



Appeal Decision

Site visit made on 4 February 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/J0350/W/24/3350025

Land rear of 5-9 Elliman Avenue, Slough SL2 5AZ

- 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 Miss Saira Khan of 3K Property Services Ltd against the decision of Slough Borough Council.
 - The application Ref is P/08338/004.
 - The development proposed is described as the 'demolition of existing uncompleted building and development of 3 no. 3 storey 2-bedroom dwellings with associated parking, bins and cycle storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
3. The Council refer to its Residential Extensions Guidelines Supplementary Planning Document (RESPD) 2010 and its Vehicular Footway Crossing Policy (VFCP). Copies were not provided; therefore, I have viewed the online versions.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area:
 - the living conditions of the occupants of Allington Court in respect of sunlight and the occupants of Allington Court and 7 and 9 Elliman Avenue in respect of outlook; and
 - parking.

Reasons

Character and appearance

5. The appeal site contains an incomplete two storey detached dwelling which fronts Myrtle Crescent. Allington Court, a two-storey block of flats neighbours the appeal site and despite being different in form to nearby properties, its well-proportioned design incorporating double height bays and cladding, positively contributes to the

character and appearance of the area. Elliman Avenue which adjoins Myrtle Crescent is predominantly characterised by good sized terraced and semi-detached dwellings, within wide plots. Whilst Elliman Avenue is not read as part of Myrtle Crescent, the properties on this road contribute to the character and appearance of the area.

6. Despite reflecting the simplistic nature and exterior materials of properties in the area, the proposed dwellings would be significantly narrower and therefore at odds with the well-proportioned flats and wider plots of nearby dwellings. A single window would serve both the first and second floor of the proposed dwellings, and this emphasises their narrow form.
7. Whilst the scheme would be set back from Myrtle Crescent, similar in scale to the existing dwelling, and have a comparable height to Allington Court, the narrow width of the dwellings would make them appear cramped within the plot. The internal widths of the property comply with the National Technical Standards for a double room, but this would not be a measure for the width of the proposed dwellings. In this case the contrived narrow form of the properties would fail to respect the established plot widths and form of properties in the existing residential area.
8. For the reasons above, the proposal would have an unacceptable impact on the character and appearance of the area. It would therefore be contrary to policies EN1 and H13 of the Local Plan for Slough¹ (LPFS) and Core Policy 8 of the Slough Local Development Framework, Core Strategy 2006-2026 Development Plan Document (CS). These policies amongst other things require proposals to have a density of development that is in keeping with the existing residential area and a high standard of design which is compatible with surroundings in terms of building form and design.

Living Conditions

9. The appeal site is located between the rear of 5-9 Elliman Avenue and the flank elevation of Allington Court. It is located closest to Allington Court as the appeal site adjoins its side boundary and is in close proximity to the flank elevation of the closest section of Allington Court. This elevation of Allington Court contains one small window at first and second floor. A tall hedge is positioned between the appeal site and flats and prevents views in either direction.
10. The submitted daylight and sunlight study confirms that all windows with a requirement for sunlight pass the total annual sunlight hours test, however, it is unclear how the windows with a requirement for sunlight have been established. In addition, given that windows 7 and 16 are large and would likely serve habitable rooms, it has not been sufficiently demonstrated that the significant loss of winter sunlight detailed, would maintain an acceptable level of sunlight during the winter for occupants of the flats these windows serve.
11. Whilst the appeal scheme proposes a gable end and rear dormer as opposed to the current hipped roof, the outlook from the side facing windows of the closest section of Allington Court, would be comparable to the current situation. This is because in either scheme the windows would face a brick wall. In the appeal

¹ Adopted 22nd March 2004

scheme this would be the gable end, whereas in the extant scheme the windows are located beneath the eaves of the approved dwelling.

12. With reference to the rear facing windows in Allington Court, given the proposal would not extend significantly beyond the closest section of Allington Court and views of the proposal from these windows would be oblique, the outlook from them would not be adversely affected. In addition, the outlook from the rear amenity space serving Allington Court would be mitigated by the flank elevation being stepped in and the tall hedge running the length of the boundary.
13. In respect of 7 and 9 Elliman Avenue, reference is made to the RESPD. This stipulates that a minimum distance of 15 metres shall be maintained between the first-floor rear wall of a two-storey rear extension and the side boundary of an adjacent property. The gable end of the proposed scheme is within 15m of both 7 and 9 Elliman Avenue. Whilst the 150mm difference is inconsequential in respect of No 7, the 3m shortfall on No 9 Elliman Avenue is significant, despite this property being on a corner plot. This is because the width of the plot would not affect the outlook from the rear facing windows of this property which would directly look out onto the gable end of the proposed scheme. When viewed from these windows the proposal would appear overbearing due to its proximity to 9 Elliman Avenue. As such the outlook from No 9 Elliman Avenue would be negatively affected by the appeal scheme.
14. For the reasons above, the proposal would have an unacceptable impact on the living conditions of the occupants of Allington Court in respect of sunlight and the occupants of 9 Elliman Avenue in respect of outlook. Whilst the effect of the proposed development on the outlook of the occupants of Allington Court and 7 Elliman Avenue would be acceptable, the proposal would still be contrary to policies EN1, and H13 (d) of the LPFS and Core Policy 8 of the CS. These policies amongst other things require high quality design and proposals to be compatible with their surroundings in terms of its relationship to nearby properties. Reference is also made to policy EN2 of the LPFS but this policy refers to extensions and is therefore not relevant to the proposed development.

Parking

15. The parties refer to the proposal requiring a minimum of two parking spaces per dwelling. Whilst the proposal falls short of this standard, policy T2 of the LPFS does not require adherence to a parking standard but instead requires proposals to provide a level of parking appropriate to its location. Given that the site is within walking distance of a railway station, bus stop and High Street, the provision of one space per dwelling would be acceptable.
16. Reference is made to the proposed parking spaces failing to comply with the Council's VFCEP with reference to no more than two adjacent crossovers being permitted. Whilst the VFCEP stipulates a minimum width per parking bay, there does not appear to be a restriction on there being two adjacent crossovers. In any event, the VFCEP is guidance and it has not been sufficiently demonstrated that the proposal would unacceptably impact highway safety.
17. For the reasons above, the proposal would have an acceptable impact on parking. It would therefore be compliant with policy T2 of the LPFS and Core Policy 7 of the CS. These policies amongst other things require a level of parking appropriate to the location of residential development.

Other Matters

18. The appeal scheme is a result of amendments from a previously refused scheme. Whilst some improvements have been identified by the Council, they do not address the harm identified.

Planning Balance and Conclusion

19. The proposal would have an unacceptable impact on the character and appearance of the area and would unacceptably impact the living conditions of the occupants of Allington Court in respect of daylight and the occupants of 9 Elliman Avenue in respect of outlook. Substantial weight is afforded to this conflict.
20. Whilst the proposal would not unacceptably affect the outlook of the occupants of Allington Court and 7 Elliman Avenue and the impact on parking would be acceptable, the absence of harm is a neutral factor and does not weigh in favour of the proposal.
21. The scheme would result in a net gain of two, two-bedroom family dwellings. This would make a modest but useful contribution as indicated by paragraph 73 of the Framework, particularly given that the Council concedes it is unable to demonstrate a five-year supply of deliverable housing sites. Whilst small sites can make an important contribution to meeting the housing requirements of an area, due to the small scale of the development, this benefit would be moderate.
22. Paragraph 11(d) of the Framework is a relevant consideration as a result of the Council's housing supply and delivery issues. It indicates that in the circumstances of this case permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
23. Taking all of the above into account, the harm identified in relation to the character and appearance of the area and the living conditions of the occupants of Allington Court in respect of daylight and occupants of 9 Elliman Avenue in respect of outlook, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the Framework does not indicate in favour of the proposal. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
24. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR