The Planning Inspectorate

Appeal Decisions

Site visit made on 22 February 2023

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal A Ref: APP/G1630/C/22/3302337
111 Moorfield Road, Brockworth, Gloucester GL3 4JQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Stuart Dymond against an enforcement notice issued by Tewkesbury Borough Council.
- The notice, numbered 21/00225/ENFC, was issued on 20 June 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the enlargement of a dwelling by erection of an extension ("the development").
- The requirements of the notice are to: 1) Remove the extension highlighted in blue from the property and reinstate the dwelling to its shape, plane and appearance prior to the addition of the extension. 2) Remove from the Land the building materials and debris resulting from step 1.
- The period for compliance with the requirements is: 1 (one) month.
- 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 1990 Act). 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 1990 Act.

Appeal B Ref: APP/G1630/W/22/3300947
111 Moorfield Road, Brockworth, Gloucester GL3 4JQ

- 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 Stuart and Mrs Clare Dymond against the decision of Tewkesbury Borough Council.
- The application Ref 22/00080/FUL, dated 22 March 2022, was refused by notice dated 16 May 2022.
- The development proposed is described as erection of a rear extension (retrospective).

Decisions

Appeal A

1. The appeal 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 erection of an extension on land at 111 Moorfield Road, Brockworth, Gloucester GL3 4JQ, as shown on the plan attached to the notice.

Appeal B

2. The appeal is allowed and planning permission is granted in accordance with the terms of the application, Ref 22/00080/FUL dated 22 March 2022, and the application plans.

Preliminary Matters

3. The Tewkesbury Borough Local Plan sits beneath the Joint Core Strategy. Since the appeal proposal was refused on 16 May 2022, the Tewkesbury Borough Local Plan 2011-2031 has been formally adopted. The plan was adopted by Tewkesbury Borough Council on 8 June 2022 and both parties have referred to policies contained within the plan to support their case. The policies contained within the Tewkesbury Borough Local Plan 2011 – 2031 supersede the saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006). Accordingly, previously saved Policy HOU8 of the Tewksbury Borough Local Plan to 2011 (March 2006) is no longer relevant.

Appeal A – ground (a) and the deemed planning application and Appeal B

Main Issue

4. This is the effect of the development on the character and appearance of the host dwelling.

Reasons

5. The appeal building is a semi-detached two-storey dwelling constructed of facing red brick with dark brown fenestration. To the rear of the property is an extension and a detached block built garage. The garage has a flat roof and is painted white. It is joined to a similar structure on the neighbouring property and projects some 5m into the rear garden beyond the rear extension, which is the subject of the appeal. To the front of the garage is a basic wooden structure with corrugated roof sheets. It joins the garage to the side of the property and encloses the rear of the property from the public realm, extinguishing views towards the rear of the dwellinghouse.

6. Residential development surrounds the appeal site and there are a variety of structures in the form of extensions and outbuildings to most of the neighbouring houses. These additions to the rear of properties display a wide range of architectural styles and a wealth of colours and materials. Although there is some consistency in the original style of the houses, the hotch potch of later additions and outbuildings brings little conformity to the surroundings.

7. The extension to the rear of the appeal property is of simple design. It has a depth of 3m and a width of 4.8m spanning just short of the width of the main dwellinghouse. The mono-pitch roof has a maximum height of 2.5m and a shallow fall towards the front. The extension is finished externally in white upvc coated sheets to the walls and roof, with French doors and a window opening in its façade.

8. While I appreciate that the expanse of white upvc cladding contrasts with the materials of the main dwelling, I find that the materials do not unduly detract from the host property. This is because of the limited size of the extension in floor area and its height. Furthermore, due to its proportional subordinate nature and simple design, the structure has limited visual impact and its addition to the rear is not harmful to the character or appearance of the main dwelling.

9. Overall, the rear extension has an acceptable effect on the character and appearance of the existing dwelling and is of a scale, design and quality that is appropriate to the site and its setting. In this respect the development accords

with Policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (November 2017), Policy RES10 of the Tewkesbury Borough Local Plan 2011 – 2031 and the National Planning Policy Framework.

Planning Conditions

10. As the extension has already been completed, there is no need for a condition to ensure that it be built in accordance with submitted plans in respect of Appeal B.

Appeal A and Appeal B – overall conclusion

11. For the reasons given above I conclude that the appeals should succeed on ground (a) and against the refusal of planning permission and therefore planning permission will be granted. As the enforcement notice will be quashed, the appeal on ground (g) does not need to be considered and so I need not take any further action in respect of Appeal A.

S A Hanson

INSPECTOR