



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: 18 June 2024

Appeal Ref: APP/J0350/W/23/3334720

36 Blenheim Road, Slough SL3 7NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Prakash Kumar against Slough Borough Council.
 - The application Ref is P/16003/003.
 - The development proposed is described as dormers, detached garage and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for dormers, detached garage and single storey rear extension at 36 Blenheim Road, Slough SL3 7NJ in accordance with the terms of the application, Ref P/16003/003, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 1185-B, 1185-C, 1185-D, 1185-E, 1185-F and 1185-G.
 - 2) Notwithstanding the terms and provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the garage shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellinghouse and their visitors and for no other purpose.

Procedural Matters, Background and Reasons

2. The above description of development is taken from the application form, albeit I have removed any words which are not acts of development. The dormers and detached garage were in situ at the time of my site visit. I have dealt with the appeal on the basis that permission is being sought retrospectively for these structures. The single storey rear extension is yet to be constructed and I have considered this accordingly.
3. The Council failed to determine the planning application within the prescribed period. As such, there is no decision notice. However, the Council's appeal statement sets out that the officer recommendation would have been to grant permission, subject to conditions, had the Council determined the planning application.
4. Assessing various matters relevant to the appeal proposal, the Council's appeal statement also indicates that the proposed development accords with the saved policies of the Local Plan for Slough 2004, the Slough Local Development Framework Core Strategy 2006-2026 Development Plan Document 2008 and

with the Residential Extension Guidelines Supplementary Planning Document 2010. My assessment of the submitted evidence and site visit observations do not lead me to a different conclusion.

Conditions

5. I have considered the Council's suggested planning conditions in light of the Framework and Planning Practice Guidance and amended these where necessary for clarity.
6. As part of the development has already taken place, the standard time limit condition is not necessary. In the interests of certainty, and because the single storey extension has not yet been delivered, a condition specifying the approved plans is necessary. To ensure that adequate parking provision is available on site, a condition securing the garage to be available for off street parking at all times is necessary.
7. The Council suggests a condition removing permitted development rights for the insertion of side facing windows. Bearing in mind the limitations of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in terms of any upper-floor window located in a wall or roof slope forming a side elevation, I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights to safeguard the living conditions of the occupiers of the adjoining properties. Further, even if windows were to be inserted within the flank elevations of the rear extension, I find it unlikely that they would result in loss of privacy. As such, in this instance, I am not persuaded that such a condition would be necessary.

Conclusion

8. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development accords with the development plan. With no material considerations indicating that the proposed development should be determined otherwise than in accordance with it, the appeal should be allowed.

P Terceiro

INSPECTOR