



Appeal Decision

Site visit made on 3 December 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/N5090/C/19/3228392

2 Cloister Gardens, Edgware HA8 9QL

- 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 Rabbi Yitzchak Schochet against an enforcement notice issued by the Council of the London Borough of Barnet.
 - The enforcement notice, numbered ENF/0646/18, was issued on 10 April 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the construction of a roof extension involving a rear dormer window and partial gabbling of the eastern roof slope.
 - The requirements of the notice are to demolish the roof extension involving a rear dormer window and partial gabbling of the eastern roof slope gabbling and restore land back to state in which it was prior to breach, as shown in plan 1.
 - The period for compliance with the requirements is four 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 ('the 1990 Act').
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Decision

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

Preliminary Matters

2. Neither party attended the scheduled site visit. However, I am satisfied that the views I was able to obtain from the public realm were sufficient to enable me to determine this appeal.
3. The appeal was originally made on ground (f) as well as ground (g), but the appeal on ground (f) was withdrawn by the appellant on 16 September 2019.

The appeal on ground (g)

4. The main issue in the appeal is whether the period specified in the notice in accordance with section 173(9) (that is, the period at the end of which any steps are required to have been taken) falls short of what should reasonably be allowed.
5. The appellant refers to continuing discussions with the Council and an intention to submit a planning application for an alternative scheme. A period of 8 months in which to comply with the requirements of the notice, to the extent that those requirements are not superseded by an alternative permission, is sought. It is suggested that this would result in only one set of building works which would be less intrusive to neighbours.

6. The notice suggests that the development is harmful to the character and appearance of the area, and with the appeal proceeding on ground (g) alone I must regard those planning objections as not in dispute. It is fair to assume that, since 16 September 2019 at the latest, the only purpose of the appeal has been to secure more time. The appellant's case is not countered by the Council, but no evidence of the likelihood of a successful planning application being made has been provided. It is not suggested that the stipulated period of 4 months is unreasonable on any basis other than to allow time for an amended scheme to be permitted and implemented. However, I cannot be satisfied, on the evidence currently before me, that any such scheme will come to fruition.
7. Therefore, I do not consider that the appellant has demonstrated that the period of 4 months specified in the notice falls short of what should reasonably be allowed, and accordingly I dismiss the appeal and uphold the notice.

Laura Renaudon

INSPECTOR