



Appeal Decision

Site visit made on 13 October 2020

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/B5480/C/20/3245910

33 Carter Drive, Romford RM5 2PH

- 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 Ireneusz Drag against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 24 December 2019.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission the erection of a rear dormer.
 - The requirements of the notice are:
 1. To demolish the rear dormer; OR,
 2. Clad all sides of the rear dormer with tiles matching those of the roof of the host dwelling; AND
 3. Remove all building materials and debris from the site as a result of taking step 1, or 2 above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
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Decision

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

Procedural Matters

2. No appeal has been made on ground (a). Therefore, I cannot consider whether planning permission should be granted for the development alleged in the notice. The planning merits of the development are not relevant to this appeal.

The appeal on ground (b)

3. An appeal on ground (b) is made on the basis that the matters stated in the notice which may give rise to the breach of planning control have not occurred as a matter of fact. The onus of proof rests with the appellant.
4. The appellant accepts that a dormer has been erected at the property. The Council has provided a photograph of the dormer said to have been taken on 13 September 2019, prior to the issue of the notice. I saw from my site visit that the dormer window exists at the rear of the property. In the absence of evidence to the contrary, I am satisfied that the dormer existed at the date the notice was issued.
5. The appeal on ground (b) therefore fails.

Conclusion

6. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

J Whitfield

INSPECTOR