



Appeal Decision

Site visit made on 6 January 2026

by **Peter White** BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/J0350/C/23/3328801

Land at 41 Telford Drive, Slough SL1 9LB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Farah Amjad against an enforcement notice issued by Slough Borough Council.
- The notice was issued on 2 August 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey side and rear extension, outbuilding and boundary wall enclosure.
- The requirements of the notice are:
 1. Demolish the single storey side and rear extension (outlined in yellow on the Plan).
 2. Remove the outbuilding (outlined in pink on the Plan) and the associated drainage connection from the Land.
 3. Demolish the unauthorised boundary wall and fencing (outlined in blue and green on the Plan).
 4. 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: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (c) of the Town and Country Planning Act 1990 (as amended) ("the Act"). Since an appeal has been brought on ground (a), an application for planning permission ("the DPA") is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. The breach of planning control alleged in Section 3 of the Notice includes reference to a "boundary wall enclosure", but requirement 5.3 refers to "the unauthorised boundary wall and fencing". The boundary wall enclosure comprises low walls with fencing panels above them, supported by pillars. Therefore, although different terms are used, they refer to the same thing.

The appeal on ground (c)

2. Appeals on ground (c) are made on the basis that the development alleged does not constitute a breach of planning control.
3. The appellant's case is, firstly, that the outbuilding has been constructed using a shipping container, is moveable, and has no foundations. And secondly, that the boundary wall to the front, adjacent to the footpath, is less than 1.8m high, has been constructed without foundations, and does not require planning permission.
4. In relation to the outbuilding, Section 55 of the Act defines 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the material change in the use of any buildings or other land. Section 57 states that planning permission is required for the carrying out of development of land.

5. The primary factors in determining whether something is a building are its size, permanence and physical attachment.
6. The outbuilding is identifiably a shipping container at its core. But it has been clad and rendered externally and lined internally, full-height glazed panels and door have been installed, and an overhanging roof and guttering, and services, including drainage, have been installed running to the southern end of the building.
7. In terms of size, it is large enough to perform the function of additional living space, but small enough to be moved by crane and lorry on the public highway. Although the appellant advises there are no foundations, its own weight gives it a degree of physical attachment, and the installation of drainage, which runs under the patio, and power, demonstrate a degree of permanence. It is of greater size and physical attachment than many other domestic outbuildings, such as sheds, and it seems of at least similar permanence. Overall, considering these factors together, the outbuilding is therefore a building. None of the exceptions in Section 55 apply, and it is therefore development for the purposes of the Act.
8. The boundary wall enclosure appears to be of brick or block construction with a rendered finish, with fencing panels installed above the low walls and between the pillars, which each support a capstone. Section 55 of the Act describes 'building operations' as including operations normally undertaken by a person carrying on business as a builder. The work in the construction of the wall fits that description, none of the exceptions in Section 55 apply, and even without foundations it is development for the purposes of the Act.
9. The original planning permission for the group of houses on Telford Drive and Chalvey Grove included a planning condition which withdrew permitted development rights for householder developments, including the erection of outbuildings. The development of the outbuilding was therefore not 'permitted development' and was not granted planning permission by the Town & Country Planning (General Permitted Development) (England) Order 2025 ("the GPDO").
10. As the boundary wall to the front, next to the footpath, is adjacent to a highway used by vehicular traffic and exceeds 1m in height, neither was the boundary wall enclosure 'permitted development' under Part 2 of Schedule 2 of the GPDO. That part makes provision for the erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure in certain circumstances.
11. The outbuilding and boundary wall enclosure are therefore development which requires planning permission, and no planning permission has been granted for them. There is no dispute in relation to the erection of the single storey side and rear extension. The development alleged therefore constitutes a breach of planning control.
12. The appeal on ground (c) fails.

The appeal on ground (a)/the DPA

13. Appeals on ground (a) are made on the basis that planning permission ought to be granted for the development (the matters) alleged in the Notice as the breach of planning control.

The Main Issues:

14. The extension extends from the rear wall of the original house to the back of the plot and beyond the side of the dwelling. The outbuilding stands as an independent building against the western boundary and close to the rear boundary. A mature Oak tree protected by Tree Preservation Order 7 of 2017 (“the TPO tree”), stands just outside the appeal site, in very close proximity to the boundary, and its canopy overhangs the outbuilding and much of the external space.
15. The main issues are therefore, the effect of the development on:
 - The mature Oak tree subject to a Tree Preservation Order; and
 - The character and appearance of the dwelling and the area;
 - The provision of outdoor amenity space for residents.

The TPO tree:

16. No 41 is the only dwelling on the original estate development to have a double-sized plot. That arose on finding that development could not occur close to the TPO tree and over its roots. A proposed house was therefore removed from the original estate development plan, and its plot became part of that now known as No 41.
17. The TPO tree is a large mature Oak with an extensive canopy which extends over much of the external area to the west of the dwelling. It is a large tree in a prominent position on Telford Drive which makes a significant positive contribution to the amenity of the area. An Arboricultural Survey was prepared in December 2017 (“the 2017 AS”), for the purposes of a different development. It found the tree to be a fully grown mature tree of good form and in good health, and a visually significant tree in the local street scene.
18. The tree is so close to the boundary that, at its base, the boundary wall enclosure is almost in contact with it at ground level. Given its substantial size, and the extent of its canopy, its roots are likely to run across much or all of the adjacent external area within No 41, and possibly further.
19. The outbuilding and one of the columns of the boundary wall enclosure stand in very close proximity to the trunk of the TPO tree. Even without foundations, given the substantial weight of the outbuilding and the weight of the column, harmful compaction is highly likely to have occurred to the soil around the tree’s roots, harming its health. The Council’s photographs also show the subterranean drainage pipe installed to serve the outbuilding runs from the house directly towards the base of the tree and I have seen no evidence that these works did not damage the tree’s roots or base. Further harm is likely to have occurred from the weight of other parts of the boundary wall enclosure.
20. In 2020 planning permission was granted for a single storey rear extension (P/15864/005) (“the 2020 planning permission”). That permission authorised a rear extension, which the appellant states has been constructed with the addition of “a wraparound conservatory”, and no internal partitions. The flat roofed element of the side and rear extension constructed appears to be on the same footprint and have largely the same layout as that approved. However, condition 4 of the 2020 planning permission was a pre-commencement condition, which prohibited all development until a scheme of measures to protect the tree during construction

had been submitted and approved. The Council advise they have no record of any scheme having been submitted. Therefore, with the evidence before me, none of the works were carried out with planning permission.

21. In any case, the side and rear extension is a single construction, comprising a large open plan area with structural columns, but no internal divisions. The Tree Protection Plan accompanying the 2017 AS, for the development under consideration at that time, identified the majority of the plot as a Tree Protection Area. That included nearly all the land within which the alleged development has taken place, including most of the area covered by the side and rear extension.
22. The appellant states that the glazed side and rear elements of the extension were constructed without foundations, but no such claim is made in relation to the flat roofed part of the extension. The works of constructing foundations for those parts which have them may well have caused damage to the root system of the tree. But even those parts without foundations permanently cover a potentially significant area of the tree's root system. I have seen no evidence that the weight of those structures and their use as part of the dwelling has not harmed the TPO tree.
23. The Council are also concerned that the loss of the outdoor space at the rear of the dwelling leaves only the remaining areas beyond the dwelling for use by residents. As much of this area falls below the canopy, it will be heavily shaded. The Council have also submitted photographs which appear to show pruning works have occurred to relatively large branches in the vicinity of the outbuilding and the space between it and the extension. Although the appellant advises she did not undertake such works, I agree that reliance on areas so heavily shaded by the substantial tree canopy could well give rise to pressure to fell or prune the TPO tree in future.
24. Overall, with the evidence before me, the development is harmful to the TPO tree, which makes a significant positive contribution to the amenity of the area.

Character and appearance:

25. Telford Drive is one of the central roads serving a residential area of brick-built houses with tiled roofs. It is a broad road with a leafy character, from which smaller residential roads serve groups of houses.
26. 41 Telford Drive (No 41) was part of a development of 14 dwellings granted planning permission in November 2000. Of those facing Telford Drive, the semi-detached houses and short terraces are of buff brick design, with soldier courses above and below the windows, and plain tiled dual pitched roofs.
27. No 41 is in a particularly prominent position when seen from the west on Telford Drive. The land immediately to the west is a wide grass verge associated with a school, which renders the entire side elevation of No 41 visible and prominent from the street.

The rear extension

28. From the road, the visible parts of the rear extension are largely limited to those which extend beyond the side wall of the original dwelling. Those elements comprise its glazed walls and roof, of tinted glass in dark aluminium slim frames. They are not unattractive features as seen from the street, do not compete with the original dwelling, and are not visually incompatible with it. The flat roof of the central

part of the extension is marginally visible above the glass roof but is barely noticeable in most views.

29. From Tyndale Mews, the rear wall is finished with an external render material not found anywhere else on the dwelling. Where it meets the roof, it appears to have been unevenly applied. Although the tall fence panels obscure much of the rear wall, those parts which are visible are neither attractive nor in keeping with the dwelling or the character of the area. Its location, at the end of the road adjacent to a garage and the side wall of another dwelling, reduces the effect of that harm, but not entirely.

The outbuilding

30. The strong character of Telford Drive is one of modern brick-built dwellings with tiled roofs. That also extends to its garages, which are of the same materials and character and with pitched roofs.
31. In this context the outbuilding stands out as a flat roofed rendered building of a very different character. Its grey colour contrasts with the buff and red brick used elsewhere. The trunk of the oak tree softens its effect to some degree, as does its position set back on the plot, but it remains an uncharacteristic feature in the street scene. It is possible that it will be less prominent in the summer months, when the leaves have returned to the canopy of the oak tree and the outbuilding is in shadow, but in winter it is a harmful feature in the street scene.

The boundary wall enclosure

32. Very few dwellings have their frontages facing Telford Drive, and those that do have open frontages or low railings. The majority of side or rear boundary treatments are slightly taller, and vegetation is a notable feature interspersed with buff or red brick walls and a few timber fences.
33. The design of the boundary wall enclosure is very different to anything else on the street, with low rendered walls and long fencing panels above between tall rendered pillars, all painted grey. In the main perspective, from the west, it stands forward of the original dwelling, unlike any other front boundary treatment I saw. In addition, the contrast between the style of the boundary wall enclosure and the style of the dwelling sit uncomfortably with each other visually.
34. The enclosure of the frontage and the height of the boundary wall enclosure is out of character and insensitive in the street scene, where an open frontage from the street to the front of the dwelling, or one with low railings, would be more characteristic. The additional prominence given to its side elements, by the wide verge adjacent, exacerbates the harm.

Conclusion on character and appearance

35. Although I largely find the side and rear extension not to be harmful, the development as a whole harms the character and appearance of the dwelling and of the area. It therefore contrasts with Slough Local Development Framework ("LDF") Core Strategy Development Plan Document (2008) ("CS") Core Policy 8, and The Local Plan for Slough (2004) ("LP") Policies EN2 and H15. Together these policies require high quality design which respects the street scene and the local distinctiveness of the area, considering scale, materials, form, design, style, layout and proportions of the original building.

Outdoor amenity space:

36. The development has resulted in a substantial enlargement of the ground floor of the building. Internally, it provides large kitchen and living/reception areas with capacity for greater numbers of people.
37. The side and rear extension extends all the way to the rear of the plot. It also encroaches into the previously undeveloped land to the side of the original dwelling, and the outbuilding further reduces that space, leaving only a narrow gap between them at the rear of the plot. At the front of the plot cars were parked on the area to the side of the dwelling, leaving only the gap between the extension and the outbuilding for outdoor use by residents.
38. The wider plot given to No 41 affords its occupiers significantly more opportunity for outdoor space than other properties in the row, although much of the additional space is below the TPO tree's canopy or would otherwise be in shade from it. When not in use for parking, some of that space could be used as an external area for residents, although it would be heavily shaded by the tree canopy for around half the year.
39. The Slough LDF Residential Extensions Guidelines Supplementary Planning Document (2010) ("SPD") advises that the maximum permitted depth is 4.25m from the rear wall of the original house. The side and rear extension significantly exceeds that, but it is also the only dwelling with a double sized plot, and overall, the external area available to residents at the side of the dwelling still far exceeds that of any other property in the row. Despite the limitations of that area, it is not unusable for that purpose, and the Windsor Meadows Local Park, which includes a children's play area, is accessible by foot within 300 metres.
40. Overall, I therefore find that there is adequate provision of outdoor amenity space for residents. The development therefore accords with the relevant parts of CS Core Policy 8, and LP Policies EN1 and H15. Together these policies require development to provide an appropriate level of amenity space.

Conclusion on ground (a)/the DPA:

41. I have not found harm in relation to the level of amenity space or to the character and appearance of the dwelling and the area with respect to all aspects of the development. However, I find harm to the TPO tree associated with all parts of the development, and harm to the character and appearance of the dwelling and area in relation to the outbuilding and boundary wall enclosure. These result in conflict with development plan policies, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
42. The appeal on ground (a) therefore fails and the DPA should be refused.

Conclusion

43. 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).

Decision

44. 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.

Peter White

INSPECTOR