



Appeal Decision

Site visit made on 9 May 2024

by C J Leigh BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05th June 2024

Appeal Ref: APP/J0350/C/23/3324827

9 Griffin Close, Slough, SL1 2TZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Sumera Amjad against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered SLGH-RTR001-10418, was issued on 26 May 2023.
 - The breach of planning control as alleged in the notice is without planning permission the erection of an outbuilding.
 - The requirements of the notice are:
 1. Demolish the outbuilding.
 2. 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 is four months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (a) – the deemed planning application

2. The main issues are the effect of the extension on the character and appearance of the area, and on the living conditions of neighbouring occupants.
3. The appeal property is a two storey house in a short terrace of housing, within an estate where properties are of a consistent scale and form. There are relatively short rear gardens to houses. I saw at my site visit that there have been extensions and outbuildings to a number of properties which have reduced the size of gardens. The Council inform me that certain outbuildings in the area are the subject of investigations.
4. The outbuilding at No. 9 occupies a considerable part of the original garden area to the house, as well as additional land to the rear that has been brought into the property. It is a tall building and fills what was evidently an open area of the garden between the rear boundary and the side of the adjoining house of No. 10 to the north.
5. The coverage of the site by the outbuilding, when combined with the height, creates a very dominant feature in this rear garden area. There is little sense of openness retained in the area, which is a feature that is otherwise important in ensuring a pleasant, spacious residential environment is retained for all

residents. That open character is also in the interests of the wider character of this area. Core Policy 8 of the Slough Local Development Core Strategy (2008), and Policy EN1 of the Slough Local Plan (2004) set out such objectives, by stating all development shall be of a high quality design that is compatible with the surrounding area.

6. Design Principles EX38 and EX39 of the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD) (2010) further state that outbuildings should not detract from the character of the area through over-dominance or obtrusiveness, and should be of an acceptable scale having regard to the size of the original dwelling and plot, the siting of the outbuilding, and the pattern of development in the area. The outbuilding the subject of this appeal does not satisfy these requirements of the development plan and the SPD. Thus on the first main issue I conclude there is harm to the character and appearance of the area.
7. Policy EN1 of the Local Plan seeks to ensure new development has an acceptable relationship to nearby properties, whilst Policy H14 requires a good quality of amenity space to be provided for dwellings. The scale and height of the outbuilding is such that these objectives are not satisfied, since there is an overbearing impact upon the outlook from the adjoining properties. The design of the building and near proximity to boundaries also leads to windows close to the boundary of No. 8 to the south, and hence a perception of overlooking directly to the rear of that property and its garden.
8. The coverage of the site by the outbuilding has led to a notable reduction in the area of garden left for No. 9. The Council inform me this now falls beneath the standards for a house of this size, as set out in the SPD, which is not disputed by the appellant. Together with the dominance of the large outbuilding over this small retained area, I concur with the Council that this means there is not good quality amenity space for the house. On the second main issue I conclude the outbuilding conflicts with Policies EN1 and H14, and the SPD, due to the harm caused to living conditions.
9. I recognise the outbuilding provides additional accommodation which, from what I have read and seen, appears to be incidental to the main house. However, it is the scale of the as-built outbuilding that leads to the harm identified. Thus, there is conflict with the development plan policies and the SPD referred to above and so the appeal on ground (a) fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

C J Leigh

INSPECTOR