



Appeal Decision

Site visit made on 18 April 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/J0350/W/22/3310162

7 Autumn Close, Slough SL1 5DH

- 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 Rick Viridi, NRS Developments Ltd against the decision of Slough Borough Council.
 - The application Ref P/02350/004, dated 17 September 2021, was refused by notice dated 4 May 2022.
 - The development proposed is construction of 2no 4 bedroom linked detached dwellings with attached garages to form access drive and associated parking area.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The Council's reasons for refusing planning permission includes provision of electrical charging facilities. This matter is generally governed by regulations separate from the planning system. In any event, the main parties agree this matter can be dealt with by condition.
3. The main issues in this case are therefore:
 - The effect of the proposal on the character and appearance of the area, including trees;
 - The effect of the proposal on flood risk in the area;
 - Whether the proposal would provide satisfactory living conditions for the future occupants of the dwellings, having regard to internal space and private outside space; and
 - The effect of the proposal on highway safety in Berrington Mews and the wider area.

Reasons

Character and Appearance

4. The appeal site is mainly the rear garden of a detached dwelling. It is located in a suburban residential area which has been developed in an incremental manner. This has resulted in groups of dwellings of differing types and density. However, despite this variety and the irregular road layout, properties are unified by a largely consistent layout, with dwellings addressing the street.

5. Although the built form in the area is reasonably closeknit in places, there are ribbons of mature trees and vegetation, and pockets of green spaces which contribute to the pleasant suburban quality of the area. I observed that the rear gardens of dwellings in this area also contribute to this positive local character.
6. The appeal property is in an end of cul-de-sac location. The property has a larger rear garden than is typical in the area, and the garden is bounded, at its rear, by mature vegetation and trees. This verdant feature can be appreciated from neighbouring properties on Berrington Mews, Copse Close and the footpath beyond the stream at the rear of the appeal property.
7. The proposal would result in two linked dwellings, which along with the parking area to the front of the proposed dwellings, would substantially fill the existing rear garden of No 7. The appellant states the development would have a similar relationship to No 7 as the dwellings on Berrington Mews has with 43 Lower Cippenham Lane. However, the new dwellings would be accessed from Berrington Mews. With this new access and set behind the existing dwellings on Autumn Road, the proposed dwellings would relate poorly to existing development on Autumn Road.
8. The design of the dwellings is relatively traditional, and this is reflective of existing dwellings in the area. However, although the proposed dwellings would be alongside existing dwellings on Berrington Mews, the proposed built form would be set back from a new access onto Berrington Mews. As a result, the proposed dwellings would have limited street frontage, and as such, would be visually disconnected from not only Autumn Close but also the existing dwellings on Berrington Mews. This lack of street frontage would be at odds with the prevailing pattern of development in the immediate and wider area. In this regard the proposal would introduce a discordant layout which would fail to respond positively to the existing pattern of development in the area.
9. The larger than common plot that comprises the appeal site provides a pleasant contrast with the relatively dense built form on neighbouring Berrington Mews. The proposed dwellings would substantially fill the relatively undeveloped site. Even with gaps at the side of the dwellings, this would significantly erode the existing sense of space in this area. This erosion of space would be evident from neighbouring properties and the footpath to the rear of the property.
10. The proposed dwellings would be family sized and would have small rear gardens. These rear gardens would be dominated by the existing mature vegetation at the rear boundary, and this includes a large Sycamore tree at the shared boundary with 3 Berrington Mews. The submitted Arboriculture Survey and Impact Assessment shows two moderate value trees including this Sycamore at this side boundary. As outlined above these trees positively contribute to the verdant character of the area.
11. Given the small size of the proposed rear garden, it is likely that overtime occupants of the proposed dwellings would find that the trees in this relatively small space would be a nuisance in terms of shading and foliage litter. Moreover, the trees may be perceived as posing a risk in respect of falling branches such that the gardens would be considered unsafe for children to play in and for occupants of the dwellings to sit and relax. In turn this would create pressure to significantly prune or remove the trees. The substantial reduction

or loss of the trees would result in a material visual change that would harm the verdant character of this area.

12. The appellant contends that there would be space in the site for soft landscaping and that the trees in question are not Category A. This may be so, but additional landscaping would not compensate for the loss or significant reduction of a mature tree, that, for the reason outlined above, adds significant value to the character of this area.
13. The appellant also asserts that the trees would be retained and protected during the construction phase of the development. However, even if this was the case, for the reasons outlined the proposal would increase pressure to reduce or remove the trees during the life of the development, and this would be detrimental to the appearance of the area.
14. I note that the rear garden at No 3, which is also affected by the Sycamore tree, is relatively small. Limited information has been presented regarding the approval of No 3 and therefore I am not able to consider this matter in detail. This aside, the existing circumstances for occupants of No 3 would not justify permitting development which would materially increase pressure to harmfully alter an existing positive feature in this area.
15. For the reasons outlined above I find that the proposal would harm the character and appearance of the area, including trees. The proposal would therefore conflict with Policies H13, EN1 and EN3 of the Local Plan for Slough (Local Plan), Core Policies 1,4 and 8 of the Slough Local Development Framework - Core Strategy Development Plan Document (Core Strategy). These collectively, amongst other matters, require development to be of a high standard of design and in respect to backland development, that the type, design, scale and density of the proposed new dwellings are in keeping with the existing residential area. Also, the policies require where there are existing mature trees, which make a significant contribution to the landscape, that these should be retained and incorporated into the new scheme.
16. The proposal would also be inconsistent with the National Planning Policy Framework (the Framework) which seeks well-designed places.

Flood Risk

17. The Framework at paragraph 159, states development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
18. The Council has submitted maps which show that the appeal site is in Flood Risk Zones 2 and 3. The proposal is not supported by a sequential test. However, the appellant asserts that the site is at a low risk of flooding from rivers and that a sequential test has therefore been passed. Maps in the appellant's Flood Risk Statement indicate that part of the appeal site has a medium risk of surface water flooding, and this appears to overlap with where the proposed dwellings would be sited. National Planning Practice Guidance (PPG) states that sequential tests will not be necessary if the site is at low risk of flooding from all sources of flooding. The lack of a sequential test means the proposal would fail to accord with the Framework.

19. The appellant asserts that the ground condition at the site is favourable for soakaway and that the proposed access to the site would be located on the part of the site that is at a low risk of flooding. However, limited information has been submitted to demonstrate this accounting for the substantial increase in the built form proposed at this site. There is also limited information to establish whether potential mitigation measures, such as attenuation if required, could successfully address flood risk at the appeal site.
20. Also, the proposal would result in a substantial part of the site being covered by hardstanding and sizeable built forms, even if some areas could be made permeable. The appellant fails to provide information in respect of sustainable drainage systems or evidence that this would be inappropriate at the appeal site. There is also no substantive evidence that any residual risk of flooding could be safely managed in the site.
21. I note the Council's guidance on surface water does not require the appellant to complete a Surface Water Drainage pro-forma for minor development, but this is guidance. Furthermore, while drainage can often be addressed by condition, this is largely in respect of sites that are at low risk of flooding or where it has been demonstrated that the risk could be mitigated. With the limited information presented, I am unable to establish whether this would be the case at this site if this development was permitted. In light of this, I am not confident that a pre-commencement condition for drainage would satisfy the tests for a planning condition as it is uncertain that such a condition, on this fundamental matter, could make the development acceptable.
22. Therefore, based on the evidence presented, the effect of the proposal on flood risk in the area, with particular regard to surface water would be uncertain. I cannot conclude therefore that the proposal would accord with Core Policy 8 of the Core Strategy. This policy, amongst other matters, requires that all development in the Borough shall be sustainable, of a high quality design, improve, the quality of the environment and address the impact of climate change.
23. The proposal would also be inconsistent with guidance set out in the Flood Risk and Surface Water Drainage Planning Guidance and the Framework which seek to prevent flood risk.

Living Conditions

24. The rear gardens of the proposed dwellings, although south facing, would be relatively small for the family sized dwellings proposed in this case. The rear gardens would extend the width of the proposed dwellings and garages, and in respect of Plot A there would be an additional space to the side and front of the dwelling on that plot. However, the side strip includes a water course. Moreover, the private space to the front of Plot A would principally accommodate landscaping to protect the respective privacy of the occupants of No 7 and the proposed dwellings. These features in the proposed side and front private areas would limit the useability of these spaces.
25. Despite being reasonably wide, the proposed rear gardens would be shallow in depth and dominated by the trees and vegetation at the rear boundary. Overshadowed by this vegetation, these outdoor spaces would be gloomy, particularly when the vegetation is in full foliage.

26. While future occupants may appreciate some shading and there would be cooling benefits from trees, as indicated previously existing mature trees in a small space could be perceived as a nuisance in respect to leaf litter and a hazard in respect of falling branches. As such, even if the proposed space exceeds the size of gardens advised in the Council's guidance, future occupants will find these rear outdoor spaces unappealing. In this regard the proposal would not provide attractive or useful outdoor spaces that occupants of the new dwellings should reasonably expect in a family sized property.
27. Properties on Berrington Mews and Copse Close also have relatively small gardens, and existing dwellings near the appeal site are also affected by existing trees and vegetation. Be this as it may, limited information about those dwellings has been presented to allow detailed consideration of the matter. Moreover, the Council states that the planning policy has changed since those development were approved, and I find no substantive evidence to dispute this. Even if this was not the case, this should not be an excuse for poor quality gardens in this proposal. This has not altered my findings for this reason.
28. The Council does not have any adopted policies setting out minimal internal floorspace standards. Accordingly, and in accordance with the guidance contained within the PPG, I have not had regard to the Government's nationally described space standards.
29. This aside, the submitted plans show four bedrooms in each of the dwellings. These bedrooms have space for beds and storage as well as reasonable space to move around the rooms. Therefore, with these features, the proposed dwellings would have adequate internal space to provide satisfactory living conditions for future occupants in respect to the bedroom space.
30. Although I have found that the proposal would provide adequate internal space for occupants of the proposed dwellings, this is not the case for outdoor space. I conclude on this matter that the proposal would not provide satisfactory living conditions for the future occupants of the dwellings, having regard to private outside space. The proposal would therefore be contrary to Core Policy 8 of the Core Strategy and Policies H13 and H14 of the Local Plan. Collectively, these policies require, amongst other matters, that amenity space should be provided for each dwelling house and the quality in terms of the area, depth, orientation, privacy, attractiveness, usefulness and accessibility should be in proportion to the size and type of the proposed dwellings and the householder likely to occupy them.
31. The supplementary planning document (SPD)¹ referred to by the Council relates to extensions to existing dwellings. This aside, the proposal would also be inconsistent with the Framework which requires a high standard of amenity.

Highway Safety

32. Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
33. The part of the Berrington Mews carriageway that bounds the appeal site ends abruptly and does not widen to provide additional turning space for vehicles.

¹ Ref: Residential Extensions Guidelines Supplementary Planning Document.

However, despite not having road markings, it is possible for two vehicles to pass safely on this stretch of carriageway. At the time of the site visit there was no access to the appeal site from this road. Also, there is no pavement at the end section of the carriageway.

34. The proposal would result in a new access at this location. The proposed access to the dwellings would lead to a turning area within the appeal site and a shared driveway which would also provide parking spaces for four vehicles.
35. The Council is concerned that the safe movement of vehicles around the proposed dwellings, including service or delivery vehicles, would not be possible if other vehicles were parked in this proposed turning area or on the carriageway near the proposed access. However, the Council accepts that the proposed turning area would be adequate for larger vehicles and that this would allow vehicles to enter and leave the site in a forward gear. The Council also states that the visibility splays at the proposed access would be acceptable, subject to conditions. Furthermore, it refers to agreements that the appellant could enter into so that the Council could implement any necessary parking controls to prevent unauthorised parking. I find nothing before me that would lead me to dispute this.
36. Also, when taking into account the garages, the proposal would provide three off-street parking spaces for each dwelling which would serve the occupants of the dwellings and their visitors. These parking spaces would be in addition to the turning area and the proposed number of spaces would be consistent with the Borough's parking standards. This proposal would be minor in scale such that any increase in vehicles in the area would be limited. In light of the above factors, the proposal would make adequate provision for both parking and safe turning. Moreover, for these reasons, the proposal would not result in a material increase in pressure on the limited on-street parking spaces in Berrington Mews such that this would inconvenience existing residents or create safety issues.
37. The Council refers to service vehicles reversing along the length of Berrington Mews when vehicles are parked at this end of the cul-de-sac. However, I saw nothing to prevent vehicles parking in this area currently. Furthermore, given the resultant small increase in vehicles and the adequate parking and turning provision in the site, the proposal would unlikely lead to a material change in road conditions in this respect.
38. I have had regard for the concerns of residents in Berrington Mews about safety, particularly of children playing at the front of properties. However, the proposal as stated, would only result in a small increase in vehicles using the cul-de-sac. Although there is no footpath fronting the appeal site, there is along the rest of Berrington Mews, albeit narrow. Also, the existing dwellings on this road generally have private gardens where children can play securely. For these reasons, I find that the proposal would not have a detrimental impact on highway safety in this road, such that it would place existing local residents at materially greater risk of road incidents.
39. There are likely to be some heavy goods vehicles during the construction phase of the development, and I note the relative narrowness of Lower Cippenham Lane which would be the access route for this traffic. However, the number of vehicles generated by this development is likely to be relatively low and would only be for a temporary period. In addition to these factors this lane has

reasonable visibility for vehicles and pedestrians. For these reasons this matter has not altered my findings.

40. The proposed drawings do not show a footway either in the driveway or next to the access. However, the proposed access would be spacious with the turning area. Even if a dedicated footpath was not provided either side of this new access, there are existing footpaths close to the proposed location of the access, such that pedestrians would have a short walk to ensure they are safely clear of the carriageway.
41. In light of the above, I find that the proposal would not have a harmful effect on highway safety in Berrington Mews and the wider area. The proposal would therefore not be contrary to Core Policy 7 of the Core Strategy. This policy requires proposals to make appropriate provision, for amongst other matters, improving highway safety.

Other Matters

42. I note the appeal decision submitted by the appellant² and that the Council is unable to demonstrate a five year housing land supply. Therefore, the provisions set out in paragraph 11 of the Framework are relevant in this case.
43. The proposal would result in two family sized dwellings, and this would contribute to the Government's objective to significantly boost the supply of homes. It would provide a type of housing that the evidence suggests is needed in the area, and the site is also well related to the urban area and a range of services. As a small site it could be quickly delivered. There would be a short-term economic benefit through the construction of the dwellings. Future occupants of the dwellings would also likely support the local economy and support local services. These benefits would be small given the minor scale of the development.
44. The proposed landscaping scheme could improve the site, but this benefit would be negated by the risk the development would pose to valued trees in the local area as well as the harm of introducing a discordant pattern of built form. This does not weigh in favour of the proposal for this reason. The appellant asserts that the proposal would result in the efficient use of land. However, the proposal would fail to maintain the area's prevailing character.
45. The Framework states that good design is a key aspect of sustainable development and I have found that this proposal would not result in good design for the reasons outlined above. The Framework also supports development that provide a high standard of amenity and minimises flood risk. For the reasons given, the proposal would fail to accord with these aims. Therefore, the adverse impacts of this proposal would significantly and demonstrably outweigh the small benefits identified, when assessed against the policies of the Framework taken as a whole, even when these benefits are considered collectively.
46. Consent was granted for two dwellings at the appeal site. However, this unimplemented permission was granted in the 1970s and when the policy context was considerably different to the current policy context. This has limited weight for this reason.

² Ref: APP/J0350/W/21/3287265

47. My attention has been drawn to other policies of the development plan which are not in dispute. However, I have found harm in respect of character and appearance, living conditions and flood risk and the proposal would conflict with the development plan when read as a whole. This matter has not altered my findings.

Conclusion

48. For the reasons outlined above and having regard to the development plan and other material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR