



Appeal Decision

Site visit made on 30 November 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th December 2022

Appeal Ref: APP/J0350/W/22/3302655

Tulsi Nagar, 12 Shaggy Calf Lane, Slough SL2 5HJ

- 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 Dalip Rajput against the decision of Slough Borough Council.
 - The application Ref P/19177/000, dated 31 December 2020, was refused by notice dated 17 March 2022.
 - The development proposed is construction of 1 No. 3 bedroom dwelling to the rear of Shaggy Calf Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposal from the Council's Decision Notice which is more concise than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site lies within a primarily residential part of Slough. Properties nearby on Shaggy Calf Lane consist largely of detached and semi-detached two storey dwellings, which predominantly front the Lane. However, there is some development at depth including industrial and commercial buildings, and a block of flats, behind some of the dwellings on Shaggy Calf Lane. The Grand Union Canal runs nearby.
5. Dwellings locally have a generally similar design, including 12 Shaggy Calf lane (No 12) itself. This design includes pitched, hipped roofs, projecting bays, render and/or exposed brick, and a position set back from the road. Rear gardens are varied in shape but are generally long. Although 10 Shaggy Calf Lane has a somewhat different design, it still has some of these features and a traditional appearance. Together, these dwellings mean that the area has a suburban, spacious character, with a large degree of uniformity to the street scene.
6. The appeal site consists of the long and relatively large rear garden of No 12, a detached dwelling. The garden is largely undeveloped, but the walls and other

remnants of a part-built outbuilding exist on the site, albeit considerably overgrown. The proposal seeks to erect a two-storey dwelling, positioned to the rear of No 12 and accessed to the side of that dwelling. Given the relatively small size of the proposal and the large size of the garden, some spaciousness would remain after development and occupiers would have sufficient internal and external space.

7. However, the position of the proposal is much further back from the Lane than surrounding dwellings. As a result, the proposal would be at odds with the general pattern of dwellings nearby. There are large industrial and residential buildings behind some of the adjacent dwellings but, in contrast to the appeal proposal, these buildings essentially face towards and are accessed from other roads. This means they do not have the same 'backland' arrangement, of one dwelling positioned behind another, as that proposed here. As such, the layout of dwellings is linear and so the proposal would harmfully conflict with the prevailing pattern of dwellings on this part of Shaggy Calf Lane.
8. The proposal would incorporate modern sustainability features and high environmental standards including provision for electric car charging. It would be clad in timber and have a standing seam sheet roof with gabled ends. It would also have an eclectic fenestration arrangement and a contemporary form. However, these factors mean it would share few, if any, of the traditional design features common to the area that I identify above. As such, in the context of the uniformity of many other dwellings locally, the design of the proposal would appear incongruous and out of place.
9. The proposal would be partially screened from the Lane by trees and the existing gates, which would be retained. Even so, the proposal and the harm I identify would still be visible from Shaggy Calf Lane between No 12 and its neighbour. I saw that it would also be visible from other locations, such as the land either side of the Canal.
10. For these reasons, I conclude that the proposal would harm the character and appearance of the area. As such, it would be contrary to Core Policies 4 and 8 of the Slough Core Strategy 2006 – 2026, adopted December 2008¹. These require that development including for family homes should respect its location and surroundings and enhance the distinctive suburban character of the area.
11. It would also conflict with Policy EN1 of the Local Plan for Slough (LPS), adopted 2004, and its requirement that backland development has a high standard of design that is compatible with its surroundings in terms of (amongst other things) siting, form and design. It would also breach LPS Policy H13, which requires a design that is in keeping with the existing residential area.
12. The Development Plan policies are consistent with the National Planning Policy Framework (the Framework), including its advice at paragraph 130 that development should be sympathetic to local character and paragraph 134 regarding design. Therefore, for the same reasons, the proposal would fail to comply with the Framework in this respect. As such, I give significant weight to the conflict with these policies.

¹ incorporated in the Composite Local Plan for Slough 2013

Other Considerations

13. It is common ground that the Council cannot currently demonstrate a five-year housing land supply. As such, the Council's housing policies are out of date. It is therefore necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
14. I have found conflict with the Development Plan, read as a whole, which is consistent with the advice of the Framework. Against that, the proposal would make a positive addition to the supply of housing. The Framework is clear that land in urban areas should be used efficiently. I am mindful too that the proposal is for self-build housing and that Framework paragraph 61 supports those wishing to commission or build their own homes. The proposal is for a family dwelling, for which a need has been identified in the Development Plan. Furthermore, its future occupants would make a positive social and economic contribution to the area.
15. However, such benefits would be limited because of the small size of the proposal, as a single dwelling. These benefits therefore only attract moderate weight. The Council has raised no objection in respect of residential living conditions or for any other reason, but this is essentially neutral in the planning balance. Given the harm that I have identified to the character and appearance of the area, and the weight I attach to this, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Other Matters

16. My attention has been drawn to other development granted planning permission by the Council. At Bowyer Playing Fields², behind and adjacent to the appeal site, the Council has approved 312 new residential dwellings and apartments, amongst other forms of development. I have very few details of this, but it appears to replace existing commercial and industrial development and some elements of that scheme are positioned behind dwellings on Shaggy Calf Lane. However, they appear to be accessed from Stoke Road and to face the Canal. As such they would have a different layout and relationship to the surroundings than the appeal proposal and so I can draw little comparison between the two schemes.
17. The appellant has also referred to the development at 188 Stoke Road (No 188). Here, two dwellings have been built behind other dwellings, accessed to the side of No 188. Few details of this proposal or the rationale behind any decision of the Council have been provided to me.
18. However, I saw that the layout and design of dwellings on this part of Stoke Road have less consistency and uniformity than those on Shaggy Calf Lane, and so the effect of that development on the character and appearance of the area is different to the appeal proposal and much less significant. As such, I give these schemes approved by the Council only limited weight and they do not alter my overall conclusions.

² LPA reference P/07584/011

19. The appellant has also expressed concerns regarding a lack of communication with the Council during the application process, and the length of time taken for its decision. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11(d) (ii) of the Framework. For the reasons given above, I have found that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Having regard to the Development Plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

O Marigold

INSPECTOR