



Appeal Decision

Site visit made on 16 June 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 08 July 2025

Appeal Ref: APP/J0350/C/24/3341468

3 Gloucester Avenue, Slough SL1 3AW

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Rajvir Singh Dhardwar against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 5 March 2024.
- The breach of planning control as alleged in the notice is 'the erection of a building and its use as a self-contained dwelling'.
- The requirements of the notice are to:
 - 5.1 Cease the use of the building as a self-contained dwelling.
 - 5.2 Remove the kitchen and shower room from the building.
 - 5.3 Remove the internal walls incorporating the kitchen and the shower room within the building.
 - 5.4 Remove all plumbing, boiler and associated pipework in connection to the kitchen and shower room within the building.
 - 5.5 Demolish the building in its entirety.
 - 5.6 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: Six (6) calendar months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Act. 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.

Summary Decision: The appeal is dismissed; the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. I have also determined another appeal by the appellant relating to the same site, though for different development (APP/J0350/C/24/3341464).
2. After the enforcement notice was issued, the National Planning Policy Framework was revised then altered (the NPPF). This does not materially affect my determination of the appeal so there is no injustice to the main parties.

Ground (a)

3. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the notice. This is the erection of a building and its use as a self-contained dwelling. The appellant refers to section 177(1)(a) of the Act and seeks a split decision on the application deemed to have been made. Namely, planning permission for the erection of a building, though not its use as a self-contained dwelling but as an 'outbuilding' or a 'residential outbuilding' and either way 'ancillary to the main use of the house'.
4. The enforcement regime is intended to be remedial rather than punitive. Under the appellant's alternative scheme the building would remain the same visually and

physically and not involve any new works, so no different to the operational development part of the breach of planning control. As such, I consider this part is severable. The Council had an opportunity to consider this approach so I am satisfied there would be no injustice.

Main issues

5. The main issues are therefore:

- the effect of the building on the character and appearance of the area; and
- its effect on the living conditions of existing or future occupants of No.3 Gloucester Avenue having regard to outlook and external amenity space.

Reasons

Character and appearance

6. No.3 Gloucester Avenue is a semi-detached house in a suburban residential area. Most houses in this area are in regimented, reasonably wide and long rectangular shaped plots. Where roads intersect, or angle away from or behind each other, some plots are smaller and irregular in shape or include notably shorter back gardens, as at No.3. The many detached domestic outbuildings in this area vary in size, form and quality of design or external materials. They include flat roofs or are sited at the ends of back gardens, including some tight along plot boundaries on three sides. Nevertheless, remaining space on most plots and openness between houses or outbuildings helps to relieve the tangible built-up feel to the area.
7. The building is single-storey with a flat roof and the overall design and external materials are more functional than intrinsically high quality. This is not unusual or uncommon for an outbuilding and it is not dissimilar in these regards to the form or appearance of outbuildings nearby, including in back gardens either side of No.3.
8. However, though reasonably wide at the front, the plot of No.3 tapers meaning the back garden is progressively narrower. The building is quite large in floor area so in siting, depth and width it infills a significant proportion of the end of this already short back garden which is truncated at an angle. It is also notably taller to eaves level than is typical of a domestic outbuilding and projects further upwards on a thick raised concrete slab. Albeit rendered, the form of the building accentuates the significant extent of mostly blank vertical elevations.
9. As a result, the notable bulk of the building erodes a significant proportion and depth of gap between the end of the garden and the back of No.3. The proximity and juxtaposition of these buildings gives an overly tight layout and over-developed feel to the plot, including compared to most nearby houses or other outbuildings. This jars with the prevailing established form, layout and pattern of houses, gardens and outbuildings in this area. The fundamental disparity in these respects could not be overcome or made acceptable with planning conditions.
10. There is no significant public view of the building, including from Gloucester Avenue. Even from the narrow service road behind No.3, it is largely innocuous given the run of other outbuildings or walls that flank the same side of this road. Also, because of the clutter of structures and activity opposite, behind buildings that front onto a shopping parade. While it can partly be seen in views from upper floor windows or back gardens of adjoining houses, it is not visually intrusive in those

views or as seen in the surrounding developed context as a whole. Absence of greater public visibility does not mean no intrinsic adverse impact.

11. I find that the building causes harm to the character and appearance of the area. Consequently, it does not comply with Policy EN1 of the Slough Local Plan, March 2004 (the LP) or with Core Policies 1 and 8 of the Slough Core Strategy, December 2008 (the CS). These policies include that development should respect the location and distinctiveness of the area and be compatible with its surroundings in scale, height, massing, bulk, form and siting.

Living conditions

12. The building can plainly be seen in perpendicular views from ground floor habitable room rear facing windows in No.3 for a combined kitchen, dining room and family seating area or two other rooms that could be used as habitable rooms. However, the intervening distance is such that the building does not unduly restrict views through these (or any other) windows of No.3, including past it either side or over it.
13. No.3 is a family sized house and even if not already occupied by a large family it could be. Although reasonably wide, the remaining open part of the back garden is now much shorter because of the building, leaving a much narrower band of space between it and the extended ground floor rear elevation of No.3, which stretches across the full width of the house and had already reduced back garden space. While the building does not, as the Council suggests, 'completely obliterate' the remaining amenity area, it has substantially diminished useable garden space, with a distinct feel of being hemmed in between the building and the back of the house.
14. As a result, there is much less flexibility for use of the space that remains to meet a range of usual family domestic use and activity – such as children's play, relaxing, socialising or entertaining, gardening or growing vegetables. Some of the remaining back garden is also close to the two-storey part of No.3 or houses either side of it. This will cause overshadowing for a large part of the day and restrict some direct easterly and southerly sunlight.
15. While I find no harm to the living conditions of existing or future occupants of No.3 having regard to outlook, harm to living conditions is caused by the inadequate extent, layout and orientation of external amenity space. Consequently, the building does not comply with LP Policy H14 and CS Core Policies 1 and 8. Amongst other things, these policies seek an appropriate level and quality of amenity space for the type and size of dwelling and household, including in area, depth, orientation and usefulness and also relative to provision at dwellings in the area.

Other Matters

16. If the building was not occupied as a dwelling, there is little evidence that it would infringe development plan policies for residential living conditions, such as in terms of floorspace, outlook, privacy or external amenity space. Nor that it would have unacceptable adverse impact on the living conditions of existing occupants of any other houses. In these circumstances, there is also little to suggest that the building would generate a need for additional car parking at No.3. In any event, at my site visit I saw that nearby streets are mostly not controlled by permits or other highway restrictions and, albeit a snapshot, available on-street parking spaces were commensurate with maintaining road user or pedestrian safety.

Planning Balance and Conclusion

17. The development applied for would not result in a net gain of dwellings for the purpose of housing supply or delivery. The building retained as an outbuilding in incidental use would likely be of practical utility for the occupants of No.3. But this private benefit and the personal preference of the appellant carries little weight, whereas planning operates in the wider public interest.
18. In this case there is conflict with the development plan and equivalent provisions of the NPPF by harm to the character and appearance of the area and to some living conditions of existing and future occupants of No.3. These are important planning matters and as such I give both of these considerations significant weight. For these reasons, ground (a) fails.

Formal Decision

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

Robin Buchanan
INSPECTOR