



Appeal Decision

Site visit made on 26 February 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/C4235/C/23/3332734

4 Ashfield Grove, Davenport, Stockport SK3 8UF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Craig Anthony Grimsley against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The notice was issued on 13 October 2023.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission the construction of a two storey rear/side extension and dormer roof extension.
 - The requirements of the notice are:
 1. Remove the two storey side/rear extension and rear dormer extension from the land then complete the roof and side (gable) elevation of the dwellinghouse so that it is in accordance with drawing MC-227-02 Rev C (existing elevations) submitted as part of planning application DC/085206; or
 2. Complete the development so that it is in full accordance with Site Location Plan and Proposed Block Plan, Existing and Proposed Elevations Plan, drawing no: Rev C1, received 21/05/21 approved by planning permission DC/081240 granted on 5th July 2021.
 - The period for compliance with the requirements is: Nine months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), and (g) 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. It is directed that the enforcement notice is varied by:
 - In section 6 the deletion of the words “Nine months” and substitute instead the words “Twelve months”.
2. Subject to this variation the appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The revised National Planning Policy Framework (“the Framework”) was published on 12 December 2024. I have considered the changes and as they are not material to the appeal development, further comments by the parties were not sought. I have, however, determined the appeal having regard to the revised Framework.

Ground (a) – the deemed planning application

Background and Main Issue

4. On 5 July 2021 planning permission¹ (“the 2021 permission”) was granted at the appeal property for a “*Proposed two storey side extension and single storey rear*”

¹ Council Ref: DC/081240

extension". The approved plans show a two-storey side extension set back from the front elevation, with its roof ridge set below the ridge line of the original house. A single storey rear extension is also shown, with no rear dormer window present. It is accepted that the works carried out on site deviate from these approved plans and therefore do not benefit from the necessary planning permission.

5. A retrospective planning application² was subsequently submitted by the appellant for a *"Two storey side and rear extension. Rear Dormer window"* which was refused by the Council on 10 October 2023. An enforcement notice was issued three days later on 13 October 2023, out of which this appeal arises.
6. The notice effectively gives the appellant two options to comply with its requirements. In summary these are to remove the unauthorised development and return the property to its original condition before any works took place, or alternatively, remove the unauthorised development and complete the development so that it accords with the 2021 permission. The appellant has questioned whether the 2021 permission was implemented, as if it was not, then it will have expired on the 5 July 2024. In such circumstances, the appellant queries whether the notice and its requirements are invalid.
7. Given that part of the footprint appears to overlap that of the planning permission, including the single storey rear extension, I consider that there is an element of the development common to the 2021 permission. I also acknowledge that it is reasonable to consider that it is possible to deviate from the permitted works in a manner that later becomes an enforcement issue. Nevertheless, this does not retrospectively alter the fact that the 2021 permission can be treated as being begun in relation to section 56 of the 1990 Act. I therefore consider that the 2021 permission is still extant, and that the notice and its requirements are valid.
8. It is clear that the main issue in this case is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

9. The appeal property is a semi-detached dwelling located on the western side of a small cul-de-sac within a predominately residential area. There is some variety in the individual design of the immediately surrounding houses, which include both semi-detached and detached dwellings as well as a bungalow. The roofs of houses are generally pitched to all elevations and the appeal property lies within an area of consistent character in relation to this roof form.
10. The extensions that have been built significantly increase the overall bulk and massing of the property. The development has significantly altered the appearance of the property, which is now materially different from its original appearance which had been similar to others in the immediate vicinity. Whilst there is some diversity in the scale and appearance of nearby residential properties, such as modest single storey garages of differing designs to the side, and a flat roofed two storey side extension, the overall character remains the same. The development though is discordant with the established pattern of development, with the two-storey side extension clearly visible from the street scene, from where it appears at odds with the existing houses and has a significant harmful visual effect.

² Council Ref: DC/085206

11. The visual effect is exacerbated by the two-storey side extension with gable wall which disrupts the visual balance between the pair of semi-detached dwellings and conflicts with the established roofscape in the street. It is not subordinate to the host dwelling as it is not set down from the property's ridge line, and the raised eaves height gives the extension a shallow front roof slope and a large front elevation wall, resulting in the development appearing as an incongruous addition.
12. The rear dormer extension dominates the rear roof slope by virtue of its large size, which spans almost the entire width of the rear roof. It appears out of scale and poorly proportioned to the roof and dwelling, and its excessive scale and boxy appearance causes harm to the character and appearance of both the host property and surrounding area. Although not visible in the street scene, the rear dormer is visible from surrounding properties where its scale and design are dominant and intrusive.
13. The appellant argues that the development is appropriate to the host dwelling in terms of its massing, is not "out of balance", and does not result in "excessive scale". I disagree with this summary because, in my view, the overall development and its individual elements unacceptably alter the appearance of the dwelling, resulting in an awkward set of extensions which relate poorly to the host property, others in the locality, and the wider street scene.
14. I also recognise that it would be possible for the appellant to construct a hip-to-gable extension, as well as other extensions including a front porch, single storey side extension, single storey rear extension, and a loft conversion with a rear dormer, under permitted development rights. The appellant has not provided any drawings setting out in precise detail what extensions could be constructed, nevertheless any single storey side extension would be modest in size due to the width of the plot. Similarly, any front porch would be limited to 3 square metres in area and 3 metres in height, whilst a single storey rear extension would not be widely visible in the street scene and would have very little impact on the character and appearance of the area.
15. In terms of exercising permitted development rights which allow additions to the roof as set out in Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO"), whilst a hip-to-gable enlargement would result in the "symmetry" of the pair of semi-detached dwellings being lost, the total cubic content of any resulting roof space would be limited to 50 cubic metres. This would limit the scope of any further additions to the roof, such as a rear dormer, under permitted development rights.
16. Consequently, even when taken together, it is highly likely that the extensions that could potentially be constructed under the GPDO would appear as subservient additions to the property and be less visually discordant. In particular, any side extension or addition to the roof permitted under the GPDO would, in my judgement, have a significantly less harmful effect on the character and appearance of the host property and surrounding area than the extensions that are the subject of this appeal. Thus, while the potential fallback position is a material consideration, I am not persuaded that it would be equally or more harmful than the appeal development, and I therefore give it no weight.
17. Whilst reasonably localised in its extent, the effect of the development causes unacceptable harm to the character and appearance of the host building and

surrounding area. The development is contrary to saved Policy CDH1.8 of the Stockport Unitary Development Plan Review (adopted May 2006), Policy SIE-1 of the Stockport Core Strategy DPD (adopted March 2011) (CS), and guidance contained within the Council's Extensions and Alterations to Dwellings SPD (adopted February 2011). Together these seek to ensure that developments complement the existing dwelling in terms of design and scale, and do not adversely affect the character of the street scene.

18. In its reasons for issuing the notice the Council also referred to Policy SD-2 of the CS, however in respect of this main issue the provision of this policy is not determinative.

Other Matters

19. I appreciate that occupiers of neighbouring properties have written in support of the proposal. However, those letters of support do not outweigh the harm I have identified in the ground (a) appeal above.
20. The appellant has referred to an appeal decision³ which he considers to be relevant. Whilst the appeal relates to the erection of a full width rear dormer, it is apparent that a relatively minor reduction in its size would have resulted in it being permitted development under the GPDO. That is not the case with the rear dormer in this appeal, given its relationship with the two-storey side extension. I also have no information before me that shows that the development approved in the appeal decision is comparable to the totality of the development before me in terms of appearance, design, and location. It remains the case that each appeal has to be considered on its own individual merits.

Conclusion on ground (a)

21. For the reasons set out above the development causes harm to the character and appearance of the host property and surrounding area, and conflicts with the development plan when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all matters raised, I therefore conclude that the appeal on ground (a) should be dismissed, and planning permission be refused on the deemed application.

Ground (f)

22. For the appeal to succeed on this ground, I need to be satisfied that the steps required to comply with the requirements of the notice are excessive and lesser steps could overcome the breach of planning control or, as the case may be, the injury to amenity.
23. The notice does not specify which of these two purposes it seeks to achieve. Nevertheless, the requirements are to either completely remove the unauthorised development or build in accordance with the 2021 permission. I am satisfied, therefore, that the purpose of the notice is to remedy the breach of planning control as set out under section 173(4)(a) of the 1990 Act.
24. The appellant's case on this ground is that the Council did not take into consideration that there are other "hybrid" schemes, such as a reduced sized rear

³ APP/T5720/C/05/2004639

dormer that would fall within permitted development limits, which could be acceptable to either the Council or myself.

25. Case law has established that it is open to me to consider clear and obvious alternatives that would overcome the planning harm at less cost and disruption to the appellant than total demolition. However, whilst the appellant refers to a “hybrid” scheme, no details of what this scheme would entail have been provided to enable it to be compared to the development as built. I have not been provided with any proposed drawings, nor any calculations to show how large an extension could be built or clarify whether those would amount to permitted development.
26. I therefore find that no clear alternative or lesser steps have been put forward that would remedy the breach. Accordingly, the appeal on ground (f) fails.

Ground (g)

27. The appeal on ground (g) is that the time given to comply with the requirements of the notice is too short. The notice specifies a period of nine months after the notice takes effect.
28. The appellant argues that a compliance period of nine months is too short due to the amount of work and cost involved and has suggested a compliance period of eighteen months. Whilst the Council considers the suggested period to be excessive, they would be willing to accept an extension to twelve months.
29. Irrespective of whether the appellant chooses to completely remove the unauthorised development or build in accordance with the 2021 permission the works required, and the associated disruption, will be significant. With that in mind, I consider that a period of twelve months would strike the appropriate balance and represent an appropriate and reasonable compliance period. To that extent the appeal on ground (g) succeeds.

Conclusion

30. For the reasons given above I conclude that the appeal does not succeed, save for ground (g). I have upheld the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Jones

INSPECTOR