



Appeal Decision

Site visit made on 4 July 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal Ref: APP/M5450/C/19/3241401

150 Kingshill Drive, Kenton, Harrow HA3 8QS

- 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 Mrs Nusrat Hamid against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 11 October 2019.
 - The breach of planning control as alleged in the notice is the construction of a single storey rear extension on the Land in the form of a canopy and the construction of a timber screening erected above the gate (the "Unauthorised Developments") at the Land.
 - The requirements of the notice are:
 - a. Demolish and permanently remove the Unauthorised Developments
 - b. Make good any damage caused to the dwellinghouse as a result of the above requirements and ensure that all materials used shall match those used in the existing building
 - c. Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is Two (2) calendar months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)[f] of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice upheld without variation.

Procedural Matters

2. The appellant submitted an application for a lawful development certificate (LDC) to the Council, reference P/3854/19, which the Council refused on 18 November 2019. Whilst reference is made to the LDC application within the appellant's submission, this appeal concerns the Council's issue of an enforcement notice and not its refusal of the LDC.

Ground (f)

3. An appeal on ground (f) is made on the basis 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. The Council describes the purpose of the notice 'to secure remedial works of the planning breaches and to safeguard the amenities of the occupiers of the Land and locality'.
4. It is clear that the purpose of the notice is to remedy the breach, since the requirements include the demolition of the unauthorised development. The

purpose of the notice therefore falls within S173(4)(a) of the Act. The appellant asserts that the requirements are excessive and that rather than demolishing and permanently removing the structure it could be modified and made to comply with planning policy.

5. I have been provided with plans to show how the development could be modified, which were also submitted to the Council in support of the LDC application. The LDC was refused by the Council on the basis that the proposed construction would be considered a veranda which does not benefit from permitted development rights and is therefore not within the tolerances of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
6. Although the LDC is not before me, I agree on the basis of the information provided, for the purposes of the ground (f) appeal, the amended scheme put forward would not be permitted development because it would include the provision of a veranda. Moreover, the appellant has not appealed on ground (a) and so general planning considerations cannot be considered and the notice cannot be varied to attack its substance.
7. The requirements fall within the purpose of S173(4)(a) of the 1990 Act and are not excessive. Accordingly, the appeal under ground (f) fails.

Conclusion

8. For the reasons given above I consider that the appeal should not succeed. I have upheld the enforcement notice.

M Savage

INSPECTOR