



Appeal Decision

Site visit made on 14 November 2023

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/M5450/C/23/3318085

91, 91A and 91 B High Street, Wealdstone, Harrow HA3 5DL

- 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 Cengiz Erpolat against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The enforcement notice was issued on 9 February 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised construction of a side to rear dormer on the land ("Unauthorised Development").
 - The requirements of the notice are:
 - 5.1 Demolish the Unauthorised Development and revert back to the pre-existing elevation plans with reference AE202 submitted with the planning application reference P/4246/19 and attached at Appendix 1.
 - 5.2 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.
 - 5.3 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 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (g) 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. It is directed that the enforcement notice be:
 - varied by deleting the words "Six (6) calendar months" within section 6 (Time for Compliance) and its replacement with "eleven (11) months".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. There were originally two duplicate cases for this appeal¹, which have since been closed. Therefore, no further action is required in relation to those.

¹ Appeal refs: APP/M5450/C/23/3318086, APP/M5450/C/23/3318087

The appeal on Ground (g)

4. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 6 months in order to provide sufficient time to re-home current vulnerable occupiers and carry out the remedial works, preferably during the warmer summer months.
5. I acknowledge that the occupiers need to vacate the premises in order to carry out the requirements of the notice. I therefore consider that in the particular circumstances of this case, a 11 months compliance period is proportionate and reasonable. I shall therefore vary the period for compliance prior to upholding the notice to 11 months.
6. To this extent, the ground (g) appeal succeeds and I will vary the notice accordingly.

Conclusion

7. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

R Satheesan

INSPECTOR