



Appeal Decision

Site visit made on 22 September 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2026

Appeal Ref: APP/J0350/C/25/3373976

62 Faraday Road, Slough SL2 1RU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nawaz Jan against an enforcement notice issued by Slough Borough Council.
 - The notice was issued on 29 August 2025.
 - The breach of planning control as alleged in the notice is the erection of a self-contained building.
 - The requirements of the notice are: 1. Cease the use of the building as a self-contained dwelling. 2. Remove the kitchen and shower room from the building. 3. Remove the internal walls that incorporate the shower room and bedroom. 4. Remove all plumbing and associated pipework connected to the kitchen and shower room within the building. 5. Remove the fence panels creating a sub-division of the land. 6. Demolish the building (unauthorised development) in its entirety. 7. 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.
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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.

Preliminary Matter

2. 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

Background & Main Issues

3. The enforcement notice attacks the erection of a freestanding residential building used as self-contained living accommodation. The use as self-contained accommodation has ceased following the issuing of the notice. The kitchen worktop and cupboards, sink and drainer, hob, extractor fan, washing machine and upright fridge/freezer, along with the double bed, present when the Council visited the building during July 2025, have been removed. The timber fence which separated the building from the rest of the appeal property has also been removed.
4. Be that as it may, the terms of the deemed planning application arising from an appeal made on ground (a) 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 all or part of those

matters, or the land to which the notice relates. Since the notice does not allege the erection of an incidental outbuilding, that is not part of the specified breach and falls outside the scope of the matters which can be considered in the ground (a) appeal. The allegation in the notice also determines the fee payable for making an appeal on ground (a).

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

- The effect of the development on the character and appearance of the surrounding area.
- Whether suitable living conditions are provided for future occupiers of the development, having regard to internal floorspace, outlook, privacy and 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 highway safety, having regard to vehicle parking.

Reasons

Character and appearance

6. The property contains a two-storey, semi-detached dwelling. The property is located in an established suburban residential area, generally made up of two storey dwellings of similar appearance, neatly arranged in terraces and occasional semi-detached pairs, set back similar distances from the street and occupying generously portioned, rectilinear plots with lengthy rear gardens. These factors contribute to the largely orderly, pleasant and spacious, suburban residential character and appearance of the environs.
7. The building is of modest proportions compared to the more substantial built footprint and scale of most dwellings in the vicinity. It occupies a plot which is restrictive in size relative to the more generously portioned plots of most neighbouring dwellings, the limited area not occupied by built form leaving little opportunity for providing outdoor amenity space or for softening landscaping. The building also occupies a substantial portion of the front dwelling's rear garden, significantly reducing its garden size compared with that of most neighbouring properties. Furthermore, due to its situation adjacent to residential outbuildings, the building is poorly related to neighbouring dwellings fronting Faraday Road and nearby streets.
8. In the context of the use as self-contained accommodation, the above factors mean the building appears cramped and restricted on its plot and contributes to an appreciably more built-up feel in the environs which does not compare favourably with the more spacious qualities of most surrounding development. The monopitch roof form and orange coloured brick external walls, which do not reflect the pitched tiled roof and more muted buff colour tones of the pebbledash external walls found on the front dwelling and at most other properties in Faraday Road, adds to the failure of the building to integrate satisfactorily with its surroundings. The planning permission granted at the property in February 2024¹ related to an incidental

¹ Council Ref: P/04368/004

outbuilding, not self-contained accommodation, also incorporating a more sympathetic roof form.

9. Consequently, the development is entirely at odds with the general pattern of local development and is viewed as an alien feature, significantly and harmfully eroding the visual qualities of the locality identified above and causing unacceptable harm to the character and appearance of the surrounding area. This is in conflict with Policy EN1 of the Local Plan For Slough (LP), which requires development to reflect a high standard of design compatible with the surroundings, including in terms of its scale, siting, building form and design, materials and visual impact, and which 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 development conflicts with criteria in LP Policy H13. Additionally, there is conflict with Core Policies 1 and 4 of the Slough Core Strategy (CS) which seek to provide family housing related to the site's character and surroundings, whilst by not being a high-quality design respecting its location and surroundings there is conflict with criteria in CS Core Policy 8.

Living conditions-future occupiers of the development

10. The building has a main room which currently contains a desk, chairs and a printer, along with some items of exercise equipment and domestic storage. There is also a smaller room currently used for domestic storage purposes, together with a shower room. The building has a very modest floor area compared to the front dwelling and neighbouring dwellings. There would be little circulation space in the main room after re-fitting a kitchen and installing everyday household appliances, along with providing some basic items of domestic furniture, such as sofa chairs and a coffee table. Similarly, there would be little space in the smaller room for circulation and for providing some basic bedroom furniture following provision of a double bed. As a result, occupiers of the building would experience an uncomfortably cramped and congested living space.
11. Moreover, the internal floor space is likely to fall below 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 Standard. Since the building was previously occupied by two people, it is not unreasonable to expect that this would be the case in future. The likely deficiency in GIA when assessed against the minimum space standard reinforces my misgivings over the restrictive internal floor area available for occupiers of the building.
12. One window lighting the main room faces towards tall, solid boundary enclosures nearby, whilst the other window is fitted with obscure glass, as is the window lighting the smaller room. The building thus has a restrictive outlook, the limited outward views available to occupiers adding to their experience of an oppressive and unrelieved sense of enclosure within the accommodation.
13. Sufficient privacy would be provided for occupiers of the building, which is already largely screened from neighbouring property by tall boundary enclosures and could be screened from the front dwelling by fencing similar to that recently removed. Nevertheless, the external areas surrounding the building are narrow and also are or would be largely overshadowed by the boundary structures. None of these areas afford any 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 and storing cycles. The absence of a private outdoor amenity space of sufficient size and quality to use for the above or similar activities reinforces the sense of a restrictive living environment experienced by occupiers of the building.

14. Therefore, unsuitable living conditions are provided for future occupiers of the development. The lack of appropriate amenity space is in conflict with criteria in LP Policies H13 and H14, also being in conflict with criterion in CS Core Policy 8. Moreover, by not providing healthy living conditions for occupiers in terms of adequate access to light, the development is inconsistent with the Framework.

Living conditions-occupiers of neighbouring residential property

15. Residential properties in the vicinity of the building enjoy a largely suburban residential setting. Neighbouring occupiers might therefore reasonably expect to enjoy relatively good levels of peace and tranquillity, as well as privacy, in their dwellings and rear gardens at most times.
16. The use as self-contained accommodation has no significant adverse effect on privacy levels enjoyed by occupiers of the front dwelling and neighbouring properties, as windows in the building have largely been screened by boundary treatments. Nevertheless, given the rear garden location, the use as self-contained accommodation is likely to have introduced considerable additional day-to-day activities, cooking smells and artificial lighting, along with pedestrian comings and goings, to the rear of the front dwelling and neighbouring property. It is also likely to have created substantial extra pedestrian comings and goings, including occupiers travelling to and from the building for purposes of work, leisure and to meet shopping needs, along with deliveries. This is all likely to have resulted in neighbouring occupiers experiencing considerable additional incidences of noise and disturbance at the rear of their properties.
17. Consequently, the development has caused unacceptable harm to the living conditions of occupiers of neighbouring residential property. This is in conflict 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.

Highway safety

18. There is no off-street parking associated with the building. It is likely that at least some occupiers of the building will require access to a private vehicle to meet their day-to-day travel needs. Therefore, the development is likely to have involved a significant increase in pressure to park in the vicinity.
19. During my visit, I observed little space in the locality available to accommodate further on-street parking. Most of the space in local streets which could accommodate a vehicle whilst not obstructing off-street parking facilities is already in use. 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 development is likely to have exacerbated pressures on vehicle parking in this and

neighbouring streets. 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 development has caused unacceptable harm to highway safety, in conflict with CS Core Policy 7.

Other matters

20. There is no 'fallback' position of erecting a building for use as self-contained accommodation at the property. Erection of a building containing primary living accommodation such as a bedroom, bathroom or kitchen cannot benefit from the planning permission granted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) at Article 3(1), Schedule 2, Part 1, Class E. Whether there is a requirement for an incidental outbuilding at the property and whether that would meet the limitations in Class E is outside the scope of this appeal, for the reasons set out in paragraph 4.
21. Refusing the deemed planning application and dismissing the appeal is likely to have substantial financial consequences for the appellant. However, as this matter is not especially unusual it can only be afforded limited weight.
22. Given my findings on the main issues, it is not necessary to consider whether granting planning permission for the development would prejudice the Council's ability to resist similar schemes in future, since the ground (a) appeal will not succeed in any event.

Conclusion-Ground (a) appeal

23. The development causes unacceptable harm to the character and appearance of the surrounding area, suitable living conditions are not provided for its occupiers, there is also unacceptable harm to the living conditions of occupiers of neighbouring residential property and to highway safety. This is all in conflict with the Development Plan, taken as a whole. There are no material considerations which indicate the decision should be made other than in accordance with the Development Plan. Therefore, the ground (a) appeal does not succeed.

Ground (f) appeal

24. The ground of appeal is that the requirements of the notice are excessive.
25. An enforcement notice can have the purpose of remedying the breach, including by restoring the land to its condition before the breach took place, and/or the purpose of remedying any injury to amenity caused by the breach. The requirements, which include demolishing the building, would restore the property to its condition before the breach took place. Therefore, although the notice does not state as such, its purpose must be to remedy the breach.
26. The appellant argued that ceasing the use as self-contained accommodation and removing the kitchen would be a more proportionate alternative to demolishing the building. As enforcement action is intended to be a remedial measure, whether the planning difficulties could be overcome at less cost and disruption than total demolition is a relevant consideration. Furthermore, I am mindful that it is possible to remedy a breach of planning control by making any development comply with the terms of any planning permission which has been granted in respect of the land, including where that permission is granted by the GPDO.

27. Even so, there is little firm evidence that the works to install the kitchen and its associated services were carried out other than as part of a single operation comprising erection of the building as self-contained accommodation. The Council's evidence suggests that the kitchen was installed prior to substantial completion of the building. The completion certificate² issued by the Council's Building Control service in October 2024 does not lend any significant support to the appellant's case, as it fails to show that the building was substantially completed prior to installation of all the facilities required for day-to-day private domestic existence. Moreover, the primary purpose of the Building Regulations is to confirm that minimum construction standards are met, not to verify the use for planning purposes. As set out above, erecting a building as self-contained accommodation is not permitted by the GPDO.
28. The planning permission to erect an outbuilding at the property currently remains capable of being implemented. Even so, the permitted structure would have a significantly smaller and different shaped footprint and would be sited further from the rear boundary. Accordingly, most of the external walls and the roof of the building are likely to require demolition prior to erecting the permitted outbuilding in any event.
29. In the circumstances, the lesser requirements advanced by the appellant do not represent an obvious alternative to demolishing the building. They would sustain the breach, failing to restore the property to its condition prior to the breach taking place and consequently, would not achieve the purpose of the notice. No other alternative to the notice requirements was suggested and to my mind, nothing less would remedy the breach. It is open to the appellant to make a further planning application to use the building for purposes incidental to the enjoyment of the front dwelling, the final decision on which would rest with the Council in the first instance.
30. 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

31. 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

² Council Ref: B/00223/23