

PLANNING ENFORCEMENT APPEAL DECISIONS RECEIVED BETWEEN 01/11/2016 AND 30/11/2016

Council ref.	Address	Breach of planning control	Notice type	Decision date	Appeal decision
13/00278/3CNS	99 Kennington Lane London SE11 4HQ	Without Planning Permission: The erection of a single storey rear extension and single storey outbuilding, both clad in white plastic ('the unauthorised single storey rear extension and outbuilding').	EN (Operational Development)	17.11.2016	Appeal Dismissed

The appeal in this case was made under grounds C, D and A and the inspector also assessed a ground G appeal. In terms of the ground C appeal the works to the outbuilding were considered to be development requiring planning permission - it is substantial in size, physically attached by its weight and has remained in position since it was erected and it is not therefore temporary in nature. The ground D appeal fails as a result of the ground C appeal in that the extension and outbuilding were replaced not repaired and were substantially complete in 2012 and therefore at the time of serving the notice it was not too late to take enforcement action.

In terms of the ground A appeal the main issue is the impact on the Kennington Village Conservation Area and there is a statutory duty to preserve or enhance a conservation area. There has been little attempt with the development to reflect the character and local distinctiveness of the area. The design, proportions, detailing and materials of the unauthorised buildings draw none of their references from the prevailing architectural style of their surroundings. In particular, the use of white uPVC horizontal cladding, with its shiny reflective surface, is wholly out of keeping with the yellow London Stock brick that is the predominant building material in this locality. Overall the development neither preserves or enhances the character and appearance of the conservation area and the benefits to the pharmacy do not outweigh the harm caused.

In terms of the ground G the inspector extended the compliance period to six months to provide the appellant time to draw up a detailed alternative scheme and submit to the council.

14/00642/3COU	108 Glenister Park Road London SW16 5EA	Without planning permission, the material change of use of the premises from a single dwellinghouse into 3 self-contained flats ('the three unauthorised flats') and the erection of a rear dormer roof extension ('the unauthorised roof extension').	EN (OD and COU)	22.11.2016	Appeal Dismissed
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The breach of planning control as alleged in the notice is without planning permission, the material change of use of the premises from a single dwellinghouse into 3 self-contained flats and the erection of a rear dormer roof extension.

The Inspector considered in respect to the Ground C appeal - the inspector found that there was no argument concerning the COU from a single family dwellinghouse to use of the premises as three self-contained flats. In respect to the roof extension they point out that there is no evidence that the dormer was erected prior to the conversion, but that it would not be permitted development in any event it has not been set back .20m from the end of the eaves.

The Inspector considered in respect to the Ground F appeal - that the steps to comply were not excessive. The appellant states that the Council failed to consider an obvious lesser step, namely to use the property as a C3 dwellinghouse in which case the extension would be permitted development. They again pointed to the .20m set back and the fact that the extension would not be permitted development if returned to a dwellinghouse.

The Inspector considered in respect to the Ground G appeal that six months compliance period to be reasonable period, which struck a balance between the conflicting private and public interest and be proportionate so as not to violate individuals' rights. They stated that the appellant had not identified any specific reasons why 6 months would not be reasonable.

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Council ref.	Address	Breach of planning control	Notice type	Decision date	Appeal decision
16/00137/3CNS	409 Wandsworth Road London SW8 2JP	Without planning permission, the unauthorised erection of a single storey, breeze block, full length/width extension at the rear of the premises ('the unauthorised rear extension')	EN (Operational Development)	17.11.2016	Appeal Dismissed

The Inspector considered the appeal under ground f (excessive steps) and ground g (time limit).

Under ground f the Inspector stated that the prospect of another scheme coming forward did not help the appellant in the ground (f) appeal as it did not explain why the steps in the notice are excessive. She also noted that the appellant had failed to identify how the notice could be varied. The Inspector stated the purpose of the requirements of a notice under s173 of the Town and Country Planning Act are to remedy the breach or to remedy any injury to amenity. In this regard, the notice identified the injury to amenity in the form of the harm to the host building, surrounding properties and the character and appearance of the conservation area and the requirement to remove the unauthorised works were consistent with the purpose of remedying the breach. This could only be achieved by the demolition of the extension. No lesser steps would satisfy the requirement.

Under ground g the Inspector noted that six months was ample time for the demolition and reinstatement works. She noted that the unlawfulness of the development had not been challenged by the appellant and therefore it must have been accepted that a revised scheme was required. She stated that given the harmful effect of the unauthorised works on the host building, terrace and conservation area six months was commensurate with the level of harm caused. She identified the six month period as striking the right balance so the response was reasonable and proportionate and the Inspector went on to dismiss the appeal.

	Allowed	Dismissed	Mixed
Month total	0	3	0
Financial year to date	1	7	0