
Appeal Decision

Site visit made on 31 May 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/J0350/W/23/3315842

47 The Myrke, Slough SL3 9AB

- 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 Usman Khan against the decision of Slough Borough Council.
 - The application Ref P/17550/003, dated 5 August 2022, was refused by notice dated 20 December 2022.
 - The development proposed is a 2 bed two-storey house, with a small garden to the back and two parking spaces to the front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interest of conciseness and clarity I have made a minor amendment to the description of the development.
3. The appellant has secured an option of purchasing two local garages, which would provide an alternative parking arrangement with a turning and manoeuvring area. However, this would result in a significant and material change to the proposal. Further, although the Council has made a brief comment on this alternative arrangement in their appeal statement and acknowledge that it may address some of the highway concerns, it would appear that this alternative arrangement has not been subject to a full re-consultation. Consequently, I have not had regard to this option in the determination of the appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of existing and future neighbouring residents at The Myrke with particular reference to overlooking and a sense of enclosure; and
 - Highway safety.

Reasons

Character and appearance

5. The appeal site is located in an established residential area comprising a mix of housing types of different periods. The proposal would be sited to the rear of

- an existing detached property with access gained from an existing road to the rear which provides vehicular access to a number of garages and a new development which is currently under construction.
6. Several houses have been built to the rear of properties in the area, including recently approved houses on the adjoining plot. As a result, two storey residential dwellings are not an uncharacteristic feature of this part of The Myrke. However, I observed that the existing houses and those currently being built sit comfortably on their plots. This combined with the fact that the existing garden at the appeal site is undeveloped creates a sense of spaciousness that makes a positive contribution to the character and appearance of the area.
 7. The proposal would result in the introduction of a two-storey detached dwelling which would be located immediately adjacent to the side boundary of No 45 and set in only one metre from its boundary with No 49. The height of the proposed dwelling, the architectural style, included the proposed gable end roof and the proposed materials would be compatible with surrounding properties. Further, the proposed dwelling would meet the definition of family housing.
 8. However, due to its width, limited set in from the common boundaries on both sides and irregular footprint to fit into the wedge like plot created at the end of the garden, the proposal would appear unduly cramped on the site, would not respect the existing pattern of development and would undermine the existing spacious character. As a result, it would appear as a discordant feature that would look harmfully out of place.
 9. In reaching that view I have taken account of the appellant's analysis of site areas and respective footprints of the houses on the adjacent site that have been granted planning permission. However, those other examples are set in further from common boundaries and have more conventional footprints and so have a materially different relationship with their surroundings when compared to the appeal proposal.
 10. I have also taken account of the fact that in a pre-application e mail a planning officer advised that a separation less than recommended within the Residential Extensions Guidelines – Supplementary Planning Document could be justified due to the set back of the new house on the adjoining site. However, for the reasons set out above, I consider the proposal would result in a cramped form of development and any pre-application discussions between the appellant and the Council does not alter my view or justify harmful development at the appeal site.
 11. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and it would not accord with the relevant parts of Core Policies 4 and 8 of the Slough Local Development Framework Core Strategy 2006-2026 adopted in December 2008 (SLDFCS) and the relevant parts of Saved Policies EN1 and H13 of the Local Plan for Slough (LPS) adopted in March 2004, which amongst other things, seek to ensure high standards of design, that proposals should be compatible with and respect their surroundings, should reflect the street scene and local distinctiveness of the area and that backland development should be in keeping with the existing residential area.

12. The proposal would also not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.

Living conditions

13. According to the Council, the rear elevation of the proposal would have a separation distance from the rear elevation of the existing property on the appeal site of 18.5 metres at ground floor level and 22.5 metres at first floor level. Given this distance, the proposal would not result in an unacceptable degree of overlooking between these properties.
14. The front elevation of the proposed dwelling would have two first floor windows serving a bedroom facing towards the garden area of No 85 The Myrke. However, this garden area is already subject to a degree of overlooking from other maisonettes in the same block. Further, the front elevation of the proposed house is set back some distance from this neighbouring dwelling and the two properties are separated by the existing road. As a result, I do not consider that the proposal would result in an unacceptable loss of privacy. Nor would the proposal result in an unacceptable sense of enclosure.
15. I therefore conclude that the proposal would not harm the living conditions of existing or future neighbouring residents at The Myrke. Therefore, the proposal would not conflict with the relevant parts of Core Policy 8 of SLDFCS and the relevant parts of Saved Policy H13 of the LPS which amongst other things seek to ensure that development should respect the amenities of adjoining occupiers and that existing properties do not suffer from overlooking or loss of privacy. In their reasons for refusal the Council cite Core Policy 4 of the SLDFCS and Saved Policy EN1 of the LPS which relates to type of housing and the standard of design respectively and do not deal with living conditions and are therefore not relevant to this main issue.

Highway Safety

16. Having considered the available evidence I am satisfied that the appeal site falls outside the Slough town centre boundary. Consequently, there is a requirement for two parking spaces which would be provided in front of the proposed dwelling. Given that the access road would be very lightly trafficked, and vehicles would be travelling slowly, I do not have any concerns about the loading, unloading, and manoeuvring of service vehicles or access for emergency vehicles. I am also satisfied that although rather tight and may involve some manoeuvring, including reversing from and onto the road, vehicles would be able to park in the spaces provided.
17. Similarly, I am satisfied that the achievable visibility splays for the southern parking space would be adequate as although I accept that cars entering or exiting this spaces would at times reverse into or out of these spaces, due to the nature of this road as explained above, this would not result in an unacceptable impact on highway safety as vehicles travelling along this road would be able to see vehicles entering or leaving the space and vehicles would not be travelling at excessive speeds.
18. However, the same cannot be said for the achievable sightlines for the northern space. The appellant has suggested that reducing the number of parking spaces from two to one would address this issue. However, that would result in

an under provision of parking spaces and given the existing parking pressure in this part of The Myrke, that option would not provide a satisfactory parking arrangement at the appeal site.

19. The appellant has also entered into an agreement in principle for an easement over the adjoining land which I am satisfied would provide satisfactory sight lines for the northern parking space to vehicles to enter and leave the appeal site safely.
20. The Council has queried the enforceability of the easement as it says that it could be terminated in the future. However, there is no evidence before me to suggest that would be likely. In any event, concerns about future enforceability could be addressed by the imposition of an appropriately worded condition. I accept that potentially challenging actions would be required to secure an acceptable arrangement over land not controlled by the appellant. However, there is no reason why these could not be completed within a reasonable timeframe. Consequently, if in all other respects the proposal was acceptable, I consider that a suitably worded condition could have been imposed to satisfactorily address this issue.
21. I therefore conclude that subject to the imposition of an appropriately worded condition the proposal would not have an adverse impact on highway safety. Therefore, it would accord with Core Policies 7 and 8 of the SLDFCS and Saved Policy T2 and H13 of the LPS which seek to ensure that proposals will be accessible and that a level of parking appropriate to its location will be provided which will overcome road safety problems.
22. The proposal would also accord with the Framework which seeks to ensure that safe and suitable access to a site can be achieved for all users and that development should only be refused if there would be an unacceptable impact on highway safety.

Other Matters

23. I accept that there are no flooding or drainage constraints. Nor are there any ecological or pollution issues. The proposal would exceed internal space standards, there would be adequate garden space to serve both the retained and proposed dwelling, the proposed house would meet appropriate design and construction principles and the proposal would not result in the sterilisation of future residential land. However, these factors do not justify the proposal which I have found would unacceptably harm the character and appearance of the area.

Planning Balance

24. The Council confirm that they are unable to demonstrate a 5 year supply of deliverable housing sites. The appellant sets out that the Council can only demonstrate a 2.1 year supply. The agreed existence of an undersupply triggers paragraph 11d) of the Framework.
25. The provision of an additional dwelling would have social and economic benefits stimulating work and trade during construction and future occupants would moderately support local services and the vitality of the community. Future residents would also pay Council tax. I also accept that the dwelling would result in the provision of a residential unit constructed of durable materials which would contribute to the range of homes to meet present and future

needs in an urban location and that housing development in the area is limited by the existence of the Green Belt. However, the contribution from one extra household would be extremely modest and consequently the benefit would carry limited weight in favour of the development. As a result, the adverse impact of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

26. I am satisfied that the proposal would not harm the living conditions of existing or future neighbouring residents at The Myrke or have an adverse impact on highway safety. However, for the reasons I have set out, the proposal would unacceptably harm the character and appearance of the area. Overall, I conclude that the proposal would conflict with the development plan and the Framework taken as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR