

**PLANNING ENFORCEMENT APPEAL DECISIONS RECEIVED BETWEEN 01/10/2016 AND 31/10/2016**

Council ref.	Address	Breach of planning control	Notice type	Decision date	Appeal decision
14/00520/3CNS	35A Cornwall Road London SE1 8TJ	Without planning permission, the installation of a louvred balustrade around the entire roof of the premises at third floor/roof level ('the unauthorised balustrade').	EN (Operational Development)	11.10.2016	Appeal Dismissed

The Inspector considered the main issues of this appeal to be the effect of the development on the character and appearance of the host property and surrounding conservation area and the living conditions of occupiers of nearby properties, particularly outlook.

On the first issue, the inspector noted that the balustrade is clearly visible from surrounding streets and neighbouring residential properties, it is a prominent visual feature and creates a dominant appearance. Similarly balustrades are not characteristic of the area. By reason of its height it causes harm to the character and appearance of the dwelling and surrounding area which is a designated heritage asset. There is no substantial public benefit which outweighs the harm.

On the second issue, the inspector noted that the balustrade creates an undue sense of enclosure for occupiers of nearby residential properties and creates an adverse outlook. The development as it exists is more harmful to the living conditions of the neighbours than the removal of the louvres in accordance with the approved permission.

In terms of the Ground F appeal, the inspector sets out that the purpose of the notice is both to remedy the breach of planning control and remedy the injury to amenity. The proposed lesser steps of removing a lesser number of louvres from the balustrade would not fully remedy the injury to amenity and therefore not meet the purpose of the notice.

The inspector went on to dismiss the appeal both in terms of the Ground A and Ground F appeal.

15/00106/3COU	8 Norwood High Street London SE27 9NS	Without planning permission,  The material change of use of the ground floor from a shop (Use Class A1) to two studio flats (Use Class C3) ("the two unauthorised flats"); and  The removal of the shop-front and the bricking up of the front elevation, together with the insertion of a door and two windows ("the unauthorised frontage").	EN (Material Change of Use)	27.10.2016	Appeal Dismissed
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The appeal initially included ground (a), that planning permission should be granted for what is alleged to be the breach of planning control. However, the appellant subsequently confirmed that this ground was withdrawn.

Ground (f) - whether the requirements of the notice are excessive

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The inspector concluded, no lesser steps would achieve the stated purpose as the enforcement notice, which is clear and is to remedy the breach. That can only be achieved by restoring the land to its condition before the breach took place, namely by ceasing the use of the premises for residential purposes and removing fixtures and fittings that facilitate the use of the two unauthorised flats, as set out in the requirements of the notice.

Furthermore, he concluded that the requirement to remove the unauthorised frontage and reinstate the ground floor shop front as it existed prior to the breach of planning control is a necessary step to achieve the purpose of the notice. The appeal on ground (f) fails.

Ground (g) - that the time given to comply with the notice is too short

The inspector concluded that the overall period of 6 months would include adequate time for suitable contractors to be found and appointed. Although the works require structural alterations the premises are modest in size, and it should take no more than a few months to complete the works. In addition, as the 6-month period for compliance in the notice will not end until after the tenancy agreements have run their course, therefore the length of the tenancies does not significantly add to the appellant's case. The appeal on ground (g) fails.

The appeal is dismissed and the enforcement notice is upheld as varied in the terms set out in the Formal Decision below.

the deletion of (metres) and the substitution therefor of (meters); and

the insertion of (for residential purposes) after (flats) where it appears in Requirement (a).

	Allowed	Dismissed	Mixed
Month total	0	2	0
Financial year to date	1	4	0