



Appeal Decisions

Site visit made on 27 August 2025

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal A Ref: APP/C3240/C/23/3335312

Appeal B Ref: APP/C3240/C/23/3335313

113 Holly Road, Little Dawley, Telford, Shropshire TF4 3JB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Miss Yula Morrison and Appeal B by Mr Paul Crittenden against an enforcement notice issued by Telford and Wrekin Council.
- The notice was issued on 12 December 2023.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a two-storey front and side extension including a first-floor extension above the existing garage.
- The requirements of the notice are to:
 1. Demolish the two-storey front and side extension including the first-floor extension above the existing garage.
 2. Reinstatement the front and side elevations of the dwellinghouse and garage in brick and tiles to match remaining parts of front and side elevations and reinstate windows previously removed from the front elevation of the dwellinghouse.
 3. Remove all materials and debris arising from compliance with requirement 1 above to an authorised disposal site.
- The period for compliance with the requirements is six months.
- The appeals are proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Appeal C Ref: APP/C3240/W/24/3348815

113 Holly Road, Little Dawley, Telford TF4 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Yula Morrison against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2024/0420.
 - The development proposed is the erection of a two-storey front and side extension and a first-floor extension above existing garage (part-retrospective).
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Decisions

1. It is directed that the enforcement notice is varied by adding the words “to match those” after “windows” in requirement number two.
2. Subject to the variation Appeal A and Appeal B are dismissed and the enforcement notice is upheld.
3. Appeal C is dismissed.

Preliminary Matters

Appeals A and B

4. These appeals are against an enforcement notice which relates to the extension as built.

5. The appellant referred to those permitted development rights in Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), stating that the extension was designed with those rights in mind. Although they do not appear to suggest that the extension constitutes permitted development.
6. In any case, in order to benefit from any planning permission granted by Article 3 of the GPDO, the development must not be contrary to any condition on an existing planning permission. The effect of condition 7 on planning permission reference W2005/0942 (the permission for the dwelling) is to remove those permitted development rights relating to extensions, which exist under Part 1 of the GPDO, so that an application for express planning permission is required for such developments.
7. Even if those rights had not been removed, Part 1 Class A does not permit extensions forward of the principal elevation and Class AA permits extensions immediately above the topmost storey of the dwellinghouse and does not permit that any additional storey is constructed other than on the principal part of the dwellinghouse, and is also subject to the condition that the developer apply to the Local Planning Authority for prior approval.
8. Moreover, in both cases those rights are subject to limitations and conditions, including that “the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.”
9. Accordingly, the extension does and could not have constituted permitted development.

Appeal C

10. Appeal C is an appeal against the refusal of planning permission for the extension with a modified design.
11. The description of development given in the banner heading above is taken from the appellant’s appeal form since that given on the original application form includes superfluous wording.

Appeals A and B on ground (f)

12. An appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose of the notice. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)).
13. The notice requires that the extension be removed and in short that the dwelling be returned to its condition before the breach took place. Accordingly, its purpose is to remedy the breach of planning control. That purpose can only be achieved by demolishing the extension and restoring the dwelling to its condition before the breach took place.
14. Providing that the extension is demolished and the dwelling restored to its pre-existing appearance that would comply with the purpose of the notice. Consequently, I consider the requirement to reinstate the windows previously

removed is excessive, since those may not have been retained and I will therefore vary the notice accordingly.

15. The appellants have not suggested any lesser steps but put forward a number of arguments regarding the Council's reasons for issuing the enforcement notice, in respect of design, character and appearance, the existence of other contemporary extensions in the area and planning policy. However, these matters are not relevant under a ground (f) appeal and could only be considered in the context of a planning application for the extension. No appeal has been brought on ground (a) and an appeal on ground (f) cannot be used to consider the planning merits or bring about a deemed application for the development.
16. Thus, despite the representations in support of the extension, further consideration of whether the extension causes harm is not a matter for a ground (f) appeal. Similarly, the appellants' misgivings about the Council's handling of the case, their personal circumstances and the costs and disruption associated with complying with the requirements, are matters which have no bearing on this ground of appeal. The only consideration is whether the requirements exceed what is necessary to achieve the identified purpose.
17. Since as varied the requirements would do no more than seek to achieve the purpose of the notice - to remedy the breach of planning control, they are not excessive. There is partial success under the ground (f) appeals.

Appeal C

Main issues

18. The main issues are the effect of the proposed extension on the character and appearance of the dwelling and area generally and on the setting of nearby listed buildings.

Reasons

19. The appeal property is a two-storey detached late-20th century dwelling, constructed from red brick and tile roof with a broadly traditional form with symmetrical frontage. The dwelling is set off the road but is visible from the public highway.
20. The surrounding area is predominantly residential in character, with the exception of the neighbouring garage, consisting of typically modest dwellings which whilst generally constructed with pitched roofs, incorporating brick and render, are of varying age and design.
21. Policies BE1 and BE2 of the Telford and Wrekin Local Plan 2011 – 2031 Adopted January 2018 (Local Plan) together require that development respects and responds positively to its context and enhances the quality of the local built environment; and extensions do not substantially alter the character of the dwelling; with design which remains in keeping with the existing building.
22. The National Planning Policy Framework (Framework) requires that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

23. Consequently, whilst new development need not imitate surrounding built form, it should provide an attractive design which responds positively to and does not harm the character of the existing building.
24. In this case, notwithstanding the amount of floorspace created, the extension has an awkward and dominant relationship, overlapping a large section of the front elevation, such that the traditional form of the dwelling is largely obscured. Together with the use of uncharacteristic grey cladding and the fenestration which contrasts with the proportion and shape of the existing windows, the extension appears as a significantly discordant addition.
25. Whilst the flat roof would be replaced with pitched roof forms, this would result in an inharmonious appearance, given the varying heights, orientation, and relationship with the existing roof of the dwelling.
26. Overall, and whilst some brick would be incorporated into the entrance section, the modified extension would neither successfully harmonise nor contrast with the architectural style or character of the dwelling and would appear as a significantly incongruous addition which would harm the character and appearance of the dwelling and area generally. This would be contrary to the design aims of policies BE1 and BE2 of the Local Plan and the Framework.
27. The appellant stated that the neighbour at the garage is willing to allow the hedge on their boundary to grow and be maintained at 6m. This would screen some, but not all public views of the extension and would not therefore overcome the identified harm. In any case, since the land on which the hedge is located is not within the appellant's ownership, this matter could not be secured by planning condition.
28. The appellant provided examples of other contemporary development in the wider area. It is not clear whether "Riversmead," is an extension to or a contemporary dwelling, although that at The Laurels appears to be a side extension to a traditional property. Whilst both are comparable in terms of the use of contemporary materials and design, neither, from the limited details provided appear to extend in front of nor dominate the principal elevation of the buildings such that, at least in the case of The Laurels, the character of the original dwelling is retained. They are not therefore directly comparable to the appeal scheme, and their existence is a matter of limited weight.
29. The dwelling is located in proximity to a grade II listed building, listed as a store but was a former Sunday School meeting room. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced. Its extent is not fixed and may change as the asset, and its surroundings evolve.
30. There is evidently intervisibility between the appeal site and the former Sunday School. However, the dwelling and neighbouring properties are viewed as a modern intrusion on the opposite side of the lane and whilst close are not read as part of the setting of the listed building and therefore cause no harm to it. Whilst I have found no harm to the setting of nearby listed buildings and therefore no conflict with Policy BE4, this is a neutral matter which cannot outweigh the identified harm to the character and appearance of the dwelling and area generally.

Other Matters

31. I have had regard to the appellant's family circumstances regarding the need for the extension. Notwithstanding these important considerations, and whilst dismissing the appeal would mean that the appellant may have to consider other options for meeting her accommodation / living needs, there is no evidence before me to demonstrate the appeal development is the only means by which such needs may be met. Accordingly, dismissing the appeal would be a proportionate response necessary in the wider public interest, given the identified harm and as such, would be a justified interference with the appellant's human rights.
32. I acknowledge the representations in support however, these and that the dwelling is not a listed building nor in a conservation area, there is no harm to the living conditions of neighbours and no objection in respect of ecological matters, are neutral matters which cannot outweigh the identified harm.
33. I acknowledge that the appellant sought pre-application advice, and the development was self-funded with no grants from the Council. However, these matters and the appellant's general misgivings about the Council are separate from the planning merits of the proposed development and have no bearing on the outcome of this appeal.

Conclusion

34. For the reasons given above, I conclude that Appeals A and B should not succeed. I shall uphold the enforcement notice with a variation.
35. For the reasons given above Appeal C should be dismissed.

Felicity Thompson

INSPECTOR