



Appeal Decisions

Inquiry Held on 16 and 17 November 2021

Site visit made on 17 November 2021

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal A: APP/T5150/C/20/3258127 137 Chatsworth Road, Brent, NW2 5QT

- 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 Saloria Investments Limited against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice, numbered E/20/0018, was issued on 17 July 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a new roof, rear dormer window and installation of a front roof light and the erection of a two storey side and rear extension, single storey rear extension and the building in the rear garden of the premises.
 - The requirements of the notice are:
 - STEP 1 Demolish the new roof, rear dormer window, front rooflight, the two storey side and rear extension, single storey rear extension and building in the rear garden of the premises.
 - STEP 2 Return the premises and roof to its original condition before the unauthorised development took place, as shown in the photograph attached to the notice.
 - STEP 3 Remove all associated debris, items and materials arising from that demolition and all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c) and (f) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
 - **Appeal A succeeds in part and permission for that part is granted, but otherwise Appeal A fails and the enforcement notice is upheld as corrected in the terms set out below in the Formal Decision.**
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Appeal B: APP/T5150/X/21/3274997 137 Chatsworth Road, Brent, NW2 5QT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Saloria Investments Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/0769, dated 3 March 2021, was refused by notice dated 28 April 2021.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is building works of erecting outbuilding to rear of garden of existing single dwellinghouse.
 - **Appeal B is dismissed.**
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Appeal C: APP/T5150/W/21/3281345
137 Chatsworth Road, Brent, NW2 5QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Saloria Investments Limited against the Council of the London Borough of Brent.
 - The application Ref 21/1575, is dated 29 April 2021.
 - The development proposed is retention of part single storey, part two storey rear extension, two storey side extension, roof extension with addition of rear dormer and one front rooflight to front roof slope and two to side roof slope of dwellinghouse.
 - **Appeal C is dismissed.**
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Decisions

Appeal A

1. It is directed that the enforcement notice be corrected: by the deletion of the words "the unauthorised development" and the substitution of the words "the unauthorised developments" in Schedule 2; and varied by: the deletion of the photograph attached to the enforcement notice and deletion of the words "as shown in the photograph attached to this notice" in Step 2 of Schedule 4. Subject to these corrections and variations Appeal A is allowed insofar as it relates to the outbuilding and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the erection of the building in the rear garden of the dwellinghouse at 137 Chatsworth Road, Brent, NW2 5QT.
2. Appeal A is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the dwellinghouse, and planning permission is refused in respect of the erection of a new roof, rear dormer window and the installation of a front roof light, and the erection of a two storey side and rear extension and single storey rear extension at the land on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

3. The appeal is dismissed.

Appeal C

4. The appeal is dismissed

Application for costs

5. At the Inquiry an application for costs was made by both parties. These applications are the subject of a separate Decision.

Preliminary Issue

6. Mr Wickes appeared at the Inquiry on behalf of the Council as both an advocate and as an expert witness. This is fairly commonplace in planning inquiries (which are governed by different procedural rules to the High Court) and did

not present any difficulties. Mr Wickes gave his evidence under affirmation and from the witness table so that it was clear when he was presenting his expert evidence.

The Notice

7. The appellant has challenged the legality of the notice on the basis that it is so defective on its face that it is without legal effect (and therefore a nullity). The appellant argues that the notice was so hopelessly unclear that it did not permit them to know what matters appear to the local planning authority to constitute a breach of planning control. They say that the notice makes no sense as it asserts that there has been a single breach of planning control and a single unauthorised development, which is incorrect as the notice also encompasses the separate outbuilding which was built before the works on the main dwellinghouse. In addition, the appellant argues that the notice should have alleged a breach of the condition requiring the development to be built in accordance with approved plans rather than the wider allegation of development without permission, and that the notice sought to 'over-enforce' as it required the dwellinghouse to be put back into a position which pre-dated the unauthorised development which was being alleged. They also argue that the notice is unclear as it did not specify what was actually wrong with the outbuilding, just that it did not comply with the requirements set out in the Town and Country Planning (General Permitted Development)(England) Order 2015 ("the GPDO").
8. The Council does not accept that the notice is a nullity but suggests that it can be corrected to refer to 'unauthorised developments' in the plural (rather than the singular 'unauthorised development') to take into account the separate outbuilding, and without causing injustice to the appellant (or anyone else). The Council's case at the inquiry was that the notice should be amended to refer to two breaches of planning control and that this would be consistent with the evidence submitted, and that Mr Vekaria clearly understood the allegation and that any such correction would not prejudice the appellant. Likewise the requirements of the notice could be corrected to refer to the Existing Plans and Elevations attached to the 2019 Permission rather than the photograph if it was felt that the photograph was inappropriate, again without causing any injustice.
9. Taking these arguments and the caselaw into account, I do not find that the notice was a nullity. The notice states the matters which appear to the Council to constitute the breaches of planning control. The definition of "unauthorised development", which encompasses two breaches within the same planning unit, does not make the notice so defective on its face that it is without legal effect, and indeed the appellant understood the allegation as they address the various elements in their case. However, it should be corrected as suggested by the Council to refer to "unauthorised developments" to provide clarity and this would not cause any injustice.
10. The notice also makes clear that the Council considers that the outbuilding does not comply with the requirement of the GPDO. As the appellant argues that the outbuilding was built in accordance with those requirements the lack of particularisation does not mean that the notice fails the legal test as being so hopelessly ambiguous or uncertain.¹ It is also within the Council's powers to

¹ Miller Mead v MHLG [1963] 2 WLR 225

allege the breach of planning control as the unauthorised development instead of a failure to comply with condition, and so this argument holds no weight.

11. I share the appellant's concerns about the requirement to return the premises to the condition as shown in the photograph attached to the notice as it is unclear when this photograph was taken and if it does in fact reflect the building immediately prior to the alleged breach. This issue can be resolved by varying the notice to remove the photograph and the reference to it in the requirements. The requirements would then remedy the breach by restoring the land to its condition before the breach took place in accordance with section 173(4) of the 1990 Act. I appreciate that there is a complex planning history in relation to the property but the appellant will be aware of what the property was like immediately prior to the alleged breach and this variation to the notice can be made without causing injustice.

Relevant Planning History

12. The site has had a busy and complicated planning history in recent years which is set out in detail in the appeal papers. The most important elements for the purposes of these appeals are:
- i) Prior Approval 17/3792 ("the 2018 Prior Approval") was granted on appeal on 18 April 2018 for the erection of single-storey rear extension with a pitched roof, not exceeding 4 metres height at the highest point and 3 metres at eaves in connection with the single dwelling house;
 - ii) Planning Permission 19/1887 ("the 2019 Permission") was granted on 13 August for the proposed demolition of garage and construction of part single storey, part two storey rear extension, two storey side extension, roof extension with addition of rear dormer and one front rooflight to front roof slope and two to side roof slope of dwellinghouse;
 - iii) An enforcement notice was issued on 17 July 2020 and is the subject of Appeal A;
 - iv) An application for a certificate of lawful development reference 21/0769 for the existing single storey outbuilding at the rear of the dwellinghouse was refused on 28 April 2021 and this decision is the subject of Appeal B; and
 - v) Planning application reference 21/1575 was made on 29 April 2021 for the retention of part single storey, part two storey rear extension, two storey side extension, roof extension with addition of rear dormer and one front rooflight to front roof slope and two to side roof slope of dwellinghouse. The failure of the Council to give notice within the prescribed timescales of a decision in relation to this application is the subject of Appeal C.

The appeal property and its surroundings

13. The appeal property is a two-storey semi-detached dwellinghouse which is part of a pair with No.139 and is located mid-way along a fairly wide street of similar types of houses but with a variety of designs. Most of the houses have off-street parking at the front and the appeal property has a fairly large garden to the rear which backs onto train lines and associated verge and vegetation.

An outbuilding has been constructed at the rear of the garden next to the boundary with the train lines.

14. Extensive works have been undertaken to both the appeal property and No.135 so that the gap between the two, which previously led to a shared garage building, has been filled in.

Appeals A and B

Appeal A - Section 174, grounds (b) and (c)

15. An appeal under ground (b) is on the basis that the matters stated in the notice have not occurred and under ground (c) that those matters (if they occurred) do not constitute a breach of planning control.
16. The appellant accepts that the works have occurred in that there has been the erection of a two storey side and rear extension, single storey rear extension and building in the rear garden of the premises. The appellant's case is that as a matter of fact the finished ridge height of the main roof has not increased and that the other works to the main roof, dwellinghouse and the outbuilding, did not constitute a breach of planning control as the works were either permitted pursuant to the 2019 Permission or the GPDO.
17. During the inquiry, the Council accepted that the finished ridge height of the main roof has not increased. However, the Council's case is that the ridge height was higher than the original during the construction, that the height of the planes on the main roof slopes had been raised due to the provision of the warm roof system and that the flat elements on the main roof and on the front of the extension were not permitted by the 2019 Permission or the GPDO. In addition, the Council argues that the outbuilding did not benefit from consent granted pursuant to the GPDO as it did not fall within the necessary height limitations.
18. The appellant does not dispute that these physical works had taken place but argues that they were lawful. It is therefore clear that the matters stated in the notice have occurred and the appeal on ground (b) cannot therefore succeed. However, it is necessary to consider the ground (c) appeal in more detail in relation to each element of the matters alleged in the notice.

The main roof

19. The parties agree that at a point during the construction of the replacement of the roof, the frame as built had a ridge which was higher than the original which it replaced. The appellant argues that the warm roof constructed was not part of the 2019 Permission but was permitted development under Schedule 2, Part 1, Class C 'any other alteration to the roof of a dwellinghouse', and that the main roof was altered before completion to construct a flattened area along the ridge to ensure that it was not higher than the original and that it met the requirements of the GPDO.
20. The 2019 Permission approved plans and drawings did not show the replacement roof as built and showed the roof light in the front plane of the main roof with the height of the roof unchanged. The eaves on the front and rear elevational drawings, whilst shown in little detail, are indicated at the same level and depth as the adjoining No.139 and unaltered from the existing roof at that time. It was therefore reasonable of the Council to consider, when

determining the 2019 Permission, that the main roof would not be altered in appearance other than to insert the front rooflight and rear dormer.

21. The Council argues that it should properly be considered under Class B as "the enlargement of a dwellinghouse consisting of an addition or alteration to its roof" as the increased volume of the roof caused by the raising of the planes of roof slopes taken with the new dormer and rooflight have enlarged of the dwellinghouse.
22. The photographs submitted during the course of the appeal show that the works to the main roof and side extension took place concurrently, and that the warm roof was constructed at the same time as the front roof light. The photographs also clearly show the main unfinished ridge height to be higher than No. 139 during the construction, presumably around the time of the email correspondence between Mr Rolt and Mr Vekaria in April and May 2020. The appellant's evidence is that the ridge was then flattened to reduce the height and that this occurred before the roof was complete so that it did not lose its permitted development rights under Class C. On the evidence submitted, I accept as a matter of fact that the main roof had not been completed before the ridge height was reduced and that any permitted development rights had not been lost because the ridge height was higher than the original height at some point during construction.
23. However, it is not right that the dormer and rooflight could be constructed through the benefit of an express permission and the rest of the roof is replaced at the same time but under Class C permitted development rights. The dormer and rooflight were granted express permission in the context of the roof shown on the plans which were part of the 2019 Permission i.e. the roof which looked the same as the one existing at the time of that permission with the apex ridge line and eaves at the same height and depth to the adjoining roof at No.139 but this is not what was built. The development to the roof is materially different and did not benefit from consent under the 2019 Permission.
24. The facts in this case are different from those in *R.(on the application of Watts) v SSETR*² as the works being considered here are all in relation to the main roof, were undertaken and completed at the same time, and did not include any prospective works. Any permitted development rights relied on in relation to the main roof need to include the dormer and rooflight which were constructed concurrently with the replacement of the roof and it is therefore Class B, regarding the enlargement of the dwellinghouse consisting of an alteration to its roof, which must be considered (and not Class C).
25. Development is not permitted under Class B where any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway³. The appellant has accepted that the plane of the slope on the front of the main roof facing Chatsworth Road (which clearly forms the principal elevation) has been raised, albeit by less than 150mm. The appellant cannot therefore rely on this permitted development right.

² [2002] EWHC 993 (Admin)

³ Class B.1 (c), Schedule 2, Part 1, GPDO

26. The works to the main roof did not benefit from express consent pursuant to the 2019 Permission or the GPDO, and the appeal on ground (c) cannot therefore succeed in relation to it.

The flat roof element of the side extension

27. It was accepted by the appellant during the inquiry that the flat roof element on the side extension as constructed is larger by a depth of 880mm than that shown on the approved plans with the 2019 Permission. I do not accept can it be considered de minimis and it was accepted by the parties that there was not an express permission or permitted development rights which provided consent for these works. The appeal under ground (c) in relation to this element does not succeed.

Appeals A & B - The outbuilding, Section 174, ground (c) and Section 195 appeal

28. The appellant's case in relation to the outbuilding in the rear garden is that is permitted development as it meets the requirements of Class E (Schedule 2, Part 1) of the GPDO.
29. The Council confirmed during the inquiry that its concern regarding the outbuilding was about its height and that it was considered to be outside of the permitted size limitations under Class E, and not whether it was incidental to the enjoyment of the dwellinghouse.
30. The measurement in contention between the parties was the height of the north-east corner of the outbuilding, and more specifically from where that measurement should be taken. Both parties referred to the Technical Guidance and McGaw v Welsh Ministers [2020] EWCA Civ 976, and agreed that the height measurement should be taken from ground level which is defined as "the surface of the ground immediately adjacent to the building in question" and that where the ground level is not uniform "the ground level is the highest part of the surface of the ground next to the building."⁴ However, the parties could not agree on where that point would be.
31. The appellant's case was that it was clear from looking at the adjoining land that the part of the garden at the back of the outbuilding had been excavated so that the measurement should be taken from slightly further away from the north-east corner at the 'original ground level' which was higher and which gave a height measurement of 2470mm. The Council's position was that the lowest part of the land immediately adjacent to the built rear wall of the outbuilding was at the original ground level and when measured from that point the height of the wall was 2670mm (which exceeds the permitted height of 2500mm under Class E of the GPDO).
32. During the site visit I looked closely at the rear north east corner of the outbuilding and also looked at the ground levels in the nearby vicinity, including on the opposite side of the boundary fence with the railway verge. It appeared from my observations that the ground level on the opposite side of the boundary fence was significantly lower than on the side of the appeal site. Whilst I have not been provided with measurements, it was evident from looking at the concrete pebble board at the bottom of the boundary fence that there was a lot more of it exposed on the railway side. That means that if the railway verge is to be considered as providing evidence of the original natural

⁴ Permitted Development Rights for Householders – Technical Guidance (MHCLG Sept 2019), page 6.

ground level (as was suggested by the appellant), it was in fact much closer in level to the point used by the Council to take their measurement (i.e. the railway verge was lower than the ground level immediately adjoining the other side of the boundary fence and more akin to the lower level abutting the outbuilding). In the absence of any evidence about the nature or extent of any excavation works I conclude that it is more likely that the original ground level was closer to the lower level immediately adjacent to the outbuilding as used by the Council in their measurement.

33. It is for the appellant to prove their case on the balance of probabilities when seeking an LDC, but they have not proven on balance that the ground level had changed in this case, and their evidence as presented is insufficient for me to accept their version of events when considered against the photographs submitted and my observations during the site visit.
34. The outbuilding does not fall within the limitations of Class E and does not therefore benefit from permitted development consent.

Conclusion on Section 174 Ground (c) and Section 195

35. For the reasons given above I conclude that the appeal on ground (c) does not succeed and the Council's refusal to grant a certificate of lawful use or development in respect of the outbuilding was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeals A and C

Ground (a), the application for planning permission deemed to have been made and the Section 78 Appeal

36. The main issue in the deemed application for planning permission and Appeal C is the effect of the development on the character and appearance of the host building and area.
37. The development must be considered overall but there are three parts which are different to that granted consent under the 2019 Permission (and which was deemed acceptable by the Council):
- i) The main roof – the development has a warm roof which resulted in the raising of the planes of the roof slopes and the eaves with deeper fascia boards. What was the apex of the ridge has been flattened to reduce the increased height resulting from these changes to ensure that the overall height does not exceed that of the original roof;
 - ii) The flat roof element of the side extension – this is larger than shown on the approved plans from the 2019 Permission; and
 - iii) The outbuilding was not included in the 2019 Permission.
38. The appellant's case is that the development is acceptable does not cause harm to the character and appearance of the host building or the area, and is not in conflict with policy. In the alternative, the appellant argues that any harm arising is outweighed by material considerations including the fallback position created by the previous permissions and permitted development rights.

Main Roof

39. The flattened part of the ridge described as constructed from glass reinforced plastic ('GRP') capping is evident from the front street, particularly from immediately opposite the appeal property and when approaching from the direction of 135. There are a variety of roof shapes, finishes and materials in the vicinity. Materials with a similar appearance to the GRP can be seen on other properties along the street, although the majority have more traditional ridge tiles which match in colour to the rest of the roof tiles. However, the flat element to the ridge is unusual, untraditional and discordant in this location, particularly when considered in the context of the other houses closest to it. It causes some harm to the appearance of the appeal property and area as it appears as though it was not intended or originally designed in that way, but the views of it are limited due to the height of the roof and perspective available from the street level.
40. The fascia on the eaves of the main roof is significantly deeper than the fascia on the adjacent properties and it is extremely prominent due to this increase and the use of a black, slightly shiny material. The material and its depth draw attention to the fact that the eaves have been raised which in turn emphasises the fact that the whole plane of the roof slope is at a higher level compared to No.139, and this is clearly evident when looking from the front street. The same is also true when looking at the back of the main roof but these views are much more limited as there is no public viewpoint, although it would be evident from the adjacent gardens. The same or similar material is used on the eaves of No.135 but those eaves are shallower and are therefore less noticeable. The changes to the main roof overall distort its character and cause harm to the appearance of No.137 and the area as they appear awkward and unsympathetic.

Flat roof element on side extension

41. It was accepted by the parties that the flat roof element was deeper than shown on the 2019 Permission by approximately 880 mm and the appellant's view was that this had occurred because the approved drawing reference 160301-21-P1 under the 2019 Permission was incorrect. However, the "As Built" plan 160301-58-P0 was also accepted to be incorrect in this respect by the parties and a new plan submitted by the appellant during the inquiry with the depth of the flat roof shown as 1480mm.
42. This flat roof is on the front corner of the house and is clearly visible from Chatsworth Road, both face on and obliquely in side profile when passing from the direction of No.135. Its overall depth is evident as well as the fact that it appears to be pitched forward, which is also not shown on the approved plans. In addition, it has a much wider black fascia, made from the same material as that used elsewhere on the front elevation (including the fascia to the main roof eaves), than that originally approved. This protrusive black fascia, used on both the front and side part of the flat roof element, is at least double the height of the already wide roof fascias and very noticeable when passing the development. The flat roof as built looks out of place and clumsy on the corner of the front elevation which causes harm to the character of the building.

The outbuilding

43. The outbuilding is located at the rear of the back garden and cannot be seen from the front street. The railway verge at the back is planted with trees and vegetation so that there are extremely limited views from the rear, although it can be clearly seen from the back windows of the adjacent properties.
44. The appellant's case is that the outbuilding will be used for a purpose ancillary to the main dwellinghouse and this is no longer disputed by the Council although other representations were received during the appeal expressing concerns that it would be used to provide additional primary residential accommodation. The outbuilding has large bi-fold doors facing south and windows on its south east corner only. It has electricity but no plumbing was evident during the site visit when it was being used for storage purposes, and it can only be accessed through the main dwellinghouse.
45. The application for planning permission deemed to have been made under Appeal A, and the description of the outbuilding under Appeal C are for a building in the rear of the premises at No.137 so that the grant of permission would not be for a separate residential use but for the operational development of the building. If any change of use of the outbuilding were to take place in the future, the Council would be able to consider whether to take enforcement action.
46. The outbuilding has a plain but attractive appearance which does not cause harm to the host property and has very little visual impact on the area. It respects the setting of the existing buildings in that it is a single storey building in the rear of the garden and does not overlook the adjoining properties or impinge on their living conditions. It does not therefore cause harm to the host property or the area and is not contrary to the development plan.

Material considerations

47. The complicated planning history of the property means that, also taking into account permitted development rights, there is a complex and extensive fallback position which is a material consideration in determining the planning merits of these appeals. However, as set out above, there are important differences between the 2019 permission and the "As Built" development (and the "Retention Permission" sought in Appeal C). The development must be considered as a whole because individual elements contribute overall to the acceptability of a scheme.
48. The appellant has accepted that there is an inaccuracy in the approved drawing in relation to the flat roof element on the extension which means that the 2019 Permission cannot be built out in accordance with its approved plans and so I give it little weight as a fallback position. Also taking into account the harm that I have found in the elements of the development as set out above, I give the various other fallback positions raised by the appellant little weight as they would not address this harm.
49. The improved energy efficiency provided by the warm roof is also a material consideration and the submitted EPC assessment provided by the appellant provides evidence that it is beneficial. However, there was no evidence to show that the only way to construct the warm roof would be to raise the plane of the roof slope as happened in this case. The Council suggested that an alternative approach would have been to start with lower eaves which would have allowed the additional space necessary without raising the overall roof

planes which the appellant's witness did not either confirm nor dispute. I therefore accord the energy efficiency benefit of the new roof some limited weight.

Conclusion on Section 174, ground (a) and the application for deemed permission, and Appeal C

50. The outbuilding as built is not in conflict with the development plan and should therefore be granted permission.
51. However, the development to the main dwellinghouse, which forms part of the deemed application for permission and for which Appeal C seeks permission, causes harm to the host property and area as set out above. It is in conflict with development plan policies including CP17 of the Brent Core Strategy 2010 and DMP1 of the Brent Development Management Policies which seek to protect and enhance the suburban character and appearance of the area. The development is therefore contrary to the development plan and in the absence of any material considerations of sufficient weight to overcome this conflict, I conclude that Appeals A and C in relation to the main dwellinghouse fail and permission is not granted.
52. For the reasons given above I conclude that Appeal A should succeed in part only and I will grant planning permission for the outbuilding but otherwise I will uphold the notice with corrections and refuse to grant the planning permission in respect of the dwellinghouse. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act. Appeal C also fails.

Ground (f)

53. The basis of an appeal on this ground is that the steps required exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any injury to amenity. The purpose of the notice here was to remedy the breach of planning control and as such section 173(4)(a) of the 1990 Act provides that the remedy is to make any development comply with the terms (including conditions and limitations) of any planning permission which has been granted or by restoring the land to its condition before the breach took place.
54. The error in respect to the approved plan on the 2019 Permission means that it would not be possible to require the dwellinghouse to be built in accordance with that permission as it stands. The other options put forward by the appellant as a fallback position are not sufficiently precise and detailed to be complete schemes to be considered as obvious alternatives under the grounds (a) and (f).
55. Whilst parts of the development would have been permitted under the GPDO or previous permissions the notice enforces against the entirety of the works to the dwellinghouse as one development. The requirements, which aim to return the premises and roof to its original condition before the unauthorised development, do not therefore exceed what is necessary to remedy the breach.

Zoë Franks

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Celina Colquhoun	Of Counsel
She called Lalji Vekaria Neil Osborn	Representing the Appellant Company DLP Planning

FOR BRENT BOROUGH COUNCIL:

Nigel Wickes	Enforcement Services
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DOCUMENTS

- 1 Written opening submissions from the Appellant
- 2 Written opening submissions from the Council
- 3 Statutory Review papers including statement of Tim Rolt
- 4 Plan and photographs with height measurements of outbuilding prepared by the parties following site visit on 12 November 2021
- 5 Drawing Register submitted by Appellant with LDC
- 6 Photographs provide by Mr Vekaria during course of the inquiry showing measurements of the flat roof element on the extension and the step down between the main roof and extension roof.
- 7 Larger scale extract from drawing 160301-58-P0 showing flat roof element with new measurements.
- 8 Larger scale copy of drawing 160301-2-P0
- 9 Written closing submissions from the Council
- 10 Written closing submissions from the Appellant
- 11 Written costs application from the Council
- 12 Written cost application from the Appellant