



Appeal Decisions

Site visit made on 25 April 2022

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Refs: APP/L5810/C/20/3260138 & 3260139

First Floor Flat, 39 Morley Road, Twickenham, Middlesex TW1 2HG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended. The appeals are made by Mrs Karla Sawyer and Mr Luke Sawyer against an enforcement notice issued by Richmond Upon Thames London Borough Council.
- The enforcement notice was issued on 2 September 2020.
- The breach of planning control as alleged in the notice is failure to comply with (i) Condition U09114 of planning permission Ref: 06/0345/HOT that was granted by the Council on 4th April 2006 for the development of the Land comprising of a retrospective application for the retention of rear mansard at roof level, French doors and Juliette balcony ("the First Planning Permission") that requires the Juliet Balcony to be fitted and thereafter retained so that it is permanently fixed and incapable of being opened, preventing access to the terrace on the flat roof. (ii) Condition DV11 of planning permission Ref: 06/1613/HOT that was granted on 1st August 2006 for development of the Land comprising of a single storey rear extension ("the Second Planning Permission") that requires that the roof of the building shall not be used for any purpose other than as a means of escape in emergency or for maintenance of the building.
- The notice alleges that the conditions have not been complied with in that: The Juliette balcony has been removed and the roof of the rear ground floor extension is being used as a terrace.
- The requirements of the notice are to: 5.1 Cease the use of the roof of the rear ground floor extension as a terrace; 5.2 Remove from the roof any furniture, fixtures, fittings and chattels associated with its use as a terrace; 5.3 Install a permanently fixed Juliette balcony incapable of being opened as depicted in the attached drawing no. 01A of the First Planning Permission.
- The period for compliance with the requirements is: One calendar month.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

1. After writing to the appeal parties to bring to their attention irregularities with the enforcement notice, the Council decided to withdraw the notice. Consequently, no further action will be taken in connection with the appeals. In the light of this, the Local Planning Authority should consider reviewing the register kept under section 188 of the 1990 Act as amended.

Gareth Symons

INSPECTOR