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## Appeal Decision

Site visit made on 13 October 2026

**by M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> October 2026

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**Appeal Ref: APP/J0350/C/25/3374310**

**Land at 9 Dawley Ride, Slough, SL3 0QE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mrs Alka Patel against an enforcement notice issued by Slough Borough Council.
  - The notice was issued on 11 September 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a self-contained building.
  - The requirements of the notice are to:
    1. Cease the use of the self-contained building as a dwelling;
    2. Remove the kitchen and shower room from the building;
    3. Remove the internal walls incorporating the shower room;
    4. Remove the boiler, all plumbing and associated pipework in connection to the kitchen and shower room within the building;
    5. Demolish the building in its entirety; and
    6. Remove from 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. It is directed that the enforcement notice is corrected by the addition of the words 'and its use as a dwelling' after 'building' in section 3 of the notice.
2. Subject to this correction, 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

3. Under section 176(1)(a) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) I have powers to correct any defect, error or misdescription in the enforcement notice. The alleged breach of planning control refers to the unauthorised erection of a 'self-contained building'. The allegation does not specify the use of the building. However, it is clear from the four corners of the notice, including the requirement to 'cease the use of the self-contained building as a dwelling', that the notice is attacking the erection of a self-contained building and its use as a dwelling. As such, I consider that for the purposes of clarity the allegation at section 3 of the notice should be corrected by adding the words 'and its use as a dwelling' after 'self-contained building'. Both parties were given the opportunity to comment on this matter. Although the appellant says that the correction would introduce an additional element to the allegation, the issue of residential occupation

has formed part of the Council's case throughout and has been addressed in the appellant's submissions, including comments regarding the cessation of residential occupation and the removal of facilities associated with that use. In these circumstances, the appellant has understood the substance of the allegation and the parties' submissions have been made on that basis. I am therefore satisfied that I can make this correction without causing injustice to the appellant or the Council.

4. The appeal has been lodged on grounds (a) and (f) only. Although the appellant states that the building is not used as a dwelling and will not be used as such, they have not disputed that the matters alleged in the notice occurred as a matter of fact. Whilst the use as a dwelling has ceased since the issuing of the notice, the appellant appears to have acknowledged independent residential occupation of the building. Based on the evidence before me, I am satisfied that the matters alleged have occurred.
5. The appellant advances an alternative scheme, namely the retention of the building and its use as a domestic gym and for storage following the proposed removal of the kitchen. Such use would be incidental to the original dwelling and be of a materially different character to the alleged use as a self-contained dwelling. The terms of the deemed planning application arising from an appeal made on ground (a) are derived from the matters stated in the notice as constituting a breach of planning control. The power in section 177(1)(a) of the 1990 Act to grant planning permission does not extend beyond all or part of those matters. Since the matters alleged do not include the erection of a building for incidental domestic use, the appellant's alternative proposal is not part of the specified breach and falls outside the scope of the matters which can be considered in the ground (a) appeal.
6. On 17 August 2026, the new National Planning Policy Framework (the Framework) was published. The parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to the comments received and the new Framework in my decision.

### **The ground (a) appeal and the deemed planning application**

7. The appeal on ground (a) is that planning permission ought to be granted for what is alleged in the notice.
8. The **main issues** in this case are:
  - the effect of the development on the character and appearance of the area;
  - whether the development provides satisfactory living conditions for the occupiers, with particular regard to internal space, privacy, outlook, and external amenity space;
  - the effect of the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance and privacy; and
  - the effect on highway safety, having particular regard to parking provision.

### *Character and appearance*

9. The appeal site is 9 Dawley Ride, a two storey semi-detached dwelling located on the northern side of the road. The property is set back from the road with a driveway to the front and a private garden to the rear.

10. The prevailing character of development in the surrounding area is that of two storey semi-detached houses of similar design and appearance, which are set back from the road behind front gardens and driveways with larger, private rear gardens. Properties on Dawley Ride front a wide carriageway and follow linear building lines with the shared driveways providing regular spacing between them. This results in a strong street scene presence and uniformity as well as a sense of spaciousness which contribute positively to the character of the area. There are domestic garages or outbuildings sited to the rear of some of the properties.
11. Positioned within the rear garden of No 9 and accessed via the shared driveway to the side of the original property, the development does not have a street scene presence like other houses on the street and consequently does not integrate with the pattern of development in the area. It takes up a considerable portion of the rear garden with little external amenity space surrounding it and its footprint reduces the garden space available to the original property. As a result, the building appears cramped and fails to reflect the spacious character of development in the surrounding area.
12. Whilst many garden outbuildings are single storey and can sit comfortably within residential areas, as a self-contained dwelling the building does not reflect existing dwellings in the area in terms of scale and design. In particular, its single storey height and flat roof design are uncharacteristic of the two storey, pitched roof dwellings in the locality.
13. The domestic outbuildings or garages within the rear gardens of neighbouring properties do not provide compelling justification for the appeal proposal, as these are ancillary structures rather than self-contained dwellings.
14. For these reasons I conclude that the development is harmful to the character and appearance of the area. It therefore conflicts with Policies 1, 4 and 8 of the Slough Local Development Framework Core Strategy 2008 (Core Strategy) and Policies EN1 and H13 of the Slough Local Plan 2004 (Local Plan). Amongst other things, these policies seek to ensure development is of a high-quality design that respects and is compatible with its surroundings in terms of design, scale and density. It is also contrary to Policy DP3 of the Framework which states that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings.

#### *Living conditions of occupiers*

15. The self-contained building provides an open plan living area and kitchen, together with a separate room which appears to have been used as a bedroom, and a shower room/toilet. It appeared to me that the bedroom and shower room were of sufficient size. However, the living room/kitchen is a long, narrow room which has limited floor area and circulation space. Once items of furniture, such as a sofa and table and chairs, are taken into account, it appears to me that the main living area provides a cramped living environment.
16. The windows to the front of the building and the roof light over the main living area provide sufficient natural light and there is some outlook from the front windows. However, the windows are overlooked from the rear windows of the main property at relatively close range, such that there is a lack of privacy for the occupiers of both buildings. This means that the occupiers would be likely to keep curtains or

blinds drawn most of the time to ensure adequate levels of privacy which would lead to a gloomy and oppressive internal environment.

17. The Council has also raised concerns regarding internal ceiling height and noise attenuation. However, it has provided no detailed evidence or assessment to explain why these aspects of the development are unacceptable. Based on the evidence before me and my observations of the building, I am unable to conclude that the development is unacceptable in these respects, and I attach little weight to these concerns.
18. The appeal site provides little external amenity space for the occupiers of the development, and the remaining garden for the occupiers of the original property has been significantly reduced. Whilst the occupiers have access to the remaining garden area, this lacks privacy given that it is effectively a shared space, and it is unlikely to be of sufficient size and quality to cater for all the needs of the occupiers, including for sitting out, drying clothes and for the storage of waste/recycling facilities and bicycles. The lack of private external amenity space is therefore a further indication of inadequate living conditions.
19. All of the above considered, I conclude that the development fails to provide satisfactory living conditions for occupiers. Thus, it conflicts with Policy 8 of the Core Strategy and Policies EN1, H13 and H14 of the Local Plan, which, amongst other things, seek high standards of design and ensure existing and proposed dwellings have appropriate amenity space.

#### *Living conditions of neighbouring residents*

20. The self-contained building is situated within close proximity of the original property and neighbouring dwellings. The neighbouring occupiers will reasonably expect to enjoy some peace and quiet in this suburban residential setting.
21. As set out above, the development has resulted in a loss of privacy to the occupiers of the original property. The use of the building as a self-contained dwelling will also generate additional activity associated with day-to-day residential living, including comings and goings by occupiers and visitors through the rear garden, and the use of artificial lighting. Such activity experienced in close proximity to the original property and neighbouring gardens and living areas is likely to result in a noticeable increase in noise and general disturbance, to the detriment of the nearby occupiers' living conditions.
22. I therefore find that the development is harmful to the living conditions of neighbouring occupiers. It is contrary to Policy 8 of the Core Strategy and Policies EN1 and H13 of the Local Plan, which seek to ensure that development is compatible with and/or improves its surroundings in terms of the siting and relationship to nearby properties.

#### *Highway safety*

23. There is some off-street parking available at the front of the original building and within the shared driveway. However, there is little scope to accommodate additional parking within the site. Consequently, occupiers and visitors are likely to rely to a significant extent on on-street parking. Given the nature of the use, it is reasonable to expect that the development would generate some demand for car

parking. The development has therefore likely increased demand for parking within the surrounding area.

24. During my site visit, undertaken at around midday on a weekday, I observed that on-street parking was already heavily utilised, with limited opportunities for additional vehicles to park without causing obstruction to driveways. Parking demand is likely to be greater at other times, particularly during evenings and weekends when residents are more likely to be present. In these circumstances, I find that the development is likely to have materially increased pressure on existing on-street parking. On the basis of the evidence before me, I am not satisfied that this additional demand can be accommodated without increasing the likelihood of parking taking place in locations that would impede visibility or the free flow of traffic. Consequently, the development has an unacceptable effect on highway safety and is contrary to Policy 7 of the Core Strategy, where this seeks to promote sustainable transport and road safety.

#### *Other matters*

25. Having regard to my findings on the main issues, it is not necessary for me to reach a finding on whether allowing the development would make it difficult for the Council to resist similar proposals in the future, as the ground (a) appeal does not succeed in any event.

#### *Conclusion on ground (a) appeal*

26. The development causes unacceptable harm to the character and appearance of the surrounding area, it fails to provide satisfactory living conditions for occupiers, and there is harm to the living conditions of neighbouring occupiers and to highway safety. The proposal conflicts with several policies of the Core Strategy and Local Plan and I find conflict with the development plan taken as a whole.
27. Policy S3 of the Framework states that planning decisions should apply a presumption in favour of sustainable development. Policy S4(1) sets out that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. However, Policy S4(2) recognises that the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include situations where the proposal would "fail to comply with a national decision-making policy which states that development should be refused in specified circumstances." Policy DP3(3) states that development proposals should be refused where, without clear justification, they conflict with the requirements of DP3(1). Given the harm that I have identified to the character and appearance of the area, there is a conflict with Policy DP3(1).
28. Policy L2 of the Framework says that creating additional homes or development within existing plots including additional units within residential curtilages should be given substantial weight. However, such proposals should be consistent with the overall street scene and maintain acceptable living standards for residents and neighbours, which the appeal proposal does not achieve.
29. Policy HO7 of the Framework establishes that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs

assessments. Whilst I attach substantial weight to the provision of an additional dwelling which makes a contribution, albeit on a limited scale, towards meeting the accommodation needs of the community, this benefit is substantially outweighed by the adverse effects identified. The proposal does not therefore benefit from the presumption in favour of development.

30. Accordingly, the appeal on ground (a) does not succeed and the deemed planning application will be refused.

### **The appeal on ground (f)**

31. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
32. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
33. As the notice requires the use of the building as a dwelling to cease and the building to be demolished in its entirety, the purpose of the notice must be to remedy the breach of planning control.
34. The appellant considers that the demolition of the building in its entirety is excessive and that the Council's concerns can be overcome by removing the kitchen and restricting the use of building to domestic storage and as a gym. However, the lesser steps proposed by the appellant do not represent an obvious alternative to demolishing the building as they would fail to restore the land to its condition prior to the breach taking place and consequently, would not achieve the purpose of the notice. Furthermore, the appellant's suggested condition restricting the use of the building cannot be imposed as part of the requirements of a notice. There are no other obvious alternatives or lesser steps to achieve the purpose of the notice.
35. I conclude that the requirements do not exceed what is reasonably necessary to remedy the breach of planning control. The appeal on ground (f) therefore fails.

### **Conclusion**

36. For the above reasons, I conclude that the appeal should be dismissed. I will uphold the enforcement notice with a correction, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*M Ollerenshaw*

INSPECTOR