



Appeal Decision

Site visit made on 12 June 2023

by M. P. Howell BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd JULY 2023

Appeal Ref: APP/N0410/C/22/3307605

20 Mayflower Common, Farnham Common, Buckinghamshire SL2 3TX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Bashaar Jamil against an enforcement notice issued by Buckinghamshire Council - South Bucks Area.
 - The notice, numbered EN/20/0293, was issued on 15 August 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a front porch.
 - The requirements of the notice are:
 - 1) Demolish the front porch (as shown hatched on plan 2 and in photograph 1 in Appendix A).
 - 2) Remove all materials and debris resulting from complying with step 1 of this Notice from the Land.
 - The period for compliance with the requirement is within 2 months of the notice taking effect.
 - 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. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Background and Preliminary Matters

2. The Appeal Form indicates that a planning obligation has been submitted with the appeal. However, none was provided and given the small scale of the development, a planning obligation is unlikely to be necessary in this instance. I have determined the appeal on this basis.
3. The planning history indicates that recent extensions together with a garage conversion have been approved by the Council and implemented¹. The appellant has applied for the retention of the porch, but the planning application was refused by the Council². Following the refusal of the retrospective application, the Enforcement Notice (Notice) subject of this appeal, referenced EN/20/0293, was issued and requires the removal of the porch.

¹ Council reference PL/19/3660/FA

² Council reference PL/22/0469/FA

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

4. The **main issue** in this appeal is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property at 20 Mayflower Common is a detached two storey dwelling fronting the road. The dwellings on Mayflower Common do vary in appearance but are primarily detached dwellings set behind open driveways or gardens. The dwellings, for the most part, have hipped roofs, some with catslide sections, pitched roof dormers and two storey gables to the front, finished in brick, render and hanging tiles. The scale, form, shared design features and materials of the dwellings together with the openness to the front results in a pleasant character and appearance to the area.
6. The porch development has an open design as well as a proportionate width and depth. However, the height of the porch and the thick design of the flat roof results in a clumsy and awkward arrangement where the roof meets the host dwelling and exceeds the low eaves height of the immediate section of the roof. The impact of this arrangement is exacerbated by its prominent position to the front. Also, the stone effect of the painted timber and fibreglass material is at odds with the predominate brick and tile finishes of the host property.
7. Although I appreciate the development is not visible from wider views along Mayflower Way, this does not lessen the impact of the scheme on the host dwelling or localised views from directly outside the site. The siting and design of the porch, together with the use of the materials and finishes outlined above, detract from the character and appearance of the host property and its immediate surroundings.
8. The appellant has highlighted several neighbouring properties where porches have been erected, including properties on Templewood Lane, Crispin Way and Mayflower Way. From what I saw, the porches on Templewood Lane were open, proportionate in scale and height to the host properties as well as being finished in stone, which matched the materials on the host buildings. Regarding those highlighted on Mayflower Way and Crispin Way, these porches also had an appropriate scale, height, and arrangement with the host property, with complementary brick and timber finishes. Although some of the porches on Mayflower Way and Crispin Way were more enclosed, the openness to the front of the properties had been largely maintained.
9. As such, the examples are sufficiently different from the appeal scheme that their siting, designs and materials do not detract from their host properties or their immediate surroundings.

Conclusion on Ground (a) and the Deemed Planning Application

10. Accordingly, the development conflicts with saved Policies EP3 and H11 of the South Bucks District Local Plan 1999, as well as the advice and guidance set out in the Chiltern and South Bucks Townscape Character Study 2017. Amongst other things, these policies and guidance, promote high standards of design and seek to ensure that the design and external materials of development are compatible with the character and appearance of the host property and the wider area.

The Appeal on Ground (f)

11. The appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice.
12. In this case the notice requires that the porch is removed. I therefore consider that the purpose of the notice is to remedy the breach of planning control under s173(4)(a) of the Town and Country Planning 1990 Act. In pleading ground (f), the onus is on the appellant to state the precise details of any lesser steps, otherwise it is not possible to judge whether the Council's requirements are excessive or not.
13. If I were to allow the appeal on ground (f) then I would need to vary the requirements of the notice in a way that unambiguously sets out what needs to be done. The appellant has suggested that the porch can 'easily be trimmed down'. Although the appellant could be correct, no supporting information identifies what these works, and the lesser steps, would involve. As such, I am unable to consider whether the lesser steps would be sufficient to remedy the breach and, therefore, I am not able to vary the requirements.
14. Accordingly, for the reasons given, the steps required by the notice do not exceed what is necessary to remedy the breach of planning control and the appeal on ground (f) fails.

Overall Conclusion

15. For the reasons 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.

M. P. Howell

INSPECTOR