

Registration Date:	12-Nov-2025	Application No:	P/20778/002
Officer:	Patrick Haran	Ward:	Wexham Court
Applicant:	Mr H Bajwa	Application Type:	Full Planning
		8 Week Date:	07-Jan-2026
Agent:	Mr Kashif Bashir, Kvl Designs Ltd		
Location:	45 The Frithe, Slough, SL2 5SY		
Proposal:	Removal of condition 7 (Shall be used only in conjunction with the existing house and shall not be sub divided or used in multiple occupation) of planning application P/20778/001 dated 08/07/2025. (To remove Condition 7 to allow the property to be used as a small HMO (Use Class C4) for up to five residents)		

Recommendation: Delegate to the Planning Manager to refuse.



1.0 **SUMMARY OF RECOMMENDATION**

- 1.1 Having considered the relevant policies set out below, and comments that have been received from consultees, and all other relevant material considerations, it is recommended the application be delegated to the Planning Manager to refuse for the following reason(s):

Refuse for the following reason(s):

1. Condition 7 (Sub-division/use in multiple occupation) of planning permission P/20778/001 dated 08/07/2025 is necessary to allow the Local Planning Authority the opportunity to assess the effects of a more intensive use of the property on matters around housing provision, road safety, the amenities of adjoining residents, and any visual impacts upon the environment that may arise from a more intensive use of the property.

Furthermore, Condition 7 is deemed to comply with the six tests set out in paragraph 57 of the National Planning Policy Framework and therefore the condition is sound, reasonable and there are no grounds for its removal. The removal of the condition would be contrary to Policy T2 of The Adopted Local Plan for Slough 2004.

- 1.2 Under the current constitution, this application is to be determined at Planning Committee as it was called in by Cllr Iftakhar Ahmed within the relevant timeframe. The main concern is that there have been several similar extensions approved within the Wexham Court ward area and were not imposed with this type of condition.

2.0 **Proposal**

- 2.1 The application is made under Section 73 of the Town and Country Planning Act and seeks to remove condition 7 of planning application P/20778/001 dated 08/07/2025.

- 2.2 Condition 7 of planning application P/20778/001 dated 08/07/2025 states:

The development hereby permitted shall be used only in conjunction with the existing house and shall not be sub- divided or used in multiple occupation.

REASON: To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice road safety, protects the amenities of adjoining residents, and does not result in an adverse visual

impact upon the environment in accordance with the provisions of Policy T2 of The Adopted Local Plan for Slough 2004.

- 2.3 The intention, as set out in the description of the development and the supporting statement submitted with the application is to allow the property to operate as a small House in Multiple Occupation (HMO) under Use Class C4, accommodating up to five unrelated individuals.
- 2.4 It should be noted that no floor plans were submitted with the application which was accompanied only by a supporting Planning Statement.

3.0 Application Site

- 3.1 The property is an extended two storey, mid-terrace dwelling on the east side of The Frithe, which is a predominantly residential area of similar building typologies. There is no vehicle crossover from the highway to the front of the property where it is set beyond the highway verge and pavement and there is a bus stop to the front of the property.
- 3.2 For completeness, it should be noted that the site is not located in an Air Quality Management Quality Management Area (AQMA), a high risk Flood Zone or a Conservation Area. It is also not identified as a heritage asset or located within close proximity to a heritage asset and there are no trees under a Tree Preservation Order in close proximity.

4.0 Relevant Site History

- 4.1 Y/20778/000
The erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, with a maximum height of 3.0m, and an eaves height of 2.4m.
Prior Approval not required 02-Apr-2025.

P/20778/001

Construction of a single storey rear extension and part first floor rear extension & proposed drop kerb at front.
Approved with Conditions 08-Jul-2025.

Officer comment – the application was amended and the drop kerb element was removed from the proposal with an amended site plan being received. The officer's report advised:

“As originally proposed the application included a new vehicle crossover from the highway to enable parking for two vehicles to the front of the property. However, following discussions this officer had with the Local Highways Authority and the Council's Tree Officer it

was concluded that it would not be feasible to put a dropped crossing so close to the existing street tree as the excavation for the crossing would involve severe damage to the trees roots, which is considered to have significant amenity and environmental value.”

5.0 Neighbour Notification

5.1 In accordance with Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), one site notice was displayed on 12 December 2025. The consultation period was until 02 January 2026. The site notice was displayed in a prominent position on a lamppost to the front of No.43 The Frithe.

5.2 No representations were received.

6.0 Consultations

6.1 Transport and Highways

Policy T2 of The Adopted Local Plan for Slough 2004 sets out that:

Within all developments that attract an increase in the number of trips, the level of on-site parking provision for the private car will be restricted to a maximum level in accordance with the principles of the Integrated Transport Strategy.

No increase in the total number of car parking spaces on-site will be permitted within commercial redevelopment schemes.

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.

Residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems, protect the amenities of adjoining residents, and not result in an adverse visual impact upon the environment.

Condition 7 states:

The development hereby permitted shall be used only in conjunction with the existing house and shall not be sub- divided or used in multiple occupation.

REASON: To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice road safety, protects the amenities of adjoining residents, and does not result in an adverse visual impact upon the environment in accordance with the provisions of Policy T2 of The Adopted Local Plan for Slough 2004.

SBC Highways Officer has conducted visits to site and observed the area experiences high levels of on-street car parking. Other than the bus stop caged areas - with one immediately in front of the application site, there are no restrictions in terms of parking on the road, such as limited parking stay or controlled parking zone / permit parking. It is also noted that the area has a high level of car ownership when analysed against available census data.

Furthermore, the site is not considered suitable for all residents to live without owning a car due to the distance from Slough Railway Station, Slough Town Centre and Slough Bus Station with identified walking routes representing journey times of 20 - 33 minutes from the latter. As noted above there is a bus stop outside the site providing services to Wexham Park Hospital and Slough Town Centre with identified journey times of 20 minutes to the latter.

Local Plan Policy T2 sets out that residential development will be required to provide appropriate levels of car parking to its location and to overcome road safety problems to protect the amenities of adjoining residents. Furthermore, the National Planning Policy Framework 2024 requires development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The proposal is likely to generate parking demand for up to an additional five cars (this reflects on the applicant stating it is for 5 households, whilst noting that 6 households can be provided for under Class C4 HMOs), which would result in an unacceptable impact on highway safety. It is evident that, despite the absence of a dropped kerb, the entire frontage of the property has been hard-surfaced and is already being used to park two vehicles. This conflicts with a key requirement of the National Planning Policy Framework which advises development be refused in such

scenarios where safe and suitable access to the site for all users cannot be achieved.

Local Plan Policy T2 requires residential development to provide a level of parking appropriate to its location which will overcome road safety problems. As such, when considering the above, the proposal would be in conflict with Policy T2 and the NPPF. There is no immediately obvious mitigation which would be effective in addressing the harm of increasing parking demand and affording no off street car parking spaces. The unlawful felling of the mature tree directly outside the site is regrettable. The Council will arrange for the tree to be replanted, which will in turn prevent any future access or the provision of a dropped kerb to the site. The matter of the tree's removal is currently under police investigation, and no further comments can be provided at this stage.

Furthermore, the proposal has failed to demonstrate or provide any evidence in relation to parking in the vicinity of the site to support the intensification of the use of the site for 5 persons HMO. Should the development take place on site, the additional on-street car parking generated from the development and the provision of nil parking on-site would exacerbate existing on-street parking problems which potentially would result in the obstruction of access and obstruction of footways (as shown the front of the property is being used for parking) given the relationship with the bus stop to the detriment of highway safety. This would result in an unacceptable impact on highway safety. No mitigation is proposed and there is no obvious mitigation for recommendation

In conclusion it is considered that the development would fail to provide a suitable level of car parking given that it is not considered a sustainable location, given its distance from the bus and railway stations and it is not particularly well served by public transport. The proposal is likely to result in an increase in demand for on street parking, given that none can be accommodated on site, which would exacerbate the existing situation given the high levels of car parking ownership and existing parking stress around the site. This is of particular concern that it would result in conditions prejudicial to pedestrian and vehicular safety. Therefore, the development is contrary to Slough Borough Council Local Plan Policy T2 and the NPPF and refusal is recommended on highway grounds.

Policy Background

7.1 National Planning Policy Framework 2024

Section 2: Achieving sustainable development

Section 9: Promoting sustainable transport

7.2 The Slough Local Development Framework, Core Strategy 2006-2026, Development Plan Document (adopted December 2008)

Core Policy 4 – Type of Housing

Core Policy 7 – Transport

7.3 The Adopted Local Plan for Slough 2004 (Saved Policies)

Policy T2 – Parking Restraint

7.4 Other Relevant Documents/Guidance

Planning Practice Guidance (PPG)

7.5 The Proposed Spatial Strategy (Nov 2020)

Under Regulation 18, the Proposed Spatial Strategy for the Local Plan for Slough was the subject of public consultation in November 2020. This set out a vision and objectives along with proposals for what the pattern, scale and quality of development will be in Slough. The consultation document contained a revised Local Plan Vision which supports the Council's vision for Slough as a place where people want to "work, rest, play and stay."

It should be noted that the consultation document for the Proposed Spatial Strategy does not contain any specific planning policies or allocate any sites. It made it clear that the existing planning policy framework for Slough would remain in force until replaced by new Local Plan policies in the future. Nevertheless, it sets out the most up to date statement of the Council's position with regards to strategic planning issues. As a result, it is relevant for the consideration of this application (but only very limited weight can be afforded to the specific and strategic guidance therein).

7.6 Slough Local Development Plan and the NPPF

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. Annex 1 to the National Planning Policy Framework advises that due weight should be given to relevant policies in existing plans according to their degree of

consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The revised version of the National Planning Policy Framework (NPPF) was published in December 2024.

The National Planning Policy Framework 2024 states that decision-makers at every level should seek to approve applications for sustainable development where possible and planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Planning Officers have considered the revised National Planning Policy Framework 2024 which has been used together with other material planning considerations to assess this planning application.

8.0 Planning Considerations

8.1 The planning considerations for this proposal are:

- Principle of Development
- Design and Impact on Street Scene and Character
- Impact on Neighbouring Uses/Occupiers
- Car Parking

9.0 Principle of Development

9.1 Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA) applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

9.2 Section 73(2) of the TCPA then sets out that:

On such an application the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted, and—

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 9.3 Section 73 of the TCPA therefore provides in-principle support for applications to develop land without complying with previously imposed conditions.
- 9.4 In this case, the removal of Condition 7 would not enable additional buildings or structures on the site as such, but would facilitate a more intensive use of the property from C3 (Dwelling-houses) to C4 (Houses in multiple occupation). It is noted that such a change of use can be undertaken without express planning consent from the Local Planning Authority, by virtue of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), and that Condition 7 effectively removed that right.
- 9.5 Paragraph 55 of the NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
- 9.6 Further to this, Paragraph 57 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (the six tests).
- 9.7 In addition, the Planning Practice Guidance (PPG) states that conditions restricting the future use of permitted development rights or changes of use may not pass the tests of reasonableness or necessity.
- 9.8 Therefore, the main issue is whether the condition is reasonable and necessary in the interests of housing provision, road safety, protecting the amenities of adjoining residents, and visual impact upon the environment.

10.0 Assessment

- 10.1 Condition 7 does not indicate that harm would arise from the use of the property as a small HMO, rather, it enables full consideration to be given, by way of a planning application with accompanying supporting evidence, to the effects of a change of use on matters around housing provision, road safety, the amenities of adjoining residents, and any visual impacts upon the environment that may arise from a more intensive use of the property. Such an application would also provide an opportunity for other considerations, such as wider housing delivery and national housing need, to be taken into account and to balance any harms against benefits.
- 10.2 In that regard, the potential use of the property as an HMO raises issues around housing provision where Core Policy 4 of the Core Strategy indicates that high density housing should be located in Slough town centre while outside of this area new residential development should predominantly consist of family housing. Further, the policy states that

there should be no net loss of family houses as a result of flat conversions, changes of use or redevelopment.

- 10.3 In this case, the intensity of a HMO use means that it would be regarded as a form of high density housing and the site is located in a residential area which is mostly suburban in character rather than town centre related and a formal planning application would allow the LPA the opportunity to consider any impacts on housing provision against the aims of Core Policy 4.
- 10.4 Further to this however, paragraph 115 of the NPPF 2024 states that development proposals should consider the potential impacts on transport networks and this is reflected in Core Policy 7 of the Core Strategy 2008.
- 10.5 Policy T2 of The Adopted Local Plan for Slough sets out, among other things, that residential development will be required to provide a level of parking appropriate to its location and which will overcome road safety problems, protect the amenities of adjoining residents, and not result in an adverse visual impact upon the environment.
- 10.6 On that matter, as noted previously, application P/20778/001 originally proposed a new vehicle crossover from the highway to enable parking for two vehicles to the front of the property. However, following discussions this Officer had with the Local Highways Authority and the Council's Tree Officer it was concluded that it would not be feasible to put a dropped crossing so close to the existing street tree as the excavation for the crossing would involve severe damage to the trees roots, and the tree is considered to have significant amenity and environmental value.
- 10.7 At the time of the original application when Condition 7 was included, the property did not have any provision for car parking within the curtilage and given the presence of the significant street tree to the front it was doubtful that such provision could be provided in the future. Whilst that was considered reasonable for an extended single family dwelling that did not historically have any car parking the condition was included because such a lack of parking provision for a small HMO may not be appropriate which could potentially accommodate 6 households.
- 10.8 Since that decision was issued, however, it is clear that the street tree has been removed and the stump ground out with the front set back area of the property now paved and at the time of this Officer's site two cars were parked within the space. It is understood that the Council's Grounds Maintenance team have contacted the police over this matter who are currently considering the matter as a case of criminal damage. The following photographs show the before and after situation:



09 May 2025



12 December 2025

- 10.9 Notwithstanding that, whilst the Council's car parking standards do not specifically refer to HMOs, parking provision for such a use is generally sought at 1 space per room resulting in a requirement for 5 spaces which is clearly not achievable. The submitted Planning Statement advises that there is no provision for car parking at the property but also makes an anecdotal comment that the proposed use as a small HMO is unlikely to generate significantly higher car ownership than a large family dwelling.
- 10.10 However, that assertion is disputed by Officers who consider that the use of the property by 5 unrelated households could indeed generate significantly higher car ownership than a large family dwelling and a formal planning application would allow the LPA the opportunity to consider the impacts of any under provision against the aims of Local Plan Policy T2. Such an application could include car parking surveys which may or may not indicate whether there is existing parking stress on local roads. No such surveys have been provided with this current application.
- 10.11 Having regard to the above, in Officer's opinion, a condition which effectively removes the right to occupy the dwelling as a HMO without further recourse to the LPA is justified and necessary where it allows the LPA the opportunity to consider the effects of such a use having regard to the development plan and other material considerations. It does not prevent use of the site as a single dwelling as was originally applied for and, therefore, it is not considered that the condition is unreasonable.
- 10.12 Furthermore, the agent representing the applicant in this case referred to an appeal decision for 8 Sheffield Road, Slough (Appeal Ref: APP/J03050/D/24/3346883) as justification and precedent for the removal of Condition 7 but that appeal was allowed in respect of extensions to that property rather than any change of use as such. However, it is noted that in allowing that appeal the Inspector included a condition with similar wording and intent to the condition the subject of this current application.
- 10.13 Therefore, in Officer's opinion, the condition the subject of this current application is clearly relevant to planning and relevant to the

development permitted, and there would appear to be no reason why it would not be enforceable. The wording and intent of the condition is also considered to be clear and concise, with an appropriate reason linked to the local development plan policy T2.

- 10.14 It is the case that through the course of the application, the agent representing the applicant provided examples of planning consents where the relevant HMO condition was not included citing concerns around inconsistency in decision making.
- 10.15 However, when reviewing those cases, it is apparent that of the five applications, only three were in Wexham Court ward and they were from 2016 – 2019 and where the properties had some level of existing car parking provision. In contrast, this Officer's own investigations found 6 planning permissions around the Wexham Court ward where the HMO condition was applied with the latest being in 2023. In terms of consistency in decision-making, which the applicant raises, each application must be assessed on its own merits. Other sites may be capable of accommodating HMO use where adequate parking can be provided and where the level of intensification is acceptable. In this case, it is clear that no on-site car parking can be achieved, and the application must therefore be assessed on that basis.
- 10.16 It is therefore considered reasonable to suggest that there is precedent for applying the HMO condition within the Wexham Court ward and that such a condition has been applied to consents for properties with some level of car parking provision which the property the subject of this application does not have.

11.0 Equalities Considerations

- 11.1 Throughout this report, due consideration has been given to the potential impacts of development, upon individuals either residing in the development, or visiting the development, or whom are providing services in support of the development. Under the Council's statutory duty of care, the local authority has given due regard for the needs of all individuals including those with protected characteristics as defined in the 2010 Equality Act (eg: age (including children and young people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In particular, regard has been had with regards to the need to meet these three tests:
- Remove or minimise disadvantages suffered by people due to their protected characteristics;
 - Take steps to meet the needs of people with certain protected characteristics; and;
 - Encourage people with protected characteristics to participate in public life (et al).

- 11.2 In conclusion, it is considered that the needs of individuals with protected characteristics have been fully considered by the Local Planning Authority exercising its public duty of care, in accordance with the 2010 Equality Act.

12.0 **PART C: RECOMMENDATION**

- 12.1 Given the nature of the application, which seeks to remove a planning condition from a previously approved planning application, any public benefits are limited to the applicant himself. Having considered the relevant policies, the representations received from consultees as well as all other relevant material considerations it is recommended that the application be delegated to the planning manager for refusal for the reasons set out below.

13.0 **PART D: RECOMMENDED CONDITIONS**

13.1. **RECOMMENDED REASON(S) FOR REFUSAL**

Condition 7 (Sub-division/use in multiple occupation) of planning permission P/20778/001 dated 08/07/2025 is necessary to allow the Local Planning Authority the opportunity to assess the effects of a more intensive use of the property on matters around housing provision, road safety, the amenities of adjoining residents, and any visual impacts upon the environment that may arise from a more intensive use of the property.

Furthermore, Condition 7 is deemed to comply with the six tests set out in paragraph 57 of the National Planning Policy Framework and therefore the condition is sound, reasonable and there are no grounds for its removal. The removal of the condition would be contrary to Policy T2 of The Adopted Local Plan for Slough 2004.

INFORMATIVE(S):

1. Positive and Proactive Statement

It is the view of the Local Planning Authority that the removal of Condition 7 of planning permission P/20778/001 dated 08/07/2025 does not improve the economic, social and environmental conditions of the area for the reasons given in this notice and it is not in accordance with the National Planning Policy Framework.

2. Plans and Documents

The proposal has been refused in line with the following drawings and documents:

Planning Statement, Rec'd 12/11/2025.