



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 January 2021

Appeal ref: APP/L5810/C/20/3260274

Land at 4 Ashdale Close, Twickenham, Middlesex, TW2 7BE

- 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 brought by Mr Robert Speirs against an enforcement notice issued by Richmond Upon Thames London Borough Council.
- The notice was issued on 26 August 2020.
- The breach of planning control as alleged in the notice is "Without planning permission and within the past 4 years, the unauthorised construction of a rear dormer extension at the Property".
- The requirements of the notice are: (a) Remove the unauthorised loft extension and return the property to its last lawful condition prior to the breach of planning control, or, (b) Alter the existing loft extension to comply with Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Development) (England) Order 2015 (as amended).
- The time period for compliance with the notice is: "within 4 months from the date this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's case is that he requires more time to comply with the requirements of the notice in order to find the necessary funds to carry out the required works as he is experiencing financial difficulties. He has therefore requested that the compliance period be extended to 12 – 18 months. While I have sympathy with the appellant's personal circumstances and in no way wish to appear dismissive, to extend the time for compliance to the period suggested would be tantamount to granting a temporary planning permission, which I have no powers to do on an appeal under ground (g). I note that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 8 months in which to comply with the notice. I consider this period to be reasonable and proportionate and provides an appropriate balance of the need for the appellant to obtain the necessary funds and the need for the harm caused by the unauthorised development to the surrounding area to be brought to an end. In these circumstances, I cannot be satisfied there is good reason to extend the compliance period further. The appeal on ground (g) fails accordingly.

2. However, should the appellant continue to experience any further genuine difficulties, it will be open to him to submit a request to the Council to use their powers under section 173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee