
Appeal Decision

Site visit made on 31 January 2018

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 05 February 2018

Appeal Ref: APP/G5750/C/17/3181341
8 Oakes Close, Beckton, London E6 5QG

- The appeal is made by Zydrunas Lukosiunas under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 17/00424/ENFC) issued by the Council of the London Borough of Newham on 28 July 2017.
 - The breach of planning control alleged in the notice is "the erection of a structure".
 - The requirements of the notice are to demolish the structure and to remove from the site all debris arising from its demolition.
 - The period for compliance with these requirements is one month.
 - The appeal is proceeding on the ground set out in section 174(2)(c).
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Decision

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

Reasons for the decision

2. The structure referred to in the notice is a timber canopy with a translucent roof. It has been attached to the rear wall of the house. The appeal has been made on ground (c) on the basis that there has been no breach of planning control because the structure is permitted development.
3. Usually, the erection of a structure that complied with the householder permitted development criteria would not require a specific planning permission, but in this part of Beckton all permitted development rights for further development were withdrawn when planning permission was given for the construction of the houses. This is the effect of Condition 10 imposed on planning permission N/81/11 granted by the London Docklands Development Corporation on 26 October 1981. The structure has been erected in breach of this condition and the appeal on ground (c) cannot therefore succeed.
4. As there has been no appeal on ground (a), I am not in a position to decide whether planning permission should be granted for the structure or whether Condition 10 should be discharged in this respect. Nor is it relevant to a planning appeal that the land ownership title to the house permits the erection of the structure. I have therefore decided to uphold the notice.

D.A.Hainsworth

INSPECTOR
