



Appeal Decisions

Site visit made on [Event Date]

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal A Ref: APP/P2365/C/24/3340869

Appeal B Ref: APP/P2365/C/24/3340870

Sunnybank, 15 Liverpool Road, Aughton, Ormskirk L39 5AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mrs Julia Dible and Appeal B is made by Mr Paul Gerald Dible against an enforcement notice issued by West Lancashire Borough Council.
 - The notice was issued on 8 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of French doors/window on the first floor in the north-eastern side elevation of the dwellinghouse located on the Land.
 - The requirements of the notice are to:
 - (i) To remove the French Doors/Windows from the first floor in the north-eastern side elevation of the dwelling.
 - (ii) Reinstatement a solid wall within the resultant opening that is finished externally using facing materials to match the existing north-eastern elevation of the dwellinghouseOr
 - (iii) To remove the French Doors/Windows from the first floor in the north-eastern side elevation of the dwelling.
 - (iv) Install a replacement glazed opening which is:
 - (i) Obscure-glazed, and
 - (ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
 - The period for compliance with the requirement is three months.
 - Both appeals are proceeding on the grounds set out in section 174(2)(a), (c) 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.
 - **Summary of Decisions: The appeals are allowed and the enforcement notice is quashed.**
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The Enforcement Notice

1. Section 173 of the Town and Country Planning Act 1990 (the Act) sets out what an enforcement notice must contain. There is no dispute the enforcement notice (the notice) contains all of the required elements. I note that two copies of the notice were served on each appellant. This is common practice and enables someone who wishes to lodge an appeal in writing to attach one of the copies with their appeal submissions and then retain the other copy for their own records. The copies of the notice were also accompanied by a covering letter, as required under Regulation 4 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 hence the apparent duplication of page numbers. On the evidence before me, I am satisfied the notice is valid.
2. Matters pertaining to the authority of the signatory of the notice and whether the Council's internal procedures were correctly followed are not for my consideration.

The ground (c) appeal

3. The appeal on ground (c) is whether, on the balance of probabilities, the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is upon the appellant.
4. Under Class A, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Under class A.3.(b), such development is permitted by Class A subject to conditions, including (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
5. The Permitted Development Rights for Householders Technical Guidance 2019¹ (Technical Guidance) provides guidance on what the principal elevation is. It states that in most cases it will be the part of the house which fronts the main highway, ie the one that sets the postcode for the house, and contains the main architectural features such as bay windows, porches and main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house.
6. The appeal property is on the corner of Liverpool Road and a short lane leading to 15a Liverpool Road, to the south east of the appeal site, as well as serving the appeal property. Based on the address of the property being 15 Liverpool Road, it is presumed that Liverpool Road sets the postcode for the property. The north west elevation, fronting Liverpool Road, has two gabled features. However, the south west elevation also has a large glazed feature at first floor aligned with the front door and side lights directly below.
7. The main entrance into the dwelling is on the south west elevation. This entrance appears to date back as far as at least 1979 as it is depicted on the drawings for planning permission 1979/1183. Although there was previously also a door on the elevation fronting Liverpool Road, which has since been blocked up, parking is to the front of the south west elevation of the property and people arriving would have therefore likely entered the dwelling via the south west door, even when the north west door was still in place. The lack of any pedestrian access directly off Liverpool Road leading to the north west elevation supports this.
8. Moreover, whilst the dwelling has a frontage with Liverpool Road, due to the hedge boundary much of the north west elevation, with the exception of the roof, is not readily visible from the public highway. It is only on entering the property via the lane that the dwelling clearly comes into view, and it is the south west elevation that is prominent.
9. Based on the evidence before me, the principal elevation of the dwelling was likely to have once been the north west elevation. However, there is nothing to suggest a principal elevation cannot change over time. In this instance, the property has evolved and there is no longer a door into the dwelling through the north west elevation and this elevation is not readily visible from the public highway. The

¹ Published by the Ministry of Housing, Communities and Local Government

introduction of the large expanse of glazing in the south west elevation has created a dominant architectural feature. Also, the main entrance is via the south west elevation, adjacent to the parking area, and seemingly has been for some time. Therefore, I find the principal elevation is the south west elevation.

10. Consequently, based on the evidence before me, as the principal elevation of the dwelling is the south west elevation, the French Doors are positioned in the rear elevation and not a side elevation. I therefore find that the proposed development would fall within Class A of Part 1 of Schedule 2 of the GPDO, and so would constitute permitted development. Accordingly, the matters alleged in the notice do not constitute a breach of planning control.
11. Therefore, the ground (c) appeals succeed and I shall quash the notice. The appeals under ground (a) and the deemed planning applications and appeals under ground (d) do not therefore fall to be considered.

Formal Decision

12. The appeals are allowed and the enforcement notice is quashed.

A Walker

INSPECTOR