



Appeal Decision

Site visit made on 20 May 2025

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Appeal Ref: APP/K2610/C/23/3326244

Maragowen, 10 Penn Road, Taverham, Norfolk NR8 6NJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr W Hoban against an enforcement notice issued by Broadland District Council.
 - The notice was issued on 23 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a garage and a boundary wall (annotated on the attached plan).
 - The requirements of the notice are to:
 - a) Demolish the garage on site
 - b) Remove from site any resultant materials from the demolition the garage.
 - c) Demolish the boundary wall on site
 - d) Remove from site any resultant materials from the demolition of the boundary wall.
 - The periods for compliance with the requirements are:
 - a) 6 Months from the effective date of this notice.
 - b) 7 Months from the effective date of this notice.
 - c) 6 Months from the effective date of this notice.
 - d) 7 Months from the effective date of this notice.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (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. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a garage and a boundary wall at Maragowen, 10 Penn Road, Taverham, Norfolk NR8 6NJ as shown on the plan attached to the notice.

Preliminary Matters

2. The appellant queries both the time period set out in the notice for it to come into effect and whether there was a mandate by the Council to pursue enforcement action. With regard to the former the notice sets out the minimum of 28 days as necessary. Whether or not the Council has followed proper procedures when issuing the notice is not a matter which is before me for determination through the appeal process.

Ground (c)

3. An appeal under ground (c) is on the basis that the matters as set out on the notice do not constitute a breach of planning control. In this case the appellant argues that the construction of the garage amounts to development permitted under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) (GDPO). The onus is on the appellant to provide adequate evidence to demonstrate this on the balance of probability.

4. Development is not permitted under Class E if, amongst other things, any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Permitted development rights for householders – Technical Guidance (the Technical Guidance) defines some of the terms set out in the GDPO. Therefore, the assessment of what amounts to the principal elevation in this case needs to be considered against the layout and appearance of the bungalow as it was before the recent alterations and extensions. The Technical Guidance also clarifies that where there are two elevations which may have the character of a principal elevation a view needs to be reached as to which one forms the principal elevation.
5. I have limited information regarding the appearance of the bungalow before the works were carried out. The photographs provided by the Council show that there were dropped kerbs providing vehicular access on both Penn Road and Walters Road. There is no dispute that the postcode relates to Penn Road and that points in favour of the Penn Road elevation constituting the principal elevation.
6. In terms of the appearance of the bungalow shown on the photographs, the only access to the property is via a door facing Walters Road. The appellant argues that this was an addition to the bungalow and that there was originally a front door facing Penn Road. However, they have provided no evidence of the location of the front door so as to show that this formed part of the principal elevation.
7. The appellant points to the orientation and numbering of other bungalows in the area. There is a degree of consistency between these two factors. Other bungalows of a similar design to the original bungalow on the site on adjacent plots have front doors facing the street. However, they are generally not on corner plots and their principal elevations in those circumstances are clear. Those bungalows which are on corner plots have not generally been altered to the same extent as the appeal bungalow and their principal elevations are easier to ascertain.
8. The photographs also show that the access to the bungalow was primarily taken from Walters Road via a driveway to the garage and doorway. The Penn Road part of the garden is shown open to the road, but the dropped kerb appears to be a recent addition and there is some evidence of the removal of planting. The Council also refers to the creation of a new vehicular access onto Penn Road in its statement. This is simply a 'snapshot in time' and open to interpretation. However, taking a pragmatic approach, anyone visiting the site on foot or in a vehicle at that time would be likely to approach from Walters Road not Penn Road.
9. To what extent the layout, appearance and access to the bungalow and the site has changed over time is not fully shown by the evidence before me. The onus is on the appellant and in particular he has not provided evidence to establish the original location of the front door. Therefore while the principal elevation of the bungalow when first built may have faced Penn Road, I am not persuaded of this on the balance of probability.
10. On the basis of my reasoning the principal elevation is that which faces Walters Road. Therefore the garage is located forward of a wall forming the principal

elevation of the original dwellinghouse and does not amount to permitted development under Class E of the GDPO.

11. Given this finding, even if I were to find that the garage would not exceed the height limitations imposed by Class E (c) of the GDPO it would not amount to permitted development. Therefore, it is unnecessary for me to go on to consider the evidence in this respect.
12. For the reasons set out above and on the balance of probabilities, the appeal on ground (c) fails in respect of those matters which are stated as constituting the breach of planning control.

Ground (a)

13. In this case the appeal under ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

Background

14. The appellant states that the notice and the subject of the appeal under ground (a) relate to the following:
 - 'New detached garage in side garden and relocation of solar panels on garage roof'
 - 'Erection of front boundary means of enclosure comprising part brick and metal railings'
15. However, these descriptions of development do not align with that set out in the notice. The notice relates only to the erection of the garage and a boundary wall, the location of which is defined by a line on the plan attached to the notice. The solar panels and metal railings are not referred to. The terms of the deemed planning application are derived from the allegation, and I cannot correct the allegation to grant planning permission for more extensive development than is subject to the notice.
16. There are solar panels on the roof of the garage and the wall which has been constructed incorporates space for the addition of railings. However, for the reason set out above I have disregarded these features in my assessment of whether planning permission should be granted.

Main Issue

17. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

18. The appeal site occupies a prominent position at the junction of Penn Road with Walters Road particularly when viewed along that part of Penn Road which rises progressively uphill towards the site. The evidence demonstrates that what was a relatively modest bungalow on the site has been significantly remodelled and extended.

19. The garage is at a significantly lower level than the bungalow and is screened from view by it and boundary fencing from much of Walters Road and parts of Penn Road. The bungalow also provides a backdrop for the garage when viewed from the upward slope on Penn Road. However, it is seen as a stand-alone building from that part of Penn Road immediately adjacent to the appeal site. From this perspective, which was previously of enclosed garden land, the appearance of the site has noticeably changed.
20. The wall which has been constructed follows the gradient of the slope and encloses the garage within a landscaped area. The visual impact of the wall is most readily felt in close proximity to the appeal site.
21. Penn Road marks the boundary between two character areas identified in the Taverham Neighbourhood Plan Character Appraisal. The area surrounding the appeal site typifies some of the characteristics identified in both character areas including a mixture of styles and sizes of properties and 1960s to 1990s housing of varied build styles and sizes. Whilst Penn Road accommodates predominately bungalows set back behind front gardens with driveways serving modest garages, there is evidence of incremental change in the area in the form of extensions, dormer windows and solar panels.
22. The location of the garage, set forward of the bungalow, is an anomaly in the street scene given the general layout of plots in the area. However, as a corner plot the appeal site can accommodate this inconsistency and deviation from the more regimented arrangement elsewhere on Penn Road. Furthermore, although of a significant size and height compared to other garages in the vicinity, the garage relates well to the size and scale of the bungalow on the site. Consequently, it has a subservient relationship with it.
23. There is also a variety of styles of boundary treatment in the area. The majority are low walls containing front gardens and driveways. These contribute to a sense of openness particularly along Penn Road. However, there are some taller walls and hedging which have a more enclosing effect to some plots. In this context the walls which have been constructed on the appeal site do not appear out of character or unduly dominant features. Furthermore, the evidence demonstrates that the boundary treatment associated with the original bungalow on the site was a low wall and hedge which would have had some enclosing impact on the corner site.
24. In close proximity to the site on Penn Road, the combination of the garage and wall has a significant impact on the street scene and experience of passersby particularly on foot and residents using their driveways. However, in the context of the works to the bungalow which have substantially changed its appearance and the remodelling of the site, even at close quarters the visual impact of the development is acceptable.
25. For the reasons set out above the garage and wall do not have a harmful effect on the character and appearance of the site and the surrounding area. Therefore the development accords with Policy GC4 of the Broadland District Council Development Management Document, Policy 2 of the Greater Norwich Development Partnership Joint Core Strategy for Broadland, Norwich and South Norfolk and Policy TAV3 of the Taverham Neighbourhood Plan 2020-2040. These policies jointly require that development pays regard to the character and appearance of the area and respects local distinctiveness.

Other matters

26. I have not been presented with any arguments, based on planning policies, that the availability of alternative parking facilities on the site should preclude the principle of the construction of the garage.
27. The evidence before me demonstrates that the garage and bungalow take up a large proportion of the site. However, I do not find that the development amounts to 'overdevelopment' given the quality and extent of outdoor amenity space which has been retained.

Conditions

28. On the basis of the evidence and my reasoning I do not find that any planning conditions are necessary in this case.

Conclusions

29. The development accords with the development plan and there are no material considerations to indicate that my decision should be made other than in accordance with it.
30. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice and the enforcement notice will be quashed.
31. In these circumstances the appeals on grounds (f) and (g) do not fall to be considered.

Sarah Dyer

INSPECTOR