



Appeal Decisions

Site visit made on 18 October 2024

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal A Ref: APP/W4325/C/24/3342817

Appeal B Ref: APP/W4325/C/24/3342818

52 Dearnford Avenue, Wirral, Merseyside, CH62 6DY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr Adam Yeoman and Appeal B is made by Mrs Kerry Yeoman against an enforcement notice issued by Wirral Metropolitan Borough Council.
 - The notice was issued on 17 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised development comprising of the erection of a building used as a front porch on the land (the approximate position shown edged blue on the attached plan).
 - The requirements of the notice are to: "5.1 Demolish and permanently remove the building, floor slabs and foundations in its entirety from the land and reinstate the land on which the building (the approximate position shown edged blue on the attached plan) was situated to its former contours, profiles and surface treatment, that is to match the contours, profiles and surface treatment of the part of the land immediately adjacent. **OR** 5.2 Reduce the building's ground area to 3 square metres, or less, for it to constitute permitted development and reinstate the remaining land on which the building (the approximate position shown edged blue on the attached plan) was situated to its former contours, profiles and surface treatment, that is to match the contours, profiles and surface treatment of the part of the land immediately adjacent **AND** 5.3 Remove from the land all materials associated with compliance with paragraph 5.1 OR 5.2 above."
 - The period for compliance with the requirements is: 3 months.
 - The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellants have only appealed under ground (c). Under this ground the only thing I can consider is whether the porch constitutes a breach of planning control.
3. I cannot take the planning merits of the case into account as the appellant has not appealed under ground (a), i.e., they have not appealed on the ground that planning permission ought to be granted. Therefore, the appellants' arguments that the porch is sympathetic to the style of the house and that it improves thermal insulation, etc., cannot be considered.
4. The appellants have referred to dialogue with the Council's Building Control service but Building Control is different to Planning. If a building or an

extension does not require approval under the Building Regulations it does not mean that Planning Permission is not required.

Reasons

5. The appellants claim that the porch is permitted development (PD). Subject to certain limitations, the erection or construction of a porch outside any external door of a dwellinghouse is PD under Article 3 and Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. However, development is not permitted under Class D if the ground area (measured externally) of the structure would exceed 3 square metres.
6. The only dispute between the Council and the appellants is how to work out the ground area. Both parties agree on the length and width of the porch.
7. To measure a ground area, you multiply the area's width by its length. The appellant has confirmed on the appeal form that the external ground area of the porch measures 2.47m x 3.14m. When these two figures are multiplied this works out as 7.75 square metres which exceeds 3 square metres. The porch is therefore not PD.
8. The appellant has argued that the square root of 7.75 is the ground area but this is simply wrong.
9. The appeals on ground (c) fail.

Conclusion

10. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Siobhan Watson

INSPECTOR