



Appeal Decision

Site visit made on 21 October 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 09 January 2026

Appeal Ref: APP/H1840/C/25/3358435

The Forge, 218 Droitwich Road, Fernhill Heath, Worcester WR3 7UA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr C Bamford against an enforcement notice issued by Wychavon District Council.
- The notice was issued on 13 December 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, operational development consisting of the erection of a two storey extension, approximately filled in blue on the attached plan.
- The requirements of the notice are to: Demolish the unauthorised two storey extension (approximately filled in blue on the attached plan), remove all resulting material from the land outlined in red on the attached plan, and restore the west side elevation of the dwelling to its previous condition as shown in image A (with the exception of rebuilding the garden room), by using bricks and roof tiles to match the main dwelling.
- The period for compliance with the requirements is 9 (nine) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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 1990 Act.

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 two storey extension at 218 Droitwich Road, Fernhill Heath, Worcester WR3 7UA as shown on the plan attached to the notice and subject to the following condition:
 - 1) The three parking spaces to the front of the extension shall be retained for use for parking by the occupants of the dwelling and their visitors and shall not be used for any other purposes.

Preliminary Matters

2. Planning permission was granted under 17/00307/HP in 2017 for the removal of a garden room and erection of a two-storey extension to the side of the dwellinghouse. The two-storey extension, which is the subject of this appeal, was not built in accordance with the 2017 permission.
3. To regularise the planning position, an application was submitted under section 73¹ of the 1990 Act to vary the design of the extension. This application ref.

¹ Application for Removal or Variation of a Condition following Grant of Planning Permission

W/24/02082/HP was subsequently refused, and an appeal² was made against the decision. It was determined that because of the material departure from the approved plans, the development had not been lawfully implemented, and the permission had since lapsed. In the absence of a valid permission, the appeal against the section 73 application could not succeed and was therefore dismissed.

Matters concerning the Notice

4. Section 173(1)(a) of the 1990 Act requires that an enforcement notice states the matters which appear to the local planning authority to constitute the breach of planning control. Subsection (2) provides that a notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
5. The appellant raises concerns about the notice's clarity. The alleged breach refers to the extension being 'approximately filled in blue on the attached plan' which they claim does not accurately reflect the extension as built. The primary purpose of the plan, however, is to identify the location of the site. As it achieves this, its accuracy regarding the as-built extension is of limited importance. It is clear to all parties that the breach relates to the recently constructed two-storey side extension and the appeal has been made on that basis.
6. The appellant also questions the requirements to restore the western elevation of the dwelling to its previous condition, as shown in the photograph (image A) in the notice. They argue that the image shows only part of the elevation and is therefore not specific about the ground floor element.
7. In my view, the requirement is sufficiently clear. It directs the recipient to restore the walls and roof of the original dwellinghouse using materials to match the main dwelling. It does not require reinstatement of the former garden room.
8. Overall, the notice clearly tells the recipient what has been done wrong and what they must do to make things right. I am satisfied that the appellant has not been disadvantaged, and that the notice does not require correction or variation to clarify its intention.

Ground (a) and the Deemed Planning Application

Main Issues

9. The main issues are the effect of the development on: the character and appearance of the host dwelling and the street scene; the living conditions of the occupiers of the neighbouring property; and highway safety.

Reasons

Character and appearance

10. The appeal concerns an extension to the side of a detached dwelling located on the A38, a principal route through the village of Fernhill Heath, to the north of Worcester. The development has extended the property to the common boundary with the adjoining neighbour, increasing its footprint over two storeys. The ground floor layout plans indicate the main space is intended for use as a living/kitchen/occasional bedroom, with two smaller rooms annotated as storage

² Appeal Ref: APP/H1840/D/25/3359134

space. At the time of my site visit, the ground floor of the extension provided self-contained primary living accommodation for an elderly relative.

11. A vehicular garage door is set in the front elevation, into which three small window openings have been inserted at head height. The garage door does not operate as an opening. Pedestrian doors in both the front and rear elevations provide access to the extension, and there is no internal access from the main house. The first-floor element accommodates a further bedroom and an en-suite bathroom. This space is internally accessible through the main dwelling.
12. Although the development is a notable addition extending to the common boundary with the neighbour, its width remains less than that of the original frontage and its scale is subservient to the host dwelling. This perception is reinforced by the front elevation of the extension being set back from the principal façade and its ridge height remaining lower than that of the main roof of the host dwelling.
13. The brickwork is a lighter tone than the frontage of the original build and there is a stark contrast in the colour finish of the windows. However, the visual impact is mitigated by the design articulation and the quality of the materials. The window openings are aligned horizontally and vertically with those of the original building to complement the proportions of the existing in the main house and this helps to maintain balance across the principal elevation. Replicated detailing, including stone headers and cills, further reinforces the architectural character of the original house and there is a degree of continuity to the overall form of the building.
14. The immediate street scene comprises a varied mix of dwelling styles, ages, and materials with no prevailing uniformity of architectural character. Within this context, the extension is sufficiently respectful of local character and maintains the established rhythm of development along the street. It reflects the presence of substantial two-storey detached and semi-detached properties within the wider area.
15. Overall, it is considered that the extended building retains a visual balance, appears proportionate to its setting, and does not result in an overbearing form or scale. Accordingly, the development complies with Policy 21 of the South Worcestershire Development Plan 2016 (SWDP) and the South Worcestershire Design Guide SPD, which seek, among other matters, to ensure new development integrates effectively with its surroundings, reinforces local distinctiveness, and is appropriate in scale, height, and massing relative to its context and the surrounding townscape.

Living conditions

16. Policy SWDP21B(iv) of the SWDP requires that development should provide an adequate level of privacy, outlook, sunlight, and daylight and should not be unduly overbearing. The extension is not considered by the Council to cause harm in terms of natural light or outlook to any neighbouring property, and I have no reason to disagree with that assessment.
17. The Council did, however, raise concerns regarding the full-length glazed French doors with a Juliette balcony on the rear elevation, which serve a bedroom. It was considered that these features would result in overlooking of habitable rooms

within the side elevation of the neighbouring dwelling as well as its private outdoor space, thereby impacting the living conditions of its occupiers.

18. I observed the development from the neighbour's garden and also viewed the neighbour's garden and property from the first-floor French doors. While some degree of overlooking naturally occurs, there are already three existing windows in the side elevation of the main appeal dwelling that provide direct views towards the neighbouring property. Consequently, the level of overlooking is not materially increased by the extension. In these circumstances, I find that the development does not result in a harmful loss of privacy beyond that which already exists.
19. Accordingly, there is no conflict with Policy SWDP21 and the Design Guide, which seek to protect the living conditions of neighbouring occupiers by ensuring that new development does not adversely affect residential amenity.

Highway safety

20. The extension to the property has resulted in the property providing additional bedrooms. In accordance with Worcestershire County Council's Streetscape Design Guide, a dwelling with four or five-bedrooms should provide parking provision for three cars. The appeal site accommodates space for three vehicles to park clear of the highway within the frontage of the property. Accordingly, there is no conflict with Policy SWDP4 of the SWDP which requires new development to have regard to the design criteria and highway principles set out in the Streetscape Design Guide.

Conditions

21. Condition 1 is imposed to ensure that adequate parking provision is retained on the site for highway safety reasons. Since the development is substantially complete, no further conditions are considered necessary.

Conclusion

22. 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 notice will be quashed. As the appeal has succeeded on ground (a) it follows that ground (f) does not fall to be considered.

S A Hanson

INSPECTOR