



Appeal Decision

Site visit made on 24 May 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/J0350/D/22/3293082 10 Cheviot Road, Slough, SL3 8UA.

- 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 D Ladva against the decision of Slough Borough Council.
 - The application Ref. P/19123/003, dated 30 September 2021, was refused by notice dated 7 December 2021.
 - The application sought planning permission for the erection of a single storey rear extension with two roof lights following demolition of part of the existing extension which is 3.65m in depth, without complying with a condition attached to planning permission Ref. P/19123/002, dated 10 September 2021.
 - The condition in dispute and which the proposal seeks to vary is No.1 which states that:
The development hereby approved shall be maintained only in accordance with the following plans and drawings hereby approved by the Local Planning Authority: (a) Site Location Plan, Drawing No S01 Rev A, Dated November 2020, Received 16/07/2021 (b) Drawing No D101, Dated July 2021, Received 16/07/2021 (c) Drawing No D102, Dated July 2021, Received 16/07/2021 (d) Drawing No D103, Dated July 2021, Received 16/07/2021.
 - 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 the effect of the proposal on:
 - the character and appearance (amenity) of the area; and
 - the living conditions of the occupiers of neighbouring property, and those of the host property itself.

Reasons

Background

3. The appeal site comprises a mid-terrace two storey property which lies in a residential area. The planning history of the site indicates that the property is in use as a house in multiple occupation (HMO). Planning permission was granted in 2021 for a single storey flat roof rear extension which extended

3.6m from the original rear wall of the property. The scheme now proposed seeks to vary the plans specified in Condition No.1 of that permission to allow a further extension of 1.95m making 5.6m in total. At the time of my visit it appeared that the further extension has been built and the application is retrospective.

4. In assessing the main issues I have had regard to the Council's Residential Extensions Guidance Supplementary Planning Document (SPD) 2010. However as this was adopted prior to the Government's expansion of the scope of 'permitted development' this limits the weight that can be given to its provisions.

Effect on character and appearance

5. The existing host property is a simple two storey mid-terrace house faced in brick and tile hanging. The proposed extension is sited at the rear of the property away from the public realm and is seen in the hinterland of private gardens. The overall flat roof form of the extension is at odds with the design and form of the house but given the other existing house extensions in the vicinity of the site, and as about 3.6m of flat roof extension is already permitted, the 1.95m addition in a similar design would not have a materially harmful effect on the general character and appearance of the area. On the circumstances of this case I find that, overall, the proposal does not conflict with Core Policy 8 in that while the quality of the design is not attractive, it respects its surroundings and the further extension would not harm the street scene or the distinctiveness of the area.

Effect on living conditions

6. This issue is concerned with the effect on the occupiers of the adjoining properties – No.12 to the south-west and No.8 to the north-east; and also on the living conditions for the occupiers of the host property.
7. No.12 is the end terrace with a footway to the side and the property has already been extended to the rear. Although the proposed extension would be sited close to the boundary I am satisfied that the additional projection would not have a material effect on the outlook from the rear of this property or harm the living conditions of the occupiers.
8. Regarding the relationship with No.8, this retains the original rear wall of the house which includes the main window to the rear facing ground floor room. Although I noted at my visit that the outlook from the rear of No.8 was overshadowed by the presence of shrubs in the garden, this dense foliage is not a permanent feature. The deciduous nature of the shrubs is depicted in the Council's photographs shown in the officer report. I have to consider the long term physical relationship between the two properties.
9. Having regard to the height and projection, and proximity to the party boundary of the further projection proposed, it would have a dominating effect on the outlook from the rear facing windows and oppressive effect on the garden. This would harm the living conditions of the occupiers of this dwellinghouse. I find that this aspect would conflict with the final paragraph of part 2 of Core Policy 8 concerning the need to ensure that new development respects the amenities of adjoining occupiers; together with part (k) of saved Policy EN1 of the adopted Local Plan.

10. The Council also raise a concern about the cumulative scale of extensions to the host property and the effect on the residual space of rear garden. The SPD guideline is that a three bedroom house should have a minimum area of amenity space of 50sqm whereas the residual garden would be in the region of 22sqm. I noted that the remaining amenity space is surfaced in artificial grass which means that it will be hardwearing and that the property is used as an HMO rather than as a family house. However, these factors do not outweigh the fundamental reduction in outdoor amenity space that the proposal would result in. This adds to my concern about the proposal.

Planning balance

11. I have taken account of the general provisions for 'permitted development'¹ however, these provisions are qualified and the allowance for 6m extensions to a terraced property is subject to the 'prior approval' regime which takes account of the effect of an extension on the amenity of any adjoining premises.
12. On the main issues I have found that while the visual impact of the further extension would not be harmful to the overall appearance of the host dwelling or the general character of the area, the cumulative effect of the bulk of and siting of the flank wall would have a harmful effect on the outlook from the adjoining property No.8 and would harm the living conditions of the occupiers of this property. The proposal also results in an inadequate residual garden size for the nature of the property.
13. These adverse effects and the conflict with the relevant policies in the development plan have to be balanced with other considerations. However, none outweigh this conclusion which indicates that the appeal should not be allowed.

Conclusion

14. For the reasons given above I conclude that condition No.1 on planning permission Ref. P/19123/002 should not be amended to include the plans submitted with the current application.

David Murray

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015