



Appeal Decision

Site visit made on 29 August 2023

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date 05 October 2023

Appeal Ref: APP/J0350/C/22/3306180

Land at 54 Barnfield, Slough SL1 5JW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr M Rafiq against an enforcement notice issued by Slough Borough Council.
 - The notice, numbered 2019/00171/ENF, was issued on 1 August 2022.
 - The breach of control as alleged in the notice is,
 1. Building of a part single storey, part two storey side and rear extension by failing to comply with planning conditions no.2 (approved drawings) and no.3 (matching materials) of planning application reference P/17685/002;
 2. Erection of a single storey front extension
 - The requirements of the notice are:
 - (i) Demolish the front extension in its entirety.
 - (ii) Demolish the part single storey, part two storey side and rear extension or ensure that the part single storey, part two storey side and rear extension are built in accordance with the approved plans as required by condition 2 of planning permission referenced P/17685/002 dated 5 November 2019 and
 - (iii) The part single storey, part two storey side and rear extension shall be rendered to match as closely as possible the colour, texture, and design of the main dwelling house (as per, planning condition no. 3 of P/17685/002).
 - (iv) Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirements.
 - The period for compliance with the requirements are: Six (6) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary of Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Preliminary Matters

1. The notice states it relates to S171A(1)(a) of the Act, carrying out development without the required planning permission, and S171A(1)(b), failing to comply with any condition or limitation subject to which planning permission has been granted. It is clear from the notice which elements each part relates to. As such, the recipients of the notice would have reasonable certainty what the breaches are.
2. Planning permission was granted for the construction of a part single storey, part two storey side and rear extension¹. The reasons given for the disputed conditions on the decision notice related to the amenity and visual amenities of the locality and area. I have taken this into account in forming my main issues.

¹ P/17685/002

3. From my site visit I saw that there was a dormer in the rear part of the roof and that the main roof had a gable end. The breach of planning control in the notice only refers to the front extension and the part single storey, part two storey side and rear extension. It does not refer to the dormer or roof shape. Therefore, these do not form part of the matters alleged and I cannot consider them as part of this appeal.

The Enforcement Notice

4. Requirement (iii) in paragraph 5 of the notice relates to rendering the side and rear extensions. However, requirement (ii) gives the option to demolish the same extensions. As the rendering would only apply were the extensions to be retained, I have deleted the requirement at paragraph 5 (iii) and inserted that requirement to the end of requirement (ii).
5. I am satisfied that the variations will not cause injustice to the appellant or the local planning authority.

The appeal on ground (a) and the deemed application

6. The appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Main Issues

7. The main issues are the effect of the development on
 - The character and appearance of the area; and
 - The living conditions of the occupiers of 52 Barnfield, with particular regard to privacy and the part single storey, part two storey side and rear extension.

Reasons

Character and appearance

8. Barnfield is primarily made up of pairs of semi-detached properties that have a general coherence in terms of scale and appearance. Nonetheless, many properties have been altered and/or extended to the front, side and rear. This includes the use of different external materials within pairs or individual properties. Subsequently, there is a degree of variation in the built form, even within the same pair, that is obvious from the streetscene and between properties.
9. I saw examples in the street where the roof shape and materials of additional or subordinate elements of the dwellings did not match that of the main dwelling. 52 Barnfield has a very similar single storey brick addition to the side and front to that at the appeal site. In addition, it has a hipped roof and is viewed with the appeal development from the road. While the side and rear extensions are partly 2 storey, they are subordinate to the main roof. Therefore, although the brick and hipped roofs would be obvious from the street and nearby properties, they would not appear discordant or distracting when viewed with the main gable roof.

10. The single storey front extension is relatively large in comparison to other nearby porches. However, the main part of the property is still the dominant element of the building. There is some variation within the street in terms of the materials, scale and appearance of protruding features on the front elevation of dwellings. This includes a brick porch at 39 Barnfield and a very similar front extension in terms of size, design and materials at the adjacent property of 52 Barnfield that the appeal development is most readily seen with. The mix of materials on the front extension ties in with those used in the side extension and the main part of the dwelling.
11. Therefore, the development does not harm the character and appearance of the area. It accords with Policies EN1, EN2, and H15 of the Local Plan for Slough (LP) and Core Policy 8 of the Slough Local Development Framework Core Strategy (CS) where they require schemes to be compatible with and respect their surroundings, the original structure and streetscene. While there may be a technical breach of the maximum depth of the front extension, it also complies with the SPD² where it states they should respect the character of the street scene and that extensions should be in keeping with the original design of the house and its surroundings.

Living conditions

12. First floor windows in the elevation facing 52 Barnfield serve a bathroom and landing area. They directly face a largely blank elevation with the first floor windows at 52 Barnfield being obscure glazed. This is a similar arrangement to many in the street where first floor side windows face the adjacent property. First floor rear elevation windows result in there already being a degree of overlooking between properties and the rear gardens of those close by. While the windows at the appeal property do open, given the proximity of them to the side elevation of No 52 they afford only very angled views towards the rear garden area. Consequently, they do not give rise to any significant overlooking or loss of privacy.
13. As such, the development does not unacceptably harm the living conditions of the occupiers of 52 Barnfield with regard to privacy. It complies with Policies EN1 and H15 of the LP where they state schemes should have a compatible, and respectful relationship with nearby properties and do not have an adverse impact on the amenity of adjoining occupiers. It also accords with the SPD where it states window positions should avoid direct overlooking of neighbouring properties including gardens.

Other Matters

14. The particular circumstances of the development mean it does not set a precedent. I consider that the development is acceptable, and I can see no reason why it would lead to harmful developments on other sites.

Conclusion on ground (a) and the deemed planning application

15. The development accords with the development plan as a whole and there are no material considerations of sufficient weight to indicate that the appeal should be determined other than in accordance with the development plan.

² Slough Residential Extension Guidelines

16. I conclude that planning permission should be granted for the matters stated in the notice and the appeal succeeds on ground (a).

Conditions

17. No suggested conditions have been put forward by the Council for the single storey front extension and I consider none to be necessary.
18. Condition 1 of P/17685/002 related to the commencement of the development. Conditions 2 and 3 concerned the approved plans and materials. These are no longer necessary as the construction works have been completed and due to my findings above.
19. Condition 4 prevented additional windows in the flank elevation of the dwelling. As other windows may give rise to overlooking, this condition remains necessary to protect the living conditions of nearby occupiers.

Conclusion

20. For the reasons given above, I conclude that the appeal succeeds on ground (a) subject to a condition.
21. I shall discharge the conditions which are subject to the notice, and grant planning permission on the application deemed to have been made for the operations previously permitted without complying with the conditions enforced against for the part single storey, part two storey side and rear extension, but subject to a condition as considered above.
22. I shall grant planning permission for the development described with regard to the single storey front extension.
23. The appeal on ground (f) does not therefore fall to be considered.

Formal Decision

24. It is directed that the enforcement notice is varied by:
- deleting paragraph 5(iii) - 'the part single storey, part two storey side and rear extension shall be rendered to match as closely as possible the colour, texture, and design of the main dwelling house (as per, planning condition no. 3 of P/17685/002)' and inserting the same wording to the end of paragraph 5(ii).
25. Subject to the variations, the appeal is allowed, and the enforcement notice is quashed. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, conditions no 2 and 3 attached to the planning permission dated 5 November 2019, ref P/17685/002 are discharged.
26. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for construction of a part single storey, part two storey side and rear extension without complying with the said conditions but subject to the following condition attached to that permission:
- 1) Notwithstanding the terms and provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no window, other than hereby approved, shall be

formed in the flank elevation of the development without the prior written approval of the Local Planning Authority.

27. Subject to the variations, the appeal is allowed, and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey front extension, at Land at 54 Barnfield, Slough SL1 5JW as shown on the plan attached to the notice.

Stuart Willis

INSPECTOR