

Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2016

Appeal ref: APP/Y5420/C/16/3149408

Land at 189-191 Muswell Hill, Broadway, London, N10 3RS

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Grantglen Ltd, c/o The Residents Management Company Ltd against an enforcement notice issued by the London Borough of Haringey.
- The notice was issued on 29 March 2016.
- The breach of planning control as alleged in the notice is "The unauthorised installation of a wooden canopy like structure above ground floor shop to the front of the building.
- The requirement of the notice is: "Remove completely the canopy like structure and its supporting fixtures and fittings".
- The period for compliance with the requirements of the notice is "One (1) month after this notice takes effect".
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is allowed and the enforcement notice is varied in the terms set out in the formal decision below.

Reasons for the decision

1. The basis of the appellants' case is that that the unauthorised wooden structure is only a temporary one and was built to protect the general public from falling masonry from the front elevation. They contend that the repair works to the building will commence once the consultation procedure under Section 20 of the Landlord and Tenant Act 1995 has been completed, and anticipate that such works should be completed within the next 6 months.
2. In view of the risk of health and safety to the public and the fact that the Council have not submitted any objections to the reasons given for requesting an extension of the compliance period, I am satisfied that it would be reasonable to extend it further as the appellants request. As some 4 months have elapsed since the appeal was submitted, I consider it reasonable to extend the compliance period from 1 month to 2 months. This would give the appellants approximately the 6 months they contend should be sufficient for the repair works to be completed and should also allow

enough time for the wooden structure to be removed. The ground (g) appeal succeeds accordingly.

Formal decision

3. The appeal on ground (g) is allowed and it is directed that the enforcement notice be varied under "TIME FOR COMPLIANCE" by the deletion of "one (1) month" after this notice takes effect, and the substitution of "**two (2) months**" after this notice takes effect. Subject to this variation, the enforcement notice is upheld.

K McEntee