
Appeal Decision

Site visit made on 29 June 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2026

Appeal Ref: APP/J0350/C/25/3364692

20 Marlborough Road, Slough SL3 7LH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act)
- The appeal is made by Mr Gurwinder Singh 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 construction of a part single storey front extension, two storey side and rear extension, construction of rear outbuilding, installation of AC units, and the erection of a brick wall/piers, metal railings and sliding metal gates enclosing the front amenity area.
- The requirements of the notice are to:
 - 5.1 Demolish the part single storey front extension, two storey side and rear extension, rear outbuilding, remove the AC units, and demolish/remove the brick wall/piers, metal railings and sliding metal gates enclosing the front amenity area; (or build in accordance with the plans approved under planning permission referenced P/03101/003 approved on 16 June 2023.
 - 5.2 Make good the external façade of the building by removing the render and restoring the front elevation to its former condition and restoring the hanging tiles on the front bay.
 - 5.3 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 after this notice takes effect.
- 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.

Summary of decision: The appeal succeeds to the extent that the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Section 173 of the Act requires an Enforcement Notice to specify the steps that the Council requires to be taken, or the activities which they require to cease, to remedy the breach of planning control or injury to amenity, as the case may be. Consequently, the steps set out in section 5 of the Enforcement Notice (EN) must align with the allegation.
2. The allegation in the EN does not refer to the external rendered façade of the building or the removal of the hanging tiles from the front bay. As such, requirement 5.2 does not relate to the matters alleged within the notice and therefore exceeds what is necessary to remedy the breach of planning control identified in the allegation.
3. If I were to correct the allegation to include the rendered façade and hanging tiles, this would widen its scope, resulting in injustice to the appellant. It is therefore necessary for me to delete requirement 5.2 from the EN.

Preliminary Matters

4. The address in the banner heading above is taken from the appeal form as this more accurately reflects the location of the appeal site.
5. In June 2023 planning permission (ref P/031010/004) was granted for the construction of a part single storey front extension, two storey side and rear extension along with internal alterations following the demolition of existing garage and construction of rear outbuilding. However, the development was not built in accordance with the approved drawings. In particular, the two storey side and rear extension was built wider than approved, the outbuilding has a different roof, and the single storey section of the two storey side extension was built with a projecting roof overhang. The EN that is the subject of this appeal was therefore issued to address these deviations from the approved plans and the installation of Air Conditioning units (AC units) and the brick wall/piers, metal railings and sliding metal gates enclosing the front garden.
6. Subsequent to the issue of the EN planning permission was granted for '*part retrospective/ part proposed application for the internal and external alterations to dwelling; including changes to fenestration, reduction of first floor rear extension, alterations to boundary treatment at front driveway, retention of the front porch, retention of the outbuilding, reduction of canopy height to rear of outbuilding and removal of all AC units*' (Ref: P/03101/006).
7. This new permission therefore grants planning permission for the front porch and single storey front extension, the outbuilding and a section of the brick wall/piers and metal railings which are the subject of the EN. In accordance with S180 of the Act, the EN ceases to have effect in respect of these elements.

Appeal on Ground (a) and the Deemed Application for Planning Permission

8. An appeal under ground (a) is that planning permission should be granted for the matter alleged.
9. The **main issues** are:
 - the effect of the development on the character and appearance of the dwelling and area; and;
 - the effect of the AC units on the living conditions of neighbouring occupiers in respect of noise and disturbance.
10. Considering the new planning permission, I see no reason to disagree with the Council's findings that the elements granted permission are acceptable in planning terms. Accordingly, my decision, is confined to considering the two storey side and rear extension, the AC units and the sliding metal gates enclosing the driveway.

Reasons

Character and Appearance

11. Marlborough Road is characterised by two-storey semi-detached properties. The built form is relatively uniform, with properties sharing similar proportions, roof forms and building lines. Front boundary treatments are generally modest in height and comprise a mix of low brick walls, hedging and planting, which positively contribute to the open and spacious character of the street scene. Collectively,

these features create a cohesive suburban character in which the principal elevations of dwellings remain readily visible from the public realm.

12. With reference to the two-storey side and rear extension, the 2023 approved scheme already represents a substantial enlargement of the original dwelling, with the first-floor side/rear extension exceeding 50% of the width of the original house. Nevertheless, the Council considered that proposal acceptable because the extension would remain visually subordinate to the host dwelling by virtue of its set-down ridge height, lower eaves line and set-back from the front elevation. Collectively, these design features would reduce its perceived bulk and ensured that the extension remained clearly secondary to the original dwelling.
13. However, the extension as erected materially exceeds the dimensions of the 2023 approved scheme. In particular, the width of the first-floor rear element has increased from 4.6m to 5.45m, an increase of approximately 0.85m. Whilst this increase may appear modest in numerical terms, it materially alters the proportions of the extension and results in a noticeably wider and more dominant form of development.
14. Consequently, the increased width significantly diminishes the effectiveness of the design measures that were central to the acceptability of the approved scheme. Although the extension retains the approved set-down ridge and lower eaves line, these features are less successful in reducing its visual prominence because of the substantially increased width of the first-floor element.
15. The extension now occupies a much greater proportion of the rear elevation and presents as a more expansive and dominant addition to the dwelling. As a result, it appears more cumbersome and overdeveloped than the approved scheme and fails to maintain the degree of visual subservience that formed a key part of the Council's original assessment.
16. I acknowledge the reference to the Inspector's findings in respect of No. 30 Marlborough Road¹. However, the two storey rear extension considered in that case was narrower than the development before me and therefore does not provide a direct comparison. Furthermore, the Inspector observed that the development at No. 30 "from the rear, might be seen to have been somewhat over-developed" but was mindful that the Council had already accepted the principle of significantly extending and redesigning the dwelling through the grant of planning permission. However, I do not consider that finding supports the appellant's case.
17. In the present case, the Council had likewise accepted a substantial extension to the original dwelling through the grant of planning permission. Nonetheless, that approval appears to reflect the Council's assessment of the extent of development that could be accommodated without causing unacceptable harm to the character and appearance of the dwelling. As built, the extension goes materially beyond that which was approved. Whilst it does not affect the 45 degree rule of the nearest first floor window, it increases the scale, bulk and massing of the extension to a degree that erodes its visual subservience to the host dwelling and results in a more dominant and overdeveloped form of development. Consequently, it fails to reflect a high standard of design and is neither compatible with nor improves its surroundings in terms of its scale, massing, building form and visual impact.

¹ APP/J0350/C/25/3364599, APP/J0350/C/25/3364600, APP/J0350/D/25/3364294

Rather, it detracts from the character and appearance of the dwelling and the wider street scene.

18. The AC units have been installed on the west and east flank elevations of the property at first-floor level. During my visit, I observed a total of six units across the building. Four of them are located on the western elevation and are visible from Marlborough Road. Given their elevated position and prominent siting on an otherwise uncluttered flank elevation, they appear as visually intrusive additions to the dwelling. Their utilitarian appearance is at odds with the predominantly domestic character of the surrounding area and contrasts with the simple form and appearance of the host dwelling. Furthermore, the installation of a total of six units on the building represents an excessive amount of external plant equipment for a dwelling of this scale. The cumulative presence of these units, particularly the four arranged in a continuous row on the western elevation, gives rise to a significant degree of visual clutter. Collectively, they form a prominent accumulation of external plant which draws undue attention to the flank elevations, resulting in an unnecessarily busy and cluttered appearance. Consequently, the units appear as incongruous features that detract from both the appearance of the dwelling and the character of the surrounding street scene.
19. Due to their excessive height and prominent position across the frontage of the site, the sliding metal gates appear stark and visually dominant within the street scene. This is exacerbated by their engineered appearance and decorative detailing, which contrasts sharply with the modest boundary treatments that characterise Marlborough Road. The road is typically defined by low brick walls, hedging and open frontages that maintain a sense of openness and allow views of the principal elevations of dwellings. In contrast, the gates create a more enclosed and defensive appearance, interrupting this established pattern of development and appearing as an incongruous feature within the street scene.
20. For the above reasons, the two storey side and rear extension, AC units and sliding metal gates enclosing the driveway have an unacceptable effect on the character and appearance of the dwelling and area. Taken together, these elements fail to achieve a high standard of design and are neither compatible with nor do they improve their surroundings in terms of scale, massing, building form and visual impact. Accordingly, the development conflicts with Policy EN1 of the Local Plan for Slough² (Local Plan).

Noise and Disturbance

21. The four AC units on the western elevation are located close to the shared boundary with No. 18 Marlborough Road, whilst the two units on the eastern elevation face towards the boundary with the adjoining property at No. 22. The units are also positioned close to windows which appear to serve habitable rooms at both neighbouring properties.
22. Given their siting at first-floor level and close relationship with neighbouring residential properties, the units, which are likely to generate noise levels of up to 67dB, would give rise to noise and disturbance that would be readily perceived by occupiers of these adjoining dwellings. The presence of six units across both side elevations increases the likelihood of cumulative noise impacts, particularly during periods when the units are operating simultaneously.

² Adopted 22nd March 2004

23. The AC units therefore result in a harmful impact on the living conditions of neighbouring occupiers in respect of noise and disturbance. The development is therefore contrary to Core Policy 8 of the Slough Local Development Framework Core Strategy 2006–2026, which seeks to ensure that development does not give rise to unacceptable levels of noise pollution. Furthermore, the development is contrary to Policy EN1 of the Local Plan, insofar as it requires development to be compatible with or improve its relationship to neighbouring properties.

Conclusion on ground (a)

24. For the reasons given above, I conclude that the development is contrary to the development plan, and material considerations do not indicate that the appeal should be determined otherwise than in accordance with that plan. The appeal under ground (a) therefore fails.

The ground (f) appeal

25. An appeal is made on ground (f) on the basis that the steps required by the EN exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity arising from that breach.
26. In this case, the EN does not explicitly state which of these purposes it seeks to achieve. However, the requirements include the option of carrying out development in accordance with planning permission P/03101/003 approved on 16 June 2023. On this basis, I find that the purpose of the EN is to remedy the injury to amenity arising from the breach.
27. Section 177(1) of the Act allows me to grant planning permission in respect of the matters stated in the Notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the Notice relates. In this context, the appellant has indicated a willingness to relocate the AC units, potentially at ground-floor level, and to undertake a noise assessment to demonstrate that any replacement installation would not adversely affect neighbouring amenity. The appellant has also expressed a willingness to accept a condition requiring appropriate noise mitigation measures and restricting noise emissions from the units.
28. Given that the AC units form part of the matters alleged in the EN, I am able to consider these submissions under section 177(1) of the Act. Whilst the measures put forward by the appellant may have the potential to address the identified concerns, the development as installed remains unacceptable. Insufficient details have been submitted to demonstrate that an alternative location of the units would be acceptable in terms of either their visual impact or their effect on the living conditions of neighbouring occupiers. Furthermore, no noise assessment has been provided to demonstrate that noise and disturbance arising from the operation of the units could be adequately mitigated. In the absence of such information, I cannot be satisfied that these measures would overcome the identified harm.
29. The appellant has also suggested that the appearance of the façade could be addressed through the imposition of a condition requiring details of the final façade treatment to be submitted for approval. However, given that the rendered façade does not form part of the breach of planning control alleged in the EN, and that requirement 5.2 is to be deleted, this matter falls outside the scope of the appeal and does not require further consideration.

30. Reference has been made to planning permission Ref: P/03101/006 which was granted after the EN was issued. This authorises certain elements of the development that form part of the alleged breach of planning control. In this regard, the appellant is able to rely on section 180 of the Town and Country Planning Act 1990, which provides that where planning permission is granted for development carried out before the grant of that permission, an enforcement notice shall cease to have effect insofar as it is inconsistent with the subsequently permitted development.
31. In light of the above, it is appropriate to vary requirement 5.1 of the EN so that it refers to the development authorised by planning permission Ref: P/03101/006 in addition to the earlier permission. This amendment ensures that the EN does not conflict with the most recent planning permission whilst remaining effective in respect of those elements of the breach that have not been authorised.
32. Subject to the amendments set out above, I am satisfied that the remaining requirements of the EN are necessary and proportionate to remedy the injury to amenity arising from the breach of planning control. The ground (f) appeal therefore succeeds only insofar as requirement 5.2 should be deleted and requirement 5.1 amended to refer to planning permission Ref: P/03101/006. In all other respects, the ground (f) appeal fails.

Conclusion

33. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the injury to amenity. I shall vary the EN prior to upholding it. The appeal on ground (f) succeeds to that extent.

Formal Decision

34. It is directed that the enforcement notice is varied by:

- the deletion of the words *“Demolish the part single storey front extension, two storey side and rear extension, rear outbuilding, remove the AC units, and demolish/remove the brick wall/piers, metal railings and sliding metal gates enclosing the front amenity area; (or build in accordance with the plans approved under planning permission referenced P/03101/003 approved on 16 June 2023”*

and substitute with the words:

“Demolish the part single storey front extension, two storey side and rear extension, rear outbuilding, remove the AC units, and demolish/remove the brick wall/piers, metal railings and sliding metal gates enclosing the front amenity area; or build in accordance with the plans approved under planning permission referenced P/03101/003 approved on 16 June 2023 or Ref: P/03101/006 approved on 18 May 2026” in requirement 5.1 of the Enforcement Notice;

- the deletion of requirement 5.2 of the Enforcement Notice; and;
- changing the numbering of requirement 5.3 in the Enforcement Notice to requirement 5.2.

35. Subject to the variations, the enforcement notice is upheld.

V Goldberg

INSPECTOR