



Appeal Decision

Site visit made on 1 August 2023

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2023

Appeal Ref: APP/J0350/D/23/3321494
100 Haymill Road, Slough SL2 2NR

- 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 Tayyab Riaz against the decision of Slough Borough Council.
 - The application Ref P/19753/002, dated 13 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed was originally described as a two-part double-storey rear/side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council, to "*construction of a front porch, single storey wrap around extension and a part first floor side and rear extension following demolition of a garage.*". This describes the works more fully than the original description. I have therefore used this amended description as the basis for my decision.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - the living conditions of the occupiers of 102 Haymill Road and 70 Lower Britwell Road, with particular regard to whether the development would be unacceptably overbearing, or result in an unacceptable sense of enclosure; and
 - the character and appearance of the area.

Reasons

Living conditions

4. No 100 Haymill Road is a two storey semi-detached house. It is the last such property on the eastern side of Haymill Road, and its side elevation faces north towards the side elevation of 102 Haymill Road and the rear elevation of 70 Lower Britwell Road. Both of these properties have windows to habitable rooms facing towards the appeal site.

5. The proposal would involve erecting an extension at first floor level that would extend over 9 metres above the boundary with the two properties to the north. It would be set back by one metre from that boundary, but would still appear as a substantial amount of built form when seen from the rear windows and rear gardens of No 102 Haymill Road and No 70 Lower Britwell Road.
6. The Council has calculated that the distance from the side elevation of No 102 and the ground floor element of the proposed side extension would be just over 10.5 metres, whilst the distance from the rear elevation of No 70 would be just under 12.5 metres. The distances to the two storey element of the proposal would be one metre more in each case, so a little over 11.5 to No 102 and a little under 13.5 to No 70.
7. The Council has adopted a Residential Extensions Guidelines Supplementary Document (SPD), to which I attach substantial weight. This states in Policy EX18 that "*a minimum distance of 15 metres shall be maintained between a primary elevation of an existing house and the flank wall of a proposed two storey side extension.*" Paragraph 5.30 of the SPD explains that this is "*to ensure that the proposed two storey side extension is not overbearing in its impact on the amenities of neighbouring residential occupiers.*"
8. The SPD does not explain what is meant by a "*primary elevation*". However, the example illustrated in the SPD suggests that the rear elevation of No 70 Lower Britwell Road would fall into this category. The combination of the depth of the extension and its proximity to No 70 (at less than 15 metres away) means that the proposed extension would appear unacceptably overbearing when seen from the rear windows and rear garden of that dwelling. Whilst it is unclear whether the side elevation of No 102 Haymill Road is a "*primary elevation*" as referred to in the SPD, the proposed extension would also appear as unacceptably overbearing when seen from the window in that elevation, and the garden between that house and the appeal site.
9. The fact that the proposed extension would be to the south of the gardens to No 102 and No 70 would also result in an overshadowing impact on those gardens. This impact was not cited in the reasons for refusal, although it was referred to in the Council's planning application report. This adds weight to my conclusion regarding the impact of the proposal on the living conditions of adjoining occupiers.
10. I conclude that the proposal would have an unacceptably adverse effect on the living conditions of the occupiers of 102 Haymill Road and 70 Lower Britwell Road, contrary to Core Policy 8 of the Core Strategy 2006-2026, and saved Policies H15, EN1 and EN2 of the Local Plan for Slough (2004). These policies seek, amongst other things, development that does not result in a significant adverse impact on the amenity of adjoining occupiers, and that does not result in significant overshadowing.

Character and appearance

11. The appeal property is located in a residential area comprising two storey dwellings of varied appearance. The appeal property is not on a corner plot, although the gap between it and No 102 makes the north-facing side elevation prominent within the street scene when seen from the road outside No 102.

12. The proposal would introduce a built form that would extend the side elevation of No 100 deeper into the site. This would be visible when moving south down Haymill Road. However, the proposed set back of the first floor behind the front, side and rear elevations at ground floor level, and the set down from the roof, would ensure that the proposed extension would appear subservient to the existing property, despite its size. In terms of its impact on the character and appearance of the area, the proposed extension would not appear as unduly dominating or overbearing and would not appear as out of keeping with the rest of the development in the estate.
13. I conclude that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, and would comply with Core Policy 8 of the Core Strategy 2006-2026, and saved Policies H15, EN1 and EN2 of the Local Plan for Slough (2004) in this respect. These policies seek, amongst other things, development that respects its surroundings, that does not result in a significant adverse impact on the street scene, and that is compatible with the existing structure.

Other Matters

14. The Council has also raised what it describes as a holding objection, relating to the possibility that, if the recently completed second floor conversion includes an additional bedroom, then, insufficient car parking may be provided. However, from my site visit, it appears that it may be possible to provide a third parking space on site if necessary, and that unrestricted parking is possible on Haymill Road outside the appeal site. I do not consider that the proposal could be resisted on these grounds.

Conclusions

15. I have concluded that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, nor result in an unacceptable shortfall of car parking. However, I have also concluded that it would have an unacceptably adverse effect on the living conditions of the occupiers of 102 Haymill Road and 70 Lower Britwell Road. This outweighs the lack of other harm. For the reasons set out above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR