
Appeal Decision

Site visit made on 18 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2020

Appeal Ref: APP/J0350/W/20/3251809

Garage to the rear of 1 Alexandra Road, Slough SL1 2NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Messrs Emil and Paul Gaynor against Slough Borough Council.
 - The application Ref P/00114/007, is dated 24 May 2019.
 - The development proposed is the demolition of the existing garage to the rear of Alexandra Road and replacement with 3 no. flats spread over 2 storeys.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Messrs Emil and Paul Gaynor against Slough Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The planning application was not determined prior to the appeal being lodged. The Council however has provided a statement confirming the grounds on which it would have refused the application.

Main Issues

4. The main issues are:
 - the effect of the proposal on the privacy of the occupiers of Alexandra Road and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. The site is bordered by the rear gardens of Alexandra Road and Chalvey Road West, these are continuous terraces with long gardens to the rear. A railway embankment and several trees form the other main boundary. The

appeal site has an access off Alexandra Road, it is an area of concrete hard standing and a row of garages and used for car repairs.

6. The windows of the rear of the Alexandra Road would face the appeal site. The (north west) facing wall of the proposed building would be almost blank except for high level fenestration to the stairs. This would not lead to overlooking.
7. However, the main facing elevation of the appeal proposal would be the south west. This would have three upper storey windows for the proposed flat 2, and these would be at an oblique angle to Alexandra Road which would limit the outlook to those rear windows and gardens but not sufficiently to avoid overlooking and maintain the perception of privacy.
8. Flat 2 would also have a balcony at the far end of the same south west elevation (on a corner of the building). Whilst this would not protrude outwards from the side of the building, there would be an inevitable tendency for the occupants to 'lean out', which would lead to overlooking.
9. The three windows and the balcony identified above would need measures potentially including a mix of obscure glazing, restricted opening or screening, but these may hinder the living conditions of the flat's occupants as two windows would serve habitable rooms. Indeed, such amendments would be beyond the scope of a condition; they need to be the subject of re-consultation and may well change the appearance of the elevation. Whilst the appellants indicate support for a condition on obscure glazing, more measures in various potential permutations would be warranted, and it would be inappropriate to re-design the scheme by condition.
10. The proposal would remove the existing car repair use. I agree with the Council that this would help living conditions as potential noise and disturbance would be removed. However, this does not outweigh the harm to the privacy.
11. I therefore conclude that the proposal would harm the living conditions of the residents of Alexandra Road. Policy 8 of the Slough Local Development Framework Core Strategy supports proposals which are respectful to living standards and The Local Plan for Slough Policy EN1 is similar whilst Policy H13 highlights the need to avoid overlooking. National Planning Policy Framework (the Framework) paragraphs 8 and 91 also seek to safeguard health and wellbeing. The proposal would conflict with these policies.

Character and appearance

12. The site is visible from Alexandra Road as there is a gap between this and the rear buildings at Chalvey Road West. Both have rear boundary fences which limit some of the public view, but the access itself is an open aspect. The proposed flats would be two storey but would be sufficiently distanced from the above so as not to compete or detract. The eye would still be drawn along the existing terraces and their significance would not be undermined, particularly as the proposal would only be visible from a very narrow public viewpoint.
13. Whilst the existing terraces have an assertive alignment, there is not an overly formal or regular pattern of development in the area, rather the

buildings appear in the spaces left after the railway or roads. Consequently, the proposal would not erode the discernible grain of development, it would simply be another building in its own context.

14. From Alexandra Road, the site appears significantly set back and is also distanced from the rear of Chalvey Road West. Consequently, it would appear to have its own space and would not impinge appear cramped or overdevelopment.
15. The elevations of the flats would be more contemporary compared with the adjacent terraces. Nonetheless they would have simple detailing which would be deferential to the surroundings. The massing of the proposal would be broken by a hipped roof and a subservient offshoot which would avoid a bulky appearance. The application form envisages tiles and brick, and these would work well with such a broken massing.
16. I therefore conclude that the proposal would not harm the character and appearance of the area. Policy 8 of the Slough Local Development Framework Core Strategy supports proposals which are respectful to the area, The Local Plan for Slough Policy EN1 provides criteria for general design, whilst Policy H13 allows for small scale residential development which is sympathetic to the area but makes specific reference to backland development. Paragraphs 127 -130 of the Framework promote quality design in conjunction with The National Design Guide. The proposal would not be contrary to these policies.

Planning balance

17. Both parties agree that the Council is not meeting its residential land supply requirements. Paragraph 11 (d) of the Framework applies, and criterion (ii) questions whether the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Paragraph 8 of the Framework defines the 3 dimensions of sustainable development as an economic, social and environmental role, which in accordance with paragraph 9 should be determined through the application of policies in the Framework.
18. The appellant refers to the under supply of housing land and the new dwellings would be a helpful contribution. There is a pressing need for new housing in the area, particularly bearing in mind the continuing shortfall. There are extensive community services, facilities, public transport and employment in the area. The proposal is in an accessible area which would be well suited to new dwellings. The proposal would also utilise a brownfield site.
19. However, the proposal would impair the living conditions of the adjacent residents. Accordingly, the proposal contravenes paragraphs 8 and 91 of the Framework which seek to promote healthy living standards. The land supply shortfall questions the development plan housing policies, but the general thrust of policies 8, EN1 and H13 which requires development to respect living standards is still an appropriate strategy.

20. In overall balance, I therefore conclude that the impacts of the proposal are significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole.

Conclusion

21. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR