
Appeal Decision

Site visit made on 21 June 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/F4410/C/24/3343120

35 Melton Road, DONCASTER, DN5 7AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Jenny Davidson against an enforcement notice issued by the City of Doncaster Council.
- The notice was issued on 28 February 2024.
- The breach of planning control as alleged in the notice is *Without planning permission, the unauthorised installation of windows and doors not in accordance with planning LPA reference 20/02408/FUL: the unauthorised application of render to the front and side elevations and the application of unauthorised grey stonework to the front elevation which falls outside the provision specified in Class A.3 (a), Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).*
- The requirements of the notice are to (i) remove the render from the exterior of the property on the Land; and (ii) make good the exterior brickwork of the said property so that it matches the bricks used in the construction of the exterior of the original dwellinghouse in its entirety.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the ground 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.

Summary Decision: the appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Main Issue

1. The notice was issued for reasons relating to the impact of the render and stonework on the character and appearance of the host dwelling and of the area. These are therefore the main issue in the appeal.

Reasons

The notice and the fallback position

2. The notice makes a number of allegations, but under-enforces in that it does not require all elements to be remedied. I understand from the parties' cases that an extension was permitted to be built in around 2020, and that the building now resulting does not accord with the plans then approved. However, the allegation is of unauthorised development rather than of any failure to comply with any planning conditions that were imposed by that permission.
3. The building differs significantly from its adjoining neighbour, in that it has been the subject of re-roofing, has been rendered with a partial section of grey stonework between the ground and first floor windows to the left-hand side of the building, and its apertures are now framed in grey material rather than the white uPVC that is found in similar nearby properties.

4. The notice does not seek to enforce against the windows or doors, and does not mention the roofwork. I understand from the Council's case that it seeks to remove the render and then to create an appearance of brickwork masonry on all external surfaces. The specific requirement however is to 'make good the exterior brickwork' of the property. This means that it is only exterior brickwork that has to be made good. I understand that the extended part of the building has no 'brickwork' underneath the render, but that concrete blockwork masonry underlies it. Nor is stonework usually described as 'brickwork', because brickwork as a description of masonry is one of blocks of baked or dried clay rather than of stone.
5. Therefore it appears to me that on a fair reading of the requirements of the notice, it does not require either the stonework or the underlying breeze blocks to be covered with matching brick slips. It requires only the exterior 'brickwork' to be made good, and that would not include breeze blocks or stonework. That would result in a most disjointed appearance if the render were to be removed.
6. The stonework protrudes further forward than the render, casting a slight shadow over it at the time of my visit. As there is no requirement to remove the stonework, if the notice does require the property to attain an appearance of matching brickwork over the existing stonework then this would not be flush with the pre-existing brickwork or with the breeze blocks that I am told underlie the existing render. Any works to the property to create the appearance of matching materials would therefore result in surfaces that, although matching in appearance, are not flush across the frontage. This in itself would result in a somewhat artificial and unsatisfactory appearance.
7. I mention these matters because it is clear that, however it is interpreted, complying with the notice could not result in the building having an appearance of matching flush brickwork across the front exterior. That is not the fallback position against which an assessment of the planning merits ought to be made. However, I shall take the Council's case at its highest and assume for present purposes that the notice, if upheld and complied with, would result in an appearance of flush exterior brickwork throughout the dwelling.

The development plan

8. The development plan for the area, insofar as relevant, consists of policies 41 and 44 of the Doncaster Local Plan 2015 – 2035, adopted in September 2021, and of policy S1 of the Sprotbrough Neighbourhood Plan. I have been supplied with other policies but they attract no mention in the Council's reasons for issuing the notice. The policies that are mentioned, as set out above, are all concerned with residential design and with local character and appearance. They require development proposals to respond positively to their local context, to protect and enhance the distinctive character of the neighbourhood of Sprotbrough, and to use complementary and good quality materials.

Context and reasons

9. No. 35 Melton Road lies on the minor Melton Road, a cul-de-sac, as distinct from the main Melton Road that runs parallel to it and is the main road out from Doncaster to Sprotbrough and beyond. The minor road is separated from the main road of the same name by a grassed verge containing a row of large deciduous trees, providing significant leaf cover to ground level at the time of my visit,

although such coverage would be reduced in winter time. Other features in the verge include a telegraph pole, street lights and a bus stand.

10. Thus the property is separated from the otherwise prominent frontage of the houses on each side of the main Melton Road. On the same side of the main road to the north of Richmond Hill Road lie a series of similar properties to those found at the appeal site, as well as on the minor Melton Road to the south of it. They are generally semi-detached brick buff-coloured houses with the appearance of having been developed in around the 1970s. Some of those to the north are also separated from the main Melton Road by a series of trees, although much smaller than those lying to the front of the appeal site, and are set considerably closer to the main road, being otherwise separated only by a pavement rather than by a minor road as found at the appeal site. The appeal site, and those properties to the south of it, does not make a comparably significant contribution to the character or appearance of the area because of this separation distance from the main road and those intervening features.
11. Other examples of render and stonework are found in the area, although not to properties of the same type as the appeal property. A detached dwelling lying to the opposite side of the main Melton Road is largely rendered in white to the frontage, and has also installed grey window frames and doors. Further south, the side and a significant portion of the front of the property adjoining Clifton Drive is prominently rendered and with a front corner of (brown) stonework. A number of side garages are finished in render. Thus the works carried out to the appeal property, although to the only one of its type of house in the vicinity, are not alien to the character of the area which contains other, including more prominent, examples of similar redevelopment.
12. Therefore I do not find that the development is particularly uncharacteristic of the area. The materials appear of good quality and the works competently executed. Although different from its neighbours, the works have not undermined the quality of the area, and its character is not so uniform as to be unable to accommodate this departure from the norm.

Conclusion

13. For these reasons I conclude that the appeal should succeed on ground (a) and planning permission will be granted. No party has suggested that any planning conditions are necessary and, given the retrospective nature of the deemed planning application, I consider that none are required.

Formal Decision

14. 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 installation of windows and doors not in accordance with planning permission LPA reference 20/02408/FUL; the application of render to the front and side elevations; and the application of grey stonework to the front elevation of the property at 35 Melton Road, Doncaster DN5 7AQ.

Laura Renaudon

INSPECTOR