



Appeal Decisions

Site visit made on 10 February 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2026

Appeal A Ref: APP/J0350/C/25/3364599 & Appeal B Ref: APP/J0350/C/25/3364600 30 Marlborough Road, Slough, SL3 7LH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Varun Sharma and Mrs Shivani Sharma against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 28 March 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a front, single storey side and rear, part first floor side and rear extension, rendering to existing house, new windows and roof tiles, 3 no. AC units, new boundary treatments to front and gates to driveway and associated internal alterations, and change of windows and doors..
 - The requirements of the notice are:
 - 1) Demolish the front porch, part single and part two-storey side and part single and part two-storey rear extensions or build in accordance with the plans approved by planning permission referenced P/12850/008;
 - 2) Make good the external façade of the building by removing the render and restoring the front elevation to its former condition;
 - 3) Remove the metal gates/boundary treatment in its entirety; and
 - 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 six (6) calendar months.
 - The appeals are proceeding on the ground[s] set out in section 174(2)(b), (c), (f) of the Town and Country Planning Act 1990 (as amended).
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Appeal C Ref: APP/J0350/D/25/3364294 30 Marlborough Road, Slough, SL3 7LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Varun Sharma against the decision of Slough Borough Council.
 - The application Ref is P/12850/009.
 - The development proposed is a retrospective application for a front porch, single storey side and rear, part first floor side and rear extension, rendering to existing house, new windows and roof tiles, 3no. A/C units, new gates to driveway and associated internal alterations.
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Decisions

Appeals A & B

1. It is directed that the enforcement notice be corrected by deleting requirement 5.3 and substituting it with the following wording:

‘Remove the boundary enclosure fronting the property, incorporating the metal gates, in its entirety.’

Subject to this correction the appeals are dismissed and the enforcement notice is upheld.

Appeal C

2. The appeals are dismissed insofar as they relate to the new gates to the driveway and the three air conditioning units. The appeal is allowed and planning permission is granted for a front porch, single-storey side and rear, part first-floor side and rear extension, rendering to dwelling, and new windows and roof tiles at 30 Marlborough Road, Slough SL3 7LH.

Preliminary Matters

3. In September 2023 planning permission (ref P/12850/008) was granted for the erection of a single-storey rear, first floor side/part rear extension. Planning permission (ref P/12850/002) was also granted in 2006 for a pitch-roofed side and flat-roofed rear dormer extension. The developments were subsequently implemented but the 2023 consent was not built out in accordance with the approved drawings. In illustration, the single storey addition was built to an increased depth, the first floor extension was built slightly higher and to a different roof design, with a steeper pitch and a heightened central ridge.
4. In addition to the above a front porch was erected and new boundary enclosures were introduced involving the erection of side walls and piers, along with slatted, metal sliding gates and metal fencing of identical appearance, adjoining the back edge of the footway.
5. A retrospective application (ref P/12850/009) requesting that the development, as built, be retained, was submitted in October 2024 and then refused planning permission in January 2025. Following this the Council saw it expedient to issue an enforcement notice targeting the various elements of the operational development undertaken which, in order to regularise matters, requires for their removal.
6. Accordingly, Appeals A and B are in response to the enforcement notice issued, and Appeal C relates to the refusal of planning permission.

Appeals A & B

The appeals on ground (b)

7. An appeal under ground (b) is that the appellant does not accept that the breach, as alleged, has occurred as a matter of fact.
8. This appeal is limited only to the front porch. A porch addition to the dwelling was originally granted planning permission in 2004, yet the appellants say in their Written Statement that this was never built. With reference to the drawings submitted alongside application P/12850/009, planning permission was then sought for the feature's modified design.
9. The fact that this was included in the said application's description of development would suggest that the then agent must have felt that the porch, as built, must be considered as a structure appreciably different to that previously approved. In other words the contrast is such that the materiality warranted a fresh grant of planning permission for the porch's lawful retention.

10. However, the appellants now take the view that the modified design, with changes to the porch's width, eaves and ridge, are '*similar*' and the structure's erection does not constitute a breach. Yet, this is not the essence of a ground (b) appeal which, in this instance, would amount to a claim that a front porch has not been erected as a matter of fact. Instead, this transgresses to a ground (c) submission and the appellants' agent has seemingly misunderstood the legal subtleties here.
11. From my site visit observations it appeared that the air conditioning units, mentioned in the enforcement notice as part of the alleged breach, had been removed.
12. The appeal under ground (b) does not succeed.

The appeals on ground (c)

13. An appeal on ground (c) is that, although it is accepted that the works, as alleged, have taken place, express planning permission is not required as either planning permission had already been granted for the development or it falls within the parameters of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO). Alternatively, an argument might be made that the works carried out and enforced against did not actually constitute development, as defined under the 1990 Act (as amended).
14. Here, the appellants make reference to the planning position relating to rendering applied to the dwelling's external walls, new windows and doors installed within the dwelling's elevations, and internal alterations made, consequential upon the development carried out.
15. Section 55(2) of the 1990 Act indicates that the carrying out of operations which do not materially affect the external appearance of the building would not require planning permission. This would suggest that such works would satisfy the provisions of the GPDO. Schedule 2, Part 1, Class A thereto says that a dwellinghouse can be rendered, accordingly, providing that the property does not fall within a conservation area.
16. However, the document also says that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. This obviously means that materials used should be of similar visual appearance to those used on the existing house, but does not mean that they need to be the same materials.
17. In the above context it must follow that render is permissible so long as an element of render already exists. In this particular interest I note that the dwelling's walls, in their entirety, have been finished in a light coloured render, but I have nothing before me to show, definitively, that any such render existed prior to the works at issue being carried out. The appellants merely say that rendering to existing walls and new roof tiles constitute permitted development and thereby do not require the benefit of planning permission.
18. Reference to drawing no 1553-P-006, submitted in association with Appeal C, and which compares the elevations both approved and as built, would suggest that full render was not proposed as part of the previously approved scheme. In fact, the drawings would only suggest partial render to the front elevation as was – the frontage between the upper and lower bay windows - along with partial render of

the rear elevation. That said, many of the other dwellings in the street show only bare brickwork and, in the absence of evidence submitted to show that the appeal dwelling had otherwise, compounded by the significant effect of the full render, I must take the view that planning permission was required for the elevational treatment.

19. I consider that the render is just one of several elements involved in the development undertaken and, again, this is reinforced by the lengthy description of the development on the application form submitted, relating to Appeal C.
20. As regards the installation of new windows and doors, when comparing drawings nos 1553-P-006 and 007, apart from some additional small windows - the largest lighting a landing - the changes have involved a variation in the profiles of the windows involved, along with taller French windows at the rear.
21. The installation of windows, unless specifically prohibited by a restrictive planning permission, or due to the size and number that could materially affect the building's external appearance, would not normally require the benefit of planning permission. Neither would the reasonable replacement of roof tiles. However, a distinction has to be drawn between such works, if taken in isolation and, as is the case here, a comprehensive redesign of the property. Taking the latter scenario, I am satisfied that a wholesale material change to the dwelling's appearance has occurred in this particular instance.
22. Finally, it is a principle of planning law that internal alterations do not constitute development.
23. Returning to the front porch, though – and the appellant's representations suggest an appeal under ground (c) would be the thrust here - the structure built is materially different in both size and appearance to that previously permitted. As such, a fresh planning permission is reasonably required for its lawful retention.
24. To summarise, there are certain items in the alleged breach which would not normally necessitate a grant of planning permission, and the ground (c) appeal would then succeed in part. That said, whilst the allegation might extend beyond that which is reasonably warranted, the steps for compliance do not fully reflect the various breaches stated, as the stipulated requirements are more limited. Moreover, as mentioned, I have assessed the development as a whole, which amounts to the property's comprehensive redesign.
25. In the circumstances, and the fact that I am allowing the s78 appeal and granting planning permission for a large majority of the development, it is not essential that I make corrections to the enforcement notice to reflect my findings.

The appeals on ground (f)

26. Appeals under ground (f) are that the steps required in the enforcement notice go beyond what is reasonably necessary to remedy any harm caused.
27. The apparent remodelled and heightened walls along the side boundaries that flank the front curtilage would appear to be permitted development by virtue of the GPDO. If so, the rather nebulous requirement that the '*metal gates/boundary treatment in its entirety*' is assessed in the wake of my decision on Appeal C whereby planning permission is refused for the boundary enclosure, and gates incorporated within, that adjoin the back edge of the footway.

28. Accordingly, for the avoidance of doubt, I shall re-word and provide clarity to the enforcement notice's requirement 5.3.
29. The appellants consider that the requirements should be reworded and limited to just two requirements. First, that the front porch's roof be restored to its previous appearance - although this would go against the claim that the porch, as previously approved was never built – and the development in this regard should accord with planning permission ref P/12850/008. This is incorrect, as the porch was granted under permission ref P/12850/000, in 2004 and, if this was never implemented, as the appellants claim, the relevant permission has long since lapsed.
30. Importantly, and lawfully, in the absence of any appeal under ground (a) on the s174 submission, there is no deemed planning application which falls to be determined and I am thereby unable to allow the ground (f) appeal and grant planning permission for any part of the development in situ. Instead, the application for permission is limited to the s78 appeal (Appeal C).
31. The second requirement should merely require that the boundary enclosure fronting the back edge of the highway should be limited to a maximum height of 1m, in order to comply with the requirements of the GPDO. However, the Council makes the point, quite correctly, that permitted development cannot be granted retrospectively.
32. Requirement 5.4, requiring that all building materials and debris, consequent upon the compliance works, shall then be removed from the land is standard.
33. The ground (f) appeal ,therefore, also fails.

Appeal C

Main issues

34. The main issues are:
 - 1) the effect of the development on the character and appearance of the host dwelling, and the surrounding area; and
 - 2) the development's effect on the living conditions of neighbouring occupiers, with particular regard to any loss of light or outlook.

Reasons

Character and appearance

35. Marlborough Road has a definite suburban feel, comprising classic mid-twentieth century semi-detached, two-storey dwellings. The original character largely remains intact, but there are various local examples of dwellings being significantly extended, improved and rendered. This is an understandable and obvious response to householders' aspirations to optimise the habitable floorspace and modernise the dwelling's feel.
36. No 30, has been considerably extended which, compounded by the rendered elevations, has markedly altered the dwelling's appearance. There are other examples of such; the nearest being the development carried out at no 20.

37. When visiting the appeal site I observed that the altered and extended dwelling, whilst now appearing very different to its immediate neighbours, has been developed cohesively although, from the rear, it might be seen to have been somewhat over-developed. However, in this regard I am mindful that the principle of significantly extending and redesigning the dwelling itself was accepted by the Council when granting planning permission (ref P/12850/008) in 2023. As mentioned, a substantial dormer extension was also approved.
38. I have already highlighted the elements of the development previously approved, and the said permission will expire in September 2026. It still, therefore, represents a fallback position although, given the development built, modification would seem less than likely. Instead, and pragmatically, the issue now is whether the retrospective proposals represent an acceptable form of development.
39. Despite the dwelling being in stark visual contrast to its immediate neighbours (nos 28 and 32) I consider that the render tones with, and complements, the various window fittings and installations. Further, when viewed from the street there is little appreciable difference between the two-storey side extension built which, in accordance with the approved development, steps down from the main ridgeline. In this respect the side extension is subordinate in appearance.
40. Instead, the eye is drawn to the high, front boundary enclosure which is wholly uncharacteristic of the street scene. It is a visually obtrusive feature and, security matters aside, I consider it a harmful form of development, at odds with local boundary enclosure arrangements and incongruous with the street scene.
41. The front porch, as built, is slightly larger than approved, but I am satisfied that this feature appears acceptable in its setting.
42. The physical additions to the dwelling itself, and their effect, are more obvious to the side and rear. The first floor side extension is slightly higher than that approved. It then wraps around to the rear where its steeper roof pitches and higher central ridge represents the most obvious deviation from that permitted. The single-storey extension is deeper and has a parapet wall to slightly heighten this feature but, in its contextual setting, the structure is not excessive in size.
43. As indicated, the air conditioning units, which would have looked out of place, have been removed, and it would appear that the appellants do not wish to promote this element.
44. Overall, I am satisfied that, save for the front boundary enclosure, the development is not harmful to the character and appearance of either the host dwelling or the surrounding area. Accordingly, I find no conflict with policy 8 of the Council's Core Strategy (CS), saved policy EN1 of the Council's Local Plan (LP) or relevant advice within the National Planning Policy Framework (the Framework)..

Living conditions

45. The Council indicates that their concerns relate only to the development's effect on the occupiers of no 32. Given the physical relationship to the neighbouring properties I agree with this approach. Refusal reason no 3 indicates that the appellants have failed to sufficiently demonstrate that there would be no adverse effect in terms of loss of light or outlook, and I have assessed the development, accordingly.

46. I must pinpoint three separate factors on this matter. First, the flank wall of no 32 is adequately distanced from no 30's facing flank, and the resulting physical relationship is not uncommon in a such a suburban environment. Second, the appeal site sits to the north east of no 32, so a reduction in sunlight entry would be of little, if any, significance. Last, but not least, both in terms of daylight and outlook, no 32 has an outbuilding positioned just beyond the dwelling's rear wall, running to an appreciable depth along the common boundary, which must have an impact in this regard.
47. Taken together, the above factors suggest that the effect on no 32 is not significant.
48. Reference has also been made to a harmful noise impact from the air conditioning units previously in place. These have since been removed and I have discounted the Council's concerns here. This matter is dealt with in my split decision.
49. In conclusion I have not identified that any significant harm results on this main issue, and I see little conflict with CS policy 8, LP policy EN1, or advice within the Framework.

Conclusion

50. I have had regard to the representations from interested parties and, whilst I understand their concerns, I have addressed these in my reasoning. The points raised have not therefore affected my findings. Accordingly, for the above reasons, I have concluded that planning permission should be granted, in part, which I explain below. This is, of course, an individual decision and in no way means that my findings can be automatically applied to any other such future proposals. My decision is based on the particular individual circumstances involved and parallels cannot be easily drawn.

Overall conclusions

51. The actual breaches of planning control identified can only be remedied by the steps set out in the enforcement notice. In the context of the development as a whole these steps are not excessive. That said, I intend to grant a partial planning permission via the s78 submission (Appeal C). In the circumstances, and bearing in mind my findings as to the front gates/metal fence, I will not quash the notice. Instead, the appellants can rely on s180 of the 1990 Act which says that where planning permission is granted for development carried out before the grant of that permission, the enforcement notice shall cease to have effect so far as it is inconsistent with the subsequently permitted scheme.
52. I therefore conclude that the appeals against the enforcement notice fail on grounds (b), (c) and (f) and the front boundary enclosure incorporating the metal gates are required to be removed within six (6) calendar months from the date of this decision letter. However, for the reasons given above, Appeal C succeeds in part, and I have made a split decision, accordingly. Planning permission is thereby granted for the development, save for the erection of the front gates/metal fence and the air conditioning units.

T C King

INSPECTOR