
Appeal Decision

Site visit made on 3 February 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 FEBRUARY 2022

Appeal Ref: APP/J0350/W/21/3277301
9 Hempson Avenue, Slough, SL3 7RW

- 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 Mrs Herkirit Chagger against the decision of Slough Borough Council.
 - The application Ref P/02360/002, dated 16 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the conversion of 1No dwelling into 2No separate dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of 1No dwelling into 2No separate dwellings at 9 Hempson Avenue, Slough, SL3 7RW in accordance with the terms of the application Ref P/02360/002, dated 16 December 2020, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. In the interests of clarity, I have utilised the description of the proposed development used by the Council in its decision notice.
3. One of the Council's concerns relates to the alleged lack of clarity in the plans accompanying the original planning application. I note, however, that the original application was verified and registered, and the determination was made on the basis of the submitted plans.
4. The appellant has submitted another plan with the appeal documentation¹ so as to clarify certain aspects of concern to the Council. She has requested that the additional plan be taken into account as part of the appeal. The Council was given the opportunity to comment on this request and on the content of the plan, but did not respond.
5. The additional plan, in my view, does not alter the original scheme but provides more clarity and information. The Council was given the opportunity to comment on the plan that deals with its concerns on certain aspects of detail. It chose not to, but I do not consider that any injustice would be caused to it or any other party if I were to take the additional plan into account in my determination.

Main issue

6. The main issue is the effect of the proposed development on the supply of family housing in the locality.

¹ Plan Ref 4A3

Reasons

7. The appeal property forms part of a small terrace of dwellings set within a distinctly residential environment. The intention is to convert the dwelling into two dwellings, whereas the Council appears to have treated the application as one to convert it into two flats.
8. The briefest visual inspection would reveal that the appeal property is significantly wider than the other dwellings in the terrace, and that the plans show that the existing dwelling is to be split vertically rather than horizontally. It is clearly a proposal to create two dwellings rather than two flats.
9. The Council says that, in this part of Slough, development plan policy² is such as to guard against the loss of family housing. An appendix in the CS defines family housing in the following terms:
A fully self-contained dwelling (with a minimum floor area of [79] square metres that has direct access to a private garden, comprises a minimum of two bedrooms and may include detached and semi-detached dwellings and townhouses but not flats or maisonettes
10. With reference to the plans, the appellant says that both dwellings proposed would fully meet this definition. The Council, having seen the appeal documentation, has not disagreed. I have no reason to conclude other than all the terms of the definition are met.
11. The plan submitted with the appeal shows the proposed car parking and refuse storage arrangements which were of concern to the Council. Two car spaces per dwelling are shown, as is an area for refuse storage. Whilst the frontage parking proposed for both houses may not quite have the capacity to park 2 lengthy cars in front of one another, I noted that the highway outside is not subject to parking restrictions, and at the time of my visit, ample parking spaces were available. Any overspill could therefore park conveniently in the street.
12. I conclude that the proposal would add to rather than reduce the level of family housing in the locality, and that, accordingly, there is no conflict with CS Core Policy 4.

Conditions

13. The Council has not suggested any conditions in the event of planning permission being granted. However, I consider that a condition identifying the approved plans is necessary in the interests of certainty.

Other matters

14. All other matters raised in the representations have been taken into account, including the representations of an immediate neighbour. For the reasons set out above, I have found that there would be no loss of family housing, and the parking arrangements are satisfactory. Since no extensions are involved, I do not consider that the proposal would result in overshadowing, loss of privacy or loss of neighbouring amenity. The replacement of one family house with two would not materially affect local character, and the elevational changes proposed to facilitate the conversion are not so significant as to materially affect the appearance of the building.
15. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusion that the appeal should be allowed.

G Powys Jones

² Core Policy 4, Slough Local Development Framework: Core Strategy 2006 – 2026 (CS)

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Ref *1A3; 2A3; 3A3; 4A3 & M2020/79/SK201*.