



Appeal Decisions

Site visit made on 20 May 2025

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal A Ref: APP/K2230/W/23/3329365

44 Lanes Avenue, Northfleet, Gravesend Kent DA11 7HR

- 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 Peter White against the decision of Gravesham Borough Council.
 - The application reference is 20230569.
 - The development proposed is retention of garage to the rear of the garden.
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Appeal B Ref: APP/K2230/C/23/3329370

Land at 44 Lanes Avenue, Northfleet, Gravesend, Kent DA11 7HR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Peter White against an enforcement notice issued by Gravesham Borough Council.
- The notice was issued on 31 August 2023.
- The breach of planning control as alleged in the notice is described as without the benefit of planning permission the erection of a single-storey outbuilding in the rear garden of the property.
- The requirements of the notice are:
 - i) Demolish the outbuilding in its entirety; or in the alternative
 - ii) Reduce the height of the outbuilding so that at no point, when measured externally from the natural ground level, the outbuilding will not exceed 2.5 metres in height
 - iii) Remove all resultant debris and associated materials upon compliance with either step 1 or 2 from the property
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary of decisions: The appeals are dismissed, and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. Despite having the same name as the appellant, I am not related to the appellant and had not met him prior to the site visit.
2. Appeal A relates to a retrospective planning application for the retention of the garage building erected. Appeal B relates to an enforcement notice requiring the building to be reduced in height or removed.
3. Requirement 5(ii) of the Notice contains a double negative. The parties have each clearly, and correctly, interpreted it as meaning that no part of the outbuilding may exceed 2.5m after modification. Neither party would therefore be prejudiced were I to correct the error, and I shall therefore do so in my formal decision in accordance with the powers afforded to me in Section 176(1)(a) of the Act.

Appeal A

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Character and appearance

5. 44 Lanes Avenue ("No 44") is a mid-terraced dwelling on a generous plot in a residential area. A service road at the rear provides access to the rear gardens of houses on Lanes Avenue and Packham Road.
6. Within the rear gardens a variety of structures have been erected, including but not limited to garages of various designs, along with canopy structures. The concrete road surface and variety of structures and fences give the service road a utilitarian character.
7. The garage building erected, at around 7m wide, is the full width of the plot, and the appellant advises it replaced a structure with a similar footprint. However, with a crown roof and an overall height of around 3.6m, the garage building is notably taller and more prominent than others in the vicinity which appear to be around 2.5m in height or less or are open-sided canopies.
8. The large size and domestic appearance of the garage building, and in particular its height and crown roof, mean it stands out as a building of a different character to others in the area. Being significantly taller than neighbouring structures also increases its dominance and makes it an incongruous addition to the area in this location.
9. The development therefore harms the character and appearance of the area and conflicts with the relevant part of Gravesham Local Plan Core Strategy (2014) Policy CS19. The policy requires new development to integrate well with the surrounding local area.
10. It also conflicts with the Gravesham Local Plan Supplementary Planning Document Householder Extensions/Alterations Design Guide (2021) ("the SPD"). The SPD advises outbuildings should not detract from the character of the area and garages should reflect the design, materials, character and style of the existing property.
11. In conclusion, the development therefore conflicts with development plan policies, and there are no other material considerations that require a decision to be made other than in accordance with the development plan.
12. Appeal A therefore fails.

Appeal B

13. Enforcement appeals on ground (g) are made on the basis that the period for compliance specified in the notice falls short of what should reasonably be allowed.
14. The Notice requires the appellant to demolish or alter the building so that no part exceeds 2.5m in height, and remove any debris and associated materials, within 2 months.

15. Although the appellant advises he would not have sufficient time to comply with the requirements, no explanation has been given for that view.
16. The building is of block construction with an external rendered finish, and there are courses of blockwork above both the vehicular and pedestrian doors which result in an eaves height greater than that required for access.
17. The sides of the crown roof are of tiled construction on a timber frame, and the Council advises the exterior surface of the upper part is felt.
18. I have not seen any convincing justification why either the roof or the building could not be removed within 2 months.
19. The appeal on ground (g) therefore fails.

Conclusion

20. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with a correction.

Formal decisions

Appeal A:

21. The appeal is dismissed.

Appeal B:

22. It is directed that the enforcement notice is corrected by the deletion of the word "not" before the words 'exceed 2.5m' in Section 5(ii) of the Notice.
23. Subject to the correction, the appeal is dismissed and the enforcement notice is upheld.

Peter White

INSPECTOR