

Appeal Decision

Site visit made on 20 December 2019

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 7th January 2020

Appeal Ref: APP/U5930/C/19/3229556
36 Thorpe Road, London E7 9EB

- The appeal is made by Mohammed el Bachir under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 082272) issued by the Council of the London Borough of Waltham Forest on 25 April 2019.
 - The breach of planning control alleged in the notice is "Erection of a single storey rear extension on to an existing rear extension".
 - The requirements of the notice are as follows: -
 - "1) Demolish the single storey rear extension;
 - 2) Remove all resulting materials, rubble and general detritus from the Land following compliance with requirements 1."
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (g).
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Decision

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

Reasons for the decision

Ground (c) and the validity of the enforcement notice

2. The appeal, though made on ground (c), is actually an assertion that the enforcement notice is invalid, because it "has not defined the specific location of the operational development to which it objects within the land edged red" on the plan attached to the notice.
 3. It is correct that the location of the single-storey extension was not specified on the plan, since it only shows a red line around the boundaries of 36 Thorpe Road. This, however, was all that was required in order for the notice to comply with Regulation 4(c) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002, which states that a notice shall specify "the precise boundaries of the land to which the notice relates, whether by reference to a plan or otherwise". In this instance, "the land" is the whole of 36 Thorpe Road (as specified in paragraph 2 of the notice).
 4. Paragraph 3 of the notice states that the matter appearing to be the breach of planning control is the "Erection of a single storey rear extension on to an existing rear extension". It would have been more informative if the siting and dimensions of the additional extension had been explained in more detail, but there was as a matter of fact only one single-storey extension that matched
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the description given in paragraph 3 when the notice was issued. I do not consider that any recipient of the notice could have been in any reasonable doubt as to what the notice related to.

5. I have therefore decided that the notice is not invalid. Since it is not disputed that the single-storey extension to which it relates was in existence when the notice was issued or that its erection was a breach of planning control, the appeal cannot succeed on ground (c) either.

Ground (g)

6. The circumstances have changed since the appellant made his representations under ground (g), since by the time of my visit the single-storey extension to which the notice relates had been demolished, apart from a section of its roof. The three-month compliance period specified in the notice is a reasonable time to allow for the completion of the demolition work and site clearance. The appeal on ground (g) has therefore failed.

D.A.Hainsworth

INSPECTOR