



Appeal Decision

Site visit made on 24 April 2024

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/T5150/C/23/3320697

29 Kendal Road, London NW10 1JG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act). The appeal is made by Kamal Al-Azawi against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 9 March 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of lean-to extensions to the front and rear of the premises.
 - The requirements of the notice are: STEP 1 Demolish the lean-to extensions at the front and rear of the premises. STEP 2 Remove all debris, items and materials, arising from their demolition, from the premises.
 - The period for compliance with the requirements is 2 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Act.
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Decision

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

Preliminary Matters

2. The notice refers to lean-to extensions to the front and rear of the house. On visiting the appeal site, it is clear what the notice refers to. To clarify, if there is any confusion, the lean-to extensions referred to by the notice are the timber-framed additions to the front and rear of the house, which have plastic sheeting to create enclosures with open sides, housing potted plants. They do not include the tiled projections, which are of some age and form a porch and part of the kitchen.
3. No grounds of appeal were selected on the appeal form, which referred to attached letters. The appellant has since confirmed an appeal is pursued under ground (c) only.

The appeal on Ground (c)

4. To succeed under this ground of appeal the appellant would need to demonstrate, on the balance of probabilities, that the lean-to extensions do not constitute a breach of planning control. The planning merits of the lean-to extensions and the personal circumstances of the appellant are not relevant to the legal matters under consideration.
5. Section 57 of the Act sets out that planning permission is required for the carrying out of any development of land. Development is defined at section 55, which includes the carrying out of building operations.

6. Timber beams have been fixed together with numerous screws and metal bracings to create basic shelters, or 'lean-to extensions', with corrugated plastic roofs. They are attached to pre-existing ground floor projections to the front and rear of the house. Those pre-existing projections appear to comprise part of the original building, while the lean-to extensions have a more recent, makeshift appearance, and have been assembled in a non-professional manner.
7. Notwithstanding their poor workmanship and open sides, the lean-to extensions are reasonably solid and sturdy additions fixed to the building, capable of remaining in place for significant periods of time. They have the appearance and function of long-term structures, even if their purpose is merely for growing potted plants and storing domestic items. The materials used in the construction of the lean-to extensions are not of similar appearance to those used in the construction of the exterior of the rest of the house, and the lean-to extensions cannot reasonably be described as conservatories.
8. Taking everything I have read and seen into account, I am satisfied that the lean-to extensions to the front and rear of the house comprise building operations which require planning permission.
9. I have not been referred to any planning permissions which the lean-to extensions may benefit from. In the absence of any information to suggest otherwise, they do not appear to benefit from any planning permission granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), on account of their materials alone.
10. It has not been demonstrated by the appellant, on the balance of probabilities, that the lean-to extensions are not in breach of planning control.
11. The appeal under ground (c) must therefore fail.

Conclusion

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

L Douglas

INSPECTOR