



Appeal Decision

Site visit made on 22 July 2020

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 August 2020

Appeal Ref: APP/A5270/C/20/3244908

4 Bispham Road, Park Royal, London, NW10 7HB

- 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 Mr Ali Baker against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice, numbered EN190172CU, was issued on 16 December 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the premises to an office on part of the ground floor and rear outbuilding and a small HMO on part of the ground floor and first floor.
 - The requirements of the notice are 1. Cease the use of part of the ground floor and rear outbuilding as an office; 2. Remove one of the kitchens and its drainage connections from the ground floor; 3. Remove all furniture, fixtures, fittings, internal partitions, doors and locks that facilitate the use of part of the ground floor and rear outbuilding as an office; and 4. Remove all resultant debris.
 - The period for compliance with the requirements is 3 months.
 - 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. 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.
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Decision

1. The appeal is allowed on ground (f) and it is directed that the enforcement notice be varied by the deletion of the second requirement "*remove one of the kitchens and its drainage connections from the ground floor*". Subject to this variation the enforcement notice is upheld.

The Appeal on Ground (f)

2. The notice alleges the material change of use to an HMO and office, including the use of an outbuilding for office storage. However, although the reasons for issuing the notice include concerns as to the lack of indoor living space and outdoor amenity space for the occupiers of the HMO the requirements are only directed against the office use. Thus if the notice is fully complied with the HMO will remain and indeed will receive planning permission by virtue of s173(11). As I saw on my site visit the area occupied by the office extended at the rear into a conservatory like building which had a small kitchen and separate toilet and sink facility. The office use in the dwelling has ceased and has been turned into a sitting room whilst the kitchen has been retained and presumably is used as part of the HMO. The outbuilding is now used for storage of domestic items, again, presumably as part of the HMO use.

3. The first requirement is to cease the office use in the dwelling and the outbuilding and this has been complied with. The second requirement is to remove one of the downstairs kitchens. I agree with the appellant that as the notice is directed only against the office use there is no sense in removing the kitchen. I shall delete this requirement.
4. The third requirement is to remove all the features associated with the office use, which also would appear to have been complied with and the fourth is to remove any resulting debris, again this would seem to have been done.
5. I shall allow the appeal and delete the second requirement from the notice.

The Appeal on Ground (g)

6. As the notice, as varied above, would seem to have been complied with there is no need to extend the compliance period. The appeal on ground (g) fails.

Simon Hand

Inspector