



Appeal Decision

by **Ken McEntee**

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

Decision date: 10 March 2021

Appeal ref: APP/X5990/C/20/3263115

Land at basement and ground floor, 16 Irving Street, London, WC2H 7AU

- 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 Charanjit Singh against an enforcement notice issued by the City of Westminster Council.
- The notice was issued on 20 October 2020.
- The breach of planning control as alleged in the notice is "Without the requisite planning permission and within the last 4 years the removal of a ground floor shopfront comprising a fully glazed fixed shop window with stallriser as shown outlined in blue in 'Photograph B' and outlined in blue in 'Elevation Drawing 2' attached, and the installation of new openable shopfront as shown outlined in red in 'Photograph A' and outlined in red in 'Elevation Drawing 1' attached".
- The requirements of the notice are: 1. Remove the openable shopfront as shown outlined in red in 'Photograph A' and outlined in red in 'Elevation Drawing 1' attached; 2. Reinstate a shopfront with a fully glazed fixed shop window and stallriser to match the materials, design and profile of the shopfront previously in situ as shown outlined in blue in 'Photograph B' and outlined in blue in 'Elevation Drawing 2', and; 3. Remedy any damage to the Property and remove all resulting debris caused by undertaking of Steps 1 and/or 2."
- The time period for compliance with the notice is: "**WITHIN 4 MONTHS OF THIS NOTICE TAKING 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 due to problems caused by the COVID-19 pandemic. He has suggested the compliance period be extended by a further 6 months. While I appreciate the difficulties caused by the current pandemic situation, I agree with the Council that the construction industry has been able to continue to operate with minimal disruption. I am also mindful 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 adequate for the appellant to arrange for the necessary works to be carried out in order to comply with the requirements of the notice. 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 experience any further genuine difficulties as a result of the COVID-19 pandemic, 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