



Appeal Decision

Site visit made on 30 June 2020

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/H5960/C/19/3237057

Land at 12A Roehampton High Street, London SW15 4HJ

- 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 Omprakash Arora against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The enforcement notice was issued on 11 July 2019.
 - The breach of planning control as alleged in the notice is without planning permission and within the past 4 years, the installation of a metal security shutter and housing box on the front façade of a ground floor shop within the Roehampton Village Conservation Area.
 - The requirements of the notice are:
 - a) Remove the shutter and housing box from the front façade of the subject building.
 - b) Make good any damage to the façade.
 - c) Remove and dispose of all material and debris arising from steps one and two above.
 - The period for compliance with the requirements is three (3) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
-

Decision

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

Ground (b)

2. For an appeal to be successful under this ground, the appellant must satisfy me on the balance of probabilities that the matters stated in the notice have not occurred.
3. The appellant states on the appeal form that he has put a shutter on the front of the shop and asks that it remain. The Council has provided a photograph of a metal security shutter and housing box on the front façade of the shop.
4. Therefore, I find that the matters stated in the notice have occurred. Accordingly, the appeal under ground (b) does not succeed.

Ground (f)

5. It is clear from the way that the notice requirements have been drafted that the Council is pursuing the purpose of remedying the breach of planning control resulting from the installation of a metal security shutter and housing box, rather than remedying injury to amenity. Therefore, for the appeal to be

successful under this ground I must be satisfied that the steps required exceed what is necessary to achieve that purpose.

6. As an appeal has lapsed under ground (a) I am unable to consider the appellant's arguments on the planning merits of the development. No lesser steps than required by the notice would achieve its purpose in restoring the appeal property to its condition before the breach took place. Therefore, the appeal under ground (f) fails.

Conclusion

7. For the reasons given above I consider that the appeal should not succeed.

Andrew Walker

INSPECTOR