

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: 23rd February 2022

Appeal Ref: APP/J0350/D/21/3289288

147 Glanville Avenue, Slough, SL2 1JP

- 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 Farzan Khan against the decision of Slough Borough Council.
 - The application Ref P/19482/000, dated 10 July 2021, was refused by notice dated 28 October 2021.
 - The development is the construction of a detached outbuilding for gym use.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. According to the application form it is said that work commenced on the construction of the outbuilding towards the end of June 2021. Photographs produced by the Council in its officer report show that work on the building was well advanced in August 2021. Work progressed after that, so that the building is now substantially complete and in use as a gym fully and well-equipped for fitness and boxing, including a ring.
3. I saw that a fence had been recently erected within the rear garden so as to form a separate pedestrian access to the gym from a covered alley running alongside the appeal property. The appellant explained that had been done so that the tenants temporarily occupying the dwelling could retain their privacy.
4. The house, however, was vacant when I visited, and the appellant said that he was currently living with his parents a few doors away - the pedestrian access had been created for him whilst he lived with his parents. He was shortly to move back into the appeal property and the fence would be removed.
5. The submitted drawings show a building with a maximum height of 2.5m, with a flat roof. But the appellant in his grounds of appeal does not dispute the Council's claim that the building is higher than that, and that it has a slightly sloping roof. The building also has side windows, not shown in the submitted plans.
6. Notwithstanding the inaccuracies in the submitted plans, my understanding is that the appellant wishes to retain the outbuilding, as built. I shall proceed on that basis.

Main issue

7. The main issue is the effect of the proposed development on the living conditions of neighbouring residents.

Reasons

8. The appeal property is comprised within a terraced property in a predominantly residential area. The outbuilding has been sited at the rear of the garden, virtually on the side boundaries shared with neighbours either side, and on the rear boundary. Because of its size and scale it dominates the rear garden.
9. The appellant claims that, notwithstanding its large footprint, the building is only marginally above the floorspace which would render the development permitted development, and this should not be ignored. However, no calculations have been provided in support of this contention. I note, however, that the building's height and siting on the boundaries means that it could not be classed as permitted development. There is no doubt in my mind that the building requires planning permission for more reasons than contended by the appellant.
10. I saw that several outbuildings have been built locally within rear gardens, but none that I could see were as large as that subject of this appeal. The appellant, with reference to a Google aerial photograph shows a similarly sized outbuilding further along in the street. That, however, is not characteristic of the size of outbuildings generally in the locality, and as the Council says, it did not receive the benefit of planning permission.
11. To my mind, the building is far too large for its context. It dominates the appeal property's rear garden, but more significantly dominates the rear gardens of the immediate neighbours either side. It is also sited very close to the glazing comprised in the rear extension built next door, at No 149. I have no doubt that the building has had a harmful effect on the neighbouring residents' amenities in view of the building's close proximity, bulk and dominating appearance.
12. I therefore conclude that the retention of the outbuilding would cause further harm to the living conditions of the residents either side of the appeal property by reason of its adverse visual impact upon them. The development thus conflicts with those provisions of Core Policy 8 of Slough's Core Strategy and Policy EN1 of Slough Local Plan designed to protect neighbouring occupants from the adverse effects of unacceptable development and to govern its relationship with other properties.

Other matters

13. I note that none of the neighbours living either side of the appeal site objected, but that is insufficient reason to allow the appeal in circumstances when I find the development objectionable in planning terms for the reasons already set out.
14. I also acknowledge that the limitations put on the size of outbuildings in the Council's guidance¹ does not appear to take account of permitted development

¹ Policy EX39 of the Slough Residential Extension Guidelines.

rights. However, had the appellant wish to use his permitted development entitlements, then it is clearly important that he should have built within its set limitations and constraints, which are clearly set out in the relevant Order.

15. All other matters raised in the representations have been taken into account, but 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 dismissed.

G Powys Jones

INSPECTOR