



Appeal Decisions

Site visit made on 2 March 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal A Ref: APP/P0119/C/25/3363651

7B Spring Hill, Kingswood, Bristol BS15 1XY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Steven Blake against an enforcement notice issued by South Gloucestershire Council.
 - The notice was issued on 3 March 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a detached residential building to form two flats.
 - The requirements of the notice are: 1. Demolish the building in its entirety and remove all the constituent parts from the land. 2. Restore the land to its condition prior to the unauthorised development taking place.
 - The period for compliance with the requirements is twelve months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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Appeal B Ref: APP/P0119/W/25/3363648

7B Spring Hill, Kingswood, Bristol BS15 1XY

- 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 Mr Steven Blake against the decision of South Gloucestershire Council.
 - The application Ref is P24/02147/F.
 - The development proposed is erection of first floor to facilitate conversion of dwelling into two flats plus raking tiles to dormer side elevations (to complete side elevations).
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Decisions

1. Appeal A-The appeal is dismissed and the enforcement notice is upheld.
2. Appeal B-The appeal is allowed and planning permission is granted for erection of first floor to facilitate conversion of dwelling into two flats plus raking tiles to dormer side elevations (to complete side elevations) at 7B Spring Hill, Bristol BS15 1XY in accordance with the terms of the application, Ref P24/02147/F and the plans submitted with it, subject to the condition in the attached Schedule.

Appeal A

Ground (f) appeal

3. The ground of appeal is that the requirements of the enforcement notice are excessive.
4. The appeal property contains a detached two storey residential building, with a box-style dormer at roof level at the rear. Planning permission was granted to erect a

single dwelling at the property in June 2019.¹ The notice refers to the erection of a building to form two flats.

5. An enforcement notice can have the purpose of remedying the breach of planning control, including by restoring the land to its condition before the breach took place, or it can seek to remedy any injury to amenity caused by the breach. Although the notice does not state as such, its purpose must be to remedy the breach. The notice requires no less than demolition of the building and restoration of the property to its condition before the breach took place. The notice does not require an action or actions which stop short of total demolition, for example modifying the building in some fashion.
6. Given the remedial role of the enforcement regime, whether there is any obvious alternative to the requirements which would overcome the planning difficulties at less cost and disruption is an important consideration. Nonetheless, altering the dormer to be similar to in the approved scheme, or removing the dormer altogether, would leave a large part of the building in place. That would not remedy the breach, as the property would not be restored to its condition before the breach took place.
7. Moreover, any step which required less than total demolition of the building would attack the substance of the notice. That would not fall within the scope of a ground (f) appeal where, as in this instance, the purpose of the notice is to remedy the breach and no appeal has been made on ground (a). An enforcement notice which requires land to be restored to its condition prior to the breach cannot be made to achieve something less by relying on ground (f) alone; the power to allow an appeal on this ground does not extend to granting planning permission.
8. Also, it is not possible to remedy the breach by making the development comply with the terms of the 2019 permission. There is no firm evidence that the building was erected other than as two flats and that permission has since lapsed.
9. Consequently, neither reducing the size of the dormer nor removing it altogether represent obvious alternatives to the notice requirements. No other alternative was suggested and to my mind, nothing less than the notice requirements would remedy the breach. It follows that those requirements are not excessive; they are a proportionate remedy, being the minimum steps necessary to restore the property to its condition before the breach took place and so achieve the purpose of the notice.
10. The ground (f) appeal fails.

Ground (g) appeal

11. The ground of appeal is that the time allowed for complying with the notice requirements is too short.
12. The significant challenges facing persons seeking to buy or rent residential property in the current market climate are acknowledged. Even so, there is little before me to show that either the appellant, whom I understand occupies the ground floor flat, or the tenants of the flat on the upper floors, would be unable to search for, secure and move into suitable alternative living accommodation, including raising any necessary funds, well within a year of the notice taking effect. There is also little before me to suggest that the tenants would have to be given significantly longer than a month or two to vacate the upper floor flat. Since the tenants might well leave before the end of their notice period, it is by no means certain that possession proceedings would be necessary.
13. There are in all probability a significant number of building contractors with the relevant knowledge and expertise required to undertake the remedial works and

¹ Council Ref: P19/3663/F

who would be available to undertake those works given a reasonable period of notice. There would be little to prevent the appellant from searching for and securing the services of their preferred contractor and provisionally scheduling a date for carrying out the works whilst alternative accommodation is being sought. The works themselves are unlikely to be especially time-consuming or complex, probably taking a couple of months at most to complete. Since little detail was provided, it is unclear how the need to obtain any approvals would add significantly to the likely timescale for the works.

14. Accordingly, the one-year compliance period specified is not too short and is reasonable. An appropriate balance is struck between remedying the breach as soon as practicable whilst not placing a disproportionate burden on the appellant or their tenants. Given the circumstances, extending the compliance period would do little more than perpetuate the breach.

15. The ground (g) appeal also fails.

Appeal B

Main Issue

16. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

Character and appearance

17. The property is located in an established residential area, largely made up of two storey dwellings arranged in short terraces, set back similar distances from the street and occupying comfortably sized rectilinear plots. The elevational treatments of the dwellings along with their roof form—generally either gabled or hipped—tends to vary between terraces. For the most part, the external finishes are complementary.
18. The front elevation of the building, including the eaves and ridge lines, along with the height to eaves, overall height and the distance set back from Spring Hill, are all similar to in the approved scheme² and reflect the elevational treatments, scale and siting of neighbouring dwellings. The building incorporates a two-storey rear outrigger with an equal pitch roof. Although deviating from the approved drawings, the outrigger has little adverse visual effect on the building or its surroundings.
19. A box dormer would have occupied the rear roof slope of the building in the approved scheme. The ‘as-built’ dormer sides and face are finished in render which matches the rendered external walls of the building and the roofline is approximately level with the main ridge line, similar to in the approved scheme. In other respects, the dormer deviates from the approval, being around 0.6m wider, built up to both side elevations of the building and having its face approximately level with the main eaves line.
20. The sides of the dormer are open to view along a comparatively short portion of the street. Being set well back from the front elevation, the dormer sides appear as comparatively small-scale built features in relation to the more substantial elevations of the building and its overall proportions. Not setting back the sides from the side elevations makes a limited difference to how the profiles and scale of the dormer, or the overall bulk of the building, are perceived from the street compared to in the approved scheme. The dormer is still viewed as an addition to the roof of the building, as opposed to a third storey. To the rear of the building, the apparent scale of the dormer is largely offset by the substantial bulk of the outrigger. The outrigger protrudes well beyond the dormer. Also, the outrigger roof partly covers the dormer face. As a result, the dormer is seen as a subservient

² See paragraph 4

built feature that integrates well with the building visually, sitting comfortably with the main building and not dominating any of its elevations or appearing as an incongruous addition.

21. Nor does the dormer appear as an alien feature in relation to the visual qualities of the immediate and wider surroundings. From the front, the dormer sides are viewed as small scale and subsidiary features in relation to the more substantial proportions, varied elevational treatments and differing roof forms of neighbouring dwellings. At the rear, the dormer is viewed in conjunction with a roof addition which is similar in scale and roof coverage, at 7 Spring Hill next door.
22. Moreover, box dormers of varying scale, including some built right up to the side elevations of the host dwelling, are established features of the roofscape in the immediate and wider locality. There is little in terms of the relationship between the dormer, the outrigger and the rest of the building which compares unfavourably with other box dormers in the vicinity. Although probably for the most part erected as 'permitted development',³ it is not unreasonable to regard these roof additions, some of which have a similar or greater visual presence in comparison with the dormer, as being a characteristic of local development. As far as I have been made aware, none of the other box dormers are unauthorised. Although such GPDO rights would not apply in this instance, the presence of similar built features at roof level is nevertheless highly relevant in assessing the overall visual impact of the building on the locality.
23. The proposal to install rakes of roof tiles on the side elevations would further assist in visually assimilating the dormer with the building and its surroundings. It would help break up the massing of the side elevations by creating an impression of the dormer as having been built up from an equal pitched sloping main roof. As this would evoke the roof profile in the approved scheme, the tiles would not appear incongruous. In practice, after installing the tiles there would be little obvious difference between the development and the approved scheme.
24. The Council's Household Design Guide Supplementary Planning Document considers box dormers to not represent good design, as they can intrude on the roofscape and harm the character and appearance of buildings and the street scene. It advises that to mitigate their most harmful aspects, such dormers should adhere to certain design principles which include a specific set back distance from the roof sides. In the circumstances however, I afford greater weight to the significant visual similarities between the dormer and the approved scheme.
25. Therefore, the development safeguards the character and appearance of the surrounding area. There is no conflict with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy, which states that development should be of the highest possible standard of design and requires new development to demonstrate that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Also, the development does not conflict with Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (LP), which requires new development to demonstrate an understanding of and respond constructively to the buildings and characteristics that make a particularly positive contribution to the distinctiveness of the area/locality. Nor is there conflict with LP Policy PSP38, which requires residential extensions to, amongst other things, respect the form, scale and proportions of the street and surrounding area.

Conditions

26. A planning condition listing the approved drawings is unnecessary, as the development has already been carried out. However, after seeking the views of the main parties I shall impose a condition which requires the prior approval, along with

³ The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

the implementation and maintenance, of schemes for provision of private amenity space, off-street vehicle parking and cycle storage and waste and recycling storage, as well as for installing rakes of tiles to the side elevations, within defined timescales. This is necessary to safeguard the living conditions of existing and future occupiers of the development as well as in the interests of highway safety, to support sustainable modes of transport and to safeguard the character and appearance of the surroundings.

27. The condition is drafted in the form set out below because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the implementation of the required schemes, as the development has already taken place. The purpose and effect of the condition is therefore to ensure that the development may only continue in residential occupation if the appellant complies with its requirements.

Conclusions

28. Appeal A-For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.
29. Appeal B-The development does not harm the character and appearance of the surrounding area and there is no conflict with the Development Plan. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, the appeal should be allowed. The requirements of the enforcement notice in Appeal A will cease to have effect so far as they are inconsistent with the permission which I will grant for the development by virtue of s180 of the 1990 Act.

Stephen Hawkins

INSPECTOR

CONDITIONS SCHEDULE

- 1) Unless within three months of the date of this decision schemes for the provision within the development of: (a) private amenity space; (b) off-street vehicle parking and cycle storage; (c) waste and recycling storage; and (d) for installing rakes of tiles to the side elevations of the building as shown on drawing no 33512/24; have been submitted in writing to the Local Planning Authority for approval, and unless the approved schemes are implemented in full within three months of the Local Planning Authority's approval, residential occupation of the development shall cease until such time as those schemes have been approved and implemented.

If one or more of the schemes in (a), (b), (c) and (d) above in accordance with this condition are not approved by the Local Planning Authority within six months of the date of this decision, residential occupation of the development shall cease until such time as all of the schemes have been approved and implemented. Upon implementation of the approved schemes specified in (a), (b), (c) and (d) of this condition, those schemes shall thereafter be maintained in accordance with the approved details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.