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# Appeal Decision

by **Ken McEntee**

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

Decision date: 11 August 2021

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## **Appeal refs: APP/W4705/C/21/3272167 & APP/W4705/C/21/3272168 Land at 60 Moore Avenue, Bradford, West Yorkshire, BD6 3HU**

- 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 Sheraz Khan & Mrs Razwana Bibi against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The notice was issued on 25 March 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the construction of a dormer window extension on the rear roof plane, as shown on the photograph annexed hereto".
- The requirements of the notice are: "(i) Demolish the unauthorised rear window extension, reinstate the rear roof plane of the building to its former appearance and remove all arising materials from the land **OR** (ii) Replace the UPVC cladding on the front wall of the rear dormer window with material which is of a similar appearance to that used on the roof of the property".
- The time period for compliance with the notice is: "Three 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 but with variation.**

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### **Reasons for the decision**

1. The appellants contend that they need more time to comply with the requirements of the notice due to financial difficulties. They request that the compliance period be extended to 2 years. However, while I have sympathy with the appellants' personal circumstances, I cannot justify extending the compliance period by a further 2 years. Such a period would be tantamount to granting a temporary planning permission, which I have no powers to do as a ground (a) appeal has not been made. 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 carry out the required works. I consider this period to be reasonable and should allow time for the appellants' financial situation to improve in order to be in a position to employ a builder to carry out the necessary works. Therefore, I am not satisfied there is good reason to justify extending the compliance period further. The ground (g) appeals fail accordingly.
2. However, while I am dismissing the appeals, should the appellants experience any genuine difficulties, it will be open to them 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.

3. I note that the appellants refer to other properties in the area that have used the same materials and "obscene colours" and consequently believe they are being victimised. However, the planning merits of the unauthorised development or any neighbouring developments are not before me to consider on an appeal underground (g), which merely concerns the compliance period. If the appellants have concerns about the Council's conduct or their adopted procedures, it is open to them to make a complaint to the Council in line with their established complaints process and in accordance with local government accountability.
4. For the avoidance of any confusion, I shall amend the notice at paragraph 6 "TIME FOR COMPLIANCE" to stipulate from when the three-month compliance period begins.

### **Formal decision**

5. For the reasons given above, the appeals are dismissed and the enforcement notice is upheld, but varied at paragraph 6 "TIME FOR COMPLIANCE", by the addition of the words "after this notice takes effect" after "Three calendar months".

*K McEntee*