



Appeal Decision

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

by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/J0350/D/21/3271344

10 Shackleton Road, Slough, SL1 3QU

- 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 Zacheer Kahn against the decision of Slough Borough Council.
 - The application Ref P/07822/008, dated 9 July 2020, was refused by notice dated 27 January 2021.
 - The development proposed is erection of ground floor part side and first floor side and part 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.

Procedural Matter

3. A drawing of the proposed parking area which was not submitted with the original planning application forms part of the evidence for the appeal. I have considered it under the principles established by the Courts in *Wheatcroft*.¹ As it seeks to illustrate the manoeuvrability of vehicles at the already proposed parking area I have concluded that to consider it would not disadvantage anyone who might have otherwise been consulted on the plan. Accordingly, it has informed this recommendation.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - whether the proposed development would provide satisfactory parking spaces and the effect it would have on the safety of those using the public highway, with particular regard to pedestrians using the footpath and users of Shackleton Road,

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

- whether the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space, and
- the effect of the proposed development and on the living conditions of occupants of Nos 8 and 10a with regards outlook.

Reasons for Recommendation

Character and Appearance

5. The appeal property has a prominent position at a wide bend of Shackleton Road near the blocked junction of Queens Road. It is located in a residential area generally comprising well-spaced semi-detached dwellings. No 10a is a modern addition set close to its northerly side boundary. No 8, to the south, which was originally the paired dwelling with the appeal property, has been extended to the side and the three properties now form a short terrace. However, despite these alterations, a sense of openness and degree of uniformity remains through the spaces between properties and this shapes the character of the area. The existing side extension to the appeal property is single storey and does not encroach harmfully on this important feature of the immediate and surrounding area.
6. Although designed to be subservient to the host dwelling and utilising matching materials and finishes, the first floor on the existing side extension would substantially fill the gap between No 10a and the appeal property. Whilst acknowledging that the proposal would retain a 1m set in from the boundary with No 10a in accordance with the guidance of the Residential Extensions Guidelines Supplementary Planning Document (SPD), there would nevertheless be a resultant terracing effect given the proximity of the existing built form at No 10a to the shared boundary. The development would therefore effectively close a significant gap which would be highly visible and would substantially erode the remaining space between dwellings in this prominent part of the street scene. This would appear at odds with the prevailing pattern of spacing which forms the pleasing character of the area.
7. It would therefore be harmful to the character and appearance of the area. In this respect it would conflict with Policies H15, EN1 and EN2 of the Local Plan for Slough (LP) and Policy 8 of the Slough Local Plan Development Framework Core Strategy (Core Strategy) and the guidance of the SPD. These collectively require, amongst other matters, proposals to be of a high-quality design and compatible with their surroundings in terms of visual impact and relationship to nearby properties.
8. It would also be inconsistent with policies of the National Planning Policy Framework (Framework) which seek well designed places.
9. It is noted that the Council's decision notice has also cited policy H14 of the LP which relates to amenity space, but is not specifically relevant to this issue.

Parking and Highway Safety

10. Policy 7 of the Core Strategy states minimum parking standards may be applied to any small-scale residential development that is allowed in existing residential areas. The level of parking within residential areas will be appropriate to both its location, the scale of development and taking account of

local parking conditions. However, this contrasts with the policy approach of the Framework, which at paragraph 106 states maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Furthermore, paragraph 109 sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11. The existing off-street parking for the appeal property is to the front and accessed by crossing a wide footpath. Whilst this configuration is not unusual in the area, the space is small, and partially bound by a wall. Nevertheless, it appears to be just adequate for the parking of two vehicles without overhanging the footpath.
12. The proposed area for off-street parking for this development would be similar to that existing. Whilst the drawing submitted illustrates that three vehicles could be parked in this area when all three vehicles were parked it would be difficult for people to exit and enter the vehicles and access the dwelling. If vehicles were of a slightly larger size than a modest family car there would not be adequate space for this number of vehicles. Furthermore, larger vehicles parked at the angle shown on the proposed plans would overhang the footpath, leading to conflict with pedestrians on this narrower section of the pavement.
13. I am also mindful that the necessity for a greater level of manoeuvring when accessing and exiting from the angled and constricted space across the footpath would result in conflict between pedestrians and vehicles, and in this respect the footpath would be materially less safe for pedestrians as a result. It is for these reasons I am not persuaded that three vehicles could be safely parked without encroachment on to the footpath at the front of the property.
14. I have had regard to the urban location of the appeal property and that it is well related to services, schools and public transport. The proposed development would result in a family dwelling with at least 4 bedrooms with potential capacity in the first-floor study for an additional single bed. It is noted that the SPD advises of a requirement for three off-street car parking spaces for a four plus bedroom dwelling, but also that the parking guidelines may be relaxed to two spaces in respect of a 4 bedroom dwelling where there is sufficient parking capacity in the street.
15. Many dwellings, including the appeal property, have some off-street parking provision in this area. However, these spaces are generally small. There are double yellow lines on the carriageway restricting parking along the frontage of No 10, and on-street parking is extremely limited in the cul-de-sac near the dwelling. In this regard I observed a vehicle parked on the footpath/green verge at the front of No 8.
16. The nearest on-street capacity is to the north on the short straight stretch of Shackleton Road and to the west on one side of Gilliat Road, where on-street parking was permitted in part on the footpath, given the constraints of the carriageway. Whilst I recognise that this must be taken only as a snapshot at the time of my visit, on-street parking on Gilliat Road was almost full in the early morning although the provision on Shackleton Road was less busy. Whilst parking is limited and less than ideal in this busy residential area, I have had

regard to the absence of any technical evidence having been submitted regarding parking stress in the area

17. In light of this I am not persuaded that there is a clear and compelling justification for requiring three car parking spaces in this case. Applying the guidelines of the SPD, it would therefore be appropriate to consider a reduced provision of two off-street parking spaces, where vehicles could be parked safely without the harm identified in respect to conflict with the footpath and pedestrians. I also find the location of the property close to services and public transport to be an additional factor in support of this conclusion.
18. I therefore conclude that the proposed development would provide satisfactory off-street parking. The proposal would not have a harmful effect on the safety of those using the public highway, including pedestrians. It would not be contrary to Policy 7 of the Core Strategy in respect to improving road safety. Nor would it be inconsistent with the policies of the Framework, which are a significant material consideration in this case, and that state development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
19. In reaching my conclusions, and being mindful of my conclusions, I have also had regard to the concerns raised regarding the impact on the existing parking arrangements at No. 10a Shackleton Road. However, it is noted that the means of access to No. 10 Shackleton Road is not being altered and the drawings confirm that the proposed development would not encroach onto the existing parking area currently used by occupants of No 10a. Any issues with regards the approved parking arrangements for No. 10a and compliance with conditions of the planning permission for that property is not a matter before me in this appeal.

Private Garden Space

20. The residential area in which the appeal property is located is generally characterised by modest dwellings with modestly sized rear gardens. However, a number of properties have extensions which have eroded this pattern of development. Moreover, the adjacent No 10a is a large detached dwelling with a modestly sized rear garden of similar proportions to the appeal property.
21. The size of the rear garden space would not be reduced as a result of the development. Whilst noting it was originally designed to serve a much smaller dwelling than would result from the development, this changing pattern of development would not be at odds with the existing immediate character of the area.
22. The rear garden space would be small proportionally to the large dwelling it would serve with the sizeable outbuilding on the rear boundary further limiting the available space. However, there is sufficient space for hanging laundry, accommodating some play equipment and space where occupants of the dwelling could sit and relax. As such it would be of a sufficient size for occupants of the dwelling to enjoy and for family activities.
23. The Council has noted that there is no fence on the shared boundary between the appeal property and No 10a. However, this matter could easily be resolved through a condition which would provide adequate and a more private space

for occupants of both properties, and I am not persuaded that this matter is therefore determinative.

24. For these reasons, the proposed development would provide satisfactory living conditions for the occupants of the dwelling with regards to private garden space. It would in this respect be consistent with Policies H14, H15 and EN1 of the LP, Policy 8 of the Core Strategy and guidance in the SPD, which collectively require, when determining the appropriate level of amenity space, consideration should be given to type and size of dwelling, quality of the proposed amenity space and character of surrounding area.
25. It would also be consistent with policies of the Framework which seek a high standard of amenity for existing and future users.

Living Conditions

26. The existing side/rear extension at the appeal property is set close to the shared boundary with No 10a and its length matches the two-storey side elevation of this neighbouring dwelling at the rear. The proximity of the two dwellings at this boundary has created an enclosing effect at ground level. However, the windows on the side elevation of No 10a do not serve habitable rooms and the occupants of that dwelling enjoy a sense of openness in rooms at the rear elevation and when in the rear garden due to the undeveloped nature of the boundary with Queens Road.
27. The proposed two-storey extension to the side and rear would roughly align with the two-storey side elevation of No 10a. It would not project beyond the existing footprint of the rear elevation at the appeal property and would be stepped in slightly at this aspect. Given the scale and position of the development, the small increase in bulk at the first floor would be largely set against the existing mass of the property when viewed from the rear. The proposal would not extend along the existing undeveloped area on the shared boundary to the rear and it would not be visible from windows which serve rear habitable rooms at No 10a. Therefore, it would not appear overbearing to the occupants of No 10a when using these parts of their property.
28. I have had regard to the concerns raised by the neighbour at No 8 and appreciate the importance of access to an acceptable quality of garden space and privacy when in ground floor habitable rooms of the dwelling. However, the shared boundary with No 10 is defined by a high fence which affords the occupants of No 8 some privacy at the rear of their property and would maintain an acceptable quality of usable garden in this regard.
29. I also note the proposed development would be positioned on the northern boundary of the appeal property, with a substantial separation therefore from the shared boundary with No 8. As such it would not appear as an overly dominant feature when viewed from the rear patio or rear habitable rooms of No 8. Indeed, the outlook from the patio and patio doors at the rear elevation when looking towards the shared boundary would be similar to the existing outlook of the side elevation of No 10a. Moreover, given the favourable south easterly orientation of the rear of No 8, I am satisfied that the proposal would not result in an unacceptable loss of light reaching the patio area or windows at the rear elevation of No 8.

30. The proposed development would not therefore have a harmful effect on the living conditions of occupants of Nos 8 and 10a with regards to outlook. It would not in this respect conflict with Policies H15, EN1 and EN2 of the LP, Policy 8 of the Core Strategy and guidance of the SPD, which collectively state that proposals will only be permitted if there is no significant adverse impact on the amenity of adjoining occupiers.
31. It would also not be contrary in this regard with policies of the Framework which seek a high standard of amenity for existing and future users.

Other Matters

32. I have had regard to the appellant's desire to enhance his family's living conditions, but I am satisfied that an alternative scheme could achieve this aim and benefit without the harm to the character of the area identified in this case.

Conclusion and Recommendation

33. The proposed development would not result in an adverse impact on highway safety by virtue of the provision of off-street parking, and would neither result in harm by virtue of the impact on the living conditions of future occupiers, nor the occupiers of neighbouring dwellings. However, there would be an adverse effect on the character and appearance of the area from the proposed development, for which there are no material considerations, including the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
34. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR