



Appeal Decision

Site visit made on 23 February 2023

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

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/J0350/D/22/3306924

63 Wiltshire Avenue, Slough SL2 1BB

- 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 F Hussain against the decision of Slough Borough Council.
 - The application Ref P/13536/006, dated 2 January 2020, was refused by notice dated 13 July 2022.
 - The development is described as a retrospective application for retention of existing rear extension and proposed alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon:
 - The existing building and the character and appearance of the locality; and
 - The living conditions of the neighbouring occupiers at No.61 Wiltshire avenue, with particular regard to outlook and sense of enclosure.

Preliminary Matters

3. I note references within the application form that the proposal is part retrospective, with the submission documents stating that the development having commenced on 1 August 2019, however is yet to be completed. On my site visit I noticed that the side walls and roof had been constructed with the rear wall yet to have been constructed. Comparing the submitted plans with what has been constructed I noted discrepancies between the side elevation plan and the rear elevation plan where the parapet wall that has been constructed along the side boundary with No.61 Wiltshire Road is not shown in the side elevation plan. This matter would have needed resolving had I not found as I have. However, for the avoidance of doubt I confirm I have taken the parapet wall as constructed from my observations on my site visit and the rear elevation plan and have made my decision on this basis.
4. I note discussion in the appeal documents with regards to whether the existing rear extension is lawful or exempt from enforcement action. It is not for me under a Section 78 appeal to determine the current correct and legal development of the existing building. I have therefore made my decision on the basis of what has been applied for in the application form as per the application description, the existing conditions and to the development plan and relevant material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act if they believe the

lawful development is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

Reasons

Character and Appearance

5. The appeal site is located along Wiltshire Avenue, which forms a number of streets in the local area that contain formally laid out speculative housing which appears to date from the mid twentieth century. The local area predominantly contains groups of terraces of four dwellings each which have a regimented placement with a consistent building line and setback with front gardens and low boundary walls and hedging. There are also visual gaps in between the groups of terraces where glimpses to the tops of trees in rear gardens are experienced and is a positive characteristic of the area alongside street trees and front gardens. To the rear each of the dwellings have a long rear garden with there being evidence on my site visit of small rear extensions to many of the dwellings which were subservient to the host dwelling.
6. The appeal site appears to be one of the characteristic terraced dwellings and lies to the end of the terrace. The visual gap between the appeal site and No.65 has been infilled by a two storey rear extension which is present on both No.65 and the appeal site. The appeal site has a further single storey protrusion to the side and rear of the two storey rear extension with a parapet wall along the boundary with No.61, which then changes into a lean-to roof to the opposite boundary with No.65.
7. In undertaking extensions and alterations to existing dwellings, the Slough Core Strategy (CS) Saved Policy 8 and the Slough Local Plan (LP) Saved Policy EN1 seeks high quality design that respects its location and is an appropriate height, scale, massing and architectural style. Additionally, LP saved Policy EN2 and Saved Policy H15 are specific to residential extensions and seek to ensure extensions are proportionate to the existing building and are an appropriate scale, materials, form, design and architectural style, amongst others. These policies are supported by the Slough Residential Extensions Guidelines Supplementary Planning Document (SPD) which provides further guidance and advice with regards to appropriate design principles employed in extensions and alterations.
8. The SPD states that whilst typically maximum depths of rear extensions for terraced dwellings should be 3.65 metres, there is a need to consider the context of the site, including adjoining extensions, ground levels, and existing building lines, amongst others. The Planning Officer Report details a number of smaller extensions with a depth of 4 metres which supports what I saw on my site visit and which reflects the general character of rear extensions in this particular locality. The single storey rear extension on the appeal site does appear unusual in this context having a much larger depth and visual bulk than those surrounding, with the cumulative depth of the single and two storey extension being approximately the same as the main dwelling. Whilst the built form would not be as tall as the main dwelling, the cumulative depth of the extension combined with the additional bulk and height presented from the blank boundary wall along the boundary with No.61 for a depth of approximately 7.6 metres would not be a subservient addition to the host

building, would be unlike anything in the locality and would not embrace the qualities of local character or distinctiveness.

9. In conclusion of this matter, the extension as constructed is clearly disproportionate and the additional visual bulk and massing would be unlike other extensions constructed within the immediate vicinity. Consequently, the proposal would be harmful to the character and appearance of the existing building, and the local distinctiveness of the locality and be contrary to CS Saved Policy 8, and LP Saved Policies EN1, EN2 and H15, which are accompanied by the SPD, as described previously.

Living Conditions

10. The neighbouring dwelling at No.61 is a mid-terraced dwelling which contains a relatively small rear extension. According to the Officer's Report, the extension at the appeal site extends 7.5 metres past the rear façade of the neighbouring dwelling. Whilst I acknowledge the appellant's comments that they feel that the increased height along the boundary has no adverse impact, I do not share the same opinion.
11. The solid brick wall with its increased height of 2.7 metres and depth of 7.5 metres is a significant departure when compared to the Statement of Case which shows an 'infill' along the boundary. Given the relative narrow gardens, the combined length and height of the rear extension which contains a blank wall along the boundary generates an oppressive outlook from the rear garden for the neighbouring resident at No.61. I appreciate that the opposite side of the neighbouring garden does not have a rear extension and would therefore afford some outlook, however this would not alleviate the material detriment caused by the depth and height of the rear extension towards No.61 Wiltshire Avenue.
12. Taking the above into account and in conclusion of this matter, the extension due to the blank wall, height and depth along the property boundary would cause material detriment to the living conditions of occupiers of No.61 Wiltshire Avenue by reason of overbearing appearance and loss of outlook. The development is thereby contrary to CS Saved Policy 8 (which seeks that development respect the amenities of adjoining occupiers); LP Saved Policies H15 and EN1 (which seeks to achieve development that considers visual impact and does not have adverse impact on the amenity of surrounding occupiers). These policies are also supported by the SPD.

Other Matters

13. I acknowledge and appreciate the comments from the appellant in their personal statement which accompanies the Statement of Case regarding their personal needs, their specific situation and justifications for the proposed increase of space to cater for the care needs of a child. I have treated this situation as a material consideration to this appeal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the appellant's needs which may be more compliant with the policies of the development plan. There are therefore consequently no material considerations that warrant a decision other than in accordance with the development plan.

Conclusion

14. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR