



Appeal Decision

Site visit made on 10 July 2017

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

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

Decision date: 17 July 2017

Appeal Ref: APP/F5540/C/17/3168765

61 Vicarage Farm Road, Hounslow, Middlesex, TW3 4NH

- 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 Mr Rajinder Saran against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The enforcement notice, reference BWR/2015/00162 was issued on 4 January 2017.
- The breach of planning control as alleged in the notice is without planning permission, the creation of four separate self-contained flats, the construction of two storey side extension, including unauthorised side and rear roof dormer extensions and installation of access door to the side elevation, first floor rear extension and external staircase to the rear.
- The requirements of the notice are:
 - i. Cease the use of the property as four self-contained flats.
 - ii. Remove the bathrooms and associated bathroom facilities within the 2nd floor flat.
 - iii. Remove the kitchens and associated kitchen facilities within the 2nd floor flat.
 - iv. Remove the side dormer roof extension to the south-west elevation indicated as position A [as shown on the plan attached to the notice].
 - v. Remove the rear dormer roof extension towards the south-west elevation of the property indicated as position B [as shown on the plan attached to the notice].
 - vi. Remove the rear dormer extension towards the north-east elevation of the property indicated as position C [as shown on the plan attached to the notice].
 - vii. Remove the first floor rear extension towards the north-east elevation of the property indicated at position D [as shown on the plan attached to the notice].
 - viii. Remove the external staircase indicated at position E [as shown on the plan attached to the notice].
 - ix. Remove ground floor access door to the ground floor side south-west elevation to the two storey side and rear extension indicated at position F [as shown on the plan attached to the notice].
 - x. Remove the two storey side and rear extension to the south-west elevation of the property indicated at position G and identified as shown by the broken line [as shown on the plan attached to the notice].
 - xi. Remove the resultant debris from the land.
- Or
 - i. Amend the works to comply with planning permission and approved plans granted under Planning Ref: 01151/61/P3 (dated 21 November 2011).
 - ii. Remove all resultant debris from the land.
- The period for compliance with the requirements is three months.
- 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 dismissed and the enforcement notice upheld.

The appeal on ground (g)

1. An appeal on ground (g) is on the basis that the Appellant considers that the time given to comply with the enforcement notice is too short.
2. The Appellant's case is that he wishes to explore with the Council a design solution for the property and to this end he has instructed a new firm of architects. In addition the Appellant refers to other matters including the harm being caused from the development not being one that requires urgent action and the time it will take to give notice to the tenants and obtain vacant possession. The Appellant does not say how long a period he considers to be reasonable.
3. The notice was issued on 4 January 2017 and the appeal was made on 3 February 2017. Since that time, some five months to the date of my visit, the Appellant has known that his only ground of appeal was in respect of the time in which to comply with the notice. I have not been advised whether any action has been taken in respect of the matters he has raised in his grounds of appeal referred to above. Whilst I accept that an Appellant is entitled to anticipate success in his appeal given the only ground of appeal I consider that there has been time since the appeal was made to move matters forward with regard to discussions with the Council and action taken to seek vacant possession of the property. In this latter respect, I note that, in addition to not specifying a period that he considers to be reasonable, the Appellant has not provided any information about such things as when the various tenancies were/are due to expire by the passage of time.
4. Given the period of time that has elapsed since the appeal was made and that the three month period will begin with the date of this decision I consider, in the particular circumstances of this appeal, that the period of three months is a reasonable one in which to comply with the notice.
5. I noted on my visit that the flats were occupied and I remind Council of its powers in s.173A(1)(b) of the 1990 Act to extend any period of time for compliance with the notice if it should be necessary.
6. The appeal on ground (g) fails.

Conclusions

7. For the reasons given above I conclude that the appeal should not succeed and I shall uphold the enforcement notice.

Decision

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

Gloria McFarlane

Inspector