
Appeal Decision

Site visit made on 14 October 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2025

Appeal Ref: APP/J0350/W/25/3369635

16 St Michaels Court, Slough SL2 2NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Rebecca Minter against the decision of Slough Borough Council.
 - The application Ref is P/20817/000.
 - The development proposed is described as “part retrospective application for the retention of change of use from ‘green verge’ to garden curtilage and inclusive of associated fencing and planting”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks planning permission for the change of use of land to the rear of the appeal property and alongside Portland Close. On my visit I saw a fence along the pavement edge that encloses the previous verge as part of the appeal property’s rear garden. Therefore, the development has commenced.
3. As well as this appeal, I have also determined other appeals¹ relating to nearby properties. These also seek retrospective planning permission for the change of use of parts of the verge on the same side of Portland Close and the erection of boundary features. I have determined this appeal on its own merits but I have also taken account of the other developments. I have issued separate decision notices for the other appeals.
4. In addition to the developments subject of this and the other appeals, I am advised planning permission has been sought but refused by the Council for similar changes of use and the erection of fencing on land to the rear of 8 Ramsey Court and 14, 15 and 20 St Michaels Court. As far as I am aware, no appeals have been lodged against these decisions. On my visit, I saw fencing has already been erected at these properties. The evidence before me indicates that this fencing is unauthorised and I have taken this into account in my assessment of this appeal.

Main Issues

5. The main issues are (i) the effects of the development on the character and appearance of the area, and (ii) whether it accords with policy OSC8 of the Local Plan for Slough adopted 2004 (the LP) on green spaces.

¹ Appeal ref nos: APP/J0350/W/25/3369708, APP/J0350/W/25/3369727, APP/J0350/W/25/3369842 and APP/J0350/W/25/3369688.

Reasons

Character and appearance of the area.

6. Before the appeal development, the part of the appeal site nearest to Portland Close formed part of a vegetated strip of land outside of the adjoining back gardens. This verge contained trees and bushes that ran for a significant distance along the side of Portland Close. Submitted photographs show how the vegetation concealed the fence that was on the original rear boundary of the appeal property and how it screened Ramsey Court and St Michaels Court properties from Portland Close. As such, the greenery made a marked positive contribution to the natural and visual qualities of the street scene, even though it was not always well-maintained and its appearance was spoilt by littering.
7. The removal of the vegetation is contrary to LP policy EN3 as this seeks the retention of trees and other features that make a significant contribution to the landscape. A planning condition could be imposed that requires new planting to be provided towards the end of the garden and this could protrude above the fence and so be seen from Portland Close. However, the new planting would be viewed with the fence in the foreground and so it would not fully compensate in visual terms for the loss of the previous greenery.
8. The new fence is significantly more obvious than the one it has replaced as it is on the pavement edge with no screening. It is not an entirely unusual feature as other boundary treatments are seen at nearby residences on Portland Close and other local roads. However, the walls and fences on the opposite side of Portland Close tend to be set back off the pavement with grassed verges in between. This positioning helps reduce their visual influence and dominance. In contrast, the fence on the appeal site appears as a stark and abrupt form of enclosure as it is on the edge of the pavement without a gap.
9. Whilst my assessment relates to the specific development at 16 St Michaels Court, it is difficult to ignore the similar unauthorised developments at other nearby properties. Together, this appeal development and the other schemes have had a significant harmful effect on the visual qualities of the street scene by replacing a length of mature vegetation with a dominant and jarring stretch of fencing. This cumulative effect adds to my concerns over the particular impacts of the appeal development.
10. The garden use of the land is compatible with the residential nature of the area. Also, the fence reduces the risk of street litter and it would help prevent any replacement planting from obstructing the pavement. However, it would seem that the problems associated with the land prior to the appeal development were due to inadequate management. The concerns over the lack of previous maintenance fail to justify the removal of vegetation that made a positive contribution to the street scene.
11. There is fencing next to the pavement with trees behind at 10 Portland Close and within sight of the appeal site. However, this is short compared to the overall length of the fencing on the appeal site and the adjoining properties. Also, there is little evidence to indicate that this replaced a significant belt of mature greenery. As such, this existing development is not directly comparable to the appeal scheme. Moreover, the fences at the entrance of St Michaels Court and at

34 Whitaker Road as referred to by the appellant are not seen within the same context as the appeal site and so they also fail to justify the appeal development.

12. For these reasons, I conclude the development has had a harmful effect on the character and appearance of the area. Also, it contributes to a wider cumulative detrimental effect when considered alongside the other similar developments that have been carried out at nearby properties. In these regards, the development does not accord with LP policies EN1 and EN3 as well as core policy 8 of the Slough Local Development Core Strategy adopted 2008 (the CS). Amongst other things, these policies seek to ensure development improves the quality of the environment and that it is compatible with its surroundings.

Green Space.

13. LP policy OSC8 resists development that results in the loss of green spaces unless their amenity value can be largely retained and enhanced. It also requires applications for development affecting green spaces to be accompanied by detailed landscaping plans so the visual impact can be fully assessed.
14. The verge did not provide usable public space due to the extensive vegetation cover. However, the justification to LP policy OSC8 explains that green spaces may be small and fulfil a limited recreational role, although in general they have a visual amenity value. For the reasons given above, I am satisfied the strip of land partly affected by this appeal development had an aesthetic value that was appreciated by residents and users of Portland Close. Therefore, I conclude the land was a green space that is protected under the terms of LP policy OSC8.
15. I have already found that the development has caused harm to the character and appearance of the area and its visual qualities by replacing vegetation with fencing. Also, there are no detailed landscaping plans before me and so the submissions fail to meet the requirements set out in LP policy OSC8. The appellant has suggested the imposition of planning conditions that require the implementation of a landscape scheme and that remove permitted development rights to prevent the erection of buildings on the extended garden land. However, I am unconvinced from the information provided that the harm to the attractiveness of the green space would be fully addressed or mitigated through the imposition of such conditions.
16. This appeal development relates to only a small part of the former verge. Nevertheless, I conclude it has had an unacceptable harmful effect on a green space and that insufficient information has been provided to demonstrate its visual amenity value would be retained or enhanced. In these regards, the development is contrary to LP policy OSC8.

Other issues and planning balance.

17. The development has increased the amount of garden land at the appeal property. However, the garden was previously of an acceptable size and the addition does not significantly improve the quality of outdoor space or living conditions for residents. I fail to see how the development has enhanced privacy as the rear of the property is now easily seen from Portland Close following removal of the green screening. Moreover, it does not follow that the inclusion of the land within a garden means that it has a more efficient and effective use. As such, the benefits in these respects attract limited weight.

18. The development has increased the security of the residence, particularly in terms of providing greater control over entry onto the enclosed land and enhanced surveillance. It also reduces the likelihood of littering and other forms of antisocial behaviour. The fence also means it is less likely that the pavement would be obstructed by overgrown trees and hedges. Together, these benefits attract moderate weight in my overall assessment.
19. However, I have found the development is contrary to the policies of the LP and the CS. The harm caused attracts significant weight. The other factors in support of allowing the appeal are insufficient to outweigh this detriment and they do not justify granting planning permission contrary to the development plan.

Conclusion

20. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR