



Appeal Decision

Site visit made on 10 August 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2026

Appeal Ref: APP/R3705/C/25/3371414

Land at 73 Sycamore Road, Kingsbury, B78 2JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Gavin Blackett against an enforcement notice issued by North Warwickshire Borough Council.
 - The notice was issued on 17 July 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a two storey side extension with a single storey rear extension.
 - The requirements of the notice are to:
 1. Comply with previous approval PAP/2023/0465 in particular the approved plans 0300-A-GA-003-Site Plan (Option6), 0300-A-A-GA-007 – Proposed Plans (Option6), 0300-L-GHA-008 – Proposed Elevations – North and South (Option6), 0300-L-GA-009 - Proposed Elevations – East and West (Option6). As received 18/12/2023 as detailed in condition 2.
 2. Remove the single storey extension/Orangery and return the land to its previous condition prior to the unauthorised development taking place within six months.
 3. Lawfully remove from the site any waste materials resulting from the above steps.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the ground[s] set out in section 174(2) (a), (f) & (g) 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. It is directed that the enforcement notice is corrected by:
 - inserting the word “OR” between requirement 1. and requirement 2. in paragraph 5;
 - deletion of the words "within six months" from requirement 2. in paragraph 5; and
 - deletion of the word “Lawfully” from requirement 3. in paragraph 5.
2. It is directed that the enforcement notice is varied by the deletion of “six months” and its substitution with “nine months” as the time for compliance.
3. Subject to the corrections and variation, 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 1990 Act as amended.

Enforcement Notice

4. The Council’s statement of case set out that they had made an error in the requirements of the Notice. The word “OR” should have been inserted between requirements 1. and 2. as these should be either/or requirements. There would be

no injustice to the appellant if I were to correct the notice to include the word “OR”, as the Notice would be no more onerous.

5. Requirement 2. does not need to include the words “within six months” as the time for compliance with the Notice is specified in full in paragraph 6. In addition, I have removed the word “Lawfully” from requirement 3. To require items to be removed “Lawfully” is not sufficiently precise or necessary. I am satisfied that these corrections would not result in any injustice to either the appellant or to the local planning authority.

Appeal on ground (a), deemed planning permission.

Main Issue

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

Reasons

Character and appearance

7. Planning permission was granted in January 2024 for the demolition of an existing single storey extension and the building of a two-storey extension with single storey Orangery at the appeal site¹. Whilst the two-storey extension has been constructed in accordance with the approved plans, the single storey element, the Orangery, differs in terms of its scale, design and appearance from the approved plans. It has a marginally larger footprint, is approximately 420mm greater in height, incorporates different fenestration and has been clad in composite grey UPVC cladding,
8. The appeal property is a 1970/80’s detached dwelling, constructed in red brick with a concrete tiled roof and white UPVC window frames. It is situated in a prominent location on the corner of Sycamore Road and Birch Close.
9. Whilst the approved Orangery would not have been constructed in brickwork to match the original dwelling, the approved Cedar Wood cladding would have been a more sympathetic and aesthetically appropriate building material than the grey UPVC composite cladding that has been used. The timber would have weathered over time to give it a muted appearance. In contrast, the grey UPVC cladding has a harsh and stark appearance which lacks texture. Furthermore, its grey colour, together with the dark grey window frames, do not reflect or respond to the character or appearance of the existing materials of construction utilised in the host property and they appear incongruous. The incongruity of the materials and the overall scale/height of the extension is further accentuated by the absence of fascia boards which would have introduced a more horizontal emphasis to the extension.
10. The appellant considers that the Council’s concerns could be addressed by minor adjustments to the detail of the unauthorised development. He suggests that the cladding could be painted brown, which would then be similar in colour to the cedar timber cladding originally proposed. However, I do not consider that painting the cladding would overcome the harm I have identified to the appearance of the cladding which lacks texture. The overall appearance of the extension

¹ Local Planning Authority Ref: PAP/2023/0465, dated 8 January 2024.

would remain stark and its design and appearance, even if painted brown, would remain a discordant addition which would not reflect the character and appearance of the host property.

11. I appreciate that the appellant has carried out some planting along the site boundary and the extension is now less visible from Birch Close. However, it remains visible when travelling north along Birch Close towards its junction with Sycamore Road and is also visually conspicuous to private views from the upstairs windows of neighbouring residents. The planting does not therefore mitigate the harm I have identified.
12. Overall, the extension by reason of its scale, design and use of materials has a harmful effect on the character and appearance of the host property and surrounding area. There is conflict with the development plan, and in particular with Policy LP30 of the North Warwickshire Local Plan, adopted September 2021 which seeks to ensure, amongst other criteria, that all development harmonises with its immediate setting and wider surroundings, and reflects the characteristic architectural styles, including scale, proportions and use of materials. There is also conflict with the Council's Supplementary Planning Guidance, A Guide to Householder Developments, 2021, which seeks to ensure that local character and distinctiveness of communities can be enhanced through good quality development that integrates into its surroundings through good design that respects and reinforces local character. I also find conflict with Policy DP3 of the NPPF which advises that development proposals should respond to their context so that they integrate with and enhance their surroundings.

Other Matters

13. I recognise that the extension does not result in any loss of privacy, outlook nor overshadowing to neighbouring residents. However, the absence of harm to the living conditions of neighbouring residents does not outweigh the harm I have found to the character and appearance of the host property and surrounding area.
14. I have also had regard to the appellant's view that the UPVC cladding will weather better than cedar cladding and requires less maintenance. I appreciate that the UPVC cladding may require less maintenance than timber cladding, however, that consideration does not overcome the harm I have identified by reason of its visually incongruous appearance in the context of this development.

Appeal on ground (f)

15. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
16. The purpose of the notice (as corrected) is to remedy the breach of planning control and injury to amenity which has been caused by the breach, by either removing the single storey extension in its entirety or complying with the original planning permission granted for a single storey extension in January 2024.
17. The appellant is correct that the Council has accepted in principle a single storey extension to the property. Indeed, planning permission has been granted by the

Council for such a development in January 2024. The enforcement notice, as corrected, makes provision for the unauthorised extension to be reconstructed in accordance with the approved details. Unfortunately, for the reasons set out above in ground (a), the extension as constructed has resulted in harm to the character and appearance of the host property and I found that a condition requiring the cladding to be painted in dark brown would not overcome that harm. Given that the corrected notice does no more than seek to achieve the purposes of Section 173 (4) (a) of the 1990 Act, it is not excessive.

18. The appeal on ground (f) fails.

Appeal on ground (g)

19. The issue is whether the compliance period of six months is reasonable and proportionate. The appellant argues that six months is an unreasonably short time period to obtain new drawings, appoint contractors and carry out the work safely and lawfully. He suggests that a period of 12 months would be more reasonable and proportionate.
20. I understand that there has been some dialogue between the Council and the appellant about possible revisions to the design of the development and that the appellant submitted plans indicating that planting might overcome the alleged harm. As set out above, I have found that planting would not provide mitigation for the harm identified. I have not seen any further proposed revisions despite the appellant advising that he would be willing to carry out modifications to the extension.
21. Should the appellant decide to comply with the notice by reconstructing the extension to comply with the approved planning permission, i.e. as set out in requirement 2., then there would not be a need to obtain new drawings. However, I appreciate that it may be difficult to appoint contractors and carry out the work within a six month period. The decision that I have therefore come to is that a period of nine months would be reasonable and proportionate. I shall therefore vary the notice to give an extended time period of nine months. The appeal on ground (g) exceeds to that extent.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with corrections and a variation, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Elizabeth Pleasant

INSPECTOR