
Appeal Decision

Site visit made on 14 June 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal Ref: APP/J0350/W/21/3285076

Victoria Court and Eastbridge, Victoria Road, Slough SL2 5NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Lorienwood Limited against the decision of Slough Borough Council.
 - The application Ref Y/05383/002, dated 29 January 2021, was refused by notice dated 9 June 2021.
 - The development proposed is for a two-storey pitched roofed extension above the principal elevation to provide 28 additional flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's second reason for refusal refers to a lack of information to demonstrate that the extension to the building would not cause significant harm to the occupiers of the notification building by way of loss of light. In order to address this reason for refusal the appellant has submitted additional information in the form of a Daylight, Sunlight and Overshadowing Report by Syntegra Consulting (2021). I am satisfied that no party, including the Council who have not formally commented on the additional information, would be prejudiced by my assessing the scheme with regard to it.
3. The appellant has provided a copy of the approved site layout plan for the original apartment block, Ref P5383/1. A copy of the submitted plan indicates that 67 car parking spaces were approved. The Council indicate that 41 spaces are available, not 67, and the appellant states that parking provision would not be provided to future occupants as part of the proposed scheme. As such, for clarity I have based my assessment on the number of spaces indicated as available by the Council (41) rather than what is shown on the historically approved plan.

Background and Main Issues

4. The provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) require the local planning authority to assess the proposed development on the basis of, amongst other things, the transport and highway impacts of the proposed development, and the impact on the amenity of the existing building and neighbouring premises, which includes the loss of light.

5. The main issues are therefore the impact of the development on transport and highway safety and the impact on the living conditions of the occupants of the existing building, with particular regard to light.

Reasons

Transport and Highway Safety

6. The appeal site is an existing three storey apartment block, accommodating 42 one bedroomed properties. A railway line is present to the south and the apartment block is accessed via Victoria Road situated off Uxbridge Road (A412). The A412 is a busy highway with two-way traffic with a central reservation, in contrast Victoria Road and Eastbridge is a small cul-de-sac with a single access and exit point.
7. The proposed scheme would increase the capacity of the apartment block by 28 residential units, which could result in a sizable increase in traffic to and from the site. The site has sufficient access to accommodate additional traffic, but the appellant has indicated that no additional parking provision would be provided. It is stated that the site is an accessible location, and the intention is to make the scheme 'car free', implementing measures set out in a submitted Travel Plan.
8. The Council confirm that the appeal site is close to the town centre, but not at location where zero parking would be acceptable. The Council has set out that an additional 35 spaces would be needed¹ and that there is no evidence to show on street parking demand from the development could be accommodated within the nearby areas. This would lead to parking pressure on the surrounding streets to the detriment to highway safety.
9. The apartment block is currently served by 41 parking spaces to the sides and front of the building, which are controlled by parking permits enforced by a private company. The remainder of the cul-de-sac is controlled by double yellow lines but allows for kerbside parking either side of the access road and outside the adjacent terraced blocks. However, the parking bays outside the terraced blocks are largely in front of dropped kerbs. As such, parking in front of the dropped kerbs would be limited when the owner/occupant of the property would require access. The parking arrangements are similar in the adjoining residential estate of Goodman Park, but it also includes some laybys for unrestricted on street parking.
10. At the time of my two site visits (both approximately 10.30am on Tuesdays) the on-street parking was at a reasonable level of occupancy, but it is likely that overnight and at weekends, parking demand in the area would be much higher.
11. I have had regard to the location of the site and the information contained within the Transport Statement, however, there are limitations to its accessibility. Manual for Streets indicates in section 4.4 that walkable neighbourhoods are typically characterised as having a range of facilities within 10 minutes (800m). However, most of the jobs, schools, the town centre and the train station are over 1km away from the appeal site. Furthermore, the bus services are accessible, but the timetable set out within the Transport Statement state that they are only on an hourly basis and stop between approximately 1930 and 0630. Due to the limitations of the public transport provision, coupled with the distance needed to walk to certain locations, the site would not represent a highly accessible location.

¹ Based on The Council's Parking Standards indicated in 'Transport and Highway Guidance Developer's Guide Part 3' 2008.

12. As such, the proposed development is likely to result in an increase in traffic, including future occupants having to rely upon private vehicles to access the site and park. I have had regard to the appellants proposal to make the scheme a 'car free' development. However, no conditions have been proposed and no legal agreement has been submitted as evidence. As such, I have no mechanism to ensure the proposed development would be car free. Furthermore, limited evidence is before me to demonstrate what the current level of car parking occupancy is at the site and what level of on street parking could be accommodated for on the surrounding streets.
13. Consequently, based on the evidence before me, the proposed development would be likely to contribute to parking stress on the surrounding streets. Having regard to the level of additional accommodation proposed and the high demand for on-street parking on the surrounding streets, the proposed extension would adversely affect highway safety. Due to the single access and exit point, indiscriminate parking is likely to result in congestion, multi-point manoeuvres and reversing out of the cul-de-sac onto a junction. This would result in an unacceptable level of risk of vehicle conflicts to the detriment of highway safety.
14. Accordingly, the development proposed would cause harm to transport and highway safety. This would conflict with the objectives of the National Planning Policy Framework (the Framework), particularly paragraph 111, which indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. I have also had regard to the policies of the development plan, but only insofar as they are a material consideration relevant to this issue. The development proposed would conflict with Policy T2 of the Slough Local Plan 2004, which states residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems.
15. The Council also cite Core Policy 8 of the Slough Development Framework Core Strategy 2008. This policy seeks to ensure that all development in the Borough is of a high-quality design and improves the quality of the environment. I do not consider the proposed development to be contrary to aims and objectives of this policy.

Loss of Light to Existing Building

16. The appellant has submitted an additional Daylight, Sunlight and Overshadowing Report to consider the loss of light to rooms in the existing apartment building. This model analyses the daylight, sunlight and overshadowing impact of the new development on the affected buildings².
17. The report outlines that the surrounding properties would not be adversely affected in regard to daylight, sunlight and overshadowing. Although some windows at the existing flats of Victoria Court will experience loss of daylight from the proposed development, the development would not result in an unacceptable loss of daylight and sunlight to the existing flats.
18. I acknowledge that some of the representations have questioned the report's methodology and compliance with the BRE guidelines. However, I have not been presented with alternative evidence that would lead me to conclude that the

² 2-14 Victoria Road, 27-29 Victoria Road, 1-6 Eastbridge, Land adjacent 1 Eastbridge and Victoria Court

extension would result in a significant loss of daylight and sunlight to existing flats or neighbouring properties.

19. Accordingly, the development proposed would not cause unacceptable harm to the living conditions of the occupants of the existing building, by virtue of an unacceptable loss of light. The proposal would conform to the policies on neighbouring impacts set out within paragraph 130 of the Framework. I have also had regard to the policies of the development plan, but only insofar as they are a material consideration relevant to this issue. The development proposed would comply with Policy E2 of the Slough Local Plan 2004, which states that extensions to existing buildings should not result in the significant loss of sunlight or create significant overshadowing as a result of their construction.
20. The Council also cite Core Policy 8 of the Slough Development Framework Core Strategy 2008 and Policy E1 of the Slough Local Plan 2004. These policies, amongst other things, seek to ensure that all development in the Borough is of a high-quality design, scale, layout, materials and improving the quality of the environment. I do not consider the proposed development to be contrary to aims and objectives of these policies.

Other Matters

21. The appellant has highlighted a legal case³ relating to Part 3 Class Q of the GPDO 2015. The case states it was wrong to apply the Framework policies in respect of accessibility to residential development for the prior approval process as would have been applied to an application for planning permission. However, this is prior approval under Part 20 Class A of the GPDO 2015, not part Q. Notwithstanding this, since 2017, the GPDO 2015 has been amended with respect to Part 3, Class Q where the decision maker would need to have regard to the policies in the Framework as if it were a planning application. This is also the case with Part 20 Class A cases. As such, the policies on transport and highway impacts, such as paragraph 111 of the Framework outlined above, are relevant to the determination of this case.
22. Furthermore, I appreciate that the prior approval process for Part 20, Class A does not allow for engineering operations that would be needed to create additional parking spaces. However, that is not a reason to suggest that parking associated with the development, and its impact upon transport and highway safety, cannot be considered as part of prior approval under Part 20 Class A of the GPDO 2015, nor that a deficiency in this respect and the resultant adverse impact can be disregarded because of on-site constraints.

Conclusion

23. The proposal would not comply with one of the prior approval matters set out by Schedule 2, Part 20, Class A of the GPDO. Namely that concerned with the traffic and highway impacts of the proposed extension to the building. It would not therefore benefit from the provisions thereof. As such, the appeal should be dismissed.

M. P. Howell

INSPECTOR

³ East Hertfordshire DC v Secretary of State for Communities and Local Government [2017] EWHC 465 (Admin)