



Appeal Decision

by Ken McEntee

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

Decision date: 12 November 2024

Appeal ref: APP/C5690/C/24/3348368
Land at 36 Loampit Hill, London, SE13 7SW

- 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 Mrs Yogamalar Baskaran (Katpakam Cash & Carry) against an enforcement notice issued by the London Borough of Lewisham.
- The notice was issued on 11 June 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the enlargement to the front of the property (a front extension), in the approximate area marked A on the attached plan".
- The requirements of the notice are: "(1). Remove the enlargement to the front of the property (the front extension) located in the approximate area marked A on the attached plan, in its entirety; AND (2). Make good all damage resulting from 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 time period for compliance with the notice is: "3 (Three) 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.

Procedural matters

1. An application for costs has been made by the Council against the appellant. This is the subject of a separate decision accompanying this one.

Reasons for the decision

2. The appellant has requested that the period for compliance with the notice be extended to 6 months. The reason given in the appellant's e-mail of 12 August 2024 is "*I'm going through a lot right now, running a business isn't easy if you could kindly help me out please...*". I note that the Council refers to evidence to show that the unauthorised development took less than 2 weeks to complete. Therefore, there does not appear to be any reason why it cannot be removed within the 3-month compliance period. I am also mindful that more than 3 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 the 6 months requested in which to carry out the necessary works to comply with the requirements of the notice. Therefore, I see no good reason to justify extending this period further. The appeal fails accordingly.

Formal decision

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

K McEntee