



Appeal Decision

Site visit made on 24 June 2025

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/A0665/C/24/3350618

The property and associated land at 58 Hockenhull Avenue, Tarvin, Chester, CH3 8LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Karen A Corral against an enforcement notice issued by Cheshire West and Chester Borough Council.
 - The notice was issued on 22 July 2024.
 - The breach of planning control as alleged in the notice is: without planning permission, the erection of a building forward of the principal elevation. ("the unauthorised development").
 - The requirements of the notice are to: remove the unauthorised development, along with foundations, in its entirety.
 - The period for compliance with the requirements is 2 calendar 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.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Ground (a) appeal and the deemed planning application

2. The appeal on 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.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site relates to a semi-detached bungalow which is situated in a residential area towards the eastern side of the village. There is a garden and a driveway to the front of the property and a garden to the rear.
5. The surrounding area is characterised predominantly by two storey semi-detached houses and bungalows. They are set back from the road behind front gardens and are arranged on linear building lines, with front boundary treatments generally comprising low fences or hedges, though some are open to the road with driveways and off road parking.

6. The notice relates to an outbuilding that has been erected in the front garden forward of the principal elevation of the dwelling. It is a modestly sized, prefabricated structure sited upon a concrete base.
7. The Council's Supplementary Planning Document: House Extensions and Domestic Outbuildings (2021) notes that outbuildings should be close to the house, and should not be positioned between the house and a road unless this is characteristic of the area, or it can be clearly demonstrated that it would not be harmful to visual amenity or highway safety.
8. The siting of the development in the front garden breaks the building line of properties on this side of Hockenhull Avenue, obscures the front of the property and is an uncharacteristic feature of the area, where properties generally have open frontages. The position of the development close to the front boundary means that it is prominent when viewed from Hockenhull Avenue and from its junction with Church Street and Tarporley Road, and its grey colour draws the eye. There is a low picket fence to the front boundary, but this is not sufficiently high to screen the building. Whilst many properties in the area have sheds or garages within their curtilages, they are positioned either to the side or the rear of the properties, and therefore cannot be compared to the appeal development.
9. In considering this appeal I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. Protected characteristics include disability. The development provides secure storage for the appellant's mobility scooter which is required due to their reduced mobility. However, it has not been demonstrated that the development is the only means of providing the required storage and there may be less harmful alternatives. Therefore, this consideration is not of sufficient weight to overcome the harm identified. The dismissal of the appeal and upholding the notice is therefore necessary and proportionate.
10. I conclude that the development is harmful to the character and appearance of the host property and the surrounding area. It conflicts with Policy ENV6 of the Cheshire West and Chester Council Local Plan, Part One, Strategic Policies (2015), Policies DM3 and DM21 of the Cheshire West and Chester Council Local Plan, Part Two, Land Allocations and Detailed Policies, and the National Planning Policy Framework. Amongst other things, these policies require development to achieve a high standard of design and to be sympathetic to the character of the area.

Conclusion

11. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan as a whole and there are no material considerations which indicate that the decision should be taken otherwise in accordance with this.
12. Therefore, the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

M Ollerenshaw

INSPECTOR