

Appeal Decisions

Site visit made on 5 December 2016

by Mr K L Williams BA, MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal A: APP/K2160/W/16/3156264

Land at 68 Cromer Road, Hellesdon, Norwich, NR6 6LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs C Holland against a decision of Broadland District Council.
- The application, ref:20160803, was refused by notice dated 9 June 2016.
- The development proposed is the construction of a felt covered pitched roof timber shed to the front garden of the property (approximately 3.6 metres x 6.0 metres).

Summary of Decision: The appeal does not succeed. Planning permission is not granted.

Appeal B: APP/K2160/C/16/3156031

Land at 68 Cromer Road, Hellesdon, Norwich, NR6 6LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs C Holland against an enforcement notice issued by Broadland District Council.
- The enforcement notice, ref:2016EN063, was issued on 19 July 2016.
- The breach of planning control as alleged in the notice is the erection of a shed in the front garden of the property.
- The requirements of the notice are to:
 1. Remove the shed from the site; and
 2. Remove the hard standing base on (sic) the shed stands from the site.
- The period for compliance with each of the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. The planning application deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Summary of Decision: The appeal fails other than with regard to the periods for compliance. The enforcement notice is corrected, varied and upheld.

Preliminary matter

1. There is a minor typographical error in the second requirement of the enforcement notice. It should read "Remove the hard standing base on which the shed stands from the site." Notwithstanding this error the requirement is clear in its intent. I am satisfied that the error can be corrected without injustice to the main parties, as set out in the Formal Decision for Appeal B.
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Appeal A, Ground (a) of Appeal B and the Deemed Planning Application

Main issue

2. Appeal A is for the erection of the shed already in place. Ground (a) of Appeal B and the related deemed planning application are also for that development. The main issue is the effect of the development on the character and appearance of the surrounding area.

The effect on the character and appearance of the surrounding area

3. Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk, 2014 (JCS) deals with promoting good design. Amongst other things it requires development to respect local distinctiveness. Policy GC4 of the Council's Development Management DPD, 2015 takes a similar approach. Amongst other things it expects development to have a high standard of design and avoid any significant detrimental impact. Development should pay adequate regard to the environment and to the area's character and appearance. These policies are consistent with the thrust of the National Planning Policy Framework for a high standard of design.
4. No.68 is a 2 storey house on the east side of Cromer Road. It is in a predominantly residential area but there are commercial uses on part of the west side of Cromer Road nearby. The shed which is the subject of these appeals has been erected in the front garden. It is of timber construction and rectangular in layout. The shed measures about 3.6 metres by 6.0 metres and has a pitched, felted roof. It is sited well forward of the front elevation of the house and about 8.5 metres from the property's front boundary.
5. No.68 and its neighbours to the north are set well back from the road. This siting, together with the generally open character of their extensive front gardens, makes a positive contribution to the character and appearance of the area and to its local distinctiveness. Properties to the south of no.68 are sited further forward. As a result of this, the shed does not project further forward than the most forward elevation of the neighbouring dwelling to the south. However, the form, materials and design of the shed do not reflect those of either the host dwelling or the nearby dwellings to the north and south. The placing of a substantial timber shed well to the front of the house does not respect local distinctiveness or reflect the high standard of design which development plan policies require.
6. Boundary vegetation limits views from some vantage points but the shed is more prominent in some views from part of Cromer Road, particularly closer to no.68. I conclude on this issue that the shed is materially harmful to the character and appearance of the surrounding area. It has a significant detrimental impact on local distinctiveness and conflicts with JCS policy 2 and DPD policy GC4. Additional planting might further reduce the building's prominence once matured but it would not adequately address the harm to the area's character and distinctiveness. Moreover, should this appeal succeed it is difficult to see how the Council could successfully resist similar development nearby which would be likely to add to the resulting harm.

Appeal B: The Enforcement Appeal, Ground (g)

7. The appeal on ground (g) is that the 2 month periods for compliance are unreasonably short. It is explained that the shed is used for storing materials which cannot currently be stored elsewhere.
8. Taking into account the limited scale of the development, removal of the shed and its base could be achieved within 2 months. An extension of the compliance periods would prolong the harm caused by the development. On the other hand compliance with the requirements is likely to be disruptive for the appellant and a reasonable period should be given to allow other arrangements to be made. In all the circumstances I consider that the compliance periods of 2 months are unreasonably short. I shall vary the enforcement notice requirements to allow periods of 4 months.

Conclusion

9. Having regard to the above and to all other matters raised Appeal A should not succeed. Appeal B should succeed only to a limited extent with regard to the periods for compliance. The enforcement notice should be corrected, varied and upheld.

Formal Decisions

Appeal A: APP/K2160/W/16/3156264

10. I dismiss the appeal.

Appeal B: APP/K2160/C/16/3156031

11. I direct that the notice be corrected at paragraph 5 (2) by the insertion of the word "which" after the word "on".
12. I further direct that the notice be varied at paragraph 7 (1) and 7 (2) by the replacement of the words "2 months" with the words "4 months" in each case.
13. I dismiss the appeal and uphold the enforcement notice as corrected and varied. I refuse to grant planning permission on the planning application deemed to have been made under section 177(5) of the Act as amended.

K Williams

INSPECTOR