



Appeal Decision

Site visit made on 14 July 2020

by M Madge DipTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/W5780/C/19/3239866

Land 80 Norfolk Road, Seven Kings, Ilford, Essex IG3 8LH

- 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 Ajay Lal of LAL Properties (Norfolk Road) Ltd against an enforcement notice issued by the Council of the London Borough of Redbridge.
- The enforcement notice, numbered E0528/19, was issued on 8 October 2019.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of a single dwelling house into flats.
- The requirements of the notice are:
 - i) Cease the use of the property as three self-contained flats and revert the property into a single dwelling house.
 - ii) Remove all the partitions relative to the conversion into flats.
 - iii) Clear the land all building materials and rubble arising from compliance with the step (i) and (ii).
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(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.

Summary of Decision: The notice is upheld with corrections as set out in the formal decision below.

Preliminary matters

1. The appeal on ground (a) failed to be considered as the fee was not paid. The appeal is proceeding on ground (g) only.

The notice

2. For clarity, the allegation, at paragraph 3, is corrected by the deletion of the words "the change of use of the single family dwelling house into three flats" and the substitution of the following words "the material change of use from a single dwelling house to flats".
3. The requirements of the notice should not specify the number of flats and cannot require a previous use to be reinstated. Requirement (i) of paragraph 5, is corrected by: (1) the deletion of the word "three" and (2) the deletion of the words "and revert the property into a single dwelling house".
4. There is a typographical error in requirement (ii), this is corrected by the deletion of the word "from".

5. These corrections put the notice in order and do not widen the allegation of the breach. I am satisfied that no injustice would be caused to the appellant or the Council by these corrections.

Ground (g)

6. For an appeal on ground (g) to succeed, it must be shown that the compliance period specified in the notice falls short of what should reasonably be allowed.
7. The harms arising from the development include the loss of a large family home and the adverse impact on the living conditions of occupants and neighbouring properties, by reason of increased activity, noise and general disturbance. I have no evidence before me to dispute that these harms have occurred.
8. The appellant suggests that 6 months is too short as the works affect the internal structure of the building and the families living here are extremely happy with the property. Existing residents have young children and uprooting families in a significantly improved property is unethical and will cause high levels of stress for the moving parties. A period of 12 to 18 months is suggested as a reasonable period for compliance.
9. The flats are all occupied but I have not been provided with any tenancy agreements and as such have no evidence relating to the occupancy periods or tenancy termination periods that are applicable. I also have no evidence showing what internal works are necessary to comply with the requirements. I accept that compliance with the notice will result in residents having to vacate the premises. While I empathise with the stress and disruption to family life that will occur as a result, no substantive reasons have been given for extending the compliance period.
10. Furthermore, I acknowledge that, under Article 8 of the European Convention on Human Rights (ECHR), everyone has a right to respect for his private and family life. Upholding the enforcement notice will engage that right, as residents of the flats, including families with children, are at risk of losing their homes. However, this fact has been weighed against the wider public interest of protecting the environment from unacceptable forms of development. The objections to the development are serious and would be unreasonably prolonged by an extension to the compliance period. On balance I conclude that dismissal of the appeal would not have a disproportionate effect on the residents of the flats.
11. The appeal on ground (g) fails.

Decision

12. It is directed that the enforcement notice be corrected by:
 - (1) The deletion of the words "the change of use of the single family dwelling house into three flats" and the substitution of the words "the material change of use from a single dwelling house to flats" in paragraph 3.
 - (2) The deletion of requirement (i) and substitution of requirement "(i) Cease the use of the property as self-contained flats" in paragraph 5.
 - (3) The deletion of the word "from" in requirement (ii) of paragraph 5.

13. Subject to these corrections the appeal is dismissed, and the enforcement notice is upheld.

M Madge

INSPECTOR