



Appeal Decision

Site visit made on 22 August 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/J0350/W/23/3317416

7 Beresford Avenue, Slough SL2 5LF

- 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 and Mrs Chada against the decision of Slough Borough Council.
 - The application Ref P/20056/000, dated 15 September 2022, was refused by notice dated 13 December 2022.
 - The development proposed is described as "Full application for the erection of 1 no. dwellinghouse following the demolition of garage and the erection of associated parking and vehicle crossover for new dwelling and 7 Beresford Avenue".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - i. Whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision.
 - ii. The effect of the proposal on the character and appearance of the surrounding area.
 - iii. The effect of the proposal on the living conditions of the occupiers of No 7 Beresford Avenue, with particular regard to amenity space, privacy and outlook.
 - iv. The effect of the proposed crossovers on highway safety.

Reasons

Living conditions of future occupiers

4. The proposed house would have two bedrooms so could potentially accommodate a small family, even if it were initially occupied by young professionals. The space at the front of the house would be taken up by

parking spaces and refuse storage, so would not be suitable for activities like children's play, hanging washing or sitting out. The spaces to the sides of the house would be too narrow for purposes other than providing access. The rear garden area would be very small and would receive little sunlight given its orientation. There would be little scope for children to run around, especially in combination with other uses of the space. This rear garden would be much smaller than comparable gardens along Elmwood Road.

5. Landscaping could be secured by condition were the appeal to be allowed, but this would not mitigate the small size of the proposed space. I acknowledge there are public open spaces in the area. However, there is little evidence these could easily be accessed on foot from the appeal site. I accept the size of the proposed rear garden would be a known quantity for any prospective purchaser of the premises. Nevertheless, a high standard of external amenity is necessary for future occupiers irrespective of who owns the premises. Consequently, these considerations do not outweigh the harm I find to living conditions.
6. The Residential Extensions Guidelines Supplementary Planning Document (RESPD) is not directly relevant given the proposal is not an extension.
7. For the above reasons, I conclude future occupiers would not be likely to experience acceptable living conditions in terms of amenity space provision. This is contrary to saved Policy H14 of the Local Plan for Slough (LPS), which requires an appropriate level of amenity space, considering among other things the type of household likely to occupy the dwelling. It is also contrary to the National Planning Policy Framework (the Framework) where it seeks a high standard of amenity for future users.

Character and appearance

8. The area surrounding the appeal site is suburban and residential. Houses are mostly of consistent appearance, grouped in short terraces within a broadly rectilinear street layout. At the ends of each street block there are usually three semi-detached pairs, two of which are orientated at an angle to face the corner. Houses facing the street generally have a short front garden, many of which are used for parking, and a larger rear garden. The angled corner plots mostly have a larger front and side garden and a smaller rear garden. No 7 Beresford Avenue is one such corner property.
9. The proposed house would reduce the size of the host dwelling's side garden, thereby filling a gap in the street scene along Elmwood Road. However, No 7's side garden is more generous than its counterparts on most other corners because Beresford Avenue runs at an oblique angle to the side streets in this location. Consequently, the gap at the appeal site is larger than others in the area, so big enough to accommodate the proposed house without appearing cramped. It is not in a significantly more prominent location than other gaps of this type nearby. In addition, some former side gardens of corner dwellings in surrounding streets have already been developed, so gaps at corners do not contribute greatly to local character. Overall, I find the proposed infilling of the gap at the appeal site would not look out of place.
10. For the above reasons, I conclude the proposed development would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find no conflict with saved Policies H13 and EN1 of the LPS or Core Policy 8 of the Slough Local Development Framework Core Strategy.

Together, these policies require, among other things, a high standard of design and infill housing that is in keeping with the existing residential area. I also find no conflict with the Framework where it seeks development that is sympathetic to local character.

Living conditions of occupiers of No 7 Beresford Avenue

11. The total area of external amenity space available to the occupiers of No 7 Beresford Avenue would be significantly reduced by the proposal. However, as noted above, the existing provision is generous compared to other similar houses in the area. Whilst the existing rear garden area is relatively small, this would be unchanged by the proposal and would be like that of other corner dwellings nearby. The triangular front garden would also be unaffected and is well-orientated for light, with scope for more perimeter planting to increase privacy. Together these spaces would provide suitable space for the usual activities of a household, such as hanging washing, sitting out, children's play and growing plants. I therefore find the amenity space for occupiers of No 7 Beresford Avenue would be acceptable.
12. The proposed house would be positioned at an oblique angle to No 7 Beresford Avenue. This means the rear windows of the new dwelling would face away from No 7. Consequently, there would be little overlooking of the rear of that house, so little harm to the privacy of its occupiers.
13. At its shortest, the separation distance between the two houses would be relatively small. However, the nearest part of the new house to the host dwelling would be a corner rather than a façade. In addition, the angle of sight from the first floor of No 7 would principally be towards the gardens of neighbouring houses rather than towards the new building. Thus, little of the new house would be seen in the outlook from No 7's first floor rooms, so the effect would not be oppressive or overbearing. I therefore find the change in outlook for the occupiers of No 7 Beresford Avenue would not be harmful.
14. As above, the RESPD is not directly relevant because the proposed development is not an extension.
15. For the above reasons, I conclude the proposed development would not have a harmful effect on the living conditions of the occupiers of No 7 Beresford Avenue, with particular regard to amenity space, privacy and outlook. Accordingly, I find no conflict with saved Policies H14 and EN1 of the LPS. These policies seek, among other provisions, an appropriate level and quality of amenity space and a high standard of design in terms of visual impact. I also find no conflict with the Framework where it seeks a high standard of amenity for existing and future users.

Highway safety

16. Elmwood Road is a quiet residential street, with some traffic calming measures but few parking controls. Cars park on the footway outside the appeal site on Elmwood Road. There is no current off-street parking for No 7 Beresford Road, which means some of these parked cars belong to the occupiers of that house. This informal parking arrangement in this location is inconvenient for pedestrians and dangerous for all road users given cars must manoeuvre between the footway and carriageway, close to a junction.

17. The proposed crossovers would deter cars from parking on the footway outside the appeal site. For the above reasons, this would improve highway safety in this part of Elmwood Road. In addition, one of the crossovers would enable the provision of dedicated off-street parking spaces for the occupiers of No 7 Beresford Road, which would reduce demand for on-street parking from that source. The other crossover would allow the new dwelling to have its own, separate off-street parking, meaning the occupiers of that house would also not need to park on the street.
18. I acknowledge that some parked cars might be displaced to other parts of the street or neighbourhood. However, the number of such cars would be small given the modest amount of footway affected by the proposal and reduced demand from the host dwelling. There is little to substantiate levels of on-street parking demand in the area, or the concern that displaced cars would block accesses, turning heads or visibility splays.
19. For the above reasons, I conclude the proposed crossovers would not have a harmful effect on highway safety. Accordingly, I find no conflict with saved Policy T2 of the LPS, which requires residential development to provide a level of parking appropriate to its location and which will overcome road safety problems. I also find no conflict with the Framework, which states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

20. The proposal would make a modest contribution to housing supply and the range of dwelling sizes in the area. It would contribute to local economic growth through construction and future occupiers' use of local services and facilities. It would also reuse some construction materials and include provision for recycling. This accords with the Framework where it seeks to increase the supply of housing, making effective use of land, including on small sites; support economic growth; and minimise waste. However, given the proposal is only for one dwelling, these benefits are of limited weight.
21. The Council is satisfied with the appearance of the proposed house, the size of the internal accommodation, the level of parking provision, the design of the proposed access and the proposed mitigation of flood risk. I see no reason to disagree with these conclusions. However, compliance with the development plan in these regards is a neutral factor. Energy and water efficiency are required by other regulatory regimes so would not be a benefit of the proposal.
22. I note that pre-application advice was sought from the Council. Nevertheless, I have considered this appeal on its merits based on the evidence before me. Concerns about alleged unlawful activity in the vicinity of the appeal site are outside my remit in considering this appeal.

Planning Balance

23. For the reasons set out above, the proposal conflicts with Policy H14 of the LPS. The proposal may comply with other policies of the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
24. The appellant points out the Council cannot demonstrate a five-year supply of deliverable housing sites and the Council has not disagreed. This means,

according to the Framework, the policies most important for determining the appeal are out of date. In these circumstances, paragraph 11 d) (ii) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

25. The harm resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. In this case, this harm would affect the living conditions of future occupiers, to which I attribute significant weight. I have given limited weight to each of the social, economic and environmental benefits of the proposal identified in other matters. However, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

26. While I have found the proposal would not harm the character and appearance of the surrounding area, the living conditions of the occupiers of No 7 Beresford Avenue or highway safety, the harm to the living conditions of future occupiers is determinative. Therefore, having had regard to the development plan, the Framework and all other matters raised, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR