



Appeal Decision

Site visit made on 5 March 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/N1730/C/22/3313567

2 Haywood Drive, Fleet, Hampshire GU52 7RZ

- 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 Saleh Mohamed Durani against an enforcement notice issued by Hart District Council.
 - The enforcement notice was issued on 16 November 2022.
 - The breach of planning control as alleged in the notice is the erection of an unauthorised outbuilding, (not in accordance with the approved plans of 19/01210/HOU).
 - The requirements of the notice are:
 - i) Demolish the building;
 - ii) Remove all resultant materials to a place designated for their disposal; and
 - iii) Restore the land to the condition it was in prior to the development being undertaken.
 - The period for compliance with the requirements is 6 months for step i), and 9 months for steps ii) and iii).
 - The appeal is proceeding on the grounds 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.
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Decision

1. The appeal is dismissed, and 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.

Ground (a) and the Deemed Planning Application (DPA)

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

3. The site relates to a detached dwelling located on the corner junction of Reading Road South and Haywood Drive. However, the site and the outbuilding, the subject of this appeal, is accessed from Haywood Drive, characterised predominantly by detached and semi-detached residential properties with low front boundary treatments and planting which gives the area an open and verdant character. Furthermore, most corner properties in the area have been extended with relatively low and modest sized outbuildings

- and garages which preserves the openness of the area, and the feeling of space between corner properties.
4. Planning permission was previously approved for the construction of a new garage and garden room within the rear garden. That scheme comprised a double garage fronting Haywood Drive with a roof pitch and height which was similar to that of the existing garage at No 4 Haywood Drive. This design and modest height ensured that the development had an acceptable visual appearance and integrated successfully with the surrounding area.
 5. Despite the use of matching materials, owing to its increased size, scale, and overall roof height, the 'as built' outbuilding occupies a larger proportion of the rear garden and forms a large, obtrusive and incongruous feature in the streetscene which is at odds with the prevailing open character. The overall plot size for the dwelling, the existing close boarded fence and design of the outbuilding does not overcome this harm as it is its excessive overall height, size and scale of the development, prominent in public views from Haywood Drive which is particularly discordant.
 6. I have regard to the appellant's statement which refers to a variety of buildings and extensions nearby. However, none of those examples are directly comparable to the size and scale of outbuilding before me, and therefore do not lend support of the current development.
 7. I therefore conclude that the development harms the character and appearance of the area, in conflict with Policy NBE9 of the Hart Local Plan (2020), Saved Policy GEN1 of the Hart Local Plan (2006), and Policy 10 of the Fleet Neighbourhood Plan 2018-2032 (2019). Amongst other things, these require that all developments should: positively contribute to the overall appearance of the local area; reflect and incorporate the distinctive qualities of its surroundings in terms of the proposed scale, density, mass and height of development; complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout.

Conclusion on Ground (a) and the DPA

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the area in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits of providing improved living accommodation for the appellant's family, and the lack of objections from neighbours and lack of harm in relation to parking and amenity space provision outweighs this harm identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
9. 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 application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan INSPECTOR