



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/23/3336139

2E Canterbury Avenue, Slough SL2 1EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Imam Hussain against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 27 November 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of an outbuilding to form a self-contained dwelling with facilitating works ('the unauthorised material 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 bathroom from the outbuilding. 3. Remove the internal walls incorporating the kitchen and the bathroom. 4. Remove all plumbing and associated pipework in connection to the kitchen and shower room within the outbuilding. 5. Remove the fence from the land separating the outbuilding from the main dwelling house. 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.
-

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.

Application for costs

2. An application for costs has been made by Slough Borough Council against Mr Imam Hussain. This application is the subject of a separate Decision.

Preliminary Matter

3. 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

4. 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.
5. The appeal made on ground (a) is misconceived. The notice alleges the material change of use of a residential outbuilding to form a self-contained dwelling with facilitating works. It is not in dispute that at the time the notice was served, the

structure had the ability to afford to those who use it the facilities required for day-to-day private domestic existence, this being well-established as the distinctive characteristic of a dwelling. As a matter of fact and degree, the use as a dwelling is separate, physically and functionally, from the main dwelling. Use of the outbuilding as a residential annexe to the main dwelling however 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. Besides, use of the structure for domestic purposes ancillary to the enjoyment of the main dwelling benefits from planning permission, albeit subject to condition 3 which restricts the installation of cooking facilities.¹

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

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

Reasons

Living conditions-future occupiers of the dwelling

7. The dwelling is a freestanding single storey structure, located towards the end of the rear garden of a mid-terrace ground floor flat, 2E Canterbury Avenue (No 2E). The dwelling is accessed via the rear garden of No 2E and from a footpath/cycleway at the rear of residential properties. When I visited, the dwelling was unoccupied. The interior consisted of a main room with a kitchen area which included fitted units and a worktop surface with a sink and drainer. There were spaces for household appliances such as an oven and washing machine and an upright fridge/freezer was positioned next to the entrance door. The rest of the main room was vacant apart from some stored domestic items including bicycles. A WC, wash basin and shower were in a separate room.
8. The dwelling has a very modest floor area in comparison with No 2E and neighbouring residential properties. There would be little space for circulation in the main room after accommodating a few basic items of domestic furniture, such as a bed, a sofa chair, a table and some drawers. Consequently, occupiers of the dwelling would have an uncomfortably cramped and congested living space. Moreover, whilst no figures were supplied the internal floor space is likely to fall well short of the 50m² gross internal floor area (GIA) minimum space standard for a one-bedroom, two-person single storey dwelling, set out in the Government's Nationally Described Space Standard². The significant deficiency in GIA when assessed against the minimum space standard reinforces my grave misgivings concerning the restrictive internal floor area available for occupiers of the dwelling.
9. The dwelling has a single aspect, openings in the rear elevation having been infilled with solid panels. Two windows and the part glazed entrance door in the front elevation therefore provide the principal source of outlook and natural light to the dwelling. The front elevation directly faces windows serving habitable rooms in the rear elevation of No 2E and its rear garden, as well as windows of the first floor flat, a limited distance away. Together with the absence of taller screening, this makes it highly likely that occupiers of the dwelling would have to keep the blinds drawn

¹ Council Ref: P/16091/002

² Technical Housing Standards-Nationally Described Space Standard DCLG March 2015

over their windows at most times to avoid being directly overlooked by neighbouring occupiers, with resulting poor privacy levels. The limited outlook and natural light available means that occupiers would be likely to be reliant on artificial lighting sources at most times, leading to them experiencing a significant and unrelieved sense of enclosure inside the dwelling.

10. A boundary enclosure separates an external area in front of the dwelling from the rear garden of No 2E. Given the modest size of this area, occupiers of the dwelling would be afforded little meaningful opportunity to undertake activities generally associated with a private outdoor amenity space, such as informal relaxation, cultivating plants and drying washing, or for waste/recycling storage. The area is significantly smaller than many rear gardens in the vicinity. The absence of a private outdoor amenity space of sufficient size and quality to undertake the above or similar activities reinforces the sense of a restrictive living environment which would be experienced by occupiers of the dwelling.
11. Therefore, unsuitable living conditions would be provided for 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

12. The openings at the front of the dwelling afford close up views over the rear garden at No 2E and towards windows in its rear elevation. Also, there are likely to have been comings and goings through the rear garden of No 2E by occupiers of the dwelling and their visitors. This has all increased opportunities for direct overlooking of No 2E, significantly and harmfully eroding the high levels of privacy and corresponding appreciable sense of seclusion previously enjoyed by the occupiers at the rear of their property.
13. Additionally, there is likely to have been a significant increase in day-to-day activity at and in the vicinity of the dwelling, as well as substantial extra numbers of pedestrian comings and goings, compared to prior to the use commencing. This would include occupiers travelling to and from the dwelling for purposes of work, leisure and to meet shopping needs, along with deliveries. Given the proximity of the dwelling to the rear gardens and elevations of neighbouring residential property, this is all likely to have resulted in occupiers of No 2E and other neighbouring occupiers experiencing considerable extra noise and disturbance on occasion, particularly in their rear gardens where they would otherwise reasonably expect to enjoy relatively high levels of peace and quiet.
14. Consequently, the dwelling has caused unacceptable harm to the living conditions of occupiers of neighbouring residential property. This conflicts with criterion in LP Policy EN1, which requires development to be compatible with the surroundings in terms of the relationship to nearby properties. It also conflicts with criterion in LP Policy H13, which seeks to ensure that existing residential properties do not suffer from overlooking and loss of privacy. Furthermore, it conflicts with criterion in CS Core Policy 8, which requires development in residential areas to respect the amenities of adjoining occupiers.

Character and appearance

15. The dwelling is located in an established suburban residential area, where development largely comprises two storey residential properties of similar age, scale, architectural style and alignment to the street, neatly arranged in semi-detached pairs or short terraces and occupying generously portioned, rectilinear plots with ample dimensioned rear gardens. These factors contribute to the largely

orderly and pleasant, suburban residential character and appearance of the environs.

16. The dwelling is of modest scale compared to the more substantial proportions of most other residential properties in the surrounding area. It is of a size more akin to that of a secondary or ancillary structure, not a separate residence. The dwelling occupies a plot which is constrained in dimensions when compared with the more generously portioned plots of the majority of local residential properties. This has meant that the dwelling is adjacent to the plot boundaries, with little external space not occupied by built form. The solid timber fencing enclosing the external amenity area emphasises the limited dimensions of the plot. 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.
17. Also, the plot takes up a significant portion of No 2E's rear garden, considerably and appreciably reducing the garden size compared to those of other properties in the vicinity. Furthermore, the dwelling occupies a 'backland' location, well behind No 2E and neighbouring built forms fronting the street, alongside the rear gardens of neighbouring property. As far as I am aware, no other dwellings in the vicinity are similarly located.
18. As a result, 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 suburban residential visual qualities of the locality and causing 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

19. With sufficient floor space to accommodate a double bed, it is not unreasonable to assume that the dwelling could be occupied by up to two adults. As far as I was made aware, no provision has been made for the off-street parking of vehicles used by occupiers of the dwelling. It is highly likely that some or all of those occupiers would require access to a private vehicle to meet their day-to-day travel needs. Therefore, the dwelling is likely to have significantly increased incidences of on-street parking on Canterbury Avenue and/or neighbouring suburban residential streets.
20. During my visit, I observed a substantial number of vehicles parked at the roadside in Canterbury Avenue and the neighbouring streets, where it was possible to do so without obstructing off-street parking facilities. Limited capacity existed 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 this 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

21. Suitable living conditions are not provided for future occupiers of the dwelling, which 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

22. The ground of appeal is that the requirements of the notice are excessive.
23. 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 removal of the kitchen and bathroom, 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.
24. The appellant argued that the kitchen, including the fitted cupboards and the associated pipework, should remain for use of the structure as an annexe or home office in conjunction with the main dwelling. However, installing the kitchen was part of the works which 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.
25. Set in the above context, failure to remove the kitchen, its associated fittings and pipework would only partly remedy the breach, as works which facilitated 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. It follows that varying the notice to provide for the kitchen, fittings and associated pipework 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.
26. 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

27. 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