



Appeal Decision

by Ken McEntee

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

Decision date: 8 July 2021

Appeal refs: APP/W4705/C/21/3270038 & APP/W4705/C/21/3270039 Land at 32 Oakfield Grove, Bradford, West Yorks, BD9 5HY

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Nasir Ahmed and Mrs Zahida Perween against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The notice was issued on 11 February 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the construction of 2 no. dormer window extensions in front roof plane as shown on the photographs annexed hereto".
- The requirements of the notice are: "(i) Demolish the 2 no. dormer window extensions in the front roof plane, reinstate the front roof plane of the building to its former appearance and remove all arising materials from the land **OR** (ii) Construct the front dormer window extensions to accord with the terms of planning permission 18/04618/HOU and approved drawing number P18005/04 Rev P3".
- The time period for compliance with the notice is: "Four calendar months".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appeals are made on the basis that the appellants require more time to comply with the requirements of the notice in order to await the outcome of a retrospective planning application. They request that the compliance period be extended to 30 September 2021. However, I note that the retrospective application was refused on 29 March 2021 and the appellants do not explain why they need the compliance period extended to 30 September 2021. I am also mindful that some 5 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 9 months in which to comply with the requirements of the notice, which surpasses the date requested. In these circumstances, there does not appear to be any good reason to extend the compliance period further. The appeals are dismissed accordingly.

Formal decision

2. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld.

K McEntee