
Appeal Decision

Site visit made on 14 January 2025

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/J0350/C/24/3338485

33 St. Johns Road, SLOUGH, SL2 5EZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Mohammed Maqsood against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 8 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the outbuilding, with associated facilitating works including the addition of a glass conservatory extension (shown edged with a green line on the attached plan) and its use as a self-contained dwelling and the erection of an additional single storey rear extension (shown edged with a blue line on the attached plan).
 - The requirements of the notice are 5.1 Cease the use of the outbuilding as a self-contained dwelling. 5.2 Remove the kitchen and shower room from the outbuilding. 5.3 Remove the internal walls incorporating the shower room within the outbuilding. 5.4 Remove all plumbing, boiler and associated pipework in connection to the kitchen and shower room within the outbuilding. 5.5 Demolish the conservatory extension to the outbuilding (as outlined in green on the attached plan). 5.6 Demolish the additional single storey rear extension (as outlined in blue on the attached plan) in its entirety. 5.7 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: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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 Matters

2. During the course of the appeal the appellant withdrew ground (d). The appeal therefore is proceeding on grounds (a), (f) and (g). Ground (a) is limited to retaining the conservatory only.

The Appeal on Ground (a)

3. No33 is one of a pair of semi-detached houses on the northern side of St John's Road. All the houses have long narrow back gardens. No33 already has a rear extension which is due to be demolished and is not subject to this appeal. Halfway down the garden is a large metal shed and close to that the outbuilding which fills the bottom of the garden and has the conservatory extension attached, between it and the metal shed. The conservatory is a large UPVC structure with a typical hipped opaque plastic roof. It dominates the rear garden structure and views

down the garden, particularly from both neighbours. It appears to be out of scale and intrusive.

4. The gardens are separated by a low brick wall and since the Council first visited the property the owners have erected a fence on the right hand wall (looking down the garden) that would obscure the conservatory from views from the garden of that neighbour, although not from the house, and at the expense of a tall and dominant fence. However, the conservatory overlooks the neighbouring garden on the other side and is dominant in views from there. These could be restricted by adding another tall fence on the left hand side of the garden but that would leave No33 with a narrow garden canyoned by tall fences which would be equally harmful. The conservatory is also contrary to the SPG on outbuildings which says at EX38 "*Outbuildings should not detract from the character of the area through over dominance or obtrusiveness*".
5. The appellant has offered to remove the hipped roof and replace it with a flat roof. This would reduce the impact slightly, but not the overlooking, nor would it improve the character of the conservatory. No reason to retain it has been offered and I noted it had central heating installed and was clearly added to facilitate the residential use of the outbuilding. As that use is to cease then it follows the conservatory should also be removed.

The Appeal on Ground (f)

6. I have dealt with why the conservatory should be removed above. The only additional comment under ground (f) is that it was expensive to build, but that is not a reason to retain it when it is harmful to the character of the area and contrary to policy.
7. Originally the appellant wished to retain both the shower room and the kitchen as they can both be used ancillary to the main dwelling. However, as the appeal progressed the appellant said he was happy to remove the kitchen but wished to retain the shower room. In order to create a dwelling the outbuilding needed to be fitted with a kitchen and a bathroom. Both are therefore integral to the unlawful use and it is entirely reasonable to require their removal. No reason has been given for retaining the shower room, it is not necessary to enable the continued use of the outbuilding as an ancillary building to the main dwelling.
8. The final element of ground (f) refers to the last requirement to remove all the debris and rubbish from the site. The appellant is of course free to reuse any of the items removed in other parts of the house, but this requirement is to ensure that once the demolition and removal required by the notice has been carried out the garden is left in a tidy state. It is entirely normal to add such a requirement to an enforcement notice. S173(4) of the Act sets out the purposes for which a notice can be issued. These include, at s173(4)(a) "*restoring the land to its condition before the breach took place*". It would be perverse to issue a notice alleging an injury to amenity and then allow another injury to amenity to be created by leaving piles of debris behind.

Conclusion

9. I shall dismiss the appeal and uphold the notice.

Simon Hand

INSPECTOR