



Appeal Decision

Site visit made on 28 May 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/J0350/W/24/3355738

Land to the Rear of 33 to 43 Baylis Road, Slough SL1 3PH

- 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 Steve Cripps (ABC Developments) against the decision of Slough Borough Council.
 - The application Ref is P/08499/009.
 - The development proposed is the erection of four three bedroom detached chalet bungalows, landscaping and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) a protected species.

Reasons

Character and Appearance

4. The appeal site is located primarily to the rear of dwellings fronting Bayliss Road and comprises the former rear gardens of Nos. 33 to 43 which are now in the ownership of the appellant. Within the site there are single storey structures which appear to be in a poor condition and the site has an unkempt appearance. The streetscene along Bayliss Road has a consistent building line with semi-detached dwelling sited away from the footways to the rear of front gardens primarily used for parking. Although some additions could be observed, the 2-storey dwellings are of consistent design possessing hipped roofs.
5. At the rear of these dwellings there are gardens which are landscaped or, in some cases, used for parking. A number of these rear gardens include single storey outbuildings of various sizes. These outbuildings mainly possess flat or shallow pitch monoplane roofs. Although there are modest sized outbuildings, collectively

the rear gardens provide an open aspect and the characteristics of the site are consistent with these other gardens.

6. The rear boundary of the site, and gardens of the neighbouring dwellings, is defined by a high brick wall which is sited adjacent to a public right of way. To the south of this public footpath is an apartment scheme that includes a 4-storey building which is visible from Bayliss Road above the fencing that currently encloses the gap between Nos, 39 and 41. This fencing would be removed to facilitate access to the proposed housing development on the site.
7. The proposed development includes the erection of 4 challet style bungalows on the site comprising a ground floor with accommodation within the roofspace. To facilitate the accommodation within the roofspace, the proposed dwellings would have crown roof forms with high level dormer windows within the southern facing roofslopes. The submitted drawings indicate that there would be no first floor openings facing towards the rear gardens of the neighbouring dwellings fronting Bayliss Road.
8. There have been previous planning applications seeking permission for housing development on the site, including 2 appeals which were dismissed by other Inspectors. Although full details of these proposals have not been provided, the available evidence identifies that these previous appeal schemes were for the principle of erecting an apartment scheme of a maximum of 8 flats and also for the erection of 6 terraced houses. These previous appeals schemes included an assessment of the effect of the schemes on the character and appearance of the surrounding area but within the context of a different type and quantum of housing being proposed. Accordingly, this appeal has been assessed based upon its own planning circumstance.
9. The use of the site for residential development would, as identified by a previous Inspector, be acceptable in principle because it would represent an effective use of land within the residential area of Slough at a location which is accessible to a range of facilities, whether on foot or cycle.
10. The appellant claims that the site is a transitional zone between different types of housing and is no prevailing pattern of development. However, the site is more physically and visually related to the prevailing character of the semi-detached housing fronting Baylis Road rather than the apartment scheme to the rear. By reason of the siting of the site to the rear of the dwelling fronting the road, it might be possible for a residential scheme to adopt a different design approach but this should not be at the expense of failing to deliver a high quality form of development.
11. The proposed bungalows would not be of a type or design of the reflecting the 2-storey dwellings which front Baylis Road. Further, the crown roof form would not respect the predominant hipped roof form. Accordingly, the prevailing design of the dwellings fronting Baylis Road would not be adequately reflected in the design of the appeal scheme. This material difference in design and appearance difference would be accentuated by the 4 rear dormer windows that could be capable of being seen from the public right of way.

¹ APP/J0350/W/20/3253821 and APP/J0305/W/19/3232021

12. Further, because of their height and crown roof form the proposed bungalows would appear more than just typical modest sized outbuildings within the rear gardens. Accordingly, and taking into account 4 bungalows are proposed, the open aspect associated with the site's contribution to the rear gardens of the dwellings fronting Bayliss Road would be significantly eroded.
13. Viewed along the proposed access, the appeal scheme would be dominated by built forms of development comprising the road, the bungalows sited on Plots 1 and 2 and the parking spaces. Even if a suitable condition was imposed if this appeal succeeded, there would be limited scope for any soft landscaping to be introduced.
14. The main living accommodation is located at the rear of the proposed dwellings. The rear elevations of the dwellings, in particular those erected on Plots 1, 2 and 3, would be sited close to the rear boundary of the site, circa 4.1 to 4.2 metres distant. By reason of this siting, the outlook from the rear window would be dominated by the rear boundary. Further, the parking spaces associated with the dwelling erected on Plot 4 are located adjacent to the front door and ground floor bedroom window of the proposed bungalow on Plot 3. For these reasons, the erection of the proposed 4 dwellings would result in a cramped form of development.
15. When taken together, the appeal scheme would fail to adequately respect the prevailing design and pattern of development, erode the open aspect of the rear gardens and result in a cramped form of development. Accordingly, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Core Policy 1, Core Policy 4 and Core Policy 8 of the Slough Local Development Framework Core Strategy 2006-2026 (CS) and Policies EN1 and H13 of the Slough Local Plan Adopted 2004. Amongst other matters, these policies seek to ensure that development respects and is compatible with its surroundings in terms of design, scale and density. The appeal scheme would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, requires development proposals to be sympathetic to local character.

Protected Species

16. The appellant's *Biodiversity Survey Report* identified that there are habitats on-site which provide suitable foraging, resting and roosting potential for protected species, including bats. Further surveys were recommended to determine which species are using the site and what mitigation might be required, including a bat detector survey between the months of May and August in order to confirm the likely presence or absence of roosting bats. There is no evidence that such a bat survey has been undertaken to establish the presence or not of this protected species.
17. It is essential that the presence or otherwise of this protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed. The need to ensure relevant surveys are carried out should, therefore, only be left to coverage under planning conditions in exceptional circumstances. No cogent reasons have been provided to justify exceptionally applying a suitable condition if this appeal succeeded.
18. The ability to demonstrate that a biodiversity net gain would be achieved does not negate the statutory requirement to ensure that a protected species and its habitat would not be harmed by the proposed development. For the reasons given, there

is insufficient information to be able to conclude that the proposed development would not cause unacceptable harm to a protected species and its habitat and, as such, there would be a conflict with CS Core Policy 9 which requires proposals to enhance and preserve natural habitats and biodiversity.

Other Matters

19. Local residents have raised concerns related to matters including access, highway safety and the effect of the appeal scheme on their living conditions. However, the council has not assessed that any adverse harm would arise related to these matters and there are no reasons to disagree with the assessments made.
20. The Council is unable to demonstrate a 5-year supply of deliverable housing land. Accordingly, the presumption in favour of sustainable development as set out at paragraph 11(d)(ii) of the Framework is a material and the most important policies for determining the application are out-of-date in accordance with footnote 7 of the Framework. However, this presumption does not change the statutory status of the development plan as the starting point for decision-making.
21. In the context of the shortfall in housing supply, the proposed development would provide a limited contribution of 4 dwellings. It would also make efficient use of underutilised land within the urban area which is accessible to a range of facilities. The appeal scheme would create some jobs at the construction stage but they would be short lived and so represent a relatively limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services and, as such, the economic contribution arising would be limited by the scale of the proposals. When taken together, these matters are given modest weight in the assessment of this appeal.
22. Although the Framework supports the efficient use of land, reference is made to the desirability of maintaining an area's prevailing character being taken into account and also to the importance of achieving well-designed and attractive places to ensure that developments are sympathetic to local character. As has been identified, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area which would mean that the environmental role of sustainable development would not be met. Accordingly, significant weight is given to the identified harm and the conflict with the relevant development plan policies on design which are in general accordance with the design policies of the Framework.
23. Overall, the unacceptable harm to the character and appearance of the surrounding area, the conflict with the design policies of the development plan and the absence of sufficient information concerning the potential effect of the proposed development on a protected species, would significantly and demonstrably outweigh the benefits of the appeal scheme when assessed against the policies in the Framework taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case and it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR