



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 17 May 2018

Appeal ref: APP/U5930/C/17/3181924

Land at 227 Hoe Street, London, E17 9PP

- 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 brought by Mahmood Ahmed against an enforcement notice issued by Waltham Forest London Borough Council.
- The notice was issued on 5 July 2017.
- The breach of planning control as alleged in the notice is "Without planning permission, 1) Construction of a rear roof dormer extension marked 'A' on the attached photograph 2) Construction of second floor rear extension marked 'B' on the attached photograph 3) Conversion of the premises into 5 unauthorised studios/flats".
- The requirements of the notice are as described in the annex to this decision.
- The period for compliance with the requirements of the notice is "a compliance period of six(6) months".
- The appeal is proceeding on the ground 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 is upheld but with variation.

Reasons for the decision

1. The reasons given by the appellant for requiring more time to comply with the notice is that the existing occupiers of the unauthorised dwellings have tenancy agreements which go beyond the compliance date. The last tenancy agreement expires on 27 July 2018 but the appellant requests the compliance period be extended until 13 September 2018 to allow time to carry out the works.
2. While I note the appellant's reasons for requesting more time to comply with the requirements of the notice, this has to be weighed against the stated harm caused by the unauthorised development on the occupants and the surrounding area. I am also mindful that some 9 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 15 months in which to comply with the requirements of the notice, which extends well beyond the date of 13 September 2018 that he desires. Therefore, I consider the 6 month compliance period to be both proportionate and reasonable and achieves an appropriate balance between the needs of the current occupiers to seek out alternative accommodation and the need to bring the harm caused by the unauthorised development to an end.

3. In these circumstances, I conclude there is no good reason to extend the compliance period further. The ground (g) appeal fails accordingly.
4. However, while I am dismissing the appeal, I note that the period for compliance in paragraph 6 of the notice merely states "a compliance period of 6 (six) months" without stating from when the period actually begins. Therefore, for the sake of clarity I shall vary this part of the notice to state "from the date this notice takes effect".

Formal decision

5. Under the powers of section 176(2)(a) of the amended 1990 Act, it is directed that the enforcement notice be varied under paragraph 6 "**Time for Compliance**", by adding the words "from the date this notice takes effect" after the words "6 (six) months". Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

K McEntee

Annex to decision

What You Are Required To Do

MATERIAL CHANGE OF USE

The unauthorised conversion

a) Cease the residential use of:

- 1) The studio/flat located on the first floor of the main building
- 2) The studio/flat located on the second floor of the main building
- 3) The studio/flat located in the rear roof dormer extension
- 4) The studio/flat located on the first floor of the rear outrigger
- 5) The studio/flat located on the second floor of the rear outrigger

b) Convert the property back to a single dwelling house by:

- i) Removing four of the five kitchens including cookers, washing machines, fridges, sink units, cupboards and kitchen associated paraphernalia that facilitates the use of the property as five studio/flat
- ii) Removing four of the five bathrooms including toilet, washing basins, showers/baths and all bathroom units that facilitates the use of the property as five studio/flat
- iii) Removing four of the five boilers/heating equipment, electric & gas meters and fixtures and fittings that facilitates the use of the property as five studio/flat

- iv) Removing all internal partitions & divisions that facilitate the use of the property as five studio/flat.
- c) Remove from the premises all resultant debris and paraphernalia as a result of the above requirements b) i,ii,iii,& iv.

OPERATIONAL DEVELOPMENT

The unauthorised rear roof dormer extension

- d) Demolish the rear roof dormer extension (marked 'A' on the attached photograph) and remove from the premises all resultant debris and paraphernalia.

The unauthorised third storey rear extension

- e) Demolish the second floor rear extension (marked 'B' on the attached photograph) and remove from the premises all resultant debris and paraphernalia.