
Appeal Decision

Unaccompanied site visit made on 24 May 2016

by Felix Bourne BA(Hons) LARTPI Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal ref: APP/Q5300/C/15/3141187

4 Firs Park Avenue, London, N21 2PT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the Council of the London Borough of Enfield.
- The appeal is made by Mr Vinoth Edirmanasinghe.
- The notice was issued on 26 November 2015.
- The breach of planning control as alleged in the notice is, without planning permission, the unauthorised erection of a single storey conservatory extension (outlined in blue on the plan attached to the enforcement notice for identification purposes) to the rear of the Premises.
- The requirements of the notice are to remove the single storey rear extension (outlined in blue on the plan attached to the enforcement notice for identification purposes), and to remove all resulting materials from the Premises.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the Notice upheld.

Preliminary Matters

1. I attended the site on 24 May in order to undertake an accompanied site inspection. However, as the other parties did not attend and I had enough information to proceed to a decision, I asked the Planning Inspectorate to confirm this to the parties as my intended course.

The appeal on ground (f)

2. The only ground of appeal before me is ground (f) and that is the appropriate ground of appeal where an appellant seeks to argue that the steps required by the Notice to be taken, or the 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 (i.e. the matters alleged in the Notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
3. The Notice relates to the construction of an extension and, as is common in such circumstances, requires the removal of that extension and of the materials arising from that demolition. However, in support of his ground (f) appeal, the appellant indicates that the existing extension, which he describes

as a conservatory, will be made detached from the building. He goes on to state that the roof height will also be reduced to 2.5 metres and that extensions and other additions will not exceed 50% of the total area of land around the original house, complying with the GPDO for Class E outbuildings.

4. If seeking to use the permitted development rights granted by Article 3 and Class E within Part 1 to Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 the appellant will in any event need to bear in mind that, in order to be capable of constituting 'permitted development' under this Class, a building must be required for a purpose incidental to the enjoyment of the dwellinghouse as such. However, as described in his grounds of appeal, and as observed by the Council, the appellant's proposals do not appear to be the lesser steps that one might anticipate would be suggested. Instead, the appellant's suggested steps not only involve substantial alterations to the existing extension, so as to render it a separate building, but also raise the prospect of "extensions and other additions". This goes far and beyond what can legitimately be raised by way of an appeal on ground (f).
5. The steps set out in the Notice do no more than is necessary to remedy the breach of planning control and are therefore appropriate requirements. In the circumstances the appeal on ground (f) must fail.

Formal decision

6. The appeal on ground (f) is dismissed and the enforcement notice is upheld.

Felix Bourne

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INSPECTOR