
Appeal Decision

Site visit made on 29 March 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2022

Appeal Ref: APP/J0350/W/21/3277161

1-2 The Drive, Slough SL3 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Khan against the decision of Slough Borough Council.
 - The application Ref P/07663/031, dated 15 March 2021, was refused by notice dated 13 May 2021.
 - The application sought planning permission for conversion of existing two (2x) two-bedroom first-floor flats into four (4x) one-bedroom flats and first floor extension to the rear of the existing building to create roof terraces without complying with a condition attached to planning permission Ref P/07663/030, dated 21 December 2020.
 - The condition in dispute is No 2 which states that: *The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority. (a) Site location plan, scale 1:1250, Recd On 15/10/202 (b) Drawing No. GRK/PLAN/002A, Dated 10th September 2020, Recd On 11/12/2020 (c) Drawing No. GRK/PLAN/004B, Dated 10th September 2020, Recd On 15/10/2020 (d) Drawing No. GRK/PLAN/008, Dated 3rd December 2019, Recd On 15/10/2020*
 - The reason given for the condition is: *To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice the amenity of the area and to comply with the Policies in the Development Plan.*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding area; and
 - ii) the effect of the proposal on the living conditions for the occupants of No 1A the Drive.

Reasons

Character and Appearance

3. The proposal relates to a single storey, flat roof extension to the rear of the building that has permission to be utilised as a roof terrace. Planning permission also exists for the provision of a 1.7m high enclosure above the extension, the top section of which consists of glazing.

4. The proposal seeks to alter the existing planning permission to enable the provision of a taller glazed screen. This would have the effect of increasing the height of the overall enclosure by 500mm. Accordingly, overall, an enclosure of some 2.2 metres would be provided above the single storey extension. This would have the effect of substantially increasing the bulk of the rear addition. Although much of this would already have permission, the increased height would substantially obscure much of the rear elevation. It would be of a height comparable with the existing eaves line and consequently, the resultant bulk and mass would represent a significant addition to the rear of the property.
5. Due to the orientation of the existing building, the rear elevation is highly prominent. Consequently, the proposed enclosure would be visible within the street scene. Although the enclosure would not have a roof, and the glazed material would be slightly more lightweight from a visual perspective, the height and bulk that would be created would become a dominant and imposing structure within the street. It would jar with the form of the existing building and take on an appearance comparable to a first-floor flat roof extension. Given the prominence of the rear elevation, this would cause demonstrable harm to the existing street scene.
6. Accordingly, for the reasons identified above, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Core Policy 8 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS), and Policies H15, EN1 and EN2 of the Local Plan for Slough (2004) (LP). Taken together, these seek amongst other things, development of a high standard of design.

Living Conditions

7. The proposal would increase the height of the approved enclosure. However, it would be set in from the shared side boundary by a considerable distance. Due to this separation distance, the proposed increase in height would not be overbearing or substantially more dominant than the approved screen. Accordingly, in my judgement, the increased height would not have a material effect on the neighbouring dwelling.
8. Consequently, I conclude that the proposal would not harm the living conditions for the occupants of No 1A The Drive. On this basis, it would comply with Core Policy 8 of the CS, and Policies H15, EN1 and EN2 of the LP. Taken together, these seek amongst other things, development of a high standard of design which does not have a significant adverse impact on the amenity of adjoining occupiers.

Conclusion

9. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR