
Appeal Decision

Site visit made on 17 September 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/C3620/C/18/3216791

22 Ansell Road, Dorking, Surrey RH4 1QN

- 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 Simonetta Nutt against an enforcement notice issued by Mole Valley District Council.
 - The enforcement notice, numbered 2017/0188/ENF, was issued on 22 October 2018.
 - The breach of planning control as alleged in the notice is without planning permission the replacement of an external timber front door with a UPVC door.
 - The requirements of the notice are to remove the UPVC door and replace it with a timber glazed, six panelled door to match the doors to neighbouring properties.
 - The period for compliance with the requirements is three (3) months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(e), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal form indicates that the appeal was made on grounds (a), (e) and (f). As no fee was paid, the ground (a) appeal has lapsed. In addition, the supporting evidence indicates that the appellant's primary concern relates to the timescale for the replacement of the door, which would normally require an appeal under ground (g). The Council have commented on this matter so I have included ground (g) within my reasoning.

The Appeal on Ground (e)

3. A letter delivered to the property on 12 July 2017 was missed by the appellant, who lives elsewhere. However, this ground relates to the delivery of the Enforcement Notice itself. Whilst it may be unfortunate that the letter of July 2017 was missed by the appellant, I see no reason to consider that the notice itself was served incorrectly. Consequently, the appellant has not been substantially prejudiced by the failure to send that letter directly to them.
4. For these reasons, I conclude that the appeal under ground (e) should fail.

The Appeal on Ground (f)

5. An appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the requirements seek a replacement door to match those of neighbouring properties in order to remedy the breach of planning control.
6. The appellant does not suggest that the door they replaced was not of the same style and appearance of those on the neighbouring properties. Accordingly, the requirement of the notice is not excessive. It is clear and precise in terms of the type and appearance of the door required. No alternative requirements are suggested by the appellant that would equally remedy the breach by returning the appearance of the property to that which existed immediately prior to the replacement of the door. In the absence of an appeal under ground (a) I am not able to consider whether the existing door preserves or enhances the particular qualities of the Dorking Conservation Area.
7. For these reasons, I conclude that the appeal under ground (f) should fail.

The Appeal on Ground (g)

8. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
9. I understand the need to ensure any replacement door is secure, particularly with regard to the windows. Limited evidence has been provided to demonstrate that a replacement door matching the character and appearance of others in the terrace could not be more secure than the original door on the property. It is unclear why a longer period would be required to secure such a door. I note the particular circumstances of the appellant and occupier of the dwelling, but the appellant is legally obliged to comply with the requirements of the notice. It is necessary for the period for compliance to be clear. As such, an open ended period would not be appropriate. No other period for compliance has been suggested.
10. Three months is not an unreasonably short period of time in which to carry out the necessary remedial works. I conclude that it is not appropriate to extend the period for compliance.
11. As such, I conclude that the appeal under ground (g) should fail.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

AJ Steen

INSPECTOR