



Appeal Decision

Site visit made on 17 October 2023

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 December 2023

Appeal Ref: APP/N4720/C/22/3312650

116 Fountain Street, Morley, LEEDS, LS27 0PX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ryan Anthony Properties Ltd against an enforcement notice issued by Leeds City Council.
 - The notice, numbered 21/00250/UHD2, was issued on 9 November 2022.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a dormer roof extension to the front of the property.
 - The requirements of the notice are to: Dismantle the unauthorised dormer roof extension, remove the materials used in its construction from the land, and make good the parts of the dwellinghouse to which the dormer roof extension was attached by reinstating the roof with slates to match those existing.
 - The period for compliance with the requirements is 4 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. It is directed that the enforcement notice is varied by the deletion of 4 months and the substitution of 6 months as the period for compliance. Subject to the variation, the enforcement notice is upheld.

Ground (f)

2. An appeal on this ground is on the basis that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control constituted by the matters stated in the notice.
3. The appellant's case is that a more sympathetic dormer window installation would remedy the identified harm and that they hoped to have secured a permission for such a dormer window to be considered under ground (f).
4. The Council declined to determine application reference 23/00478/FU pursuant to Section 70A of the 1990 Act because it was similar to previously refused schemes (application references 21/06925/FU and 22/01717/FU). I am not aware that this decision has been legally challenged.
5. In any event, there is no appeal under ground (a) or a deemed planning application in this matter and it is not therefore possible to consider the planning merits of the development. The purpose of the enforcement notice was to remedy the breach of planning control and the requirements do not therefore exceed what is necessary. The appeal under ground (f) therefore fails.

Ground (g)

6. The appellant seeks an extension of the time to comply with the notice to 6 months, in order to allow existing tenants to find alternative accommodation. As the appellant in an appeal is entitled to assume success on any ground pleaded, I find it reasonable in all of the circumstances to vary the time for compliance to 6 months.

Zoë Franks

INSPECTOR