



Appeal Decision

Site visit made on 20 July 2021

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2021

Appeal Ref: APP/X1735/C/21/3272410

Land at Hayling Garage, 2-4 Church Road, Hayling Island PO11 0NT

- 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 Mr Mike Gates against an enforcement notice issued by Havant Borough Council.
- The enforcement notice was issued on 11 March 2021.
- The breach of planning control as alleged in the notice is within the last four years and without planning permission the erection of a single storey side extension to commercial garage (south elevation).
- The requirements of the notice are: 1. Dismantle and remove the single storey side extension outlined in black on an attached plan and dispose of the materials. 2. Restore the wall to its previous condition before the breach of planning control took place (where the single storey side extension adjoins the original building).
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

1. The revised National Planning Policy Framework (the Framework) came into force during the course of the appeal. The main parties have been given the opportunity to comment concerning the implications of the revised Framework on the appeal and I have also taken it into account in my decision.

Ground (a) appeal

Main Issues

2. The main issues in this appeal are the effect of the single storey extension on the character and appearance of the surrounding area and its effect on the living conditions of occupiers of adjoining residential property, having regard to on-street parking.

Reasons

3. The appeal site contains a two storey building with vehicle sales, repairs and maintenance on the ground floor and flats on the upper floor. The site is adjacent to the junction of Church Road and Tournurbury Lane. The extension is located between a side elevation of the building and Tournurbury Lane and is used as a workshop. The external finishes are dark coloured corrugated metal cladding on the walls and translucent sheeting on the flat roof.

4. The Council refused to grant planning permission for the extension and a subsequent appeal against that decision was dismissed on 2 June 2021¹. The Inspector in that appeal considered that whilst the extension did not result in demonstrable harm to adjoining residents' living conditions, it nevertheless caused significant harm to the character and appearance of the surrounding area. In dismissing the appeal, the Inspector also concluded that the other matters raised, in particular economic and social benefits which might be attributable to the extension, did not outweigh the visual harm identified.
5. The recent appeal decision is a material consideration. Although I am not bound by that decision, there would have to be very clear reasons for me to reach different conclusions to those of the previous Inspector. As far as I can see, the supporting evidence advanced by the appellant is substantially similar to the case that they put forward in respect of the previous appeal. The proposed alterations to the roof and external finishes described in this appeal are similar to those suggested before. The purported economic and social benefits of the extension are also similar to those referred to previously. No sound reasons have been provided to show why I should depart from the other Inspector's conclusions on the main issues or on the limited weight given to the other matters raised.
6. Therefore, I share the other Inspector's conclusions regarding the significant harm to the character and appearance of the surrounding area caused by the extension. Consequently, the extension fails to accord with the Havant Borough Core Strategy Policy CS16 concerning achieving high quality design and it is inconsistent with the Borough Council's Design Guide Supplementary Planning Document, as well as chapter 12 of the revised Framework concerning the achievement of well-designed places. Similarly, I share the other Inspector's conclusions on the second main issue and in respect of the weight given to the other matters raised.

Conclusion

7. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

8. 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.

Stephen Hawkins

INSPECTOR

¹ Ref: APP/X1735/W/20/3264502.