

# SLOUGH BOROUGH COUNCIL

## PART 1

### FOR INFORMATION

Planning Appeal Decisions

January - March 2026

*Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.*

#### **WARD(S) ALL**

<b>Ref</b>	<b>Appeal</b>	<b>Decision</b>
APP/J0350/X/25/3359819	46 and 48 Oatlands Drive, Slough SL1 3EL  Without planning permission, the material change of use of the outbuilding to use as a self-contained dwelling and associated facilitating works	Appeal Dismissed  23 <sup>rd</sup> January 2026
APP/J0350/C/23/3336139	2e, Canterbury Avenue, Slough, SL2 1EQ  Without planning permission, the material change of use of an outbuilding to form a self-contained dwelling with facilitating works	Appeal Dismissed  23 <sup>rd</sup> January 2026
6001263	7, Hampden Road, Slough, SL3 8SF  Construction of a part single, part double storey side and rear extension with front porch	Appeal Dismissed  26 <sup>th</sup> January 2026
APP/J0350/C/23/3328801	41, Telford Drive, Slough, SL1 9LB  Without planning permission, the erection of a single storey side and rear extension, outbuilding and boundary wall enclosure	Appeal Dismissed  28 <sup>th</sup> January 2026
APP/J0350/C/24/3340928	43, Telford Drive, Slough, SL1 9LB  Without planning permission, the material change of use of a single-family dwelling house to two separate dwellings and facilitating works.	Appeal Dismissed  2 <sup>nd</sup> February 2026
6001011	40, Sutton Avenue, Slough, SL3 7AW  Construction of 1no 4 bedroom 2 storey house with associated garden and parking.	Appeal Dismissed  5 <sup>th</sup> February 2026
6000888	35, Lower Cippenham Lane, Slough, SL1 5DG  Outline planning permission with some matters reserved for the construction of 4no dwellings with associated parking, bins & cycle stores to Land R/O 35-37 Lower Cippenham Lane	Appeal Dismissed  5 <sup>th</sup> February 2026

APP/J0350/C/25/3362428	14, Hawkshill Road, Slough, SL2 2BH  Without planning permission, the material change of use of the outbuilding, with associated facilitating works and its use as a self-contained dwelling	Appeal Dismissed  12 <sup>th</sup> February 2026
APP/J0350/C/24/3341781	25, York Avenue, Slough, SL1 3HW  Without planning permission, the material change of use of the dwelling house to a large house in multiple occupation (sui generis use) by more than six persons	Appeal Dismissed  20 <sup>th</sup> February 2026
APP/J0350/C/24/3341782	25, York Avenue, Slough, SL1 3HW  Without planning permission, the material change of use of the outbuilding with associated facilitating works and its use as a self-contained dwelling	Appeal Dismissed  20 <sup>th</sup> February 2026
6000710	209, Littlebrook Avenue, Slough, SL2 2PE  Change of use of a single storey detached outbuilding from gym to residential annexe.  209 Littlebrook Avenue comprises an end of terrace dwelling. A planning application for change of use of an outbuilding from gym to residential annexe was refused by the LPA; subsequent to a site visit by the planning officer which showed the outbuilding had not been constructed (or even indications that construction was to commence, such as land clearance, foundation trenches, building materials etc), planning permission was refused on the basis that a change of use of a building which does not exist cannot occur. A lawful development certificate was granted on 28 November 2024 for recreational area gym game area & shower room, and it was this building which the applicant sought to use as a residential annexe.  During the appeal process it became apparent that the outbuilding had been constructed and completed several days after the site visit, and prior to the decision being issued. Despite numerous correspondence between the planning officer and the applicant to discuss the progress of the  application, at no point was the planning officer informed about the construction of the outbuilding, and the planning decision was issued on the assumption that the outbuilding was yet to be constructed. The planning application was refused on the grounds that a change of use could not be considered, and included Informatives to explain that even if a change could be considered, there were fundamental reasons that planning	Appeal Granted  2 <sup>nd</sup> March 2026

	<p>permission would be refused, including impact upon protected trees and the appropriate siting of a building intended for an elderly dependence with regards distance from, and reliance on, the main house.</p> <p>The Planning Inspector granted planning permission for use of the (now constructed) outbuilding, with the condition restricting the use to be ancillary to the residential use of 209 Littlebrook Avenue, which the Inspector considered to be appropriate to prevent the residential annexe from being used as an independent dwelling. There are no kitchen facilities indicated on the floor plans, and therefore the Inspector was satisfied that there would be a reliance by the occupant on the main dwelling and not create an independent dwelling (it was noted that such a change of use would require planning permission in any event).</p> <p>A cost award was made by the appellant, claiming the LPA had acted unreasonably, requiring the appellant to incur costs related to the appeal. The Planning Inspector did not award costs in favour of the appellant, as despite the decision by the Inspector to grant planning permission, the LPA was not found to have acted unreasonably in its decision to refuse planning permission.</p>	
6002303	<p>Sabar Brothers, 5 – 7 Villers Road, Slough, SL2 1NW</p> <p>Construction of a single storey front and side extension to existing commercial shopfront.</p> <p>SBC refused the application due to concerns over the design and impact on the character of the area, as well as potential highway safety concerns.</p> <p>The Planning Inspector noted that other commercial properties in the area had been extended and altered and it was acknowledged that the proposals at No.5-7 Villiers Road would extend closer to Villiers Road and St Elmo Crescent</p> <p>but the Inspector considered that the proposals were well-designed, maintaining a set-back and spacious character.</p> <p>In terms of parking, the Inspector noted from their site visit that most customers to the site arrived on foot or visited multiple retail units in the area and they did not consider that the proposed extension to the retail offering would result in an increase in vehicular movements. At the time of their site visit, they observed many free parking spaces on the</p>	<p>Appeal Granted</p> <p>03/03/2026</p>

	<p>road. They also noted that delivery vans park on the street to make deliveries and so the Inspector did not agree with SBC's concerns over potential highway safety issues associated with deliveries - fundamentally the Inspector noted that there was no material change.</p>	
6001163	<p>232, Farnham Road, Slough, SL1 4XE</p> <p>Variation of condition (3 Restricted hours operation) approved planning permission P/03283/014 (extension of opening hours)</p> <p>Appeal decision at 230 Farnham Road is allowed (Ref. 6001163) dated 03/03/2026 for application ref P/03283/021. The condition in dispute is No 3 which states that: The use hereby permitted shall not be open to members of the public / customers outside of the hours of 23.30 hours to 08.00 hours. The appeal property is operating as a restaurant and hot food takeaway. The appellant wishes to extend the opening hours from those originally imposed to 08:00 – 02:00 daily.</p> <p>The Inspector stated that the site is in a vibrant and busy mixed-use area. Farnham Road is a principal route through Slough, with constant vehicle movements with a continuous level of background noise associated with traffic flows and general activity in the area. The Inspector stated there is no evidence submitted to show that those units with later opening hours which were granted planning permission to open until 02:00 (including 246 and 248 Farnham Road) have generated unacceptable levels of noise and disturbance and there is no evidence to show an over concentration of restaurant/ takeaway uses resulting in noise and disturbance to neighbouring occupiers.</p> <p>The Appeal decision included a varied Condition 2: The premises shall only be open for customers between 08:00 – 02:00 Monday – Sunday and removed the original time limit condition as the planning permission has been started.</p>	<p>Appeal Granted</p> <p>03/03/2026</p>



## Appeal Decision

Site visit made on 9 December 2025 by Elizabeth Davies BSc (Hons) MISEP, CEnv

### Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2026

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#### Appeal Ref: 6000710

#### 209 Littlebrook Avenue, Slough SL2 2PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by A Singh against the decision of Slough Borough Council.
  - The application Ref is P/17039/005.
  - The proposal is for a change of use of a single storey detached outbuilding from gym to residential annexe.
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#### Decision

1. The appeal is allowed and planning permission is granted for a change of use of a single storey detached outbuilding from gym to residential annexe at 209 Littlebrook Avenue, Slough SL2 2PE in accordance with the terms of the application, Ref P/17039/005, subject to the following condition:
  - 1) The use of the building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 209 Littlebrook Avenue.

#### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. I have taken the description of development from the Council's Decision Notice as this is more precise.

#### Applications for costs

4. An application for costs has been made by the appellant and is the subject of a separate decision.

#### Preliminary Matters

5. A Certificate of Lawful Development was issued in November 2024 for a rear outbuilding for use of recreational area, gym, game area and shower room. The Council refused the planning application for a change of use of this building to a residential annexe because at the time the planning application was submitted the outbuilding had not been constructed. It was also not in place at the time the Council's planning officer visited the site. The Council's position was that it was not possible to grant planning permission for a change of use for a building that did not exist. However, the outbuilding has now been constructed, and this has been
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acknowledged by the Council and the reason for refusing the change of use application is no longer relevant.

6. The Council's Decision Notice included a number of informatives. Now that the main parties agree that the outbuilding is in place, I have taken two of these informatives to form the main issues in the appeal.

### **Main Issues**

7. The main issues are 1) the effect of the change of use of the outbuilding on the character and appearance of the area with regard to a mature tree subject to a Tree Preservation Order (TPO), and 2) whether the proposed residential annex is in a suitable form and location having regard to development plan policy.

### **Reasons for the Recommendation**

#### *Character and appearance*

8. The appeal property is an end of terrace two storey dwelling, the rear garden extends to the side of the property and contains a single storey detached outbuilding. The proposal is for the change of use of the outbuilding from gym to residential annex.
9. The large mature oak tree subject to the TPO is located directly in front of the outbuilding. The tree is clearly visible from the surrounding houses and when approaching the appeal property from the adjacent parking area. The tree has visual amenity value and makes a positive contribution to the appeal site and the wider area.
10. It appears from the evidence before me that safeguards were in place to protect the tree from harm during construction of the outbuilding. The proposed change of use would not in itself directly harm the tree. However, there is concern that the close proximity of the tree to the front of the outbuilding could lead to nuisance from leaf litter and overshadowing or fear of falling branches. I acknowledge that these concerns could lead to pressure to prune or remove the tree. However, I do not consider this pressure would be significantly greater than that which already exists from the use of the outbuilding for recreation or even compared to when the area was in use as a garden.
11. In any case, the protected status of the tree is unaffected by the change of use and consent would be required for any works to the tree. On this basis, I find that the change of use would not significantly increase the pressure to prune or fell the oak tree and as such there is no increased risk of harm to the character and appearance of the area from the change of use. The proposal would accord with Core Policy 8 of the Slough Core Strategy 2006-2026 (2008) (CS) and Policies H13, EN1 and EN3 of the Slough Local Plan (2004) (LP). These policies seek, amongst other things, that development is of a high design quality which is compatible with its surroundings including in terms of visual impact and relationship to mature trees. Policy EN3 also states that existing mature trees which make a significant contribution to the landscape should be retained.

#### *Suitability of residential annex*

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12. The existing building was permitted for uses 'incidental to the enjoyment of the dwelling'. The change of use would provide ancillary residential accommodation. There would be no changes to the size or appearance of the outbuilding.
13. Policy H18 of the LP relates to extensions of residential properties to provide accommodation for elderly relatives/ dependents. The policy states that proposals will not be permitted unless they comply with all the following criteria: a) the accommodation is provided in the form of an extension to the existing dwelling and not as a free standing independent structure; b) the accommodation is designed as an integral part of the house and is capable of being used in the future as part of the original dwelling unit and therefore has no independent external access; c) the accommodation is only to be occupied by an elderly relative or dependant and will not be used as a separate independent dwelling unit at any time; d) the appearance, design and bulk of the proposed extension is appropriate for its location and does not have an unacceptable impact upon the amenities of the area; e) provision is made for an appropriate amount of car parking which meets the aims of the integrated transport strategy; and f) appropriate rear private amenity space is retained.
14. It is clear from Policy H18 and the evidence before me that the Council's preference is that residential accommodation for an elderly or dependent relative is accommodated in the existing dwelling or within an extension to the existing dwelling. The appellant has stated that the existing layout of the dwelling is unsuitable and an extension is not their preferred approach for a number of reasons.
15. In this case, the appeal relates to the change of use of an existing outbuilding to provide a residential annex. When looking at the criteria set out in Policy H18, whilst the outbuilding is a free-standing structure, the proposals do not result in the creation of a separate planning unit. The evidence shows that the appeal site comprises the whole of 209 Littlebrook Avenue. There is no severance or subdivision proposed. The appellant states that the residential annex would be occupied by a dependent elderly relative who would be reliant on facilities in the host dwelling. The outbuilding does not contain a kitchen so it would be reasonable to expect the occupant to rely on the host dwelling for cooking facilities.
16. The introduction of an independent dwelling to the garden of the host dwelling may not be appropriate for a variety of reasons. The appellant does not claim to be seeking permission for an independent dwelling and furthermore the Council validated the application on this basis, including as a householder planning application. If the building is not used as an annex as is proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted. I note the Council comments in relation to the difficulty in monitoring occupation of the outbuilding. However, it would not be unenforceable, and this consideration does not add any weight in favour of dismissing the appeal.
17. In terms of access, the outbuilding is accessed from a side gate through the garden of the host dwelling and no new or independent access is proposed. It is an existing outbuilding that is in keeping with the area. The Council have raised no concerns in terms of car parking, and I consider that an appropriate rear amenity space is retained.

18. I therefore find that whilst the outbuilding is not physically attached to the host dwelling, it complies with the other criteria in Policy H18, outlined above, and would not cause unacceptable harm. In terms of Policy H13, this policy relates to new dwellings and is therefore not relevant to the appeal proposal.

#### **Other Matters**

19. The Council have commented on the significance of alleged intentional unauthorised development to the appeal. I have considered the appeal based on the evidence before me. It is not disputed that the physical structure is lawful. As there is nothing to prevent a change of use being sought, I have proceeded on this basis and the land use planning merits of the case. I therefore give this matter limited weight in the appeal.

#### **Conditions**

20. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.

21. In the interests of the character of the area and living conditions, to avoid the building forming an independent dwelling, it is also necessary to impose a planning condition requiring that the development is ancillary to the main dwelling. I have not included a condition specifying that no cooking facilities are provided in the outbuilding as this is not necessary as the plans do not include a kitchen and the condition requiring the outbuilding to remain ancillary to the main dwelling will ensure it is not used as an independent dwelling. For the same reason, it is also not necessary to specify through a condition that the outbuilding will not be used for any industrial, commercial or business use.

22. I have also not imposed a condition requiring that the development is carried out in accordance with the approved plan as the proposal is for a change of use to an existing building and it is therefore not necessary.

#### **Conclusion and Recommendation**

23. For the reasons given above, the proposal complies with the development plan when taken as a whole and there are no material considerations, including the Framework, that would outweigh this finding. Consequently, I recommend that the appeal should be allowed.

*Elizabeth Davies*

APPEAL PLANNING OFFICER

#### **Inspector's Decision**

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

*A M Nilsson*

INSPECTOR





## Appeal Decision

Site visit made on 10 February 2026

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2026

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**Appeal Ref: 6002303**

**5-7 Villiers Road, Slough, SL2 1NW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Asaf Sabar against the decision of Slough Borough Council.
  - The application Ref is P/02790/005.
  - The development proposed is a single storey front and side ground floor extension to the existing commercial shopfront
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey front and side ground floor extension to the existing commercial shopfront at 5-7 Villiers Road, Slough, SL2 1NW in accordance with the terms of the application ref P/02790/005, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 3) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.
  - 4) The finished floor levels of the extension shall be no lower than those of the existing floor levels within the building.
  - 5) No development above ground level shall take place until details of the implementation, adoption, maintenance and management of the water storage tank have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and managed and maintained in accordance with the approved details.
  - 6) The extension hereby permitted shall not be used other than in association and as part of the existing retail unit known as 5-7 Villiers Road.
  - 7) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01 A, PL-100, PL-02, PL-03, PL-04, PL-05, PL-06, PL-07, PL-08, PL-09.

## **Main issues**

2. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area; and, secondly, highway safety.

## **Reasons**

### *Effect on character and appearance*

3. The appeal property is a two storey retail store, evidently formed by the amalgamation of two buildings. The building has been altered and extended in the past, with these changes being seen in views along the road due to the location of the property at the junction with St Elmo Crescent. Other properties nearby have been extended and altered.
4. I am informed the property lies within a local shopping centre, as designated in the Slough Local Plan (2004). The property lies at the end of a short terrace of retail units, with other retail and community uses opposite and to the west and east of the site. These buildings are set well back from the highway, with deep footways in front. To the east of the appeal property there is a large open area of footway which leads to a spacious character at this junction of the two roads. The wider area is residential, with two storey houses. The area is mixed in character and appearance due to these uses, and due to the alterations and extensions to buildings.
5. The proposed single storey extension would provide additional retail space for the property. It would be larger than the existing awning and the area used to display goods at the premises, and would project to the front and side of the store. This would bring the building further towards the highway on both Villiers Road and St Elmo Crescent.
6. As noted above, the building and its neighbours are set well back from the highway. Whilst this area would be reduced, the degree of intrusion into the undeveloped area would ensure the overall spacious character of the area is retained. There would remain a good degree of set-back from Villiers Road and at the junction with St Elmo Crescent. In views along roads towards the site the open appearance of this part of the street scene would remain, with no undue imposition upon the road or to neighbouring properties.
7. The scale and height of the proposed extension would be appropriate for the property. I saw that other properties in the area have extensions to the sides and front which, although smaller in scale than the appeal scheme, are part of the character of the area. The proposed projection from the front and side would be proportionate to building, and to the wider terrace. The simple brick design and form would be different to the original appearance of the building and terrace, but it would bring a cohesion to the building, which currently sees a number of extensions and alterations of different form and appearance.
8. Core Policy 8 of the Slough Core Strategy (2008) requires all development to be of a high quality design that, amongst other matters, is practical, attractive, safe, accessible and adaptable, and respects its location and surroundings. Saved Policies EN1 and EN2 Local Plan also require a high standard of design for developments, including extensions to building, that is compatible with and/or improves its surroundings. The National Planning Policy Framework seeks to

ensure well-designed places and high quality in design. The proposed extension would satisfy these policies as it would be a practical, accessible and adaptable addition to the building in the local shopping centre, whose design and scale would respect the surrounding area and host property. On the first issue I therefore conclude that the proposal would not be harmful to character and appearance of the area.

*Highway safety*

9. The development proposes an extension to the existing retail unit. There is no formal parking provision at present for customers visiting the property, with parking taking place on the road. It also appears from the information presented to me that deliveries and services are predominately taken from the road, or on occasion in an unauthorised manner from the footway. No parking or change to servicing is proposed as part of the scheme.
10. The Council state that this part of Villiers Road and the surrounding highways are subject to high levels of parking stress. They raise concern that there will be an increased demand for parking, and that there is insufficient information to demonstrate that deliveries and servicing could be undertaken.
11. I am not persuaded that the proposed extension would lead to an increase in demand for parking by customers that would materially affect demand for on-street parking in the area, or to highway safety. The extension is to provide more space for the existing retail unit, with the new area being notably smaller in floor area than the existing internal space. Part of this area replaces the existing open area of goods display; I acknowledge that open area is smaller (and would be retail space only used part of the time) but nonetheless it is evident to me the proposal is one of making an existing retail unit larger. I do not think the scale of increase in this retail unit is likely to lead to a significant change in the number of people visiting by car.
12. A crucial matter in this opinion is the location of the retail unit in an area surrounded by housing, and adjoining other retail units and other community uses in the designated local shopping centre. At my site visit I saw a high degree of pedestrian activity in the area, with many people walking to the appeal premises (and other shops) from the surrounding area. This was the case despite there being many free parking spaces on the road; ie customers were choosing to walk rather than drive to the shop. I also saw buses along the road, which stopped to serve the area. During my site visit I additionally saw a delivery to the store. This took place from a van parked within a marked parking space on the road.
13. It is apparent to me from the location of the site that a good proportion of customers to the appeal premises are very likely to not arrive by car, but walk from the surrounding area or arrive by other modes of transport. This will be for trips specifically to the premises, or as part of a combined trip to other facilities in the area. Although there would undoubtedly be more permanent retail space as a result of the extension – and there is no control over any different occupier in the future – I am not persuaded that this general pattern of custom to the premises would significantly change.
14. I accept that my observations are only a snapshot (though I stayed at the site for some time to observe the situation) and that the Council have drawn my attention to examples of what appears to be unauthorised parking. But those examples



similarly appear as snapshots and, in the absence of any detailed survey for parking stress or activities in the area from either party, I consider my observations to be reasonable. My observations reinforce my overall views on this matter, which are based on consideration of the wider character of the location and the nature and scale of the proposed development.

15. Saved Policy T2 of the Local Plan says that additional on-site car parking provision will only be required where this is needed to overcome road safety problems, protect the amenities and operational requirements of adjoining users, and ensure that access can be obtained for deliveries and emergency vehicles. The Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. On the basis of what I have read and seen, I consider the increase in the size of the retail unit that would arise from the proposed extension would not lead to a material change to parking demand in the area, servicing, or any material change in road safety. Thus, there is not a need for additional on-site car parking provision or for deliveries/servicing. On the second main issue I conclude that the proposed development would not be harmful to highway safety.

#### **Other considerations**

16. The extension would be distant enough from adjoining residential properties to ensure no impact upon existing occupiers by virtue of outlook or levels of light. The scale of extension to the existing retail unit would not lead to a greater use of the premises that may have a material change to levels of activities or disturbance in the area.
17. The proposals show a storage unit to capture rainwater, to address matters of surface water drainage. Finished floor levels would be set to ensure the proposed extension is resilient to flood risk. These matters were acceptable to the Council in order to address flood risk matters, subject to planning conditions, and I concur.
18. The extension would be on hard surfaced area with no loss of natural habitat, and so there would be no effect on ecology or biodiversity.

#### **Conditions**

19. The Council have suggested a number of conditions in the event of the appeal being allowed, which I have considered in light of the six tests for planning conditions contained at paragraph 57 of the Framework and paragraph 003 of the Planning Practice Guidance: Use of Conditions.
20. The application specified the extension would be built of bricks to match the existing building, and I commented earlier that a brick extension was appropriate. However, I noted at my site visit that there is a variety of brick types at the building, and the building is also partly rendered. I have attached a condition requiring the submission and approval of materials used in the extension in the interests of precision, and to ensure suitable materials are used.
21. I have attached a condition preventing the use of the roof of the extension as a sitting out area in the interests of amenity, as such use would allow views down from an elevated position.
22. I have attached a condition required finished floor levels to be no lower than the existing floor levels, to ensure the development is resilient to flood risk. I have also

attached a condition requiring details to be submitted for the proposed water storage tank and long-term maintenance of that, to ensure satisfactory drainage is provided.

23. I consider the suggested condition requiring the extension to only be used in association with the existing retail unit to be necessary: the layout of the extension means it may be possible to sub-divide the unit, which might then give rise to different considerations regarding the pattern of activities arising from a further retail unit rather than an extension to the existing retail space.

24. No change is proposed to servicing or deliveries, and I have found the extension would not have an adverse impact on these matters. Hence there is no need for a condition requiring the submission of further details.

25. I have attached a condition specifying the approved drawings in the interests of precision.

### **Conclusions**

26. For the reasons given above I conclude the proposed development is consistent with the development plan and the Framework. Therefore, the appeal should be allowed.

*C J Leigh*

INSPECTOR





## Appeal Decision

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> March 2026

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**Appeal Ref: 6001163**

**232, Farnham Road, SLOUGH SL1 4XE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Malik against the decision of Slough Borough Council.
  - The application Ref is P/03283/021.
  - The application sought planning permission for change of use from A2 (office) to A3 (restaurant) with ancillary A5 without complying with a condition attached to planning permission Ref P/03283/014, dated 18 December 2018.
  - The condition in dispute is No 3 which states that: The use hereby permitted shall not be open to members of the public / customers outside of the hours of 23.30 hours to 08.00 hours.
  - The reason given for the condition is: To protect the amenity of residents within the vicinity of the site in accordance with Policy EN26 of The Adopted Local Plan for Slough 2004.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from A2 (office) to A3 (restaurant) with ancillary A5 without complying with condition No 3 attached to planning permission Ref P/03283/014, dated 18 December 2018, but subject to the conditions in the attached schedule.

### Background and Main Issue

2. The appeal property is operating as a restaurant and hot food takeaway. The appellant wishes to extend the opening hours from those originally imposed to 08:00 – 02:00 daily.
3. The Council refused the application for the reason that it would be harmful to the living conditions of neighbouring occupiers, due to noise and disturbance from the operation of the restaurant/take-away and comings and goings at unsociable hours.
4. The main issue is therefore the effect that varying the opening hours would have on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

### Reasons

5. The appeal site is located on the eastern side of Farnham Road within a row of terraced properties which have commercial units at ground floor and residential use on the upper floors. There is a service road to the rear of the appeal site, beyond which are further residential properties on Boston Grove. On the opposite side of Farnham Road are large commercial units and their associated parking areas.

6. At my site visit during a weekday afternoon, I saw that the site is in a vibrant and busy mixed-use area. Farnham Road is a principal route through Slough and I saw constant vehicle movements, including frequent bus services stopping in close proximity to the site. As a result, there was a continuous level of background noise associated with traffic flows and general activity in the area. Whilst I appreciate my visit can only be a snapshot in time, I have no reason to believe that what I experienced was not typical of circumstances at this site. However, I also acknowledge that activity levels and associated ambient noise levels are likely to reduce overnight.
7. The evidence submitted indicates that commercial premises in the area have a variety of opening hours. Both parties refer to two nearby premises at 246 and 248 Farnham Road which operate as restaurants with ancillary takeaway facilities and which were granted planning permission to open until 02:00. The Council states that, since those permissions were granted, the concentration of late-night uses in the area has intensified as the former bank premises at 230-234 Farnham Road has been split into three individual businesses.
8. I observed a number of takeaways, restaurants, bars and cafés in the vicinity of the appeal site. It is suggested that the arrival of customers at, and their congregation outside, these premises during the evenings and early hours of the morning has resulted in noise and disturbance, to the detriment of neighbouring occupiers.
9. However, there is no evidence submitted to show that those units with later opening hours have generated unacceptable levels of noise and disturbance. There is also nothing before me to demonstrate that there is an over concentration of restaurant / takeaway uses resulting in noise and disturbance to neighbouring occupiers. Moreover, I note that the Council's Environmental Protection consultee confirms they have no complaints recorded.
10. Thus, in the absence of substantive evidence to the contrary, I do not find that allowing the appeal premises to open until 02:00 would be harmful to the living conditions of neighbouring occupiers. Consequently, I find no conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy Development Plan Document 2008. This policy requires, amongst other things, that development respects its location and surroundings and does not give rise to unacceptable levels of pollution, including noise.

#### **Conditions**

11. Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As the development that was originally granted planning permission has been started, it is not necessary to impose a time limit condition. I have no information before me about the status of the other conditions imposed on the original planning permission, therefore I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties. I have modified the wording of some conditions in accordance with the PPG for reasons of precision and enforceability.

## Conclusion

12. Based on the above considerations, I conclude that the proposal accords with the development plan and the appeal should be allowed.

*A O'Neill*

INSPECTOR

### Schedule of Conditions

- 1) The development hereby approved shall be implemented only in accordance with the following plans and drawings hereby approved unless otherwise agreed in writing by the Local Planning Authority.
  - (a) Drawing No. 2018-0202-001, Dated 14.11.2018
  - (b) Drawing No. 2018-0202-002, Dated 13.11.2018
  - (c) Drawing No. 2018-0202-003, Dated 13.11.2018
  - (d) Undated 5no. A4 sheets relating to Contra Rotating Cased Axial Fans TCBBx2/TCBTx2 Series
  - (e) Design & Access Statement, Dated November 2018
- 2) The premises shall only be open for customers between 08:00 – 02:00 Monday – Sunday.
- 3) The use shall not take place until such time as residual and recycling bins have been provided on site in accordance with details to be approved in writing by the Local Planning Authority. The refuse bins shall be retained on site thereafter.
- 4) Prior to first occupation details of measures for the disposal of fats, oils and grease, installation details for a fat trap(s), the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel (inline with best practice guidance) hereby granted permission have been submitted to and approved by the Local Planning Authority and these approved details shall be implemented on site prior to first occupation of the development and shall be maintained in perpetuity.
- 5) The use hereby permitted shall not operate unless a ventilation system is installed which includes a filtration system capable of neutralising odours. The filtration system shall at all times be installed, maintained and operated so as to prevent nuisance to neighbouring residents caused by cooking odours.
- 6) All plant, machinery and equipment (including refrigeration, extractor flue and air conditioning systems) to be used by the reason of the granting of this permission shall be so installed, maintained and operated so as to prevent the transmission of noise and vibration into any neighbouring premises.
- 7) No public/customer entrance or exit shall be provided via the doors to the rear of the premises. The public/customers shall only enter and exit the premises using the entrance fronting Farnham Road.

- 8) All loading and unloading of delivery vehicles shall take place at the rear of the premises and there shall be no means of vehicular access or loading/unloading of goods at the front of the premises. No vehicles for delivery purposes may arrive, depart, be loaded or unloaded except between the hours of 08:00 and 18:00 Mondays to Fridays, and 08:00 and 13:00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

**End of Conditions**