
Appeal Decision

Site visit made on 19 November 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/Z3825/C/19/3222645

Land at 40 Pound Lane, Upper Beeding, Steyning, West Sussex BN44 3JD

- 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 Ms Juliet Edie against an enforcement notice issued by Horsham District Council.
 - The enforcement notice, numbered 18/0001, was issued on 22 January 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a detached single garage to the front of the existing property which constitutes the unauthorised operational development of the land.
 - The requirements of the notice are:
 1. Permanently remove the single garage to the front of the existing property.
 2. Permanently remove from the land all materials and debris resulting from taking the above step.
 3. Restore the land to its former condition.
 - The period for compliance with the requirements is two calendar 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 deletion of the word “detached” in the alleged breach of planning control.
2. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

3. The appellant states that the garage is in fact attached to the house and is therefore not detached, as stated in the allegation. This corresponds with what I saw on my site visit. The description of the allegation should therefore be corrected to remove the word ‘detached’. I can correct the notice without causing injustice. My consideration of the appeal is on the basis of the amended allegation.

The ground (a) appeal and the deemed application

4. The ground of appeal is that planning permission should be granted.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

6. The appeal site is a semi-detached dwelling set within a row of broadly similar dwellings in a predominantly residential area. There is a degree of variation in the dwellings, as most have been subject to some alterations, including single storey front extensions. These are generally of complementary materials and designs. The dwellings are all set well back from the road behind open front gardens and in a roughly straight line, which allows views across the front gardens and gives the area a distinctive character.
7. The garage has resulted in a substantial building to the front of the house, that projects forward of the front extensions on the neighbouring properties in the immediate vicinity. Moreover, neighbouring extensions are generally finished in brick with tiles that are similar to those on the dwellings, whereas the timber finish of the garage results in a contrasting building that appears incongruous. Due to its forward projection in relation to the main house and its contrasting materials, it is a prominent feature that detracts from the character of the area.
8. There is a blue metal shipping container in the front garden of one of the nearby properties, which is a noticeable feature in the street scene. However, this is considered by the Council to be immune from enforcement action due to the passage of time, and it does not therefore justify further harmful development. I understand that there was a shed previously on the site, but this was smaller and I am not aware whether it had planning permission.
9. I appreciate that the appellant wishes to provide secure storage, but I have seen no evidence that there are no alternative means of providing secure storage that would be less harmful to the character and appearance of the area. The stated lack of harm to natural features on the site or the living conditions of the neighbouring occupiers are neutral factors that do not weigh in favour of the proposal.
10. The appellant has suggested that alternative finishing materials could be used or the garage could be reduced in size. However, I have determined the appeal on the basis of the alleged breach of planning control and these are not matters that could be secured through a condition if I were minded to allow the appeal.
11. For the reasons given above, I find that the garage is harmful to the character and appearance of the surrounding area. It is therefore in conflict with Policies 32 and 33 of the Horsham District Planning Framework 2015, which seek, amongst other things, to ensure that development complements locally distinctive character and is of a scale, massing and appearance that is of a high standard and relates sympathetically with the built surroundings.
12. Accordingly, I conclude that the appeal on ground (a) should fail and the deemed application for planning permission should be refused.

Ground (f) appeal

13. This ground of appeal is that the steps for compliance with the notice are excessive. The appellant has suggested that there are solutions to make the building more in keeping with the surroundings, such as using brick slips or reducing the width or length of the building.
14. Since the notice requires the garage to be removed in its entirety, the purpose of the notice is clearly to remedy the breach. No lesser steps than complete removal would achieve that purpose, and the requirements of the notice cannot, therefore, be said to be excessive.
15. The appeal on ground (f) fails.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction.

N Thomas

INSPECTOR