



Appeal Decision

Site visit made on 3 February 2022

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/H5960/C/21/3285292

17 Holden Street, LONDON, SW11 5UW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Miss Dominique Twumasi against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The notice was issued on 9 September 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission and within the last 4 years, the unauthorised removal of original 'conservation style' timber door with 4 panes and the installation of a solid timber door with 6 panes at the Property.
 - The requirements of the notice are:
 1. Remove the unauthorised front entrance door;
 2. Install a replacement door to match in facsimile the previous existing timber front door with 4 panes ('2-over-2' design); and
 3. Remove from the site all debris arising from compliance with steps 1 and 2 above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. As there is no ground (a) appeal I cannot grant planning permission for the unauthorised door or consider any planning merits in the case, including those set out on the appeal form relating to security, cost or whether a door proposed by the appellant matches others opposite. Planning merits may only be considered pursuant to ground (a), where that ground has been pleaded and any relevant fee paid for a deemed planning application.
3. The appellant considers the Council is being unclear. But I am satisfied that the notice is drafted so as to tell the recipients what they have done wrong, what they must do to remedy it and that all statutory requirements set out in section 173 of the 1990 Act and the associated regulations¹ are satisfied by the notice.

Reasons

4. An appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those

¹ The Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

- matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
5. Under section 173(4) of the 1990 Act, when serving an enforcement notice the Council may seek to (a) remedy the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedy any injury to amenity which has been caused by the breach.
 6. Based on the requirements of the notice, it is clear that the purpose of the notice is to remedy the breach, ie purpose (a), above. This is reflected by paragraph 2.6 of the Council's statement.
 7. I have carefully reviewed the comments provided by the appellant on their appeal form. But no lesser steps have been suggested by the appellant which would achieve the purpose of the notice, nor are there any lesser steps which are obvious.
 8. The appellant has proposed an alternative door to replace the door which is the subject of the notice. The alternative door is, in effect, an alternative scheme. But there is no evidence planning permission exists for this alternative door (which in any event the Council has indicated is not of an acceptable design). Bearing in mind the purpose of the notice, I cannot accept the appellant's proposal as part of the ground (f) appeal, nor can I grant planning permission for it.
 9. Whilst I sympathise with the appellant's predicament set out on the appeal form, all I can consider in this appeal is whether the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control.
 10. Taking all of the above points into account, the appeal on ground (f) fails.

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

L Perkins

INSPECTOR