



Appeal Decision

Site visit made on 22 May 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/J0350/W/23/3334919

141 High Street, Slough SL1 1DN

- 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 Santokh Chhokar against the decision of Slough Borough Council.
 - The application Ref is P/00662/024.
 - The development proposed is new additional floors comprising of three self-contained units with refuse and cycle storage at ground floor level and amended access stairs to basement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook and privacy; and
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties with particular reference to whether it would appear overbearing and would overshadow their properties.

Reasons

Living conditions – future occupants

3. There has been a previous appeal decision at the appeal site¹. The previous Inspector noted that the appeal property (which is a single storey retail unit), is adjoined to the right by a unit of similar scale and to the left is a 4-storey brick-built building with commercial at ground floor and a mix of uses above. They observed that to the rear of the site is an elevated parking and storage area for a large shopping centre and from what he saw on site this parking and storage area adjoins at around first floor level but is not a publicly accessible car park for the shopping centre. From my own observations at the site visit, I agree with that description of the appeal property and its surroundings.
4. Like the previous appeal proposal, the proposed development would extend the appeal property upwards to form a 3-storey extension. However, the number of flats accommodated has been reduced from six to three. This reduction in the

¹ APP/J0350/W/21/3288411

number of flats has satisfactorily addressed the previous Inspector's concerns about the internal size of the units. Moreover, the reduction in flats has also allowed a reconfiguration and the introduction of balconies and full height windows to serve the living, dining and kitchen areas of each flat. This has allowed more light into each flat and has addressed the previous Inspector's concerns about poor levels of light served by windows and door openings facing the internal courtyard. Overall, having taken account of the appellant's daylight and sunlight assessment, I am also satisfied that adequate daylight and sunlight would reach the habitable rooms at the proposed development.

5. Each flat would benefit from outside space in the form of balconies. However, the outlook from these rear balconies would be over the elevated parking and storage area for the large shopping centre. This would provide a harmfully poor outlook for future occupants and would mean that these outdoor spaces would not provide appropriate amenity space as they would not be an attractive space to sit out and enjoy the outlook. That is particularly the case for the first floor flat where the outlook would be towards the wall of the car park and the service/storage area. Notwithstanding that the car park wall would be painted white, the outlook from this flat would be particularly poor.
6. Moreover, given the proximity of the car park and storage area to the rear elevations of the proposed flats there would also be an unacceptable level of overlooking towards the balconies and the living rooms of the proposed flats.
7. As a result, the proposal would unacceptably harm the living conditions of future occupants of the proposed development, and I afford that harm significant weight in the determination of the appeal.
8. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupants, with regard to their outlook and privacy. As a result, the proposal would conflict with Core Policy 8 of the Slough Borough Council Local Development Framework Core Strategy 2008 (CS) and Policies H14 and EN1 of the adopted Slough Local Plan 2004 (LP), which among other things seek to ensure that development is of a high-quality design that is practical and provides appropriate amenity space taking account of privacy and usefulness.
9. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Living conditions – neighbouring residents

10. As outlined above, to the left of the appeal property is a 4-storey brick-built building with commercial at ground floor and a mix of uses above. This includes residential use and there are windows serving these dwellings located adjacent to the appeal site. The introduction of the proposed development with such a mass of development in proximity to these windows would appear overbearing. Further taking account of the position of these neighbouring dwellings relative to the proposed development and the trajectory of the sun, the proposal would also block daylight and sunlight from these properties which would result in the proposal unacceptably overshadowing these neighbouring dwellings. As a result, the proposal would unacceptably harm the living conditions of the occupants of neighbouring residents, and I afford that harm significant weight in the determination of the appeal.

11. I therefore conclude that the proposed development would have an unacceptable impact on the living conditions of the occupants of neighbouring residents as the proposal would appear overbearing and would overshadow neighbouring residential properties. Consequently, the proposal would conflict with Core Policy 8 of the CS and Policy EN1 of the LP, which among other things seek to ensure that development is of a high-quality design that is practical and is compatible with nearby properties. The proposal would also be at odds with Policy H15 of the LP which among other things seeks to ensure proposals do not have a significant adverse impact on the amenity of adjoining occupiers. Although this policy deals extensions to existing dwelling houses I nevertheless consider that the principles are relevant to this proposal, and I have taken it into account in the determination of the appeal.
12. The proposal would also be at odds with the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

13. I note that the proposal would not have an adverse impact on the character and appearance of the area. Further, in accordance with the thrust of relevant Framework objectives the proposed development would make effective use of the appeal site which is located in a sustainable location and would use airspace above existing commercial premises for new homes. However, these matters do not justify harmful development at the appeal site and as already highlighted, the Framework also seeks to ensure that development create places with a high standard of amenity for existing and future users which this proposal fails to do.

Planning Balance

14. I turn now to consider housing supply. The Council accept that they cannot demonstrate a five-year supply of housing. The appellant highlights that the shortfall is equivalent to two years of supply. This is well below Government expectations. Although the proposal would undoubtedly be valuable in boosting housing stock in circumstances where there is an existing shortfall, given that it would only result in the addition of three dwellings that tempers its weight.
15. Nevertheless, the proposal would make a valuable contribution to the overall supply of housing and would have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support services and local facilities.
16. However, given the small scale of the proposed development when combined these factors and the fact that the proposal would make effective use of the appeal site which is in a sustainable location and would use airspace above existing commercial premises for new homes are only afforded modest weight in the determination of the appeal.
17. On the other hand, I have found that contrary to the relevant policies of the development plan, the appeal site would unacceptably harm the living conditions of both future residents and the occupants of neighbouring properties, and I have afforded both these harms significant weight.

18. As a result, the proposal would conflict with the development plan and the Framework as a whole. As set out above, based on the available evidence the Council cannot demonstrate a 5-year supply of housing. As a result, Paragraph 11(d) of the Framework is engaged. However, for the reasons set out above, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
19. Consequently, the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the scheme.

Conclusion

20. The proposal conflicts with the development plan and the Framework and material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR