



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/22/3304646

44 Kingsbury Road, London NW9 0RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mrs Shqipe Kurti against an enforcement notice issued by London Borough of Brent.
 - The notice was issued on 30 June 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a tiled roof over the existing single storey side extension to the front of the premises, and the erection of a new single storey side extension.
 - The requirements of the notice are to:
 - Step 1 - Remove the tiled roof over the existing single storey side extension to the front of the premises, and restore with a flat roof as it was before the unauthorised development took place. Ensuring that the flat roof consists of the same materials that were previously used for the flat roof.
 - Step 2 - Demolish the new single storey side extension as shown in the approximate location hatch in black in the attached Plan A to this notice.
 - Step 3 - Remove all items, materials and debris from the premises and restore the premises back to the condition it was before the unauthorised development took place.
 - The period for compliance with the requirements is: 3 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.
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Decision

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

Ground (f)

2. 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 works and extensions and as such the purpose is clearly to remedy the breach. This is confirmed within Schedule 4 of the notice.
3. The appellant states that alternative schemes are being pursued, and that new planning applications will be submitted with alternative roof forms. Details of two schemes have been provided and it is stated that one of these alternate schemes has now received planning permission from the Council. It is requested that the notice should be varied to require compliance with this approved alternative scheme.
4. However, as I have set out, the purpose of the notice is to remedy the breach of planning control. Requiring that works be undertaken to accord with an approved scheme would only remedy an injury to amenity; it would not result in the remedy of the breach. As such, while the existence of an approved

scheme is noted, the breach can only be remedied by the removal of the extensions.

5. As such, the appeal on ground (f) fails.

Ground (g)

6. The ground of appeal is that the time given to comply with the notice is too short. The appellant states that additional time is required to allow an alternative scheme to be pursued. However, I am conscious that this has now been done and that planning permission exists for a revised scheme of extensions to the dwelling. As such, the period of three months to comply with the notice is a reasonable and proportionate period.

7. The appeal on ground (g) therefore fails.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Martin Allen

INSPECTOR