



Appeal Decision

Site visit made on 4 October 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/J0350/W/22/3296540

2A Bower Way, Slough SL1 5HX

- 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 Raghbir Singh against the decision of Slough Borough Council.
 - The application Ref P/01125/009, dated 28 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is demolition of existing building and erection of 11 no. flats. 6 x 2 bedroom flats and 5 x 1 bedroom flats with 11 car parking spaces, 15 cycle storage spaces and amenity space at the rear.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been submitted by Mr Raghbir Singh against Slough Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of Holly Court, with particular regard to outlook and natural light;
 - flood risk, with particular regard to surface water drainage; and
 - highway safety.

Reasons

Character and Appearance

4. The appeal site comprises a parcel of land on the southern side of Bowers Way, which is currently occupied by a commercial garage. The garage is a two-storey building with a flat roof, and includes a parking forecourt to its front. There is another commercial garage to the west of the property, but there are residential properties, including blocks of flats, opposite to the appeal site and immediately to its east. The area is therefore mixed in character.
5. The residential properties along the southern side of Bower Way comprise a mixture of flats and houses. Holly Court, a block of flats immediately adjacent

to the site, is two storeys up to eaves height. Notwithstanding the differences in property type, this allows the building to integrate effectively with the lower level residential houses further along the road, which are also two storeys in height. Conversely, the proposed development would be three storeys up to eaves level, which would introduce a notable step-change in height with these neighbouring properties. This mismatch would be further amplified by the lower level commercial garage immediately west of the appeal site, which would exaggerate the bulk and height of the proposed new flats. In turn, the development would appear dominant and uncomfortable within the surrounding context along this side of the road, which would harm the overriding street scene.

6. In design terms, the new flats would incorporate a number of front gable features which would echo the appearance of other flats along the road. The development would also utilise a similar palette of materials, which would allow it to assimilate with the design of other nearby buildings. Whilst I therefore consider that the development would be adequate in design terms, these factors would not overcome the harm to the street scene which would arise from its mismatch in height and scale with its closest neighbouring properties.
7. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policy EN1 of The Local Plan for Slough (2004) (Local Plan) and Policy CP8 of the Slough Local Development Framework, Core Strategy (2006 – 2026) (Core Strategy), both of which seek to ensure new development achieves a high-standard of design, which is appropriate to its surroundings in terms of scale, height and bulk. The development would also conflict with the overarching design objectives of the National Planning Policy Framework (2021) (Framework).
8. Policy EN2 of the Local Plan concerns extensions to existing buildings, so is not directly relevant to the proposal.

Living Conditions

9. The proposed development would be located adjacent to a neighbouring block of flats known as Holly Court. Holly Court is arranged in two separate blocks, with one sited at the front of the site, and one at the back. There is a parking area within the intervening space between the two buildings. The eastern flank elevation of the proposed development would run alongside the shared plot boundary with Holly Court, and its frontage would broadly align with the rear elevation of the flats at the front of Holly Court.
10. This arrangement would effectively enclose the western side of the open parking area that sits between the two blocks within Holly Court. In turn, it would create a distinct sense of enclosure within this area, which would be felt keenly within the westernmost flats in the front block of Holly Court, particularly at ground level. Whilst I acknowledge that the outlook to these flats is already partly obscured by the existing garage, the development would be significantly taller and larger in scale. This means it would appear even more overbearing to the occupiers of these flats than currently exists, which would be to the detriment of their living conditions.
11. Given the height of the proposal, it is also inescapable that the development would, to some degree, impede levels of natural light to the windows of the westernmost flats within the front building of Holly Court at certain times of

day, particularly those located on the ground floor. Given that these windows are understood to serve habitable rooms, this reduction in natural light would be felt keenly by their occupiers.

12. The development would therefore harm the living conditions of certain occupiers of Holly Court. In turn, it would conflict with Policy EN1 of the Local Plan and Policy CP8 of the Core Strategy, both of which seek to protect neighbouring amenity as part of new development. The proposal would also conflict with the overarching amenity principles of the Framework.
13. As above, Policy EN2 concerns extensions to existing buildings (as opposed to demolition/complete new-build), so is not directly relevant to the proposal.

Flood Risk

14. The appeal site lies within Flood Zone 1, which means the area is not considered to be at high risk of flooding. During consultation, Thames Water also confirmed there would be sufficient capacity within its water infrastructure to support the proposal. On this basis, and irrespective of the adequacy of the information submitted with the appeal application, there is no reason before me to suggest that appropriate drainage arrangements for the scheme could not be secured by condition.
15. Subject to condition, I am therefore satisfied that the proposed development would not have an unacceptable impact with regard to flood risk. In this regard, the development would be consistent with Policy of CP8 of the Core Strategy, which says development must manage surface water arising from the site in a sustainable manner which will also reduce the risk of flooding. It would also align with the provisions of the Framework, which promote sustainable drainage systems as part of major new development.

Highway Safety

16. The appellant's updated site plan (drawing 2021/04 Rev D) demonstrates that visibility splays of 2.4 metres x 43 metres could be achieved at the access to the proposed development, in both directions. These visibility splays would meet the requisite standards set out in the Manual for Streets, and could be secured as part of the scheme through an appropriately worded condition. The revised site plan also shows that the development could make provision for 11 adequately sized on-site car parking spaces, which would reflect local policy requirements.
17. On this basis, and again subject to appropriate conditions, I am satisfied that the development's impact would be acceptable with regard to highway safety. The development would therefore be consistent with relevant aspects of Policy CP8 of the Core Strategy, which require new development to be practical, safe and accessible.

Other Matters

18. Whilst the appellant has cited a number of consented developments which it considers comparable to the proposal, each application must be determined on its own merits. In this instance, the development's relationship with neighbouring properties, both in terms of character and appearance and impact on neighbouring amenity, would be harmful. As such, these examples do not persuade me that development should be permitted in this instance.

19. A draft unilateral undertaking has been submitted by the appellant as part of the appeal. If completed, the planning obligation would secure payment of a financial contribution towards a Traffic Regulation Order, to facilitate a restriction against on-street parking in the vicinity of the appeal property. As I am dismissing the appeal on other grounds, I have not considered the merits nor the necessity of the proposed planning obligation. Nonetheless, as the agreement has not been signed, it would have no bearing on my decision in any event.
20. The Council cannot demonstrate a five-year supply of deliverable housing land, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (the “tilted balance”) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
21. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment. It also says development should promote health and wellbeing, with a high standard of amenity for existing and future users. The content of the Framework therefore reflects the overriding design, character and amenity principles of the Local Plan and the Core Strategy in terms of new residential development. Even accounting for the Framework’s objective of boosting the supply of housing and the Council’s housing land supply position, the conflict between the proposal and the relevant policies of the Local Plan and the Core Strategy should therefore be attributed significant weight in this appeal.
22. As mentioned above, the proposal would contribute to the Council’s housing stock. The net addition of 11 dwellings would be a modest contribution in this instance. There would be other benefits to the scheme, including a potential reduction in noise (due to demolition of commercial garage), as well as job creation during construction, however these benefits would be minor. Together, they would not be sufficient to outweigh the significant weight which must be attributed to the harm (and associated policy conflicts) described above. Consequently, I consider that the adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

23. Whilst I have found in favour of the appellant with regard to flood risk and highway safety, the development would harm the character and appearance of the area, as well as the living conditions of certain occupiers of Holly Court. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR