
Appeal Decision

Site visit made on 8 June 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/J0350/D/21/3270392

56 Bryant Avenue, Slough, SL2 1LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Asma Malik against the decision of Slough Borough Council.
 - The application Ref Y/19114/000, dated 27 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is a single storey rear extension.
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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.

Preliminary Matters

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issue

4. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO, and, the impact of the proposed development on the amenity of any adjoining premises, with particular regards, to the effect on the living conditions of occupants of Nos 54 and 58 in respect to outlook and light.

Reasons for Recommendation

5. The appeal property is mid terrace, in a short row of dwellings, set in a linear layout with modestly sized rear gardens. It is linked to No 54 but with an alleyway between at ground level allowing access to the rear. High wooden fences form the rear shared side boundaries with Nos 54 and 58. Both neighbouring dwellings have rear single storey extensions. All properties benefit from a southerly aspect at the rear.
6. The development proposed is a single storey rear extension with a depth of 6m which would extend beyond the rear wall of the original dwelling, and, would be a maximum of 3.5m in height and 3m at the eaves. Therefore, from the details provided the proposed extension would meet the limitations of the permitted development right set out in paragraph A.1, which has not been contested by the Council.
7. The proposed extension would fill a substantial portion of the rear garden of No 56, and, would be set almost flush to the boundary with No 58, with a slightly greater offset from the boundary with No 54. It would extend a considerable distance beyond the small rear extension of No 58, which has a window at its rear, close to the side boundary. It would also extend a significant distance beyond the larger rear extension of No 54, which has a window at its side elevation facing the boundary, as well as a larger aperture in its rear elevation.
8. The window in the extension at No 58 does not serve a habitable room. In respect to No 54, the window facing the boundary is a secondary opening, with the main source of light and outlook provided by the larger window at the rear, which is also situated near the boundary.
9. Although the current outlook from these windows is of a high fence, a sizeable proportion of the proposal would protrude above this fence, thereby encroaching into the remaining sense of space currently experienced by occupants of the neighbouring dwellings when in these parts of their properties. By virtue of its proximity and length, the new extension would dominate the outlook from these windows and from the respective garden areas close to the shared boundaries. As such it would appear oppressive and overbearing in this modest, close knit space. It would, as a result, make the ground floor rear habitable room of No 54 and the garden spaces near the affected shared boundary of both neighbouring properties less enjoyable places for the occupants of the dwellings to use.
10. Having regard for the scale of the extension and the orientation of the properties, the development would restrict light from reaching the stated windows in the rear elevation of No 54 and the immediate garden space near that elevation, in the morning period. In respect to No 58, light would similarly be restricted, at the rear window near the boundary and in the adjacent garden space, by the development in the evening. Given the height and length of the proposal and the tight grain of the properties occupants of Nos 54 and 58 would notice a material loss of light when using these parts of their properties and they would be less pleasant spaces to use as a result.
11. Sheds observed in the rear gardens of Nos 54 and 56 are stepped away from the rear elevations of respective properties and just visible above the fences. The shed at No 54 restricts light to that dwelling from the south, and, this matter is within the control of the occupant of the property to resolve if

- required. As such, these smaller structures do not give rise to the harmful effects, with regards outlook and light, which would occur with the much larger bulk of the proposed development. Their presence does not weigh in favour of the appeal for this reason.
12. The fallback position allowed under permitted development rights is strong in this case and offers a less harmful solution to the appellant to address the need to extend the property. Such a development could be a little higher than the proposed extension, but it would have a substantially shorter depth and would be less harmful in this respect.
13. No objection from the occupants of No 58 is a neutral factor in this case and I am obliged to consider the effect on existing and future occupants of the adjoining dwelling.
14. Therefore, I conclude that the proposed development would have a harmful impact on the amenity of adjoining premises. It would be detrimental to the living conditions of the occupants of Nos 54 and 58 in respect to outlook and light. Although not determinative in this case, it would be contrary to Policy 8 of Slough Core Strategy Development Plan Document, Policies H15, EN1 and EN2 of Local Plan for Slough and guidance set out in Residential Extension Guidelines Supplementary Planning Document, which collectively elucidate matters relevant to the consideration of amenity, stating extensions should not result in significant loss of sunlight or create significant overshadowing.
15. It would also be inconsistent with policies of the National Planning Policy Framework which seek a high standard of amenity for existing and future users.

Conclusion and Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR