



Appeal Decision

Site visit made on 10 December 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/J0350/C/23/3329636

18 Thurston Road, Slough SL1 3JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Baljit Bassi against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 18 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of 1.8m boundary treatment and access gates.
 - The requirements of the notice are: 1. Demolish the boundary treatment (outlined in blue on the plan attached to the notice) which falls within one metre of the highway. 2. Remove from the site all materials, waste and debris associated with undertaking the above requirement (1).
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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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Decision

1. 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.

Preliminary Matter

2. This decision takes into account the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeal.

Ground (a) appeal

Main Issues

3. The main issues in this ground of appeal are:
 - The effect of the development on the character and appearance of the surrounding area.
 - The effect on highway safety.

Reasons

Character and appearance

4. The appeal property contains an enlarged two storey semi-detached dwelling. Stood in a corner plot adjacent to the junction of a residential street with a cul-

- de-sac, the dwelling is set well back from the front boundary behind an ample-sized front garden area.
5. The property occupies an established suburban residential setting, in which the dwellings are generally of a similar age and architectural style and arranged either in pairs or terraces. For the most part, the dwellings are set well back from the street, behind reasonably generous front garden areas. By and large, frontage boundary treatments in the vicinity consist of low walls, or in the case of the corner plots in particular, taller maturing hedges. A number of front boundary treatments have been removed to facilitate off-street parking. The general absence of substantial built features adjacent to property frontages and the resulting sense of openness in the street scene contributes significantly to the pleasantly spacious and largely harmonious suburban residential character and appearance of the surrounding area.
 6. The enforcement notice attacks a development erected adjacent to the front boundary, comprising a masonry wall with a slatted timber fence on top and two sets of slatted timber gates. The overall height of the development is around 1.8m. The wall is rendered and painted white, whilst the fence and gates are finished in a grey colour. A wall and fence of similar overall height and appearance adjoins the boundary with the neighbouring attached property.
 7. The development is considerably and appreciably taller than most built frontage boundary treatments in the immediate and wider vicinity. The straight, vertical hard-edged profiles of the wall, fence and gates also differ substantially in appearance from the softer contours and more naturalistic shapes of frontage planting in the vicinity. These factors contribute to the development having a significant visual presence in the street scene. This is emphasised by the corner plot location, as well as by the bold, contrasting colour finishes, which do not sit comfortably in relation to the mellower tones of the predominantly red brick finishes of low walls nearby, or the more muted hues of the frontage planting.
 8. The gaps between the slats do little to make the fence and gates appear less solid or offer other than restrictive views over the front garden area. Although the external finishes are similar to those of the dwelling, that is insufficient to successfully integrate the development visually with its surroundings. The above does not compare favourably with the previous front boundary treatment, which consisted of a low timber fence with a taller maturing hedge behind. Nor does it reflect advice in guideline EX49 of the Slough Residential Extensions Guidelines Supplementary Planning Document (SPD), that boundary enclosures should be designed to reflect the existing character of the street and surrounding area.
 9. As a result, the development is perceived as an alien feature in the street scene, its rather stark and somewhat 'defensive' appearance being entirely at odds with the generally less assuming visual qualities of built and other frontage treatments in the vicinity. Also, it has significantly eroded the sense of spaciousness previously experienced, leading to a markedly more built-up feel in the environs.
 10. My attention was drawn to a 2017 appeal decision¹ concerning the erection of a front boundary wall and gates at a residential property elsewhere in the town. When visiting that property, I observed the differences in the age, scale and

¹ Appeal Ref: J0350/D/17/3180935

design of the dwellings, along with the variation in front boundary treatments including a number of higher walls in the street, remarked on by the Inspector who determined that appeal. The setting of the property in the current appeal thus has markedly different visual qualities in comparison with that case. Whilst reference was also made to planning permission recently being granted by the Council at another property, no further details were forthcoming.

11. Therefore, the development causes unacceptable harm to the character and appearance of the surrounding area. This conflicts with Policy EN1 of the Local Plan for Slough (LP), which requires development to reflect a high standard of design and be compatible with the surroundings, including in terms of its height, layout, siting, building form and design, materials and visual impact. There is also conflict with criterion in LP Policy H15, drawn to my attention by the appellant, which requires residential extensions to be of high-quality design, using materials which are in keeping with the existing property and the identifiable character of the surrounding area. Furthermore, by not achieving high-quality design the development conflicts with Core Policy 8 of the Slough Local Development Framework Core Strategy and by not achieving a well-designed place, the development is inconsistent with the Framework.

Highway safety

12. Although traffic levels were relatively light when I visited, the local road network is probably busier at other times. Given the overall height of the development and its position adjacent to the back edge of the footway, drivers have restricted views of approaching pedestrians, cyclists and motor vehicles when exiting the property. Visibility levels fall well short of the 2.4m by 2.4m splay considered necessary to provide good pedestrian visibility for vehicles exiting a property, in the SPD at guideline EX44.
13. Similarly, the absence of adequate visibility on both sides of the gates means that approaching pedestrian and vehicular traffic has little advance warning of vehicles exiting the property in proximity to the junction. Also, vehicles are likely to have to wait on the street for the gates to open prior to being able to access the property, contributing to an obstruction in the free flow of traffic and reducing the view of drivers of oncoming vehicles. Incidences of on street parking in the vicinity exacerbates the limited inter-visibility between vehicles accessing and exiting the property and oncoming pedestrian and vehicular traffic. All of this is likely to have led to an increase in the risk of collisions.
14. Therefore, the development causes unacceptable harm to highway safety. This is in conflict with criterion in LP Policy EN1, which requires development to be compatible with the surroundings in terms of access points and servicing. It is also inconsistent with the Framework, which seeks to achieve safe and suitable access to sites for all users.

Other matters

15. Improved levels of daylight might well be enjoyed at the front of the neighbouring attached property, compared to when the pre-existing front boundary treatment was in situ. However, this weighs only slightly in favour of granting permission for the development. Other less objectionable boundary treatments are likely to provide a similar benefit.

Conclusion-Ground (a)

16. The development causes unacceptable harm to the character and appearance of the surrounding area as well as to highway safety, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, the ground (a) appeal does not succeed.

Ground (f) appeal

17. The ground of appeal is that the notice requirements are excessive.
18. An enforcement notice can have the purpose of remedying the breach of planning control, including by requiring land to be restored to its condition before the breach took place. A notice can also have the purpose of remedying any injury to amenity caused by the breach. Although the notice does not state as such, its sole purpose must be to remedy the breach. The notice requires demolition of the development. By doing so, the property would be restored to its condition before the breach took place.
19. The appellant argued that a 1m high boundary treatment could be erected on the same alignment as the development, following compliance with the notice. In this respect, I am mindful that the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(the GPDO) at Article 3, Schedule 2, Part 2, Class A, paragraph A.1 (a)(ii) grants planning permission to erect gates, fences and walls not exceeding a height of 1m where they are adjacent to a highway used by vehicular traffic.
20. Be that as it may, the GPDO at Article 3(6) disapplies the planning permission granted by the Order where, as in this instance, there is an obstruction to the view of persons using any highway used by vehicular traffic so as to be likely to cause danger to such persons. As a result, the 'fallback' position claimed by the appellant does not exist. That being the case, reducing the development to 1m high does not represent an obvious alternative to the notice requirements, as it would sustain part of the breach and so would not achieve the purpose of the notice. No other alternative to the requirements set out in the notice was suggested and to my mind, nothing short of those requirements would remedy the breach.
21. Therefore, the notice requirements are proportionate, being the minimum necessary to remedy the breach. The ground (f) appeal fails.

Ground (g) appeal

22. The ground of appeal is that the time allowed in the notice for complying with the requirements is too short.
23. There is little which would lead me to believe that the appellant could not search for and appoint a suitable contractor reasonably quickly, who could then undertake the remedial works at relatively short notice. The works are reasonably modest in scale. Such works should be a relatively simple and straightforward task for a suitably experienced small building contractor. In my estimation, the works are unlikely to take more than a few weeks to complete. There are likely to be a considerable number of contractors with a sufficient level of expertise to undertake the works. There is no firm evidence

that contractors would be put off from tendering on account of the scale and nature of the works.

24. Accordingly, in my view the three-month period specified in the notice affords the appellant ample time in which to comply with the requirements. It follows that extending the time for compliance to between four and six months would do little more than perpetuate the breach. The ground (g) appeal also fails.

Conclusion

25. 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).

Stephen Hawkins

INSPECTOR