



Appeal Decision

Site visit made on 12 December 2023

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2024

Appeal Ref: APP/U5360/C/23/3324884

181 Lower Clapton Road, Hackney, London E5 8EQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Miss Karis Theophane against an enforcement notice issued by London Borough of Hackney.
 - The notice was issued on 23 May 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of a new shopfront and external security roller shutter.
 - The requirements of the notice are to:
 - 1 Remove the external security shutter;
 - 2 Remove the unauthorised shopfront and reinstate the shopfront design in situ prior to the unauthorised works taking place;
 - 3 Make good all damage to the property resulting from the removal of the unauthorised works as listed above; and
 - 4 Upon completion of the above steps, remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) 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.

Preliminary Matters

2. I carried out an unaccompanied site visit and the security shutter was in the closed position. I could not see the shopfront behind. The grounds of appeal do not include an appeal on ground (a) and a fee was not paid for the deemed planning application. I cannot therefore take into account the need for the shutter or compare it with surrounding developments as they are issues related to the planning merits which I cannot consider given the pleaded ground.

The Appeal on ground (f)

3. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The purposes for enforcement notices are set out in s173(4)(a) and (b) of the Act. The Council has confirmed that their intention with the notice is to seek the restoration of the land to its condition before the breach took place, which relates to s173(4)(a).
4. The appeal property is within a commercial frontage. At street level, the premises include a fascia sign above the metal roller shutter that I saw covering most of the shop-front. There is a metal box above the shutter and below the fascia which seems to be the housing for the shutter when it is

opened. There is also a pedestrian door to the side which seems to be unrelated to the allegation.

5. The first 2 requirements of the notice seek to remove the security shutter and reinstate the shopfront design in situ prior to that being installed. The other 2 requirements relate to making good any damage and removing materials which result from the first 2. I have no evidence that these requirements go any further than is necessary to undo what was done when the breach of planning control was undertaken.
6. The appellant has not suggested that they misunderstood the extent of what is required by the notice. They do not dispute that the entire installation required planning permission. I am not informed of any obvious alternative to removing the shutter and reinstating the front of the building to its previous condition, such as an existing planning permission for the development or anything similar to it.
7. In these circumstances, given the above the appeal on ground (f) must fail.

Conclusion

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

Andy Harwood

INSPECTOR