



Appeal Decision

Site visit made on 6 January 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/J0350/C/24/3339222

46 and 48 Oatlands Drive, Slough SL1 3EL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Haleema Hayat against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 23 January 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the outbuilding (shown edged with a solid red line on the plan attached to the notice) to use as a self-contained dwelling and associated facilitating works ('the unauthorised change of use').
 - The requirements of the notice are: 1. Cease the use of the outbuilding as a self-contained dwelling. 2. Remove the kitchen and shower room from the outbuilding. 3. Remove the internal walls incorporating the shower room within the outbuilding. 4. Remove all plumbing, boiler and associated pipework in connection to the kitchen and shower room within the outbuilding. 5. Demolish the extensions to the outbuilding (as outlined in green on the plan which are inclusive of the brick-built extension and the plastic canopy and timber framed structure). 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 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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 Matter

2. My decision takes the revised National Planning Policy Framework (the Framework), which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The terms of the deemed planning application which flows from the ground (a) appeal are derived from the matters stated in the enforcement notice as constituting a breach of planning control. The power in s177(1)(a) of the Act to grant planning permission does not extend beyond the whole or part of those matters, or the land to which the notice relates.
4. The appeal made on ground (a) is misconceived. The notice alleges the material change of use of a residential outbuilding to use as a self-contained dwelling and associated facilitating works. As a matter of fact and degree, the use as a dwelling is clearly separate, physically and functionally, from either dwelling at 46 (No 46) and 48 Oatlands Drive (No 48). However, use of the structure along with one of the

extensions erected, either as a residential annexe or alternatively, for purposes incidental to the enjoyment of the main dwelling, is not part of the alleged breach. Such use is materially different in character to the use alleged in the notice and so falls outside the scope of the matters which can be considered in the ground (a) appeal.

5. Therefore, the main issues in this ground of appeal are:

- Whether suitable living conditions are provided for existing and future occupiers of the dwelling, having regard to internal floor area, outlook, the provision made for private outdoor amenity space and privacy.
- The effect on the living conditions of occupiers of neighbouring residential property, having regard to noise and disturbance and privacy.
- The effect on the character and appearance of the surrounding area.
- The effect on highway safety, having regard to vehicle parking associated with the dwelling.

Reasons

Living conditions-existing and future occupiers of the dwelling

6. The appeal concerns a freestanding single storey structure which originated as a residential garage, situated towards the far end of the rear gardens of Nos 46 and 48. The dwelling is accessed by a narrow, unmade private drive between the side of No 48 and a neighbouring residential property which leads to a communal garage courtyard.
7. An external door in a flat roofed side extension leads into the dwelling where there is a kitchen area which includes fitted units, a worktop surface with a sink and drainer, an oven and hob and a washing machine. An upright fridge/freezer is nearby. A separate WC/shower room is to one side of the kitchen. Beyond the kitchen area is an island breakfast bar, next to which is a sleeping area containing a double bed and other furniture items including a table. There is a separate main bedroom containing a double bed, built-in wardrobes and a chest of drawers, amongst other items. Also, there is a living area in a separate lean-to extension furnished with items including sofa chairs and a desk.
8. The building has a very modest floor area in comparison with Nos 46 and 48 and most neighbouring dwellings. Much of the internal floor space is taken up by basic domestic fittings, furniture and appliances. There is limited space in which to accommodate other everyday domestic furniture items, store clothing and personal effects or for other everyday electrical appliances and items generally associated with a dwelling, whilst also allowing for sufficient circulation space. The living area is of limited size, has an irregular shape, is only accessible externally and is not suited to all-year round use as the lean-to extension is constructed of timber and plastic sheeting. As a result, the dwelling provides an uncomfortably cramped and congested living space which is awkward to use. Moreover, whilst no figures were supplied the internal floor space is likely to fall well short of the 70m² gross internal floor area (GIA) minimum space standard for a two-bedroom, four-person single storey dwelling, set out in the Government's Nationally Described Space Standard¹. The significant deficiency in GIA when assessed against the minimum space standard reinforces my grave misgivings concerning the restrictive internal floor area provided for occupiers of the dwelling.
9. A small window in the main bedroom provides the principal source of outlook and natural light for the dwelling, windows serving the kitchen area and WC/shower room affording little outlook and light due to being enclosed by the lean-to

¹ Technical Housing Standards-Nationally Described Space Standard DCLG March 2015

extension. There is also little opportunity for outward views from the living area, its principal source of natural light being clear sheeting panels on the roof. The restricted outlook along with the modest levels of natural light available and the likely resulting increased reliance on artificial light sources has all led to occupiers experiencing an oppressive and unrelieved sense of enclosure inside the dwelling. Nor is any private outdoor amenity space provided. This leaves little opportunity for undertaking the range of activities that might typically be associated with such a space including informal recreation, cultivating plants, drying washing, or for waste/recycling storage, reinforcing the sense of the restrictive living environment experienced by occupiers.

10. The dwelling is not directly overlooked by neighbouring residential properties to the extent that occupiers' privacy is adversely affected. Even so, for the reasons identified above unsuitable living conditions are provided for existing and future occupiers of the dwelling. The lack of appropriate amenity space is in conflict with criteria in Policies H13 and H14 of the Slough Local Plan (LP), also being in conflict with criterion in Core Policy 8 of the Slough Core Strategy (CS). Furthermore, by not creating a place with a high standard of amenity for existing and future users the dwelling is inconsistent with the Framework.

Living conditions-occupiers of neighbouring residential property

11. The private drive leading to the dwelling and the adjacent communal garage courtyard is largely only used by occupiers of neighbouring properties. Neighbouring occupiers might therefore reasonably expect to be able to enjoy good levels of peace and quiet in their rear gardens and rear-facing rooms at most times. There are likely to be significant additional daily activities at the building, as well as pedestrian comings and goings thereto, including occupiers travelling back and forth for purposes of work, leisure and to meet shopping needs, along with deliveries, compared to prior to the use as a dwelling commencing. Given the proximity of the dwelling to the rear gardens and elevations of neighbouring residential property this has in all probability resulted in neighbouring occupiers experiencing considerable and appreciable increases in levels of noise and disturbance in their rear gardens and rear-facing rooms at times.
12. Consequently, whilst there has been no erosion in the neighbouring occupiers' privacy through any increased overlooking, the dwelling has nevertheless caused unacceptable harm to their living conditions. This is in conflict with criterion in LP Policy EN1, which requires development to be compatible with the surroundings in terms of the relationship to nearby properties. It is also in conflict with criterion in CS Core Policy 8, which requires development in residential areas to respect the amenities of adjoining occupiers.

Character and appearance

13. The dwelling is located in an established suburban residential area, where development largely comprises two storey terraced dwellings of similar age, scale, architectural style and alignment to the street, occupying generously sized, rectilinear plots, with secondary buildings at the rear served by private driveways. These factors contribute to the generally orderly and pleasant, suburban residential character and appearance of the locality.
14. The dwelling is of modest proportions compared with the mostly more substantial built footprint and scale of residential properties in the environs. It is of a size more akin to that of a secondary or ancillary structure, not a residence in its own right. The dwelling also sits in a plot which is of limited size when compared with the more generously portioned plots occupied by the majority of properties in the locality. The siting of the dwelling adjacent to the rear garden boundaries of Nos 46 and 48 and the garage courtyard has left little scope for providing outdoor amenity space or for softening landscape planting. Consequently, the dwelling gives the impression of being cramped and restricted on its plot and has created an

appreciably more built-up feel in the environs. Furthermore, being situated behind Nos 46 and 48 and other dwellings on Oatlands Drive and in neighbouring streets, adjacent to the outbuildings and rear gardens of neighbouring residential properties, the dwelling occupies a 'backland' plot with no street frontage and is only accessible via the private drive. As far as I could see, no other dwellings in the vicinity are similarly located.

15. Due to the above factors, the dwelling is entirely at odds with the general pattern of local development and is viewed as an alien and urbanising feature, significantly and harmfully eroding the pleasant suburban residential visual qualities of the surroundings. Although there are only limited public views the dwelling is clearly visible from neighbouring property, where it is largely seen in conjunction with development which has suburban qualities more consistent with the surroundings.
16. Therefore, the dwelling also causes unacceptable harm to the character and appearance of the surrounding area. This is in conflict with LP Policy EN1, which requires development to reflect a high standard of design compatible with the surroundings and seeks to resist poor designs. Also, by not being of a type, design, scale and density in keeping with the existing residential area or providing appropriate access, amenity space and landscaping, the dwelling conflicts with criteria in LP Policy H13. Additionally, the dwelling conflicts with CS Core Policies 1 and 4 as it is not related to the site's character and surroundings. Furthermore, by not being of high-quality design which improves the environment the dwelling conflicts with CS Core Policy 8.

Highway safety

17. No details of the current occupiers were supplied. However, having two double bedroom spaces it is not unreasonable to expect that between two and four people could occupy the dwelling. As far as I was made aware, no provision has been made for the off-street parking of vehicles used by the occupiers. Whilst Oatlands Drive has convenient links to frequent public transport services, it is highly likely that some or all occupiers of the dwelling require access to a private vehicle to meet their day-to-day travel needs. Therefore, the use as a dwelling is likely to have led to a significant increase in incidences of on-street parking on Oatlands Drive and/or in neighbouring suburban streets.
18. Oatlands Drive is a busy suburban street, which experiences considerable levels of passing vehicular traffic throughout the day. During my visit, I observed a substantial number of vehicles parked in laybys and on the verges on both sides of Oatlands Drive, with significant numbers of vehicles also parked at the roadside in neighbouring streets. There was limited capacity available to accommodate further on-street vehicle parking. The demand for parking vehicles in the vicinity is likely to be considerably higher at other times, i.e. during evenings and at weekends. Accordingly, the dwelling is likely to have substantially added to the pressures on vehicle parking in Oatlands Drive and neighbouring streets, where there is in all likelihood limited spare capacity at most times. I cannot reasonably be assured that this increase has been absorbed without causing significant reductions in the carriageway width available for vehicles to pass freely, or to the forward visibility available to road users, on occasion. Therefore, the dwelling is detrimental to highway safety, in conflict with CS Core Policy 7.

Conclusion-Ground (a) appeal

19. Suitable living conditions are not provided for existing and future occupiers of the dwelling, which also harms the living conditions of occupiers of neighbouring residential property and the character and appearance of the surrounding area, as well as being detrimental to highway safety, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the ground (a) appeal should not succeed.

Ground (f) appeal

20. The ground of appeal is that the requirements of the notice are excessive.
21. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place, and/or it can have the purpose of remedying any injury to amenity caused by the breach. The notice requires the unauthorised use as a dwelling to cease and the unauthorised extensions to be demolished, amongst other things. Therefore, the purpose of the notice must be to remedy the breach by restoring the land to its condition before the breach took place.
22. The appellant argued that the kitchen and WC/shower room extension should be allowed to remain, for use in conjunction with No 46 or No 48. However, erecting that extension facilitated the use as a self-contained dwelling. It is well-established that an enforcement notice directed at a material change of use can require the removal of works integral to and solely for the purpose of facilitating the unauthorised use to restore the land to its condition before the breach took place.
23. Set in the above context, limiting the requirements to ceasing the use as a self-contained dwelling along with removal of the lean-to extension would only partly remedy the breach, as works which facilitate the use as a dwelling would remain in situ. Since the land would then not be restored to its condition before the breach took place, the purpose of the notice would not be achieved. As a result, varying the notice to provide for the kitchen and WC/shower room extension to remain does not represent an obvious alternative to the notice requirements. No other alternative to those requirements was suggested and to my mind, nothing less would remedy the breach.
24. Therefore, the notice requirements are not excessive; they are proportionate, being the minimum steps necessary to remedy the breach. The ground (f) appeal fails.

Conclusion

25. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR