



Appeal Decision

Site visit made on 26 September 2023

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/T5150/C/22/3305809

65 Amery Road, Harrow HA1 3UH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Rohit Berry against an enforcement notice issued by London Borough of Brent.
 - The notice was issued on 25 July 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a part two storey, part single storey rear and two storey side extensions to the premises.
 - The requirements of the notice are to:
 - Step 1 - Demolish the part two storey, part single storey rear and two storey side extensions to the premises.
 - Step 2 - Remove all debris and items, arising from this demolition, and remove all materials associated with the unauthorised development from the premises.
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice is varied by:
 - The deletion of 6 months from Schedule 5 and substitution therefor of 9 months as the time for compliance.
2. Subject to the variation, the enforcement notice is upheld.

Ground (f)

3. This ground of appeal is that the requirements of the notice are excessive and that lesser steps would overcome the objections. The enforcement notice seeks the removal of the entirety of the extensions and as such the purpose is clearly to remedy the breach, as stated in Schedule 4 of the notice.
4. The appellant suggests that any harm in respect of the use of materials of the extensions can be overcome by rendering the extension in brick slips to match the existing dwelling. However, this would not remedy the entire breach of planning control, as the notice requires.
5. The appellant contends that no material harm is caused by the flat roof profile of the extensions. However, this is a matter relating to the planning merits of the development and in the absence of a ground (a) appeal, not something which I am able to consider.
6. In the absence of any lesser steps being put before me that would remedy the breach of planning control, the appeal on ground (f) fails.

Ground (g)

7. The ground of appeal is that the time given to comply with the notice is too short. The notice requires the removal of all the extensions and the clearance of all debris from the site within six months.
8. The appellant states that due to the scale of the works, in that shoring up works and extensive demolition will be required, 12 months is necessary to undertake this work. An additional 6 months is also requested to allow for discussion with the Council in respect of securing an amended scheme of development.
9. I am mindful of the rights of the appellant in respect of the Human Rights Act 1998, particularly regarding respect for family and private life, as well as to the Public Sector Equality Duty. I accept that to undertake the removal of the extensions may involve extensive works to the dwelling, which also may involve remedial works to the structure. However, I see no reason the appellant would not be able to negotiate with the Council while at the same time undertaking at least some of the physical works to remove the unauthorised development. I find that 6 months does fall somewhat short of what is reasonable, however the requested 18 months would be far in excess of a reasonable timescale.
10. I shall extend the period to nine months, which in my view strikes an appropriate balance between the rights and needs of the appellant, and the legitimate aim of remedying the breach of planning control.
11. Accordingly, the appeal on ground (g) succeeds to this extent.

Conclusion

12. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it.

Martin Allen

INSPECTOR