



Appeal Decision

Site visit made on 21 May 2024

by C J Leigh BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal A Ref: APP/J0350/C/23/3320711

4 Park Lane, Slough, SL3 7PF

- 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 Mr Kal Bains against an enforcement notice issued by Slough Borough Council.
 - The enforcement notice, numbered 2023/00025/ENF was issued on 21 March 2023.
 - The breach of planning control as alleged in the notice is the unauthorised realignment of the roof planes, construction of hip to gable extensions and dormer extension.
 - The requirements of the notice are to:
 1. Demolish the hip to gable extensions and dormer extension in entirety, realign the roof planes and revert the roof to its original form.
 2. Remove from the land all materials, rubbish, debris, plant and machinery resulting from compliance with the above requirement.
 - The period for compliance with the requirements is six months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in sections 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/J0350/D/24/3336384

4 Park Lane, Slough, SL3 7PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bains against Slough Borough Council.
 - The application Ref P/03043/003, dated 14 April 2023, was refused by notice dated 13 October 2023.
 - The development proposed is a hip to gable roof conversion including a rear dormer and 4 x skylights at the front, replacing the roof tiles with grey tiles, removing the chimney heads and lowering the rooftop ridge.
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Preliminary matters

1. The ground (f) appeal in relation to Appeal A includes drawings that show proposed amendments to the as-built development. These plans are the same as those forming the refused planning application, subject to Appeal B.

Decision: Appeal A

2. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Decision: Appeal B

3. The appeal is dismissed.

Reasons: ground (a) and s78 appeals

4. The common main issues are the effect of the development on, firstly, the character and appearance of the surrounding area and, secondly, on the living condition of adjoining occupants.

Character and appearance

5. Core Policy 8 of the Slough Local Development Core Strategy (2008) and Policy EN1 of the Slough Local Plan (2004) set out a general objective to ensure all development is of a high quality design that is compatible with the surrounding area. Amongst other matters, Policies EN2 and H15 state that extensions to properties should be compatible with the original property, be of high quality design and be in keeping with the area. The general thrust of these policies is thus to seek good design, which is consistent with similar objectives seeking well designed places set out in the National Planning Policy Framework. Hence the policies of the development plan are not out of date by virtue of their date of adoption.
6. Design Principles DP1, DP2, and DP3 of the Council's Residential Extensions Guidelines Supplementary Planning Document (SPD) (2010) further set out a requirement that extensions should be in keeping with the original design of the house and its surroundings, and be designed to be subordinate to the original house. Design Principle EX33 states that alterations to the main roof of a house by changing its shape will not normally be permitted, and EX34 sets out guidance for dormer windows that are said to be generally required.
7. The appeal property lies within a residential area of detached houses fronting the road. There is some variety in the individual design of houses, with the use of front gables, bay windows, and elevations being of brick, hanging tile and render finish. The roofs of houses are generally pitched to all elevations and the appeal property lies within an area of consistent character in relation to this roof form. I did see that in the wider area there are a number of houses with changes to roofs, including in some instances with gable ends.
8. The works to the property which have taken place have seen the creation of new gable ends to the roof and a flat crown roof. A dormer has been erected in the rear of this new roof construction. The scale and bulk of these changes are discordant in the area. The creation of the new gable ends, when combined with the central flat roof element, does not reflect the pattern of development in the area and design of houses as the truncated roof form sits uncomfortably within a street that predominately sees hipped roofs of modest scale. There are clear views along the road from both west and east where this incongruous impression can be seen, with the slight curve in the road emphasizing the prominence of the roof design in the street scene.
9. The rear dormer dominates the rear roof slope by its very large size, hence appearing out of scale and poorly proportioned to the roof, the house, and the wider area. The excessive scale and poor appearance of this rear dormer, which does not relate to the design of the house as originally existed or indeed as extended, creates an intrusive impression in the area. This is widely visible from the surrounding properties and rear garden area, where the scale and design are dominant and intrusive to where there is a general consistency in rear roof slopes not seeing dormers of such imposing size.

10. The proposals in Appeal B would see the as-built roof modified by reducing the size of the dormer and by replacing the flat roof with a pitched ridgeline, which would involve raising the roof height back to what, as shown on the drawings, was the original roof height.
11. The removal of the flat roof element would improve the shape of the roof when seen from the street, as a more conventional gable ended house would be created. Although this roof form would differ from the immediate neighbours, as noted earlier the wider area does display some variety in roofs, where there have been alterations, extensions and a number of houses have gable ends. The creation of a more balanced and coherent roof form as proposed in Appeal B would thus represent a design of roof in keeping with the area, which would be proportionate in scale and form to the host property.
12. The rear dormer would also be reduced. The distances from the eaves, ridge and sides of the house would exceed the minimum dimensions set out in the SPD, though would occupy more than the stated dimension in the SPD of being 50% of the roof slope. These figures are guidance but the purpose is to ensure a dormer is in proportion to the size of the original roof. The width of the proposed dormer when combined with the height would result in development that would be out of keeping with the appearance of the host dwelling and area, due to its overall design. The modified dormer would align with the width of the windows on the first floor and, being flat roofed and largely glazed, would retain the existing impression of an out of proportion third storey to the house due to the consequential overall scale of the addition.
13. The appellant has drawn my attention to other properties where the Council has allowed rear dormer windows which exceed the 50% figure. However, in the current case it is the scale of the dormer in relation to the host property that leads to the unacceptable impact.
14. The appellant claims there is a fallback position for the gable roof extensions under permitted development rights, or that a larger extension could be undertaken consisting of additional storeys to the house. This claim is disputed by the Council. Even if permitted development rights apply and there is a realistic prospect of the fallback being implemented, the development subject to Appeals A and B is unacceptable.
15. In conclusion on the first main issue, there is conflict with relevant development plan policies referred to above and the SPD. This is because the development subject to enforcement action has a visually harmful effect upon the character and appearance of the surrounding area. In addition, the Appeal B proposal would lead to the design, scale and form of the property appearing as a discordant element within an area of two storey detached houses.

Living conditions

16. The SPD envisages rear dormer extensions being acceptable in principle, subject to design guidance set out in the SPD and the policies concerning design in the development plan. The SPD states that dormers may not be permitted on properties with short gardens which would lead to direct overlooking of neighbouring gardens.
17. I saw that the appeal property and its neighbours have large gardens, and that the existing first floor windows to all properties create a degree of mutual

overlooking at present. I consider the as-built dormer window in Appeal A, which serves a bedroom, does not lead to a material change in the degree of overlooking to neighbours due to this existing arrangement and design of housing, and due to the size of gardens. The modified dormer in Appeal B would thus also not have any material effect on privacy.

18. Policies EN1 and H15 of the Local Plan seek to ensure new development has an acceptable relationship to nearby properties, and does not have an adverse effect on the amenity of adjoining occupiers.

Other matters and Conclusions

19. The effect of refusing planning permission engages Article 8 rights (Human Rights Act 1998). Upholding the notice would interfere with the appellant's home and family life. However, this must be weighed against the wider public interest. Appeal A and B developments are unacceptable in planning terms. For the reasons given above, refusal of planning permission is a proportionate response and I will later consider the period of compliance.
20. Although I have found no conflict with the development plan as a whole on the second main issue in both appeals, I conclude that the harm on the first issue outweighs that finding in both appeals.

Appeal A: The appeal on ground (f)

21. The appeal proceeds on the basis that the steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome the objections. The Council seek demolition of the extensions in their entirety in order to remedy the breach of planning control. That purpose can only be achieved by complying with the terms of the notice.
22. However, the appellant put forward the same scheme that comprises Appeal B as an alternative to total demolition. Those details represent an alternative scheme that falls within the context of the breach constituted by the matters stated in the enforcement notice. On the merits, I have found the alternative scheme would be unacceptable in planning terms. The alternative scheme is not acceptable as a lesser step to achieve the purpose of the notice, which is to remedy the breach. In addition, it is unclear as to how the requirements can be varied to give effect to the alternative scheme with specificity.
23. The appeal on ground (f) fails.

Appeal A: The appeal on ground (g)

24. The ground of appeal is that the period of time for compliance with the notice requirements falls short of what should reasonably be allowed. The notice requires compliance within 6 months.
25. The appellant asks for 12 months in order to complete works. The reasons for this are generalised and have not indicated to me why there are specific needs for a longer period to take place. There is a public interest in the notice being complied with expeditiously, due to the steps required. The period of compliance is reasonable and a proportionate response to the alleged breach of planning controls.
26. The appeal on ground (g) therefore fails.

Appeals A and B: Conclusions

27. For the reasons given, I conclude that Appeals A and B 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