considerations.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of its surroundings, and on the living conditions of neighbouring residents.

Reasons

Character and appearance

4. The appeal site is comprised of parts of the combined rear gardens of Nos 32 & 34 Newton Close, and their respective garages. These dwellings sit in the corner of a small estate, which is contained within an L-shaped cul-de-sac. The predominant form of development is semi-detached housing of a fairly standard

¹ Ref: APP/J0350/W/16/3150400

design typical of the mid to latter part of the last century. The estate layout is relatively standard for its time, although the entrance to the development is marked by landscaping on either side of the estate road which softens the formality of the layout.

5. Unlike the previous proposal refused on appeal, which was bungaloid in form, the current proposal is comprised of a pair of semi-detached dwellings. Their siting would be a continuation of the semi-detached development on the northern frontage of the estate's entrance road. The pair would be set back slightly from No 32, but this is not considered objectionable since the existing frontage displays a staggered building line. The pair, however, would be set at right angles to No 34, so that the front elevation would look directly towards No 34's flank elevation, but at a sufficient distance to allow acceptable levels of outlook from the proposed dwellings. The existing garages would be demolished, and replacement garages provided alongside each of the existing dwellings; additional uncovered car spaces would also be provided.
6. The appeal site is large enough to comfortably accommodate the two dwellings and associated car parking. The Council also acknowledges that, having regard to its adopted standards, sufficient space would be provided for external amenity space for future residents of the proposed dwellings, and those of the existing dwellings.
7. The appellant has sought to replicate the predominant form of local development. The pair would not prove prominent in the local scene, being confined to a position relatively deep within the gap between houses. Thus the existing houses would screen the pair from view from many points within the estate. Moreover, the landscaping already referred to on the approach to the site, which includes mature trees, would provide a significant degree of screening from this direction. The removal of the garages, which appear rundown and unsightly, would be a benefit of the scheme. That which could be seen of the development, at relatively close quarters, would not prove objectionable. I consider that it would be perceived, in time, as a matching and appropriate continuation of the built form on the estate's northern frontage.
8. I note the previous Inspector's comments as to what he considered to be the harmful effect of the development proposed then on local character. However, in my view, the estate layout is not so pristine or architecturally notable that it could not accommodate acceptable change, in the context of Local Plan policy H13 criterion (e) of The Local Plan for Slough (LP), a policy directed to Backland/Infill development.
9. I conclude that the development proposed would sit acceptably in its visual and spatial context, without harming the character and appearance of its surroundings. Accordingly, no conflict arises with those provisions of Core Policies 8 & 9 of the Slough Local Development Framework: Core Strategy 2006-2026 Development Plan Document and LP policies EN1 & H13 which, in combination, require new development to be of a high quality of design respecting its location and surroundings, in keeping with and compatible with their surroundings having regard to the detailed criteria of LP policy EN1.

Living conditions

10. The Council's concerns are centred on the contention that the residents of Nos. 48-52 Munster Way would suffer harmful overshadowing and poor outlook were the proposed development built. These dwellings form part of a terrace sited to the west of the appeal site, and outside the estate. There appears to be a disagreement between the parties as to the degree of separation between the existing and proposed properties in empirical terms. In essence the dwellings in Munster Way have relatively short rear gardens, but these are separated from the appeal site by a lane. Having regard to the submitted plans and the visual evidence of my site visit, I consider that most of the flank wall of the pair would be further from the western boundary of the site than claimed by the Council.
11. The Council does not suggest that the rear windows of the properties in Munster Way would suffer overshadowing. Its concern relates to the alleged overshadowing of their rear gardens '*at different times of the day*'. The dwellings would be sited to the east of the gardens. By mid-day or sooner, such would be the orientation of the sun that overshadowing of the gardens could not occur. The degree of overshadowing, if it occurred, would not be sufficient, to my mind, as to prove harmful, particularly since the gardens would be unaffected by overshadowing from the proposed development at a time when they are likely to be most used. As to visual impact or outlook, I consider that the degree of separation between the houses in Munster Way and the proposed dwellings to be sufficient as not to harmfully impair on the existing levels of outlook.
12. Although not decisive in my considerations, I note that not a single resident of Nos 48-52 Munster Way objected to the proposal, despite being notified of it. The only objection to the scheme by a local resident came from 67 Talbot Avenue, but that was not upheld by the Council, for the reasons set out in the officer report, with which I concur.
13. I therefore conclude that the proposed development would not harm the living conditions of the residents of Nos 48-52 Munster Way and therefore no conflict arises with the provisions of LP policy H13 directed to protect neighbouring residential amenity.

Conditions

14. The Council has suggested the imposition of several conditions, all of which shall be imposed subject to some changes in wording. In the interests of certainty a condition identifying the approved plans is imposed. In the interests of visual amenity a condition in respect of proposed external materials is imposed.
15. Conditions will be imposed in the interests of highway safety to ensure that the parking arrangements are in place before the dwellings are used and retained thereafter. Although the Council's draft conditions suggest otherwise, I cannot see any indication that details of refuse/recycling facilities have been shown on the submitted plans. I shall therefore impose a condition on this aspect in the interests of amenity.

16. I agree with the Council that a condition removing certain permitted development rights is clearly justified so as to protect neighbouring privacy in the future. Finally, I consider another condition, over and above those suggested by the Council, relating to drainage to be necessary, in the interests of sustainable development.

Conclusions

17. All other matters raised in the representations have been taken into account, including the references to the *National Planning Policy Framework*. No other matter raised is of sufficient strength or significance as to outweigh the considerations that led me to my conclusions on each of the main issues. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: The Location Plan & Drawing Nos. 4830/2/2/A and 4831/2/1/B.
3. No above ground development shall take place until samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The garages, parking spaces and turning areas shown on the approved plans shall be provided prior to occupation of the development and retained at all times thereafter for the parking and manoeuvring of motor vehicles.
5. Prior to the occupation of the dwellings hereby permitted details of refuse and recycling facilities shall be submitted to the Council for its written approval. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwellings and shall be retained thereafter.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), no additional windows shall be inserted in the flank elevations or roof slopes of the dwellings hereby permitted.
7. The development hereby permitted shall not commence (excluding any site clearance, demolition or ground investigation works) until details of the design of a sustainable surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.