



Appeal Decision

Site visit made on 17 October 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/J0350/W/24/3341581

33 Bower Way, Slough SL1 5HW

- 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 Manvinder Purewall (Mapgro Developments Limited) against the decision of Slough Borough Council.
 - The application Ref is P/02093/005.
 - The development proposed is *"amendments to existing warehouse elevations, including fenestration changes and external wall cladding. Erection of timber pergola following demolition of existing structure"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council issued two decision notices, the second of which sought to correct errors on the first and included the reasons for refusal. It is not clear from the evidence if the first decision notice was formally revoked. However, both decision notices include an informative that refers to the development being refused permission, and I am therefore satisfied that planning permission was refused. I have determined the appeal on the basis upon which it was submitted, which is against the refusal to grant planning permission for the development. The main issues I have identified have been derived from the totality of the evidence before me.
3. On my site visit, I observed that the external appearance of the building did not correspond with the existing plans provided in the Planning Statement. The site has a complex planning history, and I note that the Council has granted planning permission for external alterations to the building since the appeal scheme application was determined. Given these circumstances, I have considered the appeal based on the proposed plans and evidence, and my observations of the site and surroundings.
4. The proposed plans were amended during the lifetime of the planning application, and the Planning Statement was updated to reflect the changes made. The Council determined the application based on the revised plans and I have taken the same approach with the appeal.
5. In its evidence, the Council states that it now considers that no additional car parking would be required. Given this change of position, I have proceeded to determine the appeal on the basis that the third reason for refusal, and any conflict with Saved Policy T2 of The Local Plan for Slough (Adopted 22 March 2004) (LP) and Core Policy 7 of the Slough Local Development

Framework Core Strategy 2006-2026 Development Plan Document (CS) no longer applies.

Main Issues

6. The main issues are:

- the effect of the proposal on the living conditions of the occupants of 33 Bower Way, Browns Court, and Oliver Court, with particular regard to outlook and privacy; and
- the effect of the development on the character and appearance of the area.

Reasons

Living conditions

7. The host building is a double height structure sited within a predominantly residential area. It is set back from the Bower Way frontage behind 33 Bower Way which is a 2-storey building containing apartments. No 33 has rear windows facing the appeal building at both ground and first floor levels. Browns Court and Oliver Court, both 3-storey apartment blocks, front Bower Way either side of the appeal site, with rear windows overlooking car parking and amenity areas that lie adjacent to the appeal building.
8. The proposed roof extension would increase the height of the appeal building's front elevation in close proximity to the nearby residential properties on the Bower Way frontage. There would be sufficient separation distance between the appeal building and the nearest windows in Oliver Court, so as to prevent any undue loss of outlook. However, due to its height and proximity, the proposed development would diminish views upward towards the sky that can currently be gained from the rear windows in No 33 and the nearest windows in Browns Court.
9. I cannot be certain from the evidence before me whether the affected windows serve habitable rooms. However, from my observations, and other than a ground floor rear window in No 33, most of the affected windows are large openings and are not obscure glazed. It is therefore reasonably likely that they provide principal windows to habitable rooms. The proposal would therefore be unduly dominant in views from the nearest rear windows in Browns Court and the first-floor rear room in No 33, leading to a deterioration in outlook.
10. Views from the proposed first floor windows in the front elevation of the appeal building towards Browns Court and Oliver Court would be at an oblique angle and, therefore, would safeguard the privacy of the occupants of these properties. Whilst there would be some overlooking of carparking and shared external amenity space, this would be reflective of the locality where some mutual overlooking of external space is a common feature.
11. However, the proposed upper rear windows would be orientated towards No 33. Consequently, there would be direct window to window views between the proposed development and the first-floor accommodation in No 33. This would undoubtedly lead to a harmful loss of privacy for its occupants.
12. Overall, whilst I do not find there would be harm caused to the living conditions of the occupants of Oliver Court, there would be harm caused

through loss of privacy and outlook to the occupants of 33 Bower Way, and loss of outlook from Browns Court. I therefore conclude that, in respect of this main issue, the proposal would conflict with Saved Policy EN1 of the LP, Core Policy 8 of the CS, and the Framework which, taken together, expect developments to provide a high standard of design and amenity for existing users.

13. The Council has referenced Policy EN2 of the LP in its second reason for refusal. However, whilst Policy EN2 refers to the design and impacts of extensions to buildings, it does not refer to outlook or privacy. Therefore, I have not found Policy EN2 of the LP to be determinative to my consideration of this main issue.

Character and appearance

14. The building is a large structure, with a utilitarian appearance that is reflective of its former use. There are few windows and doors on the side facing elevations, and the ground floor windows facing west are well-screened behind intervening garages and fencing. Therefore, the building presents to the public realm on Patricia Close and Lundy Court with largely blank facades. On my site visit, I observed that the exterior of the building has a mix of white render and red brick materials, which reflects those used in many nearby dwellings and apartment blocks, including on Bower Way and Stowe Road. The building has a sawtooth roof form, which forms part of the varied roofscape in the local area.
15. The proposed development would enlarge the building and would remove its sawtooth roof. However, it would not extend beyond the existing ridge height. Moreover, the boxy form of the proposed structure would be sympathetic to the industrial and utilitarian character of the existing building. Consequently, given there would be no increase to the footprint, width, or depth of the building, the development would not have a deleterious effect on views from public vantage points, including adjacent car parking and amenity areas.
16. Given the mix of external materials in the locality, and the prevalence of white and cream render, the proposed materials would not be discordant when viewed in context with neighbouring buildings. Furthermore, whilst I recognise the Council's concerns about the lack of architectural features on the east-facing elevation, this would be reflective of the existing scenario which offers limited architectural variety to the street scene on Lundy Court. Therefore, the proposal would not cause unacceptable additional harm.
17. Overall, I conclude there would be no undue harm caused to the character and appearance of the area. Therefore, in respect of this main issue, there would be no conflict with Policy EN1 of the LP, Core Policy 8 of the CS, and the Framework insofar as they seek to secure high quality design. There would also be no conflict with Policy EN2 of the LP, which requires extensions to existing buildings to be compatible with the proportions of the original structure.

Other Matters

18. The proposal would improve the thermal and energy performance of the building, and it would provide additional storage space. However, I am not convinced there are no other, potentially less harmful, ways in which these

benefits could be achieved. Therefore, I attach limited weight to these matters.

19. Planning permission has previously been granted for the demolition of the existing buildings and the redevelopment of the site. However, whilst I have had regard to the planning history, I have necessarily determined the appeal scheme on its own merits. I also acknowledge the appellant's stated frustrations with the Council's handling of the application. However, this matter falls outside of the scope of this appeal.

Conclusion

20. Although I have found no harm would arise in respect of the character and appearance of the area, the proposal would cause harm to the living conditions of the occupants of 33 Bower Way through loss of privacy and outlook, and there would be a deterioration in outlook from the nearest properties in Browns Court. The associated conflict with Policy EN1 of the LP and Core Policy 8 of the CS is sufficient to bring the proposal into conflict with the development plan when read as a whole.
21. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR