
Appeal Decision

Site visit made on 22 October 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/Y5420/C/18/3213117

46 Rusper Road, London N22 6RA

- 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 Dr A Reddy against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 12 September 2018.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of single-storey rear ground floor extension.
 - The requirements of the notice are:
 1. *Demolish the single storey rear ground floor extension in its entirety;*
 2. *Remove from the land any debris resulting from carrying out step 1) above.*
 - The period for compliance with the requirements is three (3) months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

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

The Appeal on Ground (f)

2. An appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the requirements seek the demolition of the rear ground floor extension, in order to restore the land to its condition before the breach took place. Therefore, the purpose of the notice requirements is to remedy the breach of planning control.
3. For ground (f) to succeed it is necessary to show that the requirements are excessive to remedy the breach. In this case, the requirements are not excessive in their requirements and do not go beyond what is required to remedy the breach.
4. I understand that planning permission has been granted for an alternative form of extension to the rear of the property and the appellant suggests that the requirements could refer to that planning permission, reference HGY/2018/3449. My attention has been drawn to a further two applications, references HGY/2018/2654 and HGY/2018/2739, but both have been refused. Altering the development to reflect that granted planning permission would not

remedy the breach of planning control and, in any event, I understand the planning permission has now lapsed.

5. As a result, I conclude that the requirements of the notice do not exceed what is necessary in order to remedy the breach of planning control. As such, the appeal fails on ground (f).

The Appeal on Ground (g)

6. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed.
7. The appellant states that the period of three months would be sufficient to enable demolition of the extension, but not for a replacement extension. As the notice only requires demolition, a longer period would not be required to comply with it. I note the personal circumstances of the appellant, but these would not alter my conclusion in this regard.
8. For these reasons, I conclude that the appeal under ground (g) should fail.

Conclusion

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

AJ Steen

INSPECTOR