



Appeal Decisions

Site Visit made on 12 October 2021

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal A Ref: APP/D5120/C/19/3240310

14 White Oak Gardens, Sidcup, Kent DA15 8WF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr A Martyn against an enforcement notice issued by London Borough of Bexley.
- The notice was issued on 21 October 2019.
- The breach of planning control as alleged in the notice is without planning permission the siting of a storage container, shown in the approximate location outlined in blue on the attached plan.
- The requirements of the notice are to:
 - 1) Remove the storage container shown in the approximate location outlined in blue on the attached plan;
 - 2) Remove all resultant materials from the site.
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary Decision: Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/D5120/W/19/3240306

14 White Oak Gardens, Sidcup DA15 8WF

- 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 Mr A Martyn against the decision of London Borough of Bexley.
- The application Ref 19/01580/FUL, dated 27 June 2019, was refused by notice dated 3 October 2019.
- The development was described as "retention of single storey detached wooden cladded storage container".

Summary Decision: Appeal B is allowed and planning permission is granted.

Application for Costs

1. An application for costs was made by Mr A Martyn against the London Borough of Bexley. This application is the subject of a separate Decision.

Preliminary Matters

2. The enforcement notice subject of appeal A and planning application subject of appeal B both deal with a storage container that was placed within the front garden of 14 White Oak Gardens and clad with timber.
3. The description of the development on the application for planning permission subject of appeal B comprised a long description, including justification for the

development. I have used the description from the Council's decision notice in the banner heading for ease.

4. That decision notice refers to retention of the structure, but retention is not a form of development. Consequently, I will deal with both appeals as relating to a single storey detached wooden clad storage container.
5. That description differs from that on the enforcement notice. Under Section 176 of the Town and Country Planning Act 1990 (the Act), I am able to correct any misdescription in the notice. As the description on the Council's decision notice was more detailed and precise, I will correct the description on the enforcement notice using my powers under Section 176 of the Act.

Appeal A on Ground (a) and the Deemed Planning Application

Appeal B

Main issue

6. The effect of the wooden clad storage container on the character and appearance of the surrounding area.

Reasons

7. White Oak Gardens comprises detached houses within a residential street that winds its way between the houses. Front gardens are generally open with mature landscaping. Most garages and outbuildings are set away from the frontages, although there is a large brick garage directly opposite no. 14. No. 14 is on the inside of a bend, with a large front garden predominantly laid to hardstanding used for parking. To the front is a substantial hedge that means only glimpsed views into the garden are possible from the road directly outside. A tall metal palisade gate is located over the access to the property from the road that allows more of a view into the front garden. A tree is located adjacent to the boundary with no. 12, along with a short section of hedge. There is a close boarded fence on the boundary with no. 16.
8. The storage container has been clad with timber and a modest bin store is located to one end. It is visible through the gates to the property but is otherwise largely hidden from view behind the planting along the frontage and in views across the front garden of no. 12. The shape of the storage container is functional and it is of a modest height and scale. The timber cladding assists in blending the building with the adjacent planting. Taking account of these factors, the building has a modest and simple appearance that is largely hidden by mature planting. Consequently, it reflects the character and appearance of the area.
9. I note that the planting could be removed and it would not be possible to ensure its retention through the use of conditions. However, there is no evidence that it is likely to be threatened in the future. Consequently, this matter carries limited weight.
10. For these reasons, on balance I conclude that the storage container does not harm the character and appearance of the surrounding area. As such, it does not conflict with Policy CS06 of the Bexley Core Strategy and Policy ENV39 of the Unitary Development Plan that seek to protect and enhance the quality of the built environment, including that new development be in keeping with the character of the area.

Other matters

11. I note that the site was subject of a previous planning application for a double garage with substantial pitched roof that was dismissed on appeal. That building would have been considerably larger than that subject of these appeals. It would have been significantly more prominent in the street scene. As a result, I consider that would have had a different effect on the street scene than the timber clad storage container subject of this appeal.

Conditions

12. The Council have suggested that a condition is required to limit the use of the building to uses ancillary to the residential use of the property. It is unclear to what alternative uses the building could be put and, in any event, other uses would likely comprise a material change of use that would require planning permission. Consequently, such a condition would not be necessary.

13. However, I shall impose a condition on appeal A specifying the relevant drawing as this provides certainty. As no drawings of the building were supplied with the enforcement notice, no such condition would be possible in relation to that appeal. However, for clarity, the building is that shown on the drawing within that condition.

Conclusion

14. For the reasons set out above, I conclude that on balance the development does accord with the development plan. The appeal on ground (a) and the deemed planning application subject of appeal A, and the appeal against the refusal of planning permission in appeal B, therefore succeed.

Formal Decision

Appeal A

15. It is directed that the enforcement notice is corrected by the deletion of "the siting of a storage container" and the substitution of "the siting of a single storey detached wooden clad storage container" in Section 3. the matter(s) which appear to constitute the breach of planning control.

16. Subject to the correction, Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the single storey detached wooden clad storage container at 14 White Oak Gardens, Sidcup, Kent DA15 8WF as shown on the plan attached to the notice.

Appeal B

17. Appeal B is allowed and planning permission is granted for a single storey detached wooden clad storage container at 14 White Oak Gardens, Sidcup DA15 8WF in accordance with the terms of the application, Ref 19/01580/FUL, dated 27 June 2019, subject to the following condition:

- 1) The development hereby permitted comprises that shown on the following approved plan: AM/001 v2.

AJ Steen INSPECTOR

