
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/21/3280796
253-257 Farnham Road, Slough SL2 1HA

- 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 Robert Dhaliwal on behalf of Hillstone Properties Ltd against the decision of Slough Borough Council.
 - The application Ref P/00226/045, dated 25 March 2021, was refused by notice dated 28 June 2021.
 - The development proposed was originally described as: 'Change of use at ground floor from nursery (D1 Use Class) to Commercial Use (Class E) and conversion to provide 3 x self-contained ground floor residential flats (C3 Use Class) together with integral cycle parking and external alterations to the facades of the building and erection of two storey extension at roof level above the first floor (subject to conversion to 9 residential units under the Prior Approval Ref: F/00226/040) to provide an additional 11 self-contained residential flats (net increase in 14 x flats excluding the first floor). External railing enclosure, boundary treatment, parking, and landscaping.'
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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 2 Furnival Avenue, as well as future development opportunities.

Reasons

Character and Appearance

3. The appeal site is currently occupied by a two-storey building with a substantial footprint. It is located close to the junction of Farnham Road and Furnival Avenue. The building is also situated adjacent to an established petrol station forecourt with the consequence that it is set well back beyond the more substantial buildings which front onto Farnham Road. Due to this set back, the existing building does not address the principal road with the same prominence as its larger neighbours, and instead, has a greater presence when experienced within Furnival Avenue. When viewed from this road, the structure is located close to No 2, and set away from Farnham Road.

4. In its current form, the flat roof of the existing building aligns closely with the eaves height of the adjacent No 2. Although the building has a substantial footprint and consequently, is a large structure, due to the comparable eaves height, the appeal building and No 2 relate well with each other in the street scene. Accordingly, in its current form, the existing structure has a neutral effect on what is a transitional space between a suburban and more urban environment.
5. The proposal would introduce a two-storey extension onto the existing building. This would be designed as an additional storey to the flat roof building, with a mansard roof above. Accordingly, the proposal would substantially increase the eaves height of the building, as well as its overall height, bulk and scale. The resultant structure would represent a significantly larger building and due to such a dramatic increase in bulk and scale, it would result in a sharp transition to the adjacent dwelling. The consequence of this would be to create a building that would entirely dominate and overwhelm the adjacent two storey dwelling in a manner that would be detrimental to the pleasing composition of the street scene.
6. The increased bulk and height of the building would align more closely with those which front onto Farnham Road. Accordingly, when viewed in this context, the enlarged structure would not be so at odds with the prevailing street scene. However, due to the presence of the petrol station forecourt, the building is substantially set back from this main road which establishes a closer relationship with the dwellings on Furnival Avenue. For the reasons identified above, this relationship would cause significant and demonstrable harm to the composition of the street scene. It would create a building that would dwarf the adjacent dwelling, thereby being unacceptably dominant and imposing within the immediate street scape.
7. Consequently, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy EN1 of The Local Plan for Slough (2004) (LP), and Policies 8 and 12 of the Slough Local Development Framework, Core Strategy Development Plan Document (2008) (CS). Taken together, these seek amongst other things, development of a high standard of design which is compatible with its surroundings.

Living Conditions

8. In its current form, the existing building has a series of elevated windows that face towards the side boundary of No 2. As a consequence, direct views are afforded into this private amenity space, thereby reducing overall privacy levels.
9. The proposal would increase the height of the building by introducing a two-storey extension above the existing first floor. Both of the new storeys would provide residential accommodation, and many of the proposed apartments would rely on views towards No 2 for their principal outlook. In addition, two balconies would be provided at second floor level and two at third floor level, each facing directly towards the side boundary of No 2.
10. I note the existence of planning permission for an additional storey, however, due to the number of additional windows and balconies at such an elevated level, the proposal would substantially exacerbate an existing awkward

relationship with the neighbouring dwelling. The increased level of overlooking would, in my judgement, dramatically reduce the already compromised levels of privacy currently experienced by the occupants of this property.

11. I note in the evidence that plans exist to demolish this property to facilitate a road-widening scheme. However, I am not aware of the time scales for this project and whilst No 2 remains in existence, the living conditions of the occupants should be safeguarded. The proposal would fail to do this on a significant scale, and this therefore represents a fundamental shortcoming of the development.
12. The proposal would also introduce a significant number of new openings and balconies to the other side elevation, overlooking the adjacent petrol station forecourt. In this regard, Policy H9 of the LP requires that a comprehensive approach should be taken in any residential development scheme to ensure that adjoining land which is capable of development is not sterilised. I note the Council's concerns regarding how the proposal may affect future development opportunities, however, I have not been made aware of any such proposals. The forecourt is already substantially overlooked and therefore I am satisfied that should development proposals come forward on this adjacent site, additional windows would not significantly alter this existing constraint. Accordingly, I am satisfied that the potential of the adjacent site would not be materially altered.
13. In arriving at the above conclusion, I am aware of the apparent similarities of the impact to both adjacent neighbours. However, in my judgement, there is a clear difference because one impact relates to existing occupiers, and one relates to hypothetical future occupiers, for whom a suitable design approach on any subsequent development could safeguard future living conditions. Consequently, I am satisfied that my findings in relation to each adjacent site can be different.
14. Accordingly, for the reasons identified above, I conclude that the proposal would significantly and demonstrably harm the living conditions for the occupants of No 2 Furnival Avenue. It would therefore fail to comply with Policy EN1 of the LP and Policies 8 and 12 of the CS. Taken together, these seek amongst other things, development which is compatible with its surroundings, including relationships with nearby properties.

Other Matters

15. The evidence confirms that the Council cannot provide a five-year supply of deliverable housing sites. Accordingly, the presumption in favour of sustainable development, as described in Paragraph 11 of the National Planning Policy Framework is engaged. This states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
16. The proposal would make a modest contribution to local housing supply on previously developed land in a highly sustainable location. I also note that as a small site, it could make an important contribution to meeting housing need and could be built-out relatively quickly. The construction phase would also generate employment, and future occupants would also introduce expenditure

into the local economy. These matters weigh in favour of the proposal. However, the scheme is only of a modest scale, and consequently, I only attach a moderate degree of weight to these considerations.

17. As identified above, I have found that the proposal would harm the character and appearance of the area and would harm the living conditions for the occupants of No 2 Furnival Avenue. In my judgement, due to the scale of harm that would be caused by these matters, they represent fundamental shortcomings of the proposal. Accordingly, I give these matters very significant weight, such that I am entirely satisfied that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
18. The appeal has also been accompanied by a draft Unilateral Undertaking to provide a contribution towards open space and recreation that would appear to comply with the requirements of the Council. However, in light of my findings set out above, the appeal has not proved successful and therefore I have no reason to consider this matter further. Even if I were to consider this matter fully, as an undertaking to provide mitigation, this would not represent a specific benefit of the proposal and it would therefore weigh neutrally in my assessment of the appeal, thereby not altering the planning balance set out above.

Conclusion

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

Martin Chandler

INSPECTOR