



Appeal Decision

Site visit made on 15 January 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Ref: APP/C5690/C/23/3317255

Land at Unit 1 (being the ground floor commercial unit), Isabella Apartments, 102 Granville Park, London, SE13 7DU including land to the north of the building, as shown outlined and hatched in black on the attached plan

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Evrim Yilmaz against an enforcement notice issued by the Council of the London Borough of Lewisham.
 - The enforcement notice was issued on 15 February 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of an extraction system; including ducts, flues, extraction units, and supports.
 - The requirements of the notice are:
 - (1). Remove the extraction system (including ducts, flues, extraction units, and any supporting structure) in its entirety; AND
 - (2). Make good all damage resulting from the compliance with the requirements of step (1); AND
 - (3) Remove all materials, debris, waste and equipment resulting from compliance with Steps (1) and (2) of this notice from the land.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (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 as amended have lapsed.
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Decision

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

Application for costs

2. An application for costs was made by the London Borough of Lewisham against Ms Evrim Yilmaz. This application is the subject of a separate Decision.

The appeal on Ground (g)

3. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The appellant asks that the time for compliance is extended from 2 to 8 months to undertake the necessary works diligently, responsibly, and in accordance with all relevant regulations and policies.

4. However, during the course of this appeal, the Council issued a Stop Notice requiring the removal of the extraction system which has now been complied with. Since the extraction system has been removed, there is no longer any reason why the period for compliance should be extended.

Conclusion

5. For the reasons given above I consider that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR