



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 9 February 2022

Appeal ref: APP/C5690/C/21/3286163

Land at Flat 2, Algiers Road, London, SE13 7JE

- 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 Durmus Ergen against an enforcement notice issued by the London Borough of Lewisham.
- The notice was issued on 8 October 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the excavation of the land around and below the property at 2 Algiers Road, SE13 7JE".
- The requirement of the notice is: (1) Re-fill the ground beneath and around the property at 2 Algiers Road, London and reverse any and all other engineering and excavation works that have taken place".
- The time period for compliance with the notice is: "1 month after this notice takes 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 appellant contends that 1 month is too short a period to arrange for the re-filling of the ground beneath, the re-connection of utilities and obtaining building control approval. He therefore requests that the compliance period be extended to 8 weeks. However, I am mindful that some 3 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 4 months in which to carry out the required works and to obtain the necessary building control approval, which is some 6 weeks more than that requested. In these circumstances, there does not appear to be any good reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.

Formal decision

2. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee