



Appeal Decision

Site visit made on 8 November 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/Y5420/C/22/3294173

21 Wellington Avenue, London N15 6AS

- 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 Mr Erucham Raskin against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The enforcement notice was issued on 17 January 2022.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a first floor rear extension.
 - The requirements of the notice are:
 1. Remove the first floor extension in its entirety.
 2. Removal all resultant debris.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

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

The appeal on Ground (f)

2. The appeal on this ground 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 matters (i.e., the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
3. In this case, the purpose of the enforcement notice is to remedy the breach of planning control. This is clear from the requirements of the notice, which requires the removal of the first floor extension.
4. The appellant states that there are a lot of similar extensions in the South Tottenham Area, approved by the Council, and since it is at the rear of the property, the extension does not harm the character and appearance of the street. They also state that they are prepared to change the exterior of the extension to meet the Council's requirements rather than remove it which would result in a lot of wasted expense and affect their health. The appellant also states that they have recently applied for planning permission (retrospectively) to retain the rear extension.

5. However, the Council have advised that the planning application for the retention of the first floor rear extension was refused¹. Furthermore, since the fee was not paid for the ground (a) appeal within the prescribed timeframe, this lapsed, and the planning merits arguments put forward in the appellant's case can play no part in my decision.
6. The notice has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control and planning permission would still be required. I have considerable sympathy with the appellant's circumstances and can fully appreciate why he would wish to retain the development. However, there are no lesser steps drawn to my attention or any obvious alternative that would remedy the breach of planning control which is the purpose of the notice.
7. On this basis, the Ground (f) appeal fails.

Conclusion

8. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR

¹ Council ref: 2022/0737.