
Appeal Decision

Site visit made on 22 November 2016

by Iwan Lloyd BA BTP MRTPI

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

Decision date: 21 December 2016

Appeal Ref: APP/Z5060/C/16/3150032
143 New Road, Dagenham, Essex RM10 9LU

- 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 made by Bilal Malik against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham.
 - The enforcement notice, numbered 14/00362/NOPERM, was issued on 18/03/2016.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised construction of a rear extension.
 - The requirements of the notice are:
 - Remove the rear extension
 - Remove all waste material from the site.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (c) appeal

2. The main issue to consider is whether there has been a breach of planning control. A rear extension to this terrace property has been built from the original rear wall of the house projecting some 4.75m outward and incorporating a smaller rear extension which was permitted development. The rear extension as now built exceeds the permitted development tolerances for an enlargement of a dwellinghouse, and the Council confirm there has been no record of planning permission for the development as alleged.
 3. The appellant indicates that he was unaware of previous works having taken place, and due to the size of the family there was a need to extend the kitchen. Having consulted with his builders the decision was taken to build less than 2m in height so as to remain within the permitted development rights.
 4. However, it is the outward projection of the rear extension of a terrace property which exceeds the limitations of permitted development rights without first seeking prior approval from the Council. I note that the appellant was unaware of the previous extension although it the responsibility of the owner/occupier to check prior to embarking on a development project that the work would not require planning permission. The Council indicates that there is
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no record of a Council Officer approving the work in so far as this relates to issue of obtaining approval under planning legislation.

5. Planning permission is required for the development and no record of planning permission has been given for the rear extension as built. There has been a breach of planning control and the appeal on ground (c) fails.
6. I conclude that the appeal should not succeed. I shall dismiss the appeal and uphold the enforcement notice.

Iwan Lloyd

INSPECTOR