Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/N5090/C/24/3348613
167 Blundell Road, Edgware HA8 0JJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shane Kotecha on behalf of Grosvenor Limited against an enforcement notice issued by the Council of the London Borough of Barnet.
- The notice was issued on 14 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission the erection of a single storey side extension.
- The requirements of the notice are:
  1 Demolish the side extension (highlighted in red in the attached Image 1)
  2 Permanently remove from the property all constituent materials resulting from the works in 1 above.
- The period for compliance with the requirements is 4 months.
- The appeal is proceeding on the ground[s] set out in section 174(2)(b), (d) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. I was unable to undertake an internal inspection of the appeal site as the appellant failed to attend and provide internal access to the accompanied site visit, with the Council representative, on 31 March 2026. Accordingly, this appeal will be determined on the basis of the evidence before me, which is considered appropriate given that there is no appeal on ground (a), and I am not considering the planning merits of the development. Both parties were subsequently written to explaining this, and therefore I am satisfied that neither party would be prejudiced by this.

The appeal on ground (b)

3. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact.

4. The appellant states that the submitted photographic evidence shows that the side extension was in situ from 2008 and has been in existence for at least 16 years. They further state that the only changes to the exterior of the building is a new roof, changes to fenestration and external rendering.

5. However, Google Street View photographs dated from July 2008 to April 2018 have been submitted by the appellant which show a small single storey side extension with a separate garage adjacent. The garage is clearly separated from the side extension and is of lower height. Similarly, the appellant has provided a further

photograph of the front elevation of the appeal site taken from 2023 and an aerial photograph of the appeal site taken in January 2023 which also shows these pre-existing single storey structures.

6. The Council's appeal statement also provides photographs, showing the front, side and rear elevation of the newly built single storey side extension, which contrasts in size, overall height and design to these former pre-existing extensions

7. The pre-existing single storey smaller side extension and separate garage has been replaced with a new single storey side extension which is deeper at the rear, wider at the side and has a new roof structure covering the entire enlarged single storey side extension. The roof height of the single storey side extension is also taller than the pre-existing single storey garage, which has been replaced with this new larger side extension. Indeed, the height of the new single storey side extension is higher on the boundaries with the neighbouring residential properties at 36 Maple Gardens and 169 Blundell Road.

8. Significant parts of the former single storey extension and former garage would have been demolished to accommodate the new larger single storey side extension. Furthermore, the new extension has a larger footprint than the pre-existing structures; is higher on the boundaries with neighbouring properties; and is all contained under one much larger roof.

9. Therefore, as a matter of fact and degree, this amounts to a new single storey side extension. Accordingly, the appeal on ground (b) must fail.

The appeal on ground (d)

10. The onus is on the appellant under ground (d) to make the case that, at the time the enforcement notice was issued, it was too late to take action against the matters stated in the notice. The enforcement notice is directed at the alleged erection of a single storey side extension. Consequently, the appellant needs to show that the matters alleged in the notice occurred at least 4 years before it was issued (which was 14 June 2020).

11. Similarly to the ground (b) appeal, the appellant considers that the photographic evidence, comprising Google Street View Images from July 2008 to April 2018, and the Arial photograph, taken from January 2023 demonstrates that the side extension has been in place for at least 16 years, that this has not been concealed, and therefore enforcement action cannot be taken against the alleged development.

12. However, as outlined above under the ground (b) appeal, these photographs clearly demonstrate that a former smaller single storey side extension and a separate garage existed prior to the erection of the current single storey side extension. The current single storey side extension is larger in footprint, width, depth and overall height. Therefore, the current development amounts to a new single storey side extension.

13. Indeed, the appellant's own aerial photograph dated January 2023, and photograph of the front elevation dated 2023 illustrates that this new larger single storey side extension was not in existence at this time. Even without the countering evidence of the Council, the appellant has not met the required standard of proof in his own submission.

14. The Council's evidence further contradicts the appellant's claim. The Aerial photograph dated 2022 of Image 2 of the Council's Appeal Statement clearly show the pre-existing smaller side extension and separate garage. Furthermore, image 3A and 3B of the Council's statement shows that at the end of 2022 the pre-existing structures were still in situ at this time. These photographs provide further proof that the existing single storey side extension was not in existence in 2022.

15. Furthermore, a screen shot of the Council's Building Control records have been submitted. This shows that an application was received by the Council on 20 September 2022, for the *"single storey side extension"* and *"reconfiguration of ground floor"*. Given that this application was submitted to Council's Building Control department in September 2022, it is more likely than not that this development was going to commence after this date and not before.

16. In addition, the planning application for Council ref: 24/0758/RCU, was a retrospective application for the current appeal development, submitted by the appellant's current agent. Under the sub-heading the "Description of Proposed Works," the appellant's agent confirmed that the proposed works had already begun on "*6 January 2023"*, and that that the development was completed by "*8 August 2023*". This is further corroborated by the Image 7 photographs of the Council's statement, which were taken in August 2023 and clearly show the newly constructed larger single storey side extension. Whilst these photographs show that the front door and windows have been installed, the walls are still unfinished and unpainted at this time.

17. It seems to me that this evidence provided by the Council provides the most clear, unambiguous and cogent evidence. It is well established in planning law that the onus rests with the appellant to make out his or her case. However, on the evidence before me, I find that burden has not been satisfactorily discharged in this particular case.

18. On the balance of probabilities, I conclude that at the time the Notice was issued it was not too late to take enforcement action against the alleged breach of planning control.

19. The ground (d) appeal therefore fails.

Conclusion

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

R Satheesan

INSPECTOR