



Appeal Decision

Site visit made on 14 May 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/J0350/W/23/3330004

89 Park Street, Slough SL1 1PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Dev against the decision of Slough Borough Council.
 - The application Ref is P/01081/014.
 - The development proposed is the conversion of existing E(c)(iii) office building to 2 x 1 bed and 5 x 2 bed C3 dwellinghouse, including alterations and infill extensions to front and rear, associated car and cycle parking, waste storage facilities and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for its future occupants, with particular regard to outlook, daylight, and sunlight.

Reasons

3. Flat 1, a lower ground flat facing Park Street, would be below street level. The proposal comprises excavating a lightwell to the front of the building, which would create a private courtyard strip to serve this flat. The courtyard would be modest in size and of limited depth.
4. The windows of Flat 1 serving the bedroom and open plan kitchen / dining and living area would face onto the courtyard. The courtyard would have a limited depth, so all the windows within Flat 1 would face onto a blank wall at a short distance. Therefore, regardless of where future residents would likely spend more time, these windows would offer inadequate views to the external environment.
5. A Daylight and Sunlight Report (DSR) has been submitted to inform my consideration of this appeal. The report has been carried out in accordance with the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a good practice guide, 3rd Edition' and it assesses the proposal's level of compliance with the BRE's recommendations in terms of daylight and sunlight.
6. Regarding Flat 1, the DSR advises that the BRE's minimum recommended target illuminance levels would not be achieved within the kitchen/dining/living area. Although the bedroom would meet the daylight target, I find that overall,

the future occupants of this flat would not be provided with suitable levels of daylight, as they would likely spend more time in the main living area.

7. In terms of sunlight exposure, as set out in the DSR, neither the kitchen/dining/living area nor the bedroom would achieve the recommended target sunlight exposure. Indeed, the main living area would receive 1 hour of direct sunlight, whereas the bedroom would receive 0 hours. As such, these rooms would receive limited levels of sunlight.
8. The appellant draws my attention to Flats 2, 3 and 4, where some habitable rooms would also fail to achieve the recommended levels of daylight provision. However, the DSR concludes that these other flats would have at least one room that would meet the sunlight exposure target, which is not the case of Flat 1. As such, I do not find that these other residential units would justify the poor levels of daylight and sunlight within Flat 1.
9. The DSR advises that the proposal's design maximises sunlight availability across the various units, as far as practically possible given the constraints of the site. While this may be the case, it is clear from the DSR that the habitable rooms within Flat 1 would have reduced light levels, which would be noticeable to future occupants. As such, even though the guidance should be applied with some flexibility, I find that the proposal would not provide adequate light levels for its future occupants.
10. Because of the harm in terms of living conditions that I have identified I do not find that the proposal would be an effective use of land, nor would it optimise the use of the site. In terms of overall floorspace, Flat 1 would exceed the requirements of the Nationally Described Space Standard and, as such, there would be sufficient living space for the future occupants. This, however, is a neutral consideration and does not overcome the harm I have identified above.
11. I understand that this proposal follows a previously application approved by the Council which also contained lower ground floor accommodation facing Park Street. However, this accommodation was part of a maisonette spread between the lower ground floor and ground floor, which overall ensured appropriate outlook and light levels across the unit. As such, this previous application would not justify the proposal before me, where the habitable rooms of Flat 1 would have poor levels of outlook, as well as unsuitable light levels.
12. In conclusion, the proposal would fail to provide adequate living conditions for its future occupants, with particular regard to outlook, daylight, and sunlight. As such, there would be conflict Policy EN1 of the Local Plan for Slough 2004 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 (2008), insofar as these policies require a high standard of layout of new development.

Other Matters

13. The appeal site backs onto Upton Park Hospital, which includes the grade II listed former Union Workhouse labelled as Beech House, Oak House and Linden House. The Council considers that St Andrew's Chapel and brick boundary wall common with the site are curtilage listed. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset.

14. The special interest and significance of this heritage asset derives, in part, from its cruciform plan and materials. Some of the properties that surround the heritage asset are period properties. However, the appeal property is a modern office block and therefore its contribution to the setting of the listed building is limited. The proposed alterations to the building would not project significantly beyond the existing built form. As such, notwithstanding the intervisibility between the two, I find that the proposal would preserve the setting of this nearby listed building.

Planning Balance and Conclusion

15. The Council cannot demonstrate a 5 year housing land supply of deliverable housing sites. Consequently, due to the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied.
16. The appeal proposal would deliver 7 new apartments of an appropriate mix in an accessible location well related to public transport, shops, employment opportunities, services and facilities. It would promote the use of a brownfield site and support the Government's objective of significantly boosting the supply of homes. The proposal would contribute to the local economy and there would be some economic benefits accrued from the construction process.
17. Taken together, these benefits attract moderate weight in favour of the appeal proposal. Nevertheless, the adverse impact on the living conditions of future residents attracts substantial weight and would therefore significantly and demonstrably outweigh the benefits associated with the proposal. As a result, the presumption in favour of sustainable development does not apply.
18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR