



Appeal Decision

Site visit made on 20 October 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/J0350/W/20/3257478

29/29A Merton Road, Slough, Berkshire SL1 1QW

- 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 Iftakhar Ahmed against the decision of Slough Borough Council.
 - The application Ref P/03798/009, dated 2 December 2019, was refused by notice dated 26 May 2020.
 - The development is the erection of 1.8 metre high wrought iron boundary access gates.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In accordance with the details submitted by the appellant and from my own observations, it is clear that the development has been undertaken. I have therefore assessed the appeal on a retrospective basis.
4. The appeal form provides the address of the appeal site as 29 Merton Road. The address in the banner header above has been taken from the application form and I have proceeded on the basis that the development relates to Nos 29 and 29A Merton Road.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

6. The appeal site is located at the head of a residential cul-de-sac. Front boundary treatments within the road largely comprise low brick walls, railings and fencing enclosing landscaped gardens and parking areas, with a number of properties having open frontages to the road, all of which contribute to a sense of openness within this pleasant residential area.

7. The new gates are substantially higher than nearby front boundary treatments and they present as a prominent, incongruous feature within the streetscene, significantly enclosing the front of the dwellings that they serve. They have eroded the otherwise open characteristics of the streetscene. The planting of vegetation and trees behind the gates would be unlikely to mitigate the harm identified. That Merton Road is a no-through road does not, in my view, ameliorate this harm.
8. The appellant indicates that the gates are the same height as the boundary fencing shown on the plans attached to the planning permission for the new dwelling at the site. The Council appear to dispute this. In any case, I do not consider that the height of fencing elsewhere on the site justifies the unacceptable development undertaken or negates the harm that it has caused.
9. I observed the gates at No 1 Merton Road and the gates and railings at Merton Court (No 4 Merton Road). Both sets of gates are located at the entrance to Merton Road some distance from the appeal site, where the context of them is different to that of the new gates, in terms of both their location and the scale of buildings they serve. The circumstances of these examples is not directly comparable to the scheme before me and they do not provide justification for harmful development in this case.
10. I have been referred by the appellant to an application for gates at a block of flats in Church Street¹. However, no details have been provided of that proposal. I have also been referred to an approved application in respect of 39 Royston Way², which the Council indicate is approximately 5 kilometres from the appeal site. Again, no further information has been submitted and, given that neither example is in the immediate location of the appeal site, these developments would be likely to be seen in a wholly different context and are therefore unlikely to be comparable to the development before me. Likewise, the reference to gates at schools and commercial buildings has not been substantiated.
11. The appellant indicates that the gates have been erected to restrict access, improve security and to prevent theft and rubbish being dumped. However, it is likely that there may be other solutions available to the appellant which could resolve these issues and would not result in the harm that I have identified.
12. I conclude that the development has resulted in harm to the character and appearance of the area. There is conflict with Policy EN1 of The Local Plan for Slough March 2004 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document December 2008. These policies require, among other things, that development proposals reflect a high standard of design and that development within existing residential areas should respect the street scene. There would also be conflict with EX49 of the Slough Local Development Framework Residential Extensions Guidelines Supplementary Planning Document Adopted January 2010, which states that gates shall be designed to reflect the existing character of the street and surrounding area, and the aims of Section 12 of the National Planning Policy Framework with regards to achieving well-designed places.

¹ Application P/18067/000.

² Application P/02289/007.

Other Matters

13. I note that a comment in support of the development was submitted to the Council by a local councillor, however the decision of the Council was to refuse planning permission having assessed the proposal and the representations received. This matter does not alter the conclusion that I have reached.
14. The appellant is also concerned with how the Council determined the application, suggesting that it was subject to pre-determination. He also states that the decision was made outside the prescribed period and questions whether it should have been considered by Planning Committee. However, the Council considered the development that was put before it, as it was reasonable for them to do so and a decision has been issued. These matters, therefore, do not add weight to the appellant's case.
15. While I note the appellant's comments regarding previous enforcement enquiries concerning the appeal site, I have assessed the development before me on its own merits. Further, I note that the Council did not raise any highways objections to the development. Having considered the matter, I see no reason to reach a different conclusion. However, this is a neutral factor in my assessment of the appeal.

Conclusion and Recommendation

16. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR