



Appeal Decision

Site visit made on 20 March 2017

by Pete Drew BSc (Hons) DipTP (Dist) MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/R5510/C/17/3166966

103 Hurstfield Crescent, Hayes, Middlesex UB4 8DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 [hereinafter "the Act"] as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Tajinder Kaur Sidhu against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 13 December 2016.
- The breach of planning control as alleged in the notice is: Without planning permission the development of a single storey second generation rear extension.
- The requirements of the notice are: (i) Demolish and remove the single storey second generation rear extension shown outlined in blue on the plan attached [*to the notice*]; (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
- The period for compliance with these requirements is three (3) calendar months.
- The appeal is proceeding on the ground set out in section 174(2) (g) of the Act.

Formal Decision

1. I direct that the enforcement notice be varied by the deletion of the phrase "Three (3)" in paragraph 6 of the enforcement notice and its replacement with the phrase "Six (6)". Subject to this variation the appeal is dismissed and the enforcement notice is upheld.

Procedural matters

2. The Planning Inspectorate [PINS] wrote to the Appellant in a letter dated 17 January 2017 indicating that as no appeal had been lodged on ground (a), that the planning merits would not be considered unless, within seven days of the date of that letter, grounds were advanced and the requisite fee was paid. No response was received and so the deemed planning application has lapsed.
3. At the site inspection it appeared to me that the land edged blue on the plan attached to the notice is rather larger than the footprint of the extension that is the subject of the notice¹. Nevertheless I am satisfied that the extension does not extend beyond the area edged blue which is larger rather than smaller than it needs to be. In the circumstances, whilst I have considered the possibility, there is nothing to be gained by correcting the plan attached to the notice. It is an approximation of the extension's footprint and should be treated as such.
4. PINS letter to the Appellant dated 7 March 2017 extended the deadline for final comments until 28 March 2017 and so I have delayed completing this decision until this date has passed. However no final comments have been received.

Ground (g)

5. The Council considers the 3 month compliance period to be reasonable because it says that the physical works involved are minor and within the capabilities of

¹ This is best gauged by reference to the outbuilding at the rear of No 105.

- a jobbing builder. If that was the extent of the Appellant's claim I would have no reason to disagree. However the Appellant seeks 6 months to: i) ensure the work can be completed in the warmer months of the year so as not to unduly impact on her son's health; and, ii) to ensure that the work does not place the family into financial hardship. The Council has not addressed these arguments or offered any basis to refute what appear to be sound personal circumstances.
6. There is no reason to recite the Appellant's son's health issues in what is a public document. It is suffice to note that I have been given redacted details of his NHS records, which lead me to accept the Appellant's claim that his health has improved whilst he has been able to use the extension. A slight increase in the compliance period would allow a new electrical device to be installed in the replacement accommodation, which would provide fresh, filtered air into the property at a continuous rate. The cost of this plus the works of demolition are a not insignificant sum for a working family in which I have no reason to doubt that the Appellant is the main breadwinner due to her husband's childcare responsibilities. Noting that the Appellant acknowledges full responsibility for the breach of planning control, there would be no public interest in potentially placing the family into financial hardship in order to remedy the breach. Even if the extension might have an effect on the neighbour's living conditions, such a modest extension to the compliance period would not cause a level of harm that would justify refusing the requested extension to 6 months. For these reasons the ground (g) succeeds to the limited extent on which it is made.

Conclusion

7. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should succeed to the limited extent on which it was lodged but in that context it is necessary to uphold the varied enforcement notice.

Pete Drew

INSPECTOR