



Appeal Decision

by Ken McEntee

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

Decision date: 24 November 2022

Appeal ref: APP/Y5420/C/22/3301664 & Y5420/C/22/3301665
Land at 12 Kevelioc Road, London, N17 7PR.

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Jesus Moneva and Mrs Maria Moneva against an enforcement notice issued by the London Borough of Haringey.
- The notice was issued on 23 May 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the installation of UPVC windows to the front elevation at ground floor and first floor level".
- The requirements of the notice are: "1. Remove the unauthorised UPVC windows to the front of the property at ground and first floor level. 2. Removal all resultant debris from carrying out step (1) above".
- The time period for compliance with the notice is "Three (3) month(s) 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 appeals are dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellants request that the compliance period be extended for 18 and 24 months as they contend they will have difficulty carrying out the required works within the current deadline due to financial constraints. However, while I sympathise with the appellants' situation, I am mindful that some 5 months have elapsed since the appeals were submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 8 months for their financial situation to improve and 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. I certainly cannot justify extending the period for 18-24 months as this would be tantamount to a temporary planning permission, which could only be granted under a ground (a) appeal, which is not before me to consider. The ground (g) appeals fail accordingly.
2. However, while I am dismissing the appeals, and as the Council point out, should the appellants experience any genuine difficulties in meeting the compliance deadline, it will be open to them 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 appeals are dismissed and the enforcement notice is upheld without variation.

K McEntee