



Appeal Decision

Site visit made on 12 May 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/T0355/C/24/3355735

19 Islet Park, Maidenhead SL6 8LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Iona Etchells against an enforcement notice issued by the Council of the Royal Borough of Windsor and Maidenhead.
 - The notice was issued on 15 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the carrying out of structural alterations on the west elevation wall creating an opening for the installation of bifold doors; and the erection of balustrade creating a means of enclose (*sic*) on the flat roof of the link detached garage.
 - The requirements of the notice are: (i) Remove the bifold doors and close up gap using materials to match existing; Or (ii) Remove the bifold doors and re-instate the original door (or similar door to the same size and design) and close up the remaining gap using materials to match existing; (iii) Permanently remove the balustrade from the flat roof of the garage.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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. It is directed that the enforcement notice is varied by in paragraph 4 ('what you are required to do') deleting step (i) and 'Or' and renumbering steps (ii) and (iii) to steps (i) and (ii) respectively. Subject to the variations, 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 Matters

2. The enforcement notice complies with s173(1)-(3) of the 1990 Act. The reference in the allegation to '*the erection of a balustrade...on the flat roof of the link detached garage*' and the requirement to '*remove the balustrade from the flat roof of the garage*' are sufficiently clear and precise. The appellant can be in little real doubt about what the notice is alleging they have done and what they must do to remedy it. The structure atop which the balustrade is erected originated as a garage. The notice is clearly directed at operational development, not a material change of use.
3. The appellant's final comments included a request to extend the period for compliance. This is relevant to an appeal made under s174(2)(g) of the 1990 Act- that the period specified in the notice falls short of what should reasonably be allowed. Therefore, whilst the appeal form does not indicate that ground (g) is being pursued I shall deal with the appeal as if it has also been made on that ground. There would be no unfairness. The main parties were informed that ground (g) is being considered and have had the opportunity to comment accordingly, as has an interested party who made representations in response to the appeal.

4. 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 Issue

5. The main issue in this ground of appeal is the effect of the development on the living conditions of existing and future occupiers of neighbouring residential property, having regard to privacy.

Reasons

Living conditions

6. The appeal property contains a maisonette, in part of a two-storey residential building. The former link-detached garage at the side of the maisonette has been converted to form additional living accommodation. Occupiers of the maisonette have pedestrian access to a balcony atop the link to the former garage.
7. Dormer Cottage, a detached two-storey dwelling, stands in generous grounds to the south-west of the appellant's property. Due west is 13 Islet Park (No 13), also a detached two-storey dwelling stood in generous grounds.
8. The enforcement notice attacks the installation of clear glazed bifold doors in the west-facing side elevation of the maisonette at first floor level, along with the erection of a metal balustrade atop the roof of the former garage. The appellant has agreed to remove this balustrade. In my view, doing so is necessary to safeguard the privacy of occupiers of neighbouring residential property.
9. Prior to installing the bifold doors, the link balcony was accessible via a door in the side elevation, at first floor level. I understand that this door was fully glazed. The bifold doors are set back some distance from the outer edges of the link balcony. At around 2.2m wide, the bifold doors are nevertheless substantially greater in width than the previous door. The significant increase in the extent of glazing in the side elevation of the maisonette at first floor level has led to occupiers of Dormer Cottage experiencing a considerably stronger sense of being overlooked at close quarters, compared to previously. This is evident at the rear of Dormer Cottage, where the occupiers could reasonably expect to enjoy high levels of privacy, being most acute in the rear garden.
10. The angle of view, intervening maturing planting and the distance between the side elevation of the maisonette and the rear of Dormer Cottage do little to offset the stronger feeling of visual intrusion experienced by occupiers of the latter, following installation of the bifold doors. The sense of being overlooked is markedly different from that associated with use of the link balcony. The bifold doors are a permanent feature, whilst the link balcony is likely to be used seasonally. It is also dissimilar to any sense of visual intrusion associated with windows in the front elevation of the maisonette, these being at a significantly greater distance from Dormer Cottage and affording only oblique views. I appreciate that maturing trees which assisted in screening the maisonette from Dormer Cottage have recently been removed. However, I have to consider this appeal in the light of the current circumstances.
11. As the bifold doors face towards the front elevation of No 13 and given the greater distance involved along with extensive intervening maturing planting, occupiers of

that property do not experience any greater sense of being overlooked. Even so, for the reasons set out above installing the bifold doors has significantly and harmfully eroded the levels of privacy previously enjoyed by occupiers of Dormer Cottage.

12. Although raised under the ground (f) heading, the alterations suggested by the appellant fall to be considered as part of the ground (a) appeal, being relevant to the planning merits of the development. Even so, imposing a planning condition which required the installation of obscure glazing or the applying of a one-directional film would not have a significant effect on the sense of being overlooked experienced by occupiers of Dormer Cottage. Moreover, as a film would be capable of removal with relative ease, such a condition would not meet the enforceability test set out in the Framework. Nor could a condition requiring the erection of screen fencing reasonably be imposed. Such works are not part of the development in the notice and so cannot form part of the deemed planning application arising from the ground (a) appeal. In any event, erecting tall screen fencing at first floor level is likely to be visually objectionable.
13. Therefore, the development has caused unacceptable harm to the living conditions of existing and future occupiers of neighbouring residential property. This conflicts with criterion in Policy QP3 of the Royal Borough of Windsor & Maidenhead Local Plan, which requires new development to not have an unacceptable effect on the amenities enjoyed by the occupants of adjoining properties, including in terms of privacy. It fails to reflect advice in the Council's Borough-Wide Design Guide Supplementary Planning Document, which in chapter 8 'Amenity' seeks to resist developments which have a significant adverse effect on the privacy of neighbouring properties. Also, it is inconsistent with the Framework, which seeks to ensure that new developments create places with a high standard of amenity for existing and future users.

Other Matters

14. The bifold doors have little adverse effect on the character and appearance of the building or its surroundings. The absence of harm in this respect does not weigh in favour of granting planning permission.
15. I acknowledge that the appellant installed the bifold doors after obtaining Building Regulations consent and was led to believe that planning permission was not required. Whilst I can sympathise with the circumstances in which the appellant has found themselves as a result, this matter carries little weight as the appeal falls to be determined on the basis of the planning merits of the development.
16. It is unfortunate that, for various reasons, the appellant did not receive some of the written communications sent by the Council in relation to this matter during the period which led up to the appeal. Ultimately however, there is little before me which suggests that the Council have acted other than proportionately in response to the breach of planning control. The positive and creative approach to decision making encouraged by the Framework does not mean that all new development can be made acceptable.
17. Other points in relation to the development, including safety implications and noise nuisance, were made by an interested party. However, given my findings on the main issue such matters do not require further consideration.

Conclusion-Ground (a) appeal

18. The development causes unacceptable harm to the living conditions of existing and future occupiers of neighbouring residential property, 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. Consequently, the ground (a) appeal does not succeed.

Ground (f) appeal

19. The ground of appeal is that the notice requirements are excessive.
20. An enforcement notice can have the purpose of remedying the breach, including by restoring the land to its condition before the breach took place (s173(4)(a) of the 1990 Act), or it can have the purpose of remedying any injury to amenity caused by the breach (s173(4)(b)). Although the notice does not state as such, its purpose must be to remedy the breach within s173(4)(a). Steps (ii) and (iii) of the notice require no less than removal of the bifold doors, reinstating the previous door opening and closing up the remaining gap, along with removing the balustrade. By taking those steps, the property would be restored to its condition before the breach took place.
21. Whether the bifold doors could be altered has largely been dealt with in the ground (a) appeal. In the context of ground (f), the suggested alterations are not an obvious alternative to the notice requirements, as they would lead to the bifold doors remaining in situ. That would sustain the breach and the property would not be restored to its condition before the breach took place. To my mind, nothing short of removing the development would remedy the breach. Therefore, steps (ii) and (iii) are not excessive; they are a proportionate remedy, being the minimum works necessary to restore the property to its condition before the breach took place and so achieve the purpose of the notice.
22. However, the alternative in step (i), which includes closing up the resulting gap in the side elevation following removal of the bifold doors, would be a more onerous requirement, as it would involve carrying out works which go beyond that necessary to restore the property to its condition before the breach took place. The scope of the notice is limited by s173(4)(a) and (b). Where there is no planning permission for the development, the notice cannot require more than restoration of the land to its condition prior to the breach occurring. Therefore, step (i) is excessive to remedy the breach of planning control.
23. In the circumstances, I shall exercise the power in s176(1)(b) of the 1990 Act to vary the terms of the notice to delete step (i), with the consequential renumbering of steps (ii) and (iii). The remaining steps are sufficient to remedy the breach. There would be no injustice. The ground (f) appeal succeeds to that extent.

Ground (g) appeal

24. The appellant sought to extend the two-month compliance period specified to twelve months.
25. The time since the notice was issued has little bearing on the reasonableness of the compliance period. This is because the appellant is entitled to assume that

their appeal will succeed on ground (a) or failing that, on ground (f). Nor can I rely on the Council exercising their power in s173A(1)(b) of the 1990 Act to extend the period for compliance, as that is uncertain.

26. Be that as it may, the remedial works would be of relatively modest scale and not especially complex. They would be a reasonably straightforward task for a suitably skilled small building contractor and capable of completion fairly quickly. There are likely to be a considerable number of such contractors with the relevant skills required to carry out the works, who would also be available to do so given a fairly short period of notice. Since the previous door was probably of a standard size, there is unlikely to be difficulty in sourcing a suitable 'off the shelf' replacement. There is little firm evidence to suggest that a replacement door would need to be manufactured to order. There is also scant evidence of customers experiencing lengthy waiting times for building contractors to become available.
27. Therefore, in my view the compliance period is not too short and is reasonable, striking an appropriate balance between remedying the breach as soon as practicable whilst not imposing a disproportionate burden on the appellant. Extending that period on the other hand would do little more than perpetuate the breach and the associated planning harm. The ground (g) appeal fails.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations 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