



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 October 2024

Appeal ref: APP/T5150/C/24/3345395
Land at 10 Roe End, London, NW9 9BL

- 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 brought by K F Properties London LLP against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 29 April 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the installation of new windows to the front of the premises".
- The requirements of the notice are: "Step 1 Remove the uPVC windows to the first floor front elevation of the premises. Step2 Remove all debris and items, arising from that removal, and remove all materials associated with the unauthorised development from the premises".
- The time period for compliance with the notice is: "**6 months** after 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.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellants would like more time to comply with the requirements of the notice in order to seek agreements with the Council, to work together with the leaseholder and to submit a planning application, and appeal if unsuccessful. They therefore request that the compliance period be extended to 9 months. However, there is no evidence before me of an application having been submitted and whether one will be submitted (and an appeal) in the future, can only be considered as a matter of speculation at this stage. I am also mindful that more than 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had more than 10 months in which to work with the Council and the leaseholder with a view to seeking agreement on an alternative style of windows, and to carry out the necessary works to comply with the requirements of the notice. Therefore, the appellants will have had more than the 9 months requested. That being the case, I see no good reason to justify extending the compliance period further.
2. However, as the Council point out, should the appellants experience any genuine difficulties, it is open to them to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the

compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee