



Appeal Decision

Site visit made on 17 June 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 July 2025

Appeal Ref: APP/V5570/C/24/3340477

Land at 33 Islington Green, London N1 8DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Habib Kawyani against an enforcement notice issued by the Council of the London Borough of Islington ('the Notice').
 - The notice was issued on 31 January 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the installation of an aluminium/composite cladding shopfront and installation of an external mesh roller shutter and associated boxing.
 - The requirements of the notice are: i) Remove the aluminium/composite cladding shopfront, external mesh roller shutter and its associated boxing, fittings and brackets from the frontage of the property, as noted edged in red in the attached photograph marked A; ii) Upon the completion of step i) above, remove all the resulting associated waste materials from the land thereafter; and iii) Reinstall a timber shop frontage, stallriser and timber and glass entrance door and fanlight to match the materials, design, appearance colour and proportions of the previous shopfront and make good the adjacent rendered wall and brickwork, as noted in the attached photograph marked B.
 - The period for compliance with the requirements: 5 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended) ('the Act').
-

Decision

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

Reasons

2. Although its address is Islington Green, the appeal site actually fronts onto Camden Passage, an alleyway that runs from that road. The appeal site is a very small shop unit. Its front had been painted dark blue when I visited, rather than the light grey shown in the photograph attached to the Notice.

Ground (c)

3. An appeal under Ground (c) is made on the basis that the matters alleged in a Notice do not constitute a breach of planning control. The onus lies with the Appellant to make his case on the balance of probability.
4. The argument put forward by the Appellant is that all other shops nearby have aluminium shopfronts and due to the size of the unit being very small so it shouldn't impact much. Particular reference is made to 36 Islington Green in this regard.
5. Neither this, nor the need to replace the shopfront due to its poor condition, are cogent arguments that the development does not constitute a breach of planning control. They are arguments on the planning merits of the development. As there

is no Ground (a) appeal, where such arguments might be made, I cannot take them into account.

6. The Appellant has failed to show on the balance of probability that the development that is alleged to have taken place in the Notice does not constitute a breach of planning control. Thus, the Ground (c) appeal fails.

Ground (f)

7. An appeal under Ground (f) is that the steps required by the Notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
8. Although the Council say that the “steps required by the Enforcement Notice are necessary to remedy the harm caused by the unauthorised development”, the requirements set out in Schedule 4 of the Notice clearly show that purpose of the Notice is to remedy the breach of planning control.
9. This being the case, in the absence of a Ground (a) appeal in which the planning merits of the case might be assessed, any lesser step that would not remedy the breach cannot be accepted through Ground (f). Changing the colour of the shopfront or removing the uPVC cladding and its replacement with black render would not remedy the entirety of the breach that is referenced in Schedule 2 of the Notice.
10. For the above reasons, the Ground (f) case fails.

Ground (g)

11. An appeal under Ground (g) is that the period for compliance specified in the Notice falls short of what should reasonably be allowed.
12. The case made by the Appellant here is that “there are massive time constraints involved with manufacturing and installing back to a timber shop”. He does not, however, supply any evidence to support this statement.
13. It is for the Appellant to make his case for an extension to the period for compliance. He has not done so. I see no reason to extend the period for compliance, which I find to be reasonable. The Council does have the powers to extend the period for compliance using its powers under section 173 of the Act, but this is a matter for it to decide on.
14. For the above reasons, the Ground (f) case fails.

Conclusion

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

R Curnow

INSPECTOR