



Appeal Decision

Site visit made on 12 May 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/J0350/W/24/3357734

6 Daventry Close, Colnbrook, Slough SL3 0PW

- 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 Boparai (Urban Housing Developments Limited) against the decision of Slough Borough Council.
 - The application Ref is P/19100/003.
 - The proposed development is described as the conversion of a single dwelling into two separate flats with parking, amenity, bin store and cycle store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In an email dated 4 January 2025 the appellant states that the drawings listed on the Council's decision notice do not exist, and has provided me with drawing Nos 23_026_P1, 23_026_P2, 23_026_P3 and 23_026_P4. I understand these are some of the drawings which were submitted at application stage, and on which the Council's decision was based.
3. As part of the appeal he has submitted drawing No 23_026_P1A. This drawing, which is described as an 'optional amended parking scheme', depicts two additional off-road parking spaces to the front of the site compared to drawing No 23_026_P1.
4. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2025 states that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and by interested parties at application stage.
5. Given that the amended drawing would change the layout of the proposal, with an area of garden replaced by a larger area of block paving for parking, I consider that the proposed change would be substantive, and that for me to accept it would introduce procedural unfairness. I have therefore based my decision on drawing No 23_026_P1.

Main Issues

6. The main issues are:
 - whether the scheme would comply with policies which seek to retain family accommodation;

- whether the scheme would ensure appropriate living conditions for the future occupants of the proposed accommodation, with particular regard to the rear garden space;
- whether the proposal would make appropriate provision for biodiversity gain;
- the effect of the proposal on the safety and convenience of highway users; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Family accommodation

7. The host dwelling, which is in the process of being extended to comprise five bedrooms, is located towards the end of a short cul-de-sac. The appeal scheme would entail its conversion to a three bedroom flat at ground floor (Flat 6A) and a two bedroom flat at first floor (Flat 6B).
8. Core Policy 4 of the Slough Core Strategy 2006-2026 (2008) ('SCS') states that there shall be no net loss of family accommodation as a result of flat conversions, changes of use or redevelopment. The Council's planning application report sets out, by reference to the Local Needs Assessment for RBWM, Slough and South Bucks (2019), that this is because the area's greatest need is for family housing.
9. The appellant maintains that, rather than resulting in the total loss of family accommodation, the scheme would diversify the housing offer with two appropriately sized units, and that Slough's Protecting the Suburbs Strategy 2020 underscores the urgent need for smaller units and multi-occupancy dwellings.
10. However, I have not been provided with that Strategy, and given that the proposed accommodation would be in the form of flats, and that Flat 6B would not have direct access to the rear garden, the units would not comply with the definition of family housing in the glossary of the SCS. Additionally, as Flat 6B would be at first floor and would have just two bedrooms, and as its garden would only be accessed by exiting the front of the building and proceeding down a side passage, it would not be convenient or attractive as family accommodation.
11. I have very few details before me of the approved extension and sub-division of the house at 2 Daventry Close¹ into two dwellings, and I cannot therefore draw any meaningful comparisons between it and this scheme. However, for the above reasons, this proposal would result in the loss of family accommodation and it would fail to address local housing needs, in conflict with SCS Core Policy 4.

Living conditions

12. The Slough Residential Extensions Guidelines Supplementary Planning Document 2010 ('SPD') states that, as a guide, where rear extensions are proposed, a two or three bedroom house should retain a minimum garden depth of 9 metres or an area of at least 50sqm. The Council says that Flat 6A would comply with that advice, but that, at 40sqm, Flat 6B would not.
13. Flat 6B's garden would be small and thin, and I have found that it would be inconveniently located for the occupants. Based on the evidence of my visit, and

¹ Ref: P/16905/000

drawing No 24_031_P0, it would also be significantly smaller and shorter compared to other gardens in Daventry Close, and many others nearby. Consequently, it would not reflect the prevailing characteristics of amenity spaces in the area, and it would not be a convenient or appropriately dimensioned space for the occupants to sit outside nor, notwithstanding the provision of a rotary drying line, to undertake many domestic tasks and activities.

14. Whilst the appellant says that Flat 6B's garden would exceed national guidance for private amenity space, it is unclear which document he is referring to. As Policy H15 of The Local Plan for Slough 2004 ('LPS') and the SPD apply to residential extensions, they are not directly applicable to this proposal, although the latter is a useful guide.
15. In failing to provide good living conditions for Flat 6B's occupants, the scheme would conflict with LPS Policy H14 which sets out the need for appropriate amenity space, having regard to matters such as the type and size of accommodation; the area, depth, usefulness and accessibility of the space; and the character of amenity spaces in the area.

Biodiversity

16. The Council maintains that the proposal would fail to comply with Schedule 7A of the Town and Country Planning Act 1990 (as amended) as insufficient information has been provided to demonstrate that there would be a minimum 10% net gain in biodiversity.
17. On the application form, it is stated that the general biodiversity gain condition would not apply to this scheme, as it is subject to the de minimis exemption given that it would involve the conversion of an existing house to flats. However, in his grounds of appeal the appellant maintains that a minimum 10% biodiversity net gain will be achieved through a variety of measures, and that a detailed biodiversity metric calculation can be submitted in accordance with a landscaping condition if the appeal is allowed.
18. From the evidence before me, and contrary to Article 7(1A)(b) of the DMPO², the planning application was not accompanied by a statement setting out clear reasons why the applicant considered that the scheme would not be subject to the biodiversity gain condition. Whilst the de minimis exemption includes development which impacts less than 25 sqm of habitat, it is not clear whether the applicant considered that to apply, and in any event, drawing No 23_026_P1 shows the provision of block paved areas in excess of that threshold.
19. If, on the other hand, he considers that the development would be subject to the biodiversity gain condition then, having regard to Article 7(1A)(c) of the DMPO, the scheme should be accompanied by the pre-development biodiversity value of the site using the relevant metric calculation tool, and other evidence. In this case, the biodiversity metric calculation tool has not been used, and the evidence submitted in the grounds of appeal does not comply with the DMPO. Given the legislative requirements, this is not a matter that can be appropriately addressed by a planning condition.

² Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

20. Thus, I am not satisfied, on the basis of the limited and somewhat conflicting evidence before me, that the scheme would appropriately address requirements for biodiversity net gain.

The safety and convenience of highway users.

21. LPS Policy T2 seeks to restrain parking provision in order to reduce reliance on the private car and to encourage alternative modes of transport. However, it continues that residential development will be required to provide a level of parking appropriate to the location and that, in many cases, a lack of adequate off-road parking provision can cause congestion or road safety problems.
22. The Council's Principal Transport Planner maintains that the two proposed off-road parking spaces depicted on drawing no. 23_026_P1, would fall short of the requirement for four spaces in predominantly residential areas in the Slough Parking Standards, and that the scheme would therefore exacerbate local on-road parking problems.
23. I observed that the dwellings on Daventry Close typically have one or more off-road car parking spaces, and that opportunities for on-road parking are limited due to the presence of accesses, the narrow width of the carriageway, and the turning head. Whilst it represents just a snapshot in time, there were vehicles parked on the pavement at the time of my visit; and local residents attest to on-road parking congestion, inconsiderate parking, and manoeuvring problems, including by refuse collection vehicles. Consequently, I have no reason to doubt that Daventry Close experiences significant parking stress, with some vehicles inconsiderately parked, where they impede manoeuvres, obstruct visibility and harm highway safety.
24. The proposal includes a store for 4 bicycles, which could encourage alternative modes of transport to the private car, and there are nearby bus stops serving destinations including Heathrow and Slough Town Centre.
25. However, the nearest stations are around 3 kilometres away, and whilst some local facilities could be accessed on foot or by bicycle, I consider that the future occupants would be likely to be largely reliant on the private car to meet many of their day-to-day needs. Given that the proposed flats would have two and three bedrooms, each household could have two cars. As only two off-road spaces would be provided, this would result in additional on-road parking, thus exacerbating parking congestion and indiscriminate parking in the area.
26. The proposal would therefore be detrimental to the safety and convenience of highway users, and it would conflict with LPS Policy T2, and with the stance in the National Planning Policy Framework 2024 ('Framework') that development shall ensure that safe and suitable access can be achieved for all users, including the efficient delivery of goods and access by service and emergency vehicles.

Character and appearance

27. The proposed flats would be accessed through a single entrance leading to separate internal doors. Other than the replacement of garage doors with a window and a gate, there would be few alterations to the building's front face, and no changes to the front building line or the rhythm of the streetscene. Most of the alterations to the building would be internal.

28. Drawing no. 23_026_P1 shows that to the front of the site, and in common with many nearby properties, there would be a paved area for parking, and a front garden. Consequently, although the type of accommodation proposed would be different from the houses in Daventry Close, there would be little visual evidence of that in the streetscene. The scheme would not therefore harm the character and appearance of the area.
29. As LPS Policies H13 and H15 address backland/infill development and residential extensions, they are of little, if any, relevance to this proposal. However, for the above reasons, the scheme would not conflict with those parts of LPS Policy EN1 and SCS Core Policy 8, which require proposals to be of a high quality design which is compatible with, or respects, its surroundings.

Other matters

30. The Council is unable to demonstrate a five-year supply of housing land, as required by the Framework. Set against this, the proposal would make a net contribution of one unit to its supply. As that would be a modest contribution, this is a matter to which I attribute limited positive weight.

Planning Balance and Conclusion

31. The Framework does not change the statutory status of the development plan as the starting point for decision making. Its paragraph 232 sets out that due weight should be given to existing policies according to their degree of consistency with the Framework.
32. The proposal would conflict with SCS Core Policy 4 and LPS Policies H14 and T2. They are consistent with the Framework insofar as they reflect its stance on meeting an area's housing needs having regard to the size and type of accommodation, ensuring a high standard of amenity for existing and future users, and providing safe and suitable access. Consequently, I attach significant weight to the conflict with those policies.
33. Given that the Council cannot demonstrate a five year supply of deliverable housing sites, those policies which are most important for determining the application are deemed to be out of date, and Framework paragraph 11d) is engaged.
34. Set against the limited weight I have attached to the benefit identified above in respect of housing supply, the proposal would result in the loss of family accommodation, it would fail to ensure appropriate living conditions for the future occupants of Flat 6B, it would fail to address biodiversity requirements, and it would result in harm to the safety and convenience of highway users. I give moderate weight to each of those harms.
35. Therefore, even bearing in mind the shortfall in housing supply, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations and securing well-designed places. The scheme does not therefore benefit from the presumption in favour of sustainable development.

36. The proposal would conflict with the development plan when considered as a whole, and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

Chris Couper

INSPECTOR