
Appeal Decision

Site visit made on 10 May 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2023

Appeal Ref: APP/J0350/D/23/3316430

377 Farnham Road, Slough SL2 3AF

- 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 Mrs Anantpal Bhandal against the decision of Slough Borough Council.
 - The application Ref P/15049/002, dated 11 October 2022, was refused by an undated decision notice.
 - The development proposed is an outbuilding (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in accordance with the terms of the application Ref P/15049/002, dated 11 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location plan (unnamed), Block plan (unnamed) and PD756.
 - 2) The development hereby permitted shall only be used for purposes incidental or ancillary to the residential use of the dwelling known as 377 Farnham Road.
 - 3) No access shall be provided to the roof of the development hereby permitted by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting-out area.
 - 4) Notwithstanding the terms and provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no windows, other than hereby approved, shall be formed in the western flank or rear walls of the development hereby permitted.

Preliminary matters

2. Both the Council and the appellant advise that the decision on the appeal application was issued on 19 December 2022, but there is no date on the copy of the decision notice provided to me. The text of that notice is the same as in

the officer report dated 18 December 2022, so I am content that it does accurately set out the Council's reason for refusal of the application.

3. The proposal has been fully constructed so that I could see it at my site visit. Although the description of the proposed development is given as an 'outbuilding', it is physically connected to the house so could be more accurately described as an extension, albeit one with no internal connection to the house.

Main issues

4. The main issues are:
 - i) The effect on the character and appearance of the local area;
 - ii) The effect on living conditions at the next door property, 375 Farnham Road; and
 - iii) Whether the proposal is tantamount to the provision of a separate new dwelling, and if so whether satisfactory living conditions would be provided for future occupiers of both No 377 and the new dwelling.

Reasons

Character and appearance

5. 377 Farnham Road is an end of terrace 2 storey house, positioned side on to Farnham Road. The proposal is for a (recently constructed) single storey flat roofed rear extension to the building, running along the boundary with the next house in the terrace – No 375. The remainder of the garden and some other gardens in the immediate vicinity are enclosed by high walls. These walls almost completely screen views of the extension from the street, so that it can only really be seen from the back of No 375 and from the upper floors of nearby houses.
6. The extension itself forms a typical rear single storey wing. It is low in height and modest in scale and leaves sufficient outdoor space within the garden area. It is therefore in character with its surroundings and has at most a minimal impact on the local street scene. I note that this extension is much deeper than the 3.65m maximum permitted depth for single storey rear extensions to terraced houses advised by EX20 of the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD). That guidance, however, makes it clear that it must be applied in light of site considerations. In this case the extra depth has no significant visual impact on the local area.
7. I conclude that the proposal does not harm local character and appearance. It accords with the shared aims of Core Strategy (CS) Core Policy 8, Local Plan for Slough (LP) policies EN1, EN2, H14 and H15, the SPD and the National Planning Policy Framework (the Framework), to secure high quality design for extensions, which should be compatible with the original structure and retain sufficient space.

Neighbours' living conditions

8. The appeal structure stretches the full length of the side boundary with No 375, but is not much taller than the existing garden walls. SPD EX20's guidance regarding the depth of rear extensions also states that the impact of the development on the amenity of neighbouring residents must be taken into

account. In this case the Council has not drawn attention to any specific harm to living conditions at No 375 and the occupiers have not objected to the application. I find that the proposal is low enough that it avoids any significant effects on the outlook from No 375 or the light to that property. There is no impact on privacy.

9. I conclude that the proposal does not significantly affect living conditions at No 375. It accords in this respect with the shared aims of CS Core Policy 8, LP policies EN1, EN2 and H15, the SPD and the Framework, to avoid significant adverse impact on the amenity of adjoining occupiers.

Tantamount to a new dwelling?

1. The extension has no internal link to the house. The door and windows face out onto the modestly sized rear garden. Access is through the garden both from the house and from the street, via a pathway alongside the house. The extension has an open interior plan, with kitchen facilities built in at one end. The Council's concern is that due to the separate access and the provision of internal facilities, the extension could be lived in separately, leading to a situation where occupiers of both No 377 and the new dwelling would have inadequate privacy and garden space.
2. The proposal is not for a separate dwelling and the plans clearly state that it is for the incidental enjoyment of the householder at No 377. Despite the presence of a kitchenette, the extension is not provided with full facilities for independent living and there would be little room for such facilities in this small structure. Even if they were to be provided, the extension is closely associated with the house, being physically connected and sharing a garden and garden access. This would make it difficult to use the extension as a separate dwelling and such a use can be restricted by condition. I find no strong reason to support the Council's contention in this case.
3. I conclude that the proposal is not tantamount to the provision of a separate new dwelling. As the extension would be used by occupiers of the house, the Council's issue regarding living conditions does not arise. The proposal accords with the aims of CS Core Policy 8, LP policies H14 and H15, the SPD and the Framework, to ensure that appropriate levels of rear garden space and amenity are provided.

Conditions

4. As the development has already been carried out, the standard condition requiring a start within 3 years is not relevant. I impose a condition specifying the relevant plans to provide certainty. Further conditions restricting the use of the extension, the use of its roof and the normal permitted development rights to install windows and doors, are needed to protect living conditions at Nos 375 and 377 Farnham Road, in terms of privacy and garden space.

Conclusion

5. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR