
Appeal Decision

Site visit made on 22 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 October 2016

Appeal Ref: APP/J0350/C/16/3147351
26 Kent Avenue, Slough SL1 3AA

- The appeal is made by Asif Khan under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 2015/00160/ENF) issued by Slough Borough Council on 25 February 2016.
 - The breach of planning control alleged in the notice is “the change of use of an outbuilding (the ‘Outbuilding’) as shown hatched green on the Plan, on the Land, from a use incidental to the use of the Land as a dwelling house to a separate self-contained unit of residential accommodation”.
 - The requirements of the notice are as follows: -
 - “(i) Cease using the Land for the separate unit of residential accommodation
 - (ii) Remove from the Outbuilding, shown hatched green on the Plan, kitchen units and worktops, kitchen sink, cooking facilities and kitchen appliances
 - (iii) Remove from the Land all materials and debris arising from compliance with requirement (ii) above.”
 - The period for compliance with these requirements is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

2. The main issues in deciding whether planning permission should be granted relate to (i) compliance with Core Policy 4 of the Slough Core Strategy, (ii) the adequacy of the parking spaces available at 26 Kent Avenue and (iii) the amount of outdoor amenity space available for the occupiers of the house and the outbuilding. I have dealt with these issues in turn below.
 3. The notice states that Core Policy 4 requires all new dwellings outside the town centre to be family housing. In fact, the policy’s wording is “new residential development will predominantly consist of family housing”; the policy also seeks to ensure that there will be “no net loss of family housing”. The change of use of the outbuilding to a separate self-contained unit has not involved the use of a building or of land that could have been used for family housing development, since the site is too small, nor has it involved the loss of family housing. The Council’s reliance on Core Policy 4 is in my opinion misplaced.
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4. 26 Kent Avenue has parking spaces for two to three cars on the forecourt and it has a garage at the rear. This is sufficient in my view to meet the combined parking needs of the occupiers of the house and the outbuilding that would arise in normal circumstances. The Council's assertion that the use of the outbuilding as a separate self-contained unit is likely to lead to additional on-street parking and obstruction is not convincing.
5. I turn now to the amount of outdoor amenity space available for the occupiers of the house and the outbuilding. Policy H14 of the Slough Local Plan indicates that the appropriate level of outdoor amenity space is to be determined by considering five criteria. Two of these are relevant to the Council's case in this appeal. They are: a) the type and size of the dwelling and the type of household likely to occupy it and b) the quality of the amenity space in terms of area, depth, orientation, privacy, attractiveness, usefulness and accessibility.
6. The outbuilding might only have single occupancy on account of its size, but the Local Plan nevertheless indicates that outdoor amenity space is required for drying clothes, siting bins and sitting out. The house is a family dwelling, in which case the Local Plan states that the provision of an adequate rear garden is essential to provide space not only for people who wish to extend their living space into the garden, but also for children to have a secure and safe environment in which informal play can take place.
7. 26 Kent Avenue has a fairly small rear garden, part of which is taken up by the garage. In my opinion, the garden is not large enough to provide sufficient amenity space for the usual external domestic needs of the occupiers of both the house and the outbuilding, without reducing standards below those which the Local Plan calls for.
8. The appellant maintains that there are other rear outbuildings in the area that have been "rented out" with the Council's approval. He has not specifically identified these or the purposes for which the outbuildings are being used. The Council state that they have no record of any planning permissions having been granted for the use of outbuildings in Kent Avenue as separate dwellings. The information available to me about other outbuildings is not sufficient to change the conclusion I have reached in paragraph 7.
9. I have taken into account the financial details the appellant has provided and I note that he will pay Council Tax in respect of the outbuilding. I appreciate his position, but in my view these are not matters that justify granting planning permission for the use of the outbuilding as a separate self-contained unit of residential accommodation.
10. For the reasons given above, I have concluded that planning permission should not be granted. The appeal has therefore been dismissed.

D.A.Hainsworth

INSPECTOR