



Appeal Decision

Site visit made on 7 August 2023

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2023

Appeal Ref: APP/M5450/C/21/3289446

218 Kenton Lane, Harrow HA3 8RW

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended.
- The appeal is made by Mr Alireza Jalalialiabadi against an enforcement notice issued by the Council of the London Borough of Harrow.
- The notice was issued on 8 November 2021.
- The breach of planning control as alleged in the notice is without planning permission:
 1. The unauthorised construction of single and two storey side extension and single storey rear extension. ("the Unauthorised Extension"); and
 2. The unauthorised construction of a hip to gable and rear dormer roof extension ("the Unauthorised Loft Conversion") together referred to as "the Unauthorised Development".
- The requirements of the notice are to:
 - 1) Demolish the unauthorised development; or
 - 2) Demolish the unauthorised loft conversion; and alter the unauthorised extension in accordance with the approved drawing for planning application reference P/2036/18.
 - 3) Make good any damage caused to the building as a result of the above step and ensure that all materials used shall match those used in the existing building.
 - 4) Remove from the land all materials and debris arising from compliance with the aforementioned requirements of the notice.
- The period for compliance with the requirements is six (6) calendar months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990, as amended.

Decision

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

The appeal on ground (g)

2. The ground of appeal is that the time specified for compliance with the requirements of the notice falls short of what should reasonably be allowed.
3. My task in relation to this ground of appeal is to balance the public interest in securing expeditious compliance with the requirements of the enforcement notice against the private interests bound up in the unauthorised development. In doing so, I acknowledge that the unauthorised development is causing significant harm to the character and appearance of the host dwelling and the surrounding area. This is evident from the representations received from neighbouring residents and from the findings of the Inspector in relation to the previous appeal¹ which sought to retain the development. It is, therefore, in the public interest to remedy the breach of planning control as soon as reasonably possible and without delay.

¹ Appeal Reference: APP/M5450/D/21/3275377

4. The appellant contends that the six month compliance period is too short to enable them to find alternative family accommodation to move to while the required works are carried out. They highlight cost and a shortage of nearby accommodation as factors that would make it difficult for them to comply with the specified six month period. Nor do they consider this to be sufficient time to engage contractors, including a structural engineer, and source building materials. The enduring effects of the Covid-19 pandemic are also cited as having an effect on the cost and availability of building materials and builders. For these reasons, they are seeking to extend the compliance period to 12 months.
5. Nevertheless, no evidence has been submitted to substantiate these claims. I accept that the works required to comply with the requirements of the notice are likely to be disruptive, but it has not been demonstrated that the property would have to be vacated during the works.
6. Furthermore, the appeal is pursued solely in relation to ground (g), seeking a longer period for compliance. The appellant, therefore, accepts that the requirements of the notice will need to be satisfied regardless of the outcome of this appeal. In this regard, I note that the appeal was submitted in December 2021, therefore the appellant has already had a period of at least 20 months to overcome the difficulties they claim, and to comply with the requirements of the notice.
7. Extending the compliance period to 12 months, as suggested, would unduly perpetuate the breach of planning control and the associated harm. Therefore, in weighing the balance between public and private interests, I consider that the public interest of expeditious compliance with the requirements of the enforcement notice outweighs the private interest in extending the period for compliance.
8. Consequently, in my view, a six month period of compliance is a proportionate response to the breach of planning control, taking into account the extent of the development, its harmful effects, and the requirements of the notice.
9. Therefore, the appeal on ground (g) fails.

Conclusion

10. For the reasons given above, I conclude that the period for compliance with the requirements of the notice does not fall short of what should reasonably be allowed. Therefore, the appeal is dismissed and the enforcement notice is upheld.

J M Tweddle

INSPECTOR