



Appeal Decision

Site visit made on 10 November 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Y5420/C/21/3266607
179 Boundary Road, London N22 6AL

- 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 Mrs Lulu F Ullah against an enforcement notice issued by the Council of the London Borough of Haringey.
- The enforcement notice was issued on 2 December 2020.
- The breach of planning control as alleged in the notice is the erection of a rear verandah.
- The requirements of the notice are:
 - 1) Demolish the rear verandah in its entirety;
 - 2) Remove from the land any debris resulting from carrying out step 1) above.
- The period for compliance with the requirements is one (1) month.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (d) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

1. The appellant has asked whether or not an appeal on ground (a) would be applicable in this case and would prove favourable to her. It is not for me to advise the appellant on such matters and, in any case, no fee has been paid. Therefore, this decision shall determine the appeal on grounds (c) and (d) as identified on the appeal form dated 10 January 2021.

The appeal on ground (c)

2. The ground of appeal is that the matter alleged in the enforcement notice does not constitute a breach of planning control. The erection of a verandah comprises operational development within the meaning of s55 of the Act for which, s57 indicates, planning permission is required. The development does not comprise permitted development for which planning permission was granted by way of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) because it is specifically excluded. Under Schedule 2, Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse) development is not permitted if it would consist of or include the construction of a verandah, balcony or raised platform.
3. Furthermore, Permitted development rights for householders – Technical Guidance defines a verandah as a gallery, platform, or balcony, usually roofed and often partly enclosed, extending along the outside of a building at ground

level. The development the subject of the Enforcement Notice falls within this definition.

4. In addition, the verandah has a single storey and extends beyond the rear wall of the original semi-detached dwellinghouse by more than 3 metres. The appellant argues that the verandah is no more than 3 metres in depth and in any event is no more than 6 metres. However, the depth should be measured from the rear elevation of the original dwellinghouse and not the established ground floor rear extension. That being the case, the development exceeds the 3 metre limit. In addition, the extension to a dwellinghouse by a depth of 6 metres or more requires a prior approval which cannot be applied retrospectively.
5. The plastic sheeting roof and exposed timber frame do not comply with the requirement set out in Class A for the materials used in the construction of the exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. For the above reasons the appeal on ground (c) cannot succeed.

The appeal on ground (d)

6. The ground of appeal is that at the date when the enforcement notice was issued, no enforcement action could be taken. In order to succeed on this ground it would be necessary to show that the verandah had been substantially completed four years before the Enforcement Notice was issued. The material date is therefore 2 December 2016.
7. The appellant argues that the patio area and walls were pre-existing since 2011, but they are not targeted by the Notice. In addition, the Council has submitted photographic evidence that on 17 September 2020 the verandah was not in place. Consequently, I conclude that the appeal on ground (d) must fail.

Other Matters

8. I have taken account of the appellant's account of the planning history of the site and the dispute with the occupant of a neighbouring property. Whilst I am sympathetic to the circumstances relating to the erection of the verandah, these factors are not directly relevant to the grounds of appeal on which I am determining this appeal.

Conclusion

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

Formal Decision

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

A A Phillips

INSPECTOR