
Appeal Decision

Site visit made on 22 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/J0350/W/20/3265328

14 Lynwood Avenue, Slough SL3 7BH

- 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 Matt Taylor (Churchgate Premier Homes) against the decision of Slough Borough Council.
 - The application Ref P/12604/003, dated 16 March 2020, was refused by notice dated 24 September 2020.
 - The development proposed is alterations to existing dwelling and erection of 2 detached dwellings with associated parking and access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal follows a previous planning application at Nos 12 – 14 Lynwood Avenue for demolition of the existing dwelling and construction of 4no. three bed dwellings and 2no. four bed dwellings, which was dismissed at appeal on 26 October 2020¹. Whilst I have had regard to the previous appeal decision as a material planning consideration, I have determined the current appeal scheme on its own merits.
3. In comparison to the previous dismissal, the appeal site comprises No. 14 Lynwood Avenue only. The main changes comprise the re-location of the vehicular access closer to the boundary with No. 16; alterations to the dwelling at the front of the site; and, reduction of the number of proposed dwellings to the rear of No. 14 to two. The dwellings would each have a carport to the side and 2 parking spaces to the front.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area, (ii) ecology, and (iii) the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

¹ Appeal reference: APP/J0350/W/20/3246233

Reasons

Character and appearance

5. The appeal site consists of a large detached dwelling, which is positioned on a spacious plot with a large rear garden. Due to the location of the appeal site adjacent to a road bend, the plot widens to the rear which results in a larger garden than the surrounding properties. The existing dwelling is sited within a linear arrangement of detached and semi-detached dwellings of varied architectural design that are set back from the road behind front gardens. The street scene has a suburban character due to the grassed verges and street trees, and the gaps between the buildings, which enable glimpsed views of trees and vegetation to the rear. There is a verdant character to the rear of the properties in the vicinity of the appeal site due to the large size of the gardens, which includes trees and greenery, and only modest domestic outbuildings. This makes a positive contribution to the green and spacious character of the area.
6. Policy H13 of the Slough Local Plan 2004 relates to backland/infill development. It states that proposals for small scale infilling, including backland development, will not be permitted unless they comply with several criterion. This includes that the proposed dwellings are of a type, design, scale and density that are in keeping with the existing residential area.
7. The proposed 2 storey dwellings to the rear of the site would be served by a new access road that would run between the altered dwelling at No. 14 and the neighbouring property at No. 16. The location of the proposed dwellings to the rear of the established built frontage, with associated access road, parking and carports, would add considerable built form and hard-surfacing which would significantly erode the open and verdant character which is important to the setting of the attractive suburban street. The rear dwellings and access road would be clearly visible in the street scene, and its layout would appear at odds with the prevailing linear arrangement of dwellings. I find that this would not be adequately mitigated through new planting.
8. I acknowledge that there are backland developments in the wider area, including Whitehouse Way, Mina Avenue, Sophie Gardens and Hawtrey Close. However, Lynwood Avenue has an established and distinctive character and these examples are located in different streets that are not viewed in the same context as the appeal site. Details of the circumstances that led to those developments being granted are not before me, and I have nevertheless determined the appeal scheme on its own merits having regard to the characteristics of the site and its surroundings.
9. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CP1, CP4 and CP8 of the Slough Local Development Framework Core Strategy 2006-2026 (the Core Strategy) and Policies EN1 and H13 of the Slough Local Plan Adopted 2004 (the Local Plan). Amongst other things, these policies seek to ensure that development is of a high quality design that respects the character and identity of an area. The proposal would also be contrary to Chapter 12 of the National Planning Policy

Framework (the Framework) which, amongst other things, requires development proposals to be sympathetic to local character.

Ecology

10. The rear garden of the appeal site consists of mown grass and contains trees and vegetation mainly adjacent to the site boundaries. The appeal site is located in a built-up area and there is no information before me indicating that it is close to any important wildlife habitats or corridors. The appeal site does not seem to contain any features of such significance in habitat terms that would elevate the site to a greater degree of importance than any other private residential garden. Further, I have not seen any evidence to suggest in any great detail, from a statutory consultee or otherwise, that the appeal site would support protected or important species. In these circumstances, I am satisfied that a planning condition could be imposed to require the submission of an ecological appraisal for approval, including any necessary mitigation and measures to enhance biodiversity at the site.
11. For these reasons, I do not find that it would be appropriate to withhold the granting of planning permission for ecological reasons and therefore the appeal scheme has the capability to accord with Policy CP9 of the Core Strategy and Policy EN3 of the Local Plan, which, amongst other matters, state that development will not be permitted unless it enhances and preserves natural habitats and the biodiversity of the Borough, including corridors between biodiversity rich features. Chapter 15 of the Framework contains similar objectives to conserve and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

Living conditions

12. The previous Inspector stated that the new access to serve the proposal would be positioned in close proximity to both Nos. 12 and 14 with minimal separation distance from the edge of the road and flanks of these properties. Given the close proximity of the new access, he found that it would be highly likely that arrival and departure of both vehicles and pedestrians along the access would create considerable noise and disturbance to the occupiers of Nos. 12 and 14. Furthermore, the proposed turning head and 2 car parking spaces would be located at the bottom of the new reduced garden for No. 12 which means that the plot would be surrounded on three sides by areas accessible by vehicles.
13. In comparison to the previous appeal scheme, the number of dwellings to the rear of the residential frontage has been reduced to 2. The access road has been moved closer to the boundary with No. 16, albeit there would still be a reasonable landscaped buffer. Given the small amount of vehicular and pedestrian movements that would be associated with these dwellings, I do not consider that this would cause an unreasonable amount of noise and disturbance to the occupiers of Nos. 12, 14 and 16 Lynwood Avenue.
14. The Inspector for the previous appeal scheme found that the proposal would not harm the living conditions of the occupiers of Nos. 21, 23, 25, 41, 43 and 45 Blandford Road South in respect of noise. The Inspector stated that the gardens for the properties on Blandford Road South are currently adjacent to the existing gardens for Nos. 12 and 14, and as such it is reasonable to assume that there is currently a degree of disturbance caused from these gardens. To

my mind, the proposed land use is compatible with the residential nature of the area, and given that the number of dwellings proposed at the rear of the site is less than the previous appeal scheme, I see no reason to reach a different conclusion to the previous Inspector.

15. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. The proposal would therefore accord with Policy CP8 of the Core Strategy and Policy EN1 of the Local Plan, which, amongst other things, require development within the existing residential areas to respect the amenities of adjoining occupiers. It would also accord with paragraph 127 of the Framework, which amongst other matters, states that planning decisions should ensure that developments provide a high standard of amenity for existing and future users.

Other matters

16. The proposed dwellings at the rear of the site would each be served by 3no. on-site parking spaces, and 2no. parking spaces would be retained for the dwelling at the front of the site. This accords with the Council's parking standards, and the Council states that there are no highways issues that would warrant a reason for refusal. I see no reason to disagree.
17. Nevertheless, the Council's decision notice includes a third reason for refusal, which relates to a requirement for the appellant to provide a Unilateral Undertaking to mitigate the effects of the development with regard to traffic generation and parking restraint resulting from the proposed development. In this regard, I note that the Highway Authority seeks a financial contribution of £6,256 towards improvements to walking and cycling facilities in the vicinity of the appeal site. Furthermore, a financial contribution of £6,000 is sought for a parking study on Lynwood Avenue to identify any issues and recommend any measures to alter or restrict on-street parking on Lynwood Avenue to improve highway safety and to prevent obstruction in the highway.
18. A signed Unilateral Undertaking is not before me therefore no mechanism exists to secure these measures. As I am dismissing this appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning balance and conclusion

19. The Council is unable to demonstrate a deliverable 5 year housing land supply. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 7 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
20. Paragraph 59 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposed development would provide a net increase of 2 dwellings in an accessible location close to various modes of transport, services and facilities, which would make a small contribution towards the supply of housing in the Borough. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. The proposal would also create some employment at the construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to

support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals. Taking the benefits together, and for the reasons I have given, I would afford them modest weight.

21. Paragraph 122 of the Framework states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), amongst other matters. In this case, whilst the proposal would make a net contribution of 2 dwellings towards housing supply, it would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.
22. Overall therefore, whilst I have given weight to the benefits of the development, I find that the harm to the character and appearance of the area, and the associated conflict with the development plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR