



Appeal Decision

Site visit made on 9 September 2025 by A Khan BSc (Hons) MA MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Appeal Ref: APP/J0350/D/25/3368628

46 Kings Road, Slough, SL1 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohammed Choudhry against the decision of Slough Borough Council.
 - The application Ref is Y/20840/000.
 - The development proposed is described as 'single storey rear extension 1m away from side flank wall'.
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Decision

1. The appeal is dismissed insofar as it relates to the southernmost single storey rear extension shown crosshatched in red on drawing MMCB PL-100 dated 27th April 2025.
2. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) only insofar as it relates to the northernmost single storey rear extension adjacent to the boundary with 48 Kings Road, as shown crosshatched in red on drawing MMCB PL-100 dated 27th April 2025, at 46 Kings Road, Slough, SL1 2PT in accordance with the application Ref Y/20840/000 and the details submitted with it including drawing no MMCB PL-100 dated 27th April 2025, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

4. The description in the header above is taken from the application form, however the submitted plan clearly shows that two separate rear extensions are proposed. One is shown attached to the rear of the original main dwelling, and the other to the rear of a rear projection from the main dwelling. For the avoidance of doubt, I have considered the proposal as shown on the submitted site plan, on the same basis as the Council made its decision.

Main Issues

5. The main issues are whether the proposal would comply with the relevant conditions and limitations of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons for the Recommendation

6. When considering an application or appeal for prior approval, the courts have held that the determining authority must consider and determine whether the development falls within the definitional scope of the particular class of permitted development. Paragraph A.4.(3) provides that the authority may refuse an application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations and restrictions applicable to development allowed by paragraph A.1(g).
7. The Council did not consider the proposed development against each of the conditions and limitations of Class A in detail. However, it did identify in its decision that the proposal may not comply with those requirements. It also highlighted concerns about the accuracy of the drawings, noting potential discrepancies between the size of an existing rear projection as shown on the plans compared to what stood on site.
8. The proposal includes demolition of a rear extension to the appeal property, adjacent to the boundary with No 48. At my site visit, I saw that this structure had already been removed. This element of the proposed development does not fall under the prior approval procedure in Class A however and is therefore separate from the construction of the proposed rear extensions.
9. Notwithstanding this, I saw that the single storey rear projection on the appeal property had been demolished as well. This appears to have taken place since the Council considered the scheme. The southernmost rear extension proposed in this appeal is shown as being attached to that rear projection. As the rear projection no longer exists, the southernmost element of the appeal proposal cannot be built as shown on the proposed plans.
10. If the southernmost element were built to the size and position shown on the plans it would not be attached to the dwelling, so would be a separate construction rather than an enlargement of the dwelling. It therefore would not fall within the scope of Class A.
11. Alternatively, if the gap were filled in so that the development attached to the current rear elevation of the dwelling, not only would that include more new development than is shown on the submitted plan, but the total enlargement would also be more than 6 metres deep. This would conflict with Paragraph A.1.(g), which only allows enlargements that extend beyond the rear wall of the original dwellinghouse by up to 6 metres on a semi-detached dwelling.
12. Consequently, there is insufficient information before me to demonstrate that the southernmost extension proposed would comply with the conditions and limitations of Class A. I must therefore recommend dismissing the appeal insofar as it relates to this part of the proposed development.

13. The northernmost proposed extension, adjacent to No 48, is physically separate from the other proposed extension. It can therefore be considered separately, and I have the option to issue a split decision. This northernmost extension appears to comply with the conditions and limitations of Class A, and the Council does not dispute this.
14. There has been an objection to the proposed development from a neighbour. In these circumstances, paragraph A.4.(7) requires an assessment of the effect of the proposed development on the amenity of any adjoining premises. Given my findings in relation to the southernmost extension, there is no need for me to assess the amenity impacts of that element of the scheme and I shall consider the other extension only.
15. The northernmost extension is proposed to be built up to the boundary with No 48. That property has a single storey rear extension, however, and the proposal would only project slightly past that structure. It would be set well away from the boundary with No 44. Consequently, it would not be a prominent or dominant feature when viewed from either neighbouring dwelling or their gardens, and would have a very limited impact on the outlook and light to either Nos 44 or 48. As a single storey structure replacing a slightly smaller extension, it would not result in a significant increase in overlooking of neighbouring gardens, given the screening effect of existing boundary fences. Accordingly, the northernmost extension would not adversely affect the living conditions of neighbouring occupiers in relation to privacy, outlook or light.
16. In conclusion therefore, the southernmost extension proposed would not demonstrably fall within the scope, conditions and limitations of Class A, Part 1, Schedule 2 of the GPDO. The northernmost extension proposed would however comply with Class A and would not harm the living conditions of neighbouring occupiers. Therefore, prior approval can be granted for that element of the appeal scheme only.
17. Although the Council has referred to various policies of the development plan and supplementary planning documents (SPD), this type of appeal does not stand to be considered against planning policies in the way that an application for planning permission would be. Therefore, while I have had regard to those policies and SPD, they have not been determinative in my recommendation.

Other Matters

18. I acknowledge the appellant's arguments regarding the design of the extension, its relationship with neighbouring properties, and the personal circumstances advanced in support of the proposal. However, these matters cannot alter the fact that the southernmost extension proposed does not demonstrably benefit from permitted development rights and therefore falls outside the scope of the prior approval regime. There is also no provision to balance other considerations against this matter in this type of prior approval appeal.
19. Concerns have been raised about potential future use of the property as a House in Multiple Occupation (HMO) and associated parking pressures. However, there is no application before me for a change of use to an HMO, and parking issues are not central to the main issues in this appeal. Therefore, these fall outside the scope of my remit in considering this appeal.

20. The appellant states that elevation drawings were submitted but the Council indicates these were not included in the application. Nevertheless, I have been able to assess the impact on neighbouring properties from the site plan and dimensions provided.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed in relation to the southernmost extension proposed, and that the appeal should be allowed and prior approval granted for the northernmost extension proposed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis I shall issue a split decision. The appeal is therefore allowed insofar as it relates to the northernmost extension, subject to the conditions listed above. The appeal is dismissed insofar as it relates to the southernmost extension.

L McKay

INSPECTOR