
Appeal Decision

Site visit undertaken on 24 May 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 30th June 2022

Appeal Ref: APP/J0350/D/22/3294404

138 Spackmans Way, Slough SL1 2SB

- 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 Ahmed against the decision of Slough Borough Council.
 - The application, ref. P/14557/001, dated 17 December 2021, was refused by notice dated 3 February 2022.
 - The development proposed is described as a three storey side extension.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Ahmed against the Slough Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the appeal process, the appellant has included a revised Floor Risk Assessment (FRA)¹ in order to accompany their Statement of Case (SoC) and provide further information to Reason for Refusal No.4. The FRA does not change the nature of the proposal and when judging this information in accordance with the 'Wheatcroft principles'², I see no prejudice towards either party in accepting this FRA and will base my decision upon it.

Main issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the building and the locality;
 - The living conditions of existing and future occupiers which regards to the provision of private garden space;
 - Whether the vehicular access and parking layout is appropriate for the proposed development, with regards to highway safety; and

¹ Dated 1st March 2022, Ref No.WTFR-FRA-2021/11/Q12_RevA

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- Whether Flood Risk Assessment (FRA) provides sufficient details of escape routes during a flood event and adequately deals with surface water when assessed against the Development Plan policies.

Reasons

Character and Appearance

5. The appeal site is part of the Chalvey Estate, which has similarities in design, appearance and layout to the housing constructed from development corporations in the 1960s -1970s which introduced Radburn style housing projects. During this time a number of estates were formed around a collection of small cul-de-sacs and parking courts with rows of terraced housing placed amongst green infrastructure where there is a separation between vehicular and pedestrian movement giving an emphasis of spaces in and around the buildings. The dwellings within the Chalvey Estate have a very symmetrical design in placement and dwelling types with simple and functional construction utilising brown brick, pitch and gabled roof forms with concrete tiles and feature boarding applied to front facades.
6. Spackmans Way is one of the main thoroughfares into the estate and the terraces are three storeys tall which have a higher design status than dwellings on smaller cul-de-sacs which are two storeys tall. There is a deliberate emphasis in the area of spaces in and around dwellings with green and landscaped surrounds within and surrounding the estate. Whilst there have been some alterations to the estate, such as the removal of under croft garages for living space, and a three storey extension set back from the main façade of No.140 Spackmans Way (which is on the opposite side of the road from the appeal property), the estate retains many of the qualities of the original design such as spaces in and around dwellings, vegetation and symmetry that contribute to the character, appearance and local distinctiveness of the area.
7. The appeal site is one of the characteristic three storey properties and is an end terrace that has previously converted the ground floor from a garage into residential accommodation. The dwelling is setback from the side boundary and presents as a bookend to the other row of terraces to the opposite side of one of the smaller cul-de-sacs that passes along the side boundary. Whilst originally the dwellings along Spackmans Way would have had vegetated front gardens, many of these gardens have unfortunately been laid with hardstanding for the parking of vehicles.
8. In undertaking extensions to existing buildings, the Slough Borough Council's Core Strategy (CS) Core Policy 9 Seeks that development respects the character and distinctiveness of the existing buildings, townscapes and landscapes, amongst others. The Local Plan for Slough 2004 (LPS) Saved Policy EN1 sets a number of design principles to consider such as scale, height, massing, building form, amongst others with LPS Saved Policy H15 containing specific design considerations for residential extensions such as assessing remaining amenity space, high quality design and impact upon the existing street scene. LPS Saved Policies H14 and EN3 also contain specific design considerations around landscaping and garden space which are relevant considerations regarding design. The design policies are also supported by the Residential Extensions Guidelines Supplementary Planning

Document (2010) (SPG) which offers guidance on design principles and detailed design considerations that for side extensions places an emphasis on subservience and responding to the existing site and context of the locality, amongst others.

9. The appellant's Statement of Case (SoC) disagrees with the application of CS Core Policy 9 in justifying the Council's opinion that the scheme has been overdeveloped. However, the second bullet point of this policy specifically seeks that development will not be permitted unless it *'respects the character and distinctiveness of existing buildings, townscapes and landscapes and their local designations.'* The policy is clearly relevant to the consideration of this scheme.
10. The SPD does not specifically relate to scenarios involving three storey side extensions, however the guidance and principles provided with regards to two storey side extensions is relevant in terms of needing to ensure subservience³ and have a sense of proportion and balance⁴. Given the symmetrical design which is mimicked throughout the estate, I disagree with the appellant's SoC that the rhythm and proportions would remain the same. The addition of an additional three storey bay would give the existing dwelling an unusually wide appearance when compared to existing three storey dwellings along Spackmans Way and would affect the proportions and rhythm of dwellings in the locality.
11. The extension would remove much of the gap to the side of the dwelling which gives a sense of spaciousness as one turns the corner into the smaller cul-de-sacs and parking courts. I appreciate reference to No.140 Spackmans Way which also has a three storey side extension which was constructed some time ago and has a large setback from the front façade. The extension opposite is not a positive characteristic of the area and would not be to the extent of visual bulk and massing as proposed under this appeal. The increase in width of built form over three storeys, together with the lack of setback from the front facade would narrow and enclose the remaining space around the road which is compounded by the tall wall of the three storey extension to the side of No.140 Spackmans Way.
12. Whilst the main concerns around visual bulk, scale and dominance are key considerations that lead to an incongruous development, Saved LPS Policies H14 and EN3 seek appropriate design of landscaping that reinforces positive qualities of the character and appearance of the area. The proposed retention of the hard surfacing with no real improvement upon the car dominated environment to the front of the dwelling accentuates the lack of consideration that the scheme has towards the character and appearance of the area. Turning to the side extension, whilst I acknowledge the appellants comments regarding the brick wall that encloses the side garden, this is still undeveloped garden behind which is a different experience than an enclosed built form, particularly when the built form is three storeys tall. The removal of this side garden would therefore cause detriment to the character and appearance of the area.

³ Paragraph 2.13

⁴ Paragraph 2.1.5

13. In conclusion of this matter, the proposed scheme would cause a significant impact towards the character and appearance of the existing building and of the surrounding locality. The proposal would therefore be contrary to CS Core Policy 9; and LPS Saved Policies EN1, EN3, H14 and H15 and described previously.

Living Conditions regarding private garden space

14. LPS Saved Policies H14 and H15 seek to ensure adequate sized garden spaces are provided with new development, which includes extensions. Amongst considerations are the type and size of dwelling and type of household, quality of space in terms of area, depth, orientation, usefulness; proximity to existing public space and play facilities, amongst others. The Council has referred to Standard EX48 of the SPG which specifies minimum sized rear gardens that should be provided as a result of undertaking rear extensions. I agree with the appellant that this guidance specifically relates to rear extensions, however I can also appreciate the logic employed by the Council Officer in that this specific guidance is not as much related to whether the extension is a rear or side extension; but relates more to useability of rear garden space, by specifying appropriate sizes and areas of garden space that is typically appropriate to different sizes of dwellings. Whilst not specifically mentioned as for side extensions, considerations around the principle size of a garden would be the same whether the extension is to the side or to the rear.
15. In any event, based on my site visit, the current gardens along Spackmans Way are square and to me, quite small and undersized given that according to the appellant that dwellings along the street contain 5 bedrooms. No information is given in the appeal as to the proposed occupancy of the scheme, however the appellant has calculated the number of rooms to overall amenity space as being greater per room (8.75m²) as when compared to other dwellings along the street (7.85m²). These calculations do not acknowledge the potential for each room to have dual occupancy with some of the proposed room sizes being large enough for a double bed. I also acknowledge and give some consideration to the greenspace across the road. This space is informal grassed area which could be used for informal passive and active recreation, however would not be able to cater for all needs, such as play equipment, multi-use games area and associated equipment.
16. I agree with the appellant that the private amenity space was considered appropriate at the time of construction. However this was likely fifty years ago when the emphasis on private amenity space and the policy position was very different to today. The amenity space provided currently would not be suitably large enough for a five bedroomed property, and hence the increase in bedrooms to eight, would further exacerbate the historically poor standard of provision to the detriment of current and future occupiers of the site. In conclusion of this matter, the proposal therefore would leave an inadequate and undersized rear garden space in order to cater for an eight bedroomed dwelling. The proposal would therefore result in detrimental living conditions to existing and future occupiers as a result of lack of provision of private garden space. The proposed scheme is therefore contrary to LPS Saved Policies HP14 and HP15 as described previously.

Highway Safety

17. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties and, in light of this, I am satisfied that what I saw represents typical conditions.
18. Spackmans Way, like many urban residential streets suffers from on-street parking congestion on one side of the road which impedes simultaneous two-way flow. The result being that vehicles often have to stop momentarily to give way to traffic coming in the opposite direction. However, based on my site visit it appears that traffic volumes are fairly low and driven speeds are well under the 30mph speed limit. I have not been made aware of a poor accident record and therefore I deduce that despite its deficiencies, Spackmans Way operates satisfactorily without any significant safety issues.
19. The main concerns from the Council are with regards to the existing conditions and lack of visibility to both pedestrians and vehicles manoeuvring on the road as well as in and out of existing spaces. The appellant has drawn my attention to a previous planning approval⁵ in 2009 where the application permitted the changing of the garage to residential accommodation as well as the three car spaces to the front of the appeal property.
20. Whilst I appreciate that the current situation for parking are not ideal, they are existing and have been there for a number of years. Whilst the Council do not consider that the proposed 3 additional bedrooms do not require additional car spaces, the main concerns are regarding visibility. Whilst the addition of 3 bedrooms may expose more users to the already inadequate visibility, this in my mind would not result in significant additional detriment to road users and pedestrians that would likely cause adverse impacts towards highway safety. Consequently, based on the information before me, I do not consider that the proposal would cause highway safety issues and would be compliant with CS Core Policy 7 which seeks to ensure new development is accessible, and does not cause detriment to highway safety, amongst others.

Flood Risk Assessment

21. The proposed site is within Zone 3 which means that the site is within the functional floodplain in the event of a flood. The Council have two concerns with regards to the ability for the extension to prevent/reduce surface water discharge as well as the ability to ensure safe exit for persons during a flood event.
22. The amended FRA states that fluvial water could be discharged via a 1m³ soakaway within the ground which could provide storage of water and prevent the water entering the public sewerage network. I consider this to be an appropriate way to deal with surface water flooding which would resolve the first component of the reason for refusal.

⁵ Slough Planning Ref: P/14557/000

23. Turning to the second component, regarding escape routes, the amended FRA states that as there is no subdivision of property that there is no increase in vulnerability. The proposed extension is large in that it would provide 3 additional bedrooms and depending on occupancy of these bedrooms could increase vulnerability of additional single or dual occupants of this extension. Of concern is also the proposed escape route which means that either persons would need to wait on the first floor of the dwelling for rescuers to arrive, or to walk to Chalvey Road West via an access that would also be subject to both zone 2 and zone 3 areas of flooding. This route would not be appropriate to utilise during a flood event if it is too part of this flood event.
24. Based on the above, and in conclusion of this matter, whilst I agree that the matter regarding surface water is resolved, I am not persuaded that sufficient escape routes for existing and new occupants can be provided in a flood event. When taken as a whole, the proposed scheme would therefore not be in accordance with CS Core Policy 7 which seeks that new development is safe and minimises exposure to flooding.

Other Matters

25. I note that there is an interested party that has objected to the scheme on the basis that the extension would block sunlight from entering their property at 182 Spackmans Way which lies to the rear of the appeal site. The Council has assessed the proposed extension as not causing a significant loss of light to surrounding properties, and I have no reason to disagree with this assessment.
26. There is commentary within the appeal documents with the appellant feeling aggrieved by the application process in relation to length of time for decision making, correspondence with the Council and a refusal which the appellant feels is not in accordance to the pre-application advice that they received. Whilst pre-application advice is a positive method for gaining further insight into potential issues to be addressed, unfortunately it is not binding on the final decision taken by the council, albeit it may provide some influence and consideration. Whilst I have taken on board comments expressed within the pre-application advice, I have assessed the appeal based on the merits of the application when assessed against the development plan and any relevant material considerations.

Conclusion

27. Whilst I have agreed with the applicant with regards to highway safety and the ability to deal with surface water, this is not sufficient to overcome concerns regarding character and appearance, access to private garden space, and escape routes during a flood event. Taken as a whole, for the reasons given above, the appeal is dismissed.

J Somers

INSPECTOR