



Appeal Decision

Site visit made on 8 January 2024

by B S Rogers BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/J4423/C/23/3325258

264 Darnall Road, SHEFFIELD, S9 5AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Mohammad Naseem Shahid against an enforcement notice issued by Sheffield City Council.
 - The notice was issued on 6 June 2023.
 - The breach of planning control as alleged in the notice is the erection of two front dormer extensions, the provision of a vehicular gate and the increase in height of the wall between the front amenity area and the driveway.
 - The requirements of the notice are: (i) demolish and remove the front dormer extensions and thereafter make good the roof with materials to match the existing roof materials; (ii) remove the vehicular gate (located to the front boundary) from the land; (iii) either remove the wall between the front amenity area and the side driveway from the land or reduce the height of the wall to its previous height being not greater than 1.2 metres measured from adjacent ground level; (iv) remove from the land any materials arising from performance of paragraphs 5(i), (ii) and (iii).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in sections 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

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

The appeal on ground (f)

2. Ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
3. The appellant's case on ground (f) appears to relate solely to the two front dormers. It is clear from the requirements of the notice that the purpose of the notice is to remedy the breach of planning control, as per s173(4)(a) of the Act. Accordingly, the requirement to remove the two dormers and to reinstate the front roof slope to its condition prior to the taking place of the development does not exceed what is needed to remedy the breach of planning control.
4. In his representations, the appellant has included drawings of front dormers of a reduced scale, which he submits should be acceptable in the local context. However, he chose not to pursue his original ground (a) appeal and, in the

absence of this ground, the courts¹ have held that the planning merits may not be considered by way of ground (f) alone.

5. I also note that there is no fall-back position available to the appellant under permitted development rights, which might permit a lesser scheme to be considered.
6. I conclude that the appeal on ground (f) must fail.

The appeal on ground (g)

7. The stipulated period of 6 months appears to be ample time for the carrying out of the requirements of the notice. The appellant has not provided any evidence that such a period is unreasonably short.
8. I conclude that the appeal on ground (g) fails.

B S Rogers

INSPECTOR

¹ Wyatt Brothers (Oxford) Ltd v SSETR & Oxfordshire CC [2001] PLCR 161