



Appeal Decision

by Ken McEntee

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

Decision date: 22 November 2022

Appeal ref: APP/R5510/C/22/3300626

Land at 17 Oakleigh Road, Uxbridge, UB10 9EL.

- 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 D Collison against an enforcement notice issued by the London Borough of Hillingdon.
- The notice was issued on 28 April 2022.
- The breach of planning control as alleged in the notice is "Without planning permission the erection of a roof dormer extension (hatched in green) to the rear of the property ("the breach")".
- The requirements of the notice are: "(i) Demolish the roof dormer extension situated to the rear of the property, in the approximate position shown hatched in green on the attached plan, and return to pre-existing condition. (ii) Remove from the land all the debris, items, fixtures and fittings, building materials, plant and machinery resulting from the works listed above".
- The time period for compliance with the notice is "**Three (3) Months** 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 requests that the compliance period be extended to 12 months to allow time to go through the eviction process of the top floor room, particularly if they are not compliant, and to then to arrange for a suitable contractor to carry out the works. However, I am mindful that some 5 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 8 months in which to go through the eviction process and to arrange for a contractor to carry out the necessary works to comply with the requirements of the notice. I consider this period to be reasonable and proportionate, and I am not satisfied there is good reason to extend the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties in meeting the compliance deadline, it will be open to him to submit a further request to the Council to use their powers under section 173(a)(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so

Formal decision

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

K McEntee