



Appeal Decision

Site visit made on 23 September 2025

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2025

Appeal Ref: APP/J0350/W/25/3366004

1 - 2 The Drive, Langley, Slough SL3 7DB

- 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 Mr S B Khan against the decision of Slough Borough Council.
 - The application Ref is P/07663/033.
 - The development proposed is partial conversion of outbuilding to provide caretaker accommodation (ancillary use).
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Decision

1. The appeal is allowed and planning permission is granted for partial conversion of outbuilding to provide caretaker accommodation (ancillary use) at 1 - 2 The Drive, Slough, SL3 7DB in accordance with the terms of the application, Ref P/07663/033, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by the appellant, Mr Khan, against the Council. This is subject to a separate decision.

Preliminary Matters

3. Since the appeal application was determined, planning permission has been granted for the erection of fences to enclose the gardens of the existing apartments within the appeal site, Council ref P/07663/034. This would separate the respective garden areas of the ground floor apartments at the host property and provide gated access through to the appeal outbuilding.
4. The appellant asserts that the proposed development would be permitted development. Although, as planning permission has been sought, I have determined the appeal proposal on that basis. However, the lawfulness of the proposed development is not a matter for this appeal.
5. I observed during my site visit that the submitted existing plans of the appeal outbuilding do not reflect the building in situ. Previous openings have been blocked up and the internal layout of the building differs in terms of the position and number of internal walls and there was no fitted bathroom or gym within the outbuilding at the time of my visit. Also, I observed the outbuilding was principally being used for storage purposes and not as a self-contained flat. However, I have made my decision based on the submitted plans. The disputed photographs of previous fencing within the appeal site is a neutral matter for this appeal, as fencing does not form part of the appeal proposal and it was not in situ at the time of my visit.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the host property and surrounding area; and,
- the effect of the proposed development on the living conditions of occupiers of nearby residential properties in regard to privacy, outlook and noise and general disturbance and, whether the proposal would provide adequate facilities for the ancillary caretaker use, in regard to the amount of outdoor space, privacy and outlook.

Reasons

Character and appearance

7. The appeal site is within a predominately residential area. The appeal outbuilding is a single storey pitched roof building set within the grounds of an apartment building. The submitted plans set out that no external alterations are proposed to the appeal outbuilding and that its floor area would not change. Therefore, as no significant alterations are proposed to the outbuilding and it is contained within the enclosed appeal site, the proposal would visually have a neutral effect on the host building and would not be prominent from beyond the appeal site. Consequently, the proposed development would not cause visual harm to the character and appearance of the host property or surrounding area.
8. The proposed ancillary caretaker use would occupy only part of the outbuilding, with the remaining part of it continuing to be used for storage purposes associated with the residential use of the host apartment building. Even though the recently approved fencing, Council ref P/07993/034, would separate the rear garden areas of the apartments in the host building from the outbuilding, gate access is proposed thereto to allow residents of the apartments to continue to use the storage and cycle parking facilities within the outbuilding. Therefore, access to the outbuilding would be no different to that already approved and even with fencing between, the gates would allow physical connection between the outbuilding and host property.
9. Notwithstanding the disputed need for on-site caretaker facilities to support the number of units in the host property and that the proposed internal layout includes certain features commonly found in a dwelling, these factors do not in themselves indicate that the outbuilding would be used as an independent dwelling or separate planning unit. This is particularly the case, given that such use is neither applied for in the description of development nor as intended by the appellant, as set out in their evidence. Furthermore, there is relevant caselaw¹, as referenced by the appellant, whereby it has been held that domestic facilities alone do not create a new planning unit. However, a planning judgement needs to be made, based on fact and degree, as to whether or not the proposed development would be ancillary.
10. The description of development sets out that the proposed caretaker accommodation would be an ancillary use. Also, the evidence submitted sets out how the caretaker facility will be used in conjunction with the residential use of the host property, that no sleeping accommodation is proposed within the outbuilding and that there would be physical connection between the host property and the

¹ Caselaw including, but not limited, Uttlesford DC v SSE & White (1992) JPL 171; Whitehead v SSE & Mole Valley DC (1992) JPL 561; Gravesham BC v SSE & O'Brien (1983) JPL 306

outbuilding via gate access. Additionally, the internal layout of the outbuilding, as shown on the existing plans, is not that different to the proposed layout in terms of the number of separate spaces and includes doors that could be locked and restrict access. Therefore, despite previous planning history, the proposed internal layout and that kitchen and bathroom facilities are proposed within the outbuilding, on balance, I am satisfied that, subject to a condition restricting the use of the caretaker facilities, the proposed development would have physical and functional connection with the residential use of the host property.

11. In view of the above, the proposed form and function of the proposed development would neither conflict with nor harm the predominantly residential character of the surrounding area or host property. Furthermore, due to the proposed ancillary use of the outbuilding and that the building would not be increased in size, the proposal would not result in the harmful overdevelopment of the appeal site. In such circumstances, considerations relating to new dwellings would not apply to the proposal. This includes in regard to patterns of development, density, infill, or backland development and, provision of adequate internal space for new housing.
12. If the outbuilding were to be used as the main residence for anyone and/or no longer used ancillary to the host property, then it would likely become a separate planning unit, whereby change of use would be required. Consequently, any unauthorised use of the outbuilding could be appropriately dealt with by relevant planning enforcement powers, as necessary.
13. To conclude on this main issue, the proposed development would not have a harmful effect on the character and appearance of the host property or the surrounding area. Therefore, the proposal would not conflict with Core Policies 4 and 8 of the Slough Local Development Framework (December 2008) (LDF) and Policies EN1 and H13 of the Local Plan for Slough (March 2004) (LP), which principally relate to new dwellings and amongst other matters, require high standard of design in terms of the scale, massing and appearance of new development and that development relates well to its surroundings.

Living conditions

14. Even though the outbuilding is not that far away from the rear windows of the apartments in the host property, close boarded fencing could be erected to the height and location, as approved under Council ref. P/07993/034. This would negate any potential direct overlooking from the caretaker facility windows to the apartments windows and ensure no loss of privacy to the occupiers of the apartments, either inside or outside their dwellings.
15. Additionally, as the outbuilding would not be enlarged or altered externally and given the approved and existing boundary treatment in place, the proposal would not change the outlook of residents in the existing apartments, or that of other nearby dwellings, compared to the existing situation.
16. The proposed ancillary caretaker use of part of the outbuilding would unlikely cause significant additional movement to and from the appeal site. Particularly, as the proposed use would be complementary to the host property and compatible with the residential context of the surrounding area. Therefore, it is unlikely that the proposal would cause any harmful noise and disturbance to the occupiers of nearby residential properties. While the Planning Inspector on the previous appeal ref APP/J0350/W/17/3181792 found there would be undue noise and disturbance

caused by the comings and goings associated with the proposed development, that related to a new studio flat and not an ancillary use and so, was for a different form of development to that now proposed.

17. One side of the appeal outbuilding is located close to the rear boundary fence of 75 Cherry Avenue (No 75). No windows are proposed in the side elevation of the appeal building nearest to this neighbouring property, the existing outbuilding would not be enlarged and, no changes are proposed to the existing boundary treatment with No 75. Also, the use of the part of the outbuilding nearest to No 75 would remain as existing, for storage and cycle parking. Therefore, the proposal would not reduce the amount of natural light, cause additional noise and disturbance, nor have an overbearing impact or affect outlook, to the detriment of the living conditions of the occupiers of No 75.
18. Due to the proposed ancillary use of the outbuilding and my findings that the proposal would not create a separate dwelling or planning unit, the requirements for new dwellings in terms of the provision of adequate private amenity space and appropriate living conditions for the proposed caretaker facility would not apply.
19. However, the amount of outdoor amenity space to be fenced off from the private gardens of the apartments would be comparable in area to that of the separate outdoor spaces for the ground floor apartments in the host building, as approved under Council ref P/07993/034. Therefore, the amount of outdoor space for the ancillary caretaker facility would be acceptable and provide enough space for outdoor seating or other uses, as needed by the caretaker whilst at the premises.
20. The roof light serving the proposed kitchen/diner would not provide horizontal views in terms of outlook, although it would provide sufficient light to the room and would not be used as part of a separate dwelling. The proposed seating/rest room would have two windows, and even though one window would be close to the approved boundary fence, the second window, facing toward the boundary along The Drive, would provide adequate outlook for the caretaker using this room. Therefore, overall, the caretaker facility would have sufficient outlook for those using it.
21. Additionally, as the caretaker rooms would be used ancillary to the residential use of the host property and not for sleeping or as permanent living accommodation, there would be no habitable room privacy concerns. Also, in view of the intended use, the movement and activities associated with the residents of the host property using the other parts of the outbuilding would unlikely cause harmful noise and disturbance to those using the caretaker areas.
22. Having regard to the above, the proposed development would not have a harmful effect on the living conditions of occupiers of nearby residential properties in regard to loss of privacy, noise and general disturbance and, the proposal would provide adequate facilities for the ancillary caretaker use, in regard to the amount of outdoor space, privacy and outlook. Therefore, the proposal would not conflict with Core Policy 8 of the LDF or Policies H13, H14 and EN1 of the LP, which amongst other things, require new development to provide adequate amenity garden space and have a high standard of design, including an acceptable relationship to nearby properties, that does not cause overlooking or loss of privacy.
23. Core Policy 4 of the LDF relates to the type of new housing and where it should be located and density, rather than living conditions and so, is not directly of relevance to this main issue.

Other Matters

24. Due to the proposed ancillary use of the outbuilding to the host property, it is unlikely that it would generate significant additional traffic movement. Also, no substantive evidence has been provided to demonstrate that the proposed ancillary use would require additional parking provision. Therefore, the proposal would unlikely cause harm to highway safety by reason of additional pressure on on-street parking or impacts on the free flow of vehicles, leading to increased accidents on the highway.
25. The proposal would not affect the amount or use of bin storage areas for the apartments in the host property. Therefore, appropriate bin facilities and access thereto would remain within the appeal site. Concerns of nearby residents about the impact on property values relate to private interests and therefore, is not a consideration I have given weight to.

Conditions

26. Having regard to the advice contained within the Planning Practice Guidance and the National Planning Policy Framework (the Framework), in addition to the standard implementation condition, it would be necessary in the interests of certainty to define the plans with which the scheme should accord. To protect the privacy of occupiers of the existing apartments within the host building, it would be necessary to include a condition to require the provision of fencing before it is first used for caretaker rest purposes. Such fencing details should accord with that already approved as part of the recent permission for fencing, as agreed with the appellant.
27. The Council have recommended a condition that there are no locks on the internal doors within the outbuilding, other than to the bathroom, to ensure accessibility to all residents and ancillary use associated with the apartments in the host property. A condition requiring unlocked internal doors is not necessary to make the development acceptable and ensure the outbuilding is used for ancillary purposes. Furthermore, the approved internal layout of the outbuilding included doors that could be locked in any case. However, it would be reasonable and necessary to include a condition that defines the permitted use, as applied for, and to ensure the outbuilding is not used as a separate dwelling unit or any other purpose. If the use is not defined and restricted, it could result in alternative forms of development, whereby other considerations would apply.

Conclusion

28. For the reasons given above, the appeal would accord with the development plan read as a whole and there are no material considerations that indicate otherwise.
29. Accordingly, the appeal is allowed.

C Billings

INSPECTOR

See overleaf for Schedule of Conditions

Schedule of Conditions

1. The development hereby permitted begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos: (a) Drawing No. KHAN/PLAN/002, Dated 28th January 2025, (b) Block Plan, Scale 1:500, (c) Site Plan, Scale 1:1250.
3. The parts of the outbuilding identified as kitchen/dinner, a WC/shower room, seating and rest room and the link area between the kitchen/diner and seating and rest room, as shown on drawing no. KHAN/PLAN/002, shall only be used for purposes ancillary to the residential use of 1-2 The Drive, as rest facilities for the caretaker of those units. The outbuilding shall at no time be used as a separate self-contained dwelling or for any other purpose that would not be incidental to the residential use of 1-2 The Drive.
4. Before the outbuilding is first used for caretaker rest facility purposes, fencing and gates shall be provided between the outbuilding and garden areas of the ground floor apartments at 1-2 The Drive, in accordance with the details shown on drawing number KHAN/PLAN/001 dated 12 May 2025, as approved under planning permission ref P/07663/034. The gates and fencing shall thereafter be retained for the lifetime of the development.

End of Schedule