



Appeal Decision

by Gareth Symons BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/T5150/C/23/3317835

85 Goldsmith Lane, London NW9 9AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by K F Properties London LLP against an enforcement notice issued by London Borough of Brent.
 - The notice was issued on 15 February 2023.
 - The breach of planning control as alleged in the notice is: The installation of new windows to the front of the premises.
 - The requirements of the notice are: 1. Remove the windows to the front of the premises; 2. Remove all debris and items, arising from the removal, and 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 ground set out in section 174(2)(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 (EN) is upheld.

Procedural Matter

2. Given that the appeal is proceeding under ground (g) only and there are no matters of planning merit for consideration, there was no need to see the windows. Neither appeal party has been prejudiced by me not doing a site visit.

Reasons

3. I have not been made aware of any attempts by the appellant to seek agreement with the Council to resolve the breach of planning control that could necessitate extending the compliance period. Nor is there any information to substantiate why the process of liaison between the freeholder and the leaseholder could necessarily interfere with and unduly delay rectifying the situation. To my mind, the works of removing the windows and taking the resulting debris and materials away would be relatively straightforward and capable of being carried out in the six months compliance period.
4. Moreover, the appeal was submitted in March 2023 and there are no other grounds of appeal where potential success could have led to the EN being quashed or varied. The appellant therefore knew that the only outcomes of the appeal would have been a variation to the EN from a six-month compliance period to the requested nine months, or no variation to the compliance period. It is therefore not unreasonable for me to conclude that the time from the appeal being made to now could have been used to reach agreements to ensure that the works could be carried out in the timescale specified in the EN.
5. All in all, six months does not fall short of what should be reasonably allowed. Thus, the ground (g) appeal also fails.

Conclusion

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

Gareth Symons

INSPECTOR