



Appeal Decision

Site visit made on 15 January 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2024

Appeal Ref: APP/M4320/C/23/3327614

Land at 3 Lunt Road, Sefton, Liverpool L29 7WB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Steven Proffitt against an enforcement notice issued by Sefton Metropolitan Borough Council.
 - The notice was issued on 2 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer extension with balcony to the rear of the dwellinghouse.
 - The requirement of the notice is to: remove the dormer extension and balcony and reinstate the roof to its previous condition.
 - The period for compliance with the requirement is: three (3) months from the date this notice takes effect.
 - 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. It is directed that the enforcement notice is varied by:
 - the deletion of 'three (3) months' and the substitution of 'six (6) months' as the time for compliance.
2. Subject to the variation, the appeal is dismissed, and the enforcement notice is upheld.

Reasons

3. An appeal on ground (g) is that the period specified in the notice falls short of what should reasonably be allowed. The appellant says that the compliance period is not considered long enough to complete all the required works, given that several different trades are needed to undertake the prescribed works. Further, they explain that the appellant would need to commission the trades and get the work carried out. Despite being asked to clarify what period the appellant considers to be reasonable, no response was forthcoming. I have therefore reached a judgement based on the points made and my experience.
4. Although the Council considers three months to be adequate time for the required work to be undertaken, I do not agree. Firstly, the appellant has a right to appeal and to await the outcome of that process before they carry out any of the requirements. Furthermore, the requirement involves removing the dormer extension and balcony and returning the dwelling back to its previous condition. This will involve different trades, and these will need to be coordinated and available. I consider that six months is a more reasonable period, bearing in mind the current time of year while still providing a definitive point in time whereby the breach of planning control is remedied. On this basis, I conclude that the appeal on ground (g) succeeds.

Conclusion

5. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Andrew McGlone

INSPECTOR