

# The Planning Inspectorate

For official use only  
(Date received)

15-Apr-2014 12:54

## ENFORCEMENT NOTICE APPEAL (Online Version)

**WARNING:** The appeal *must* be received by the Inspectorate before the effective date of the local planning authority's enforcement notice.

**APPEAL REFERENCE:** **APP/X5210/C/14/2217197**

### A. APPELLANT DETAILS

Name	Ms Wendy Galway Cooper		
Address	15 Gayton Crescent LONDON	Phone no.	
		Fax no.	
Postcode	NW3 1TT	E-mail	
Please confirm how you wish to correspond with us:		Electronically, via the email address specified above	<input type="checkbox"/>
		On paper, by post.	<input checked="" type="checkbox"/>

### B. AGENT DETAILS (IF ANY) FOR THE APPEAL

Name	Mr David Whittington		
Address	Savills 33 Margaret Street London	Your reference	
		Phone no.	02075579997
		Fax no.	
Postcode	W1G 0JD	E-mail	DWhittington@savills.com
Please confirm how you wish to correspond with us:		Electronically, via the email address specified above	<input checked="" type="checkbox"/>
		On paper, by post.	<input type="checkbox"/>

### C. DETAILS OF THE APPEAL

Name of local planning authority (LPA)	London Borough of Camden		
Date of issue of enforcement notice	05 Mar 2014	Reference number on the enforcement notice	ENV14/1409
Effective date of enforcement notice	16 Apr 2014		

## D. APPEAL SITE ADDRESS

Land affected (please give full address)

15 Gayton Crescent  
LONDON

Postcode **NW3 1TT**

Grid Reference: Easting **05266996** Northing **01858735**

1. Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? YES ☐ NO ☒

2. What is your/the appellant's interest in the land? owner ☒ tenant ☐ mortgagee ☐

If none of these apply did you/the appellant occupy the land under a written or oral licence BOTH on the date the enforcement notice was issued AND on the date of making this appeal? YES ☐ NO ☐

If "No", what is your/the appellant's involvement in the land?

## E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES ☐ NO ☒

Please tick which of the following grounds of appeal apply to your case and give the facts in support of each ground chosen.

☒ **(a) That planning permission should be granted for what is alleged in the notice.**

Section 174(2)(a) of the Town and Country Planning Act says "that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged".

\*\* See separate documents \*\*

☐

**(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.**

Section 174(2)(b) says "that those matters have not occurred".

☐

**(c) That there has not been a breach of planning control** (for example because permission has already been granted, or it is "permitted development").

Section 174(2)(c) says "that those matters (if they occurred) do not constitute a breach of planning control".

☒

**(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.**

Section 174(2)(d) says "that at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters".

**Please note that if you choose ground (d) an inquiry will normally be necessary**

**\*\* See separate documents \*\***

☐

**(e) The notice was not properly served on everyone with an interest in the land.**

Section 174(2)(e) says "that copies of the enforcement notice were not served as required by section 172".

☒

**(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.**

Please state how you think the requirements should be varied.

Section 174(2)(f) says "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".

\*\* See separate documents \*\*

☒

**(g) That the time given to comply with the notice is too short.**

Please state what you consider to be a reasonable compliance period, and why.

Section 174(2)(g) says "that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed".

\*\* See separate documents \*\*

## F. CHOICE OF PROCEDURE

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

### 1. THE WRITTEN REPRESENTATIONS PROCEDURE \_\_\_\_\_ ☐

(for an explanation refer to the guidance leaflet).

Please answer the questions below.

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES ☐ NO ☐
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☐ NO ☐

If so, please explain below or on a separate sheet.

### 2. THE HEARING PROCEDURE \_\_\_\_\_ ☐

(for an explanation refer to the guidance leaflet).

Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

Please answer the question below

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES ☐ NO ☐

### 3. THE INQUIRY PROCEDURE \_\_\_\_\_ ☒

(for an explanation refer to the guidance leaflet).

Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

\*\* See separate documents \*\*

**Please answer the questions below**

- a) How long do you estimate the inquiry will last? No. of days   
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. YES ☐ NO ☒  
Please continue on a separate sheet if necessary.

**G. SENDING THE FEE FOR THE DEEMED PLANNING APPLICATION**

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? YES ☐ NO ☒

**IF YES PLEASE STATE**

- a. the date of the relevant application b. the date of the LPA's decision (if any)

2. Are there any planning reasons why a fee should not be paid for this appeal?  
If YES, please explain below

If No, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in in the explanatory note accompanying your enforcement notice.

**H. OTHER APPEALS**

Have you sent other appeals for this or nearby sites to us and these have not been decided, please give details, including our reference numbers. YES ☒ NO ☐

APP/X5210/A/13/2203132. Please see covering letter. The Appellant wishes for the two appeals to be linked.

## I. CHECK SIGN AND DATE

Please tick ✓

- 1 I have completed all parts of the form. ☒
- 2 I have attached a copy of the enforcement notice **and** plan to this form. ☒
- 3 I have sent a copy of this form and any documents to the LPA ☒

Date

Name (in capitals)

On behalf of (if applicable)

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

## J. NOW SEND

- **Send a copy to the LPA • You may wish to keep a copy of the form for your records**

You should ensure that you send a copy of the completed appeal form and a copy of any supporting documents you are sending to us to the LPA.

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

## K. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please ensure that all supporting documentation is received by the Planning Inspectorate before the effective date on the enforcement notice. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 326, Bristol, BS99 7XF.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number:

**APP/X5210/C/14/2217197**

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

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*****
* The Documents Listed Below Were Uploaded With The Appeal Form *
*****
===== GROUNDS AND FACTS =====
TITLE:      Grounds & facts
DESCRIPTION: Grounds of Appeal
FILENAME:    Grounds of Appeal (PI ROUTE) fv.pdf

TITLE:      Grounds & facts
DESCRIPTION: Grounds of Appeal
FILENAME:    Grounds of Appeal (PI ROUTE) fv.pdf

TITLE:      Grounds & facts
DESCRIPTION: Grounds of Appeal
FILENAME:    Grounds of Appeal (PI ROUTE) fv.pdf

TITLE:      Grounds & facts
DESCRIPTION: Grounds of Appeal
FILENAME:    Grounds of Appeal (PI ROUTE) fv.pdf

===== CHOICE OF PROCEDURE =====
TITLE:      Choice of procedure - reasons for inquiry
DESCRIPTION: Cover letter Enforcement Appea
FILENAME:    Cover letter Enforcement Appeal Submission.pdf

===== OTHER DOCUMENTS =====
TITLE:      Appeal Form - Enforcement Notice + Plan -
DESCRIPTION: Appeal Form - Enforcement Notice + Plan - Enforcement Notice (Appendix 1)
FILENAME:    Appendix 1 Enforcement notice.pdf

TITLE:      Appeal Form - Plan -
DESCRIPTION: Appeal Form - Plan - Appendix 2
FILENAME:    Appendix 2.pdf

TITLE:      Appeal Form - Plan -
DESCRIPTION: Appeal Form - Plan - Appendix 3
FILENAME:    Appendix 3.pdf

TITLE:      Appeal Form - Plan -
DESCRIPTION: Appeal Form - Plan - Appendix 4
FILENAME:    Appendix 4.pdf

TITLE:      Appeal Form - Plan -
DESCRIPTION: Appeal Form - Plan - Appendix 5
FILENAME:    Appendix 5.pdf

TITLE:      Appeal Form - Plan -
DESCRIPTION: Appeal Form - Plan - Appendix 6
FILENAME:    Appendix 6.pdf

TITLE:      Appeal Form - Plan -
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*Continued in Section L*

## SUPPLEMENTARY SHEET

### Appeal Documents (continued)

DESCRIPTION: Appeal Form - Plan - Appendix 7

FILENAME: Appendix 7.pdf

TITLE: Appeal Form - Plan -

DESCRIPTION: Appeal Form - Plan - Cheque demonstrating payment

FILENAME: Cheque under Ground A.pdf

# **Grounds of Appeal**

**&**

# **Factual Background Information**

**ON BEHALF OF WENDY GALWAY COOPER IN RELATION TO  
AN APPEAL AGAINST AN ENFORCEMENT NOTICE**

**SERVED BY THE LONDON BOROUGH OF CAMDEN  
AT**

**15 GAYTON CRESCENT  
LONDON  
NW3 1TT**

**LPA REF      ENV14/1409**

**Savills (UK) Ltd  
33 Margaret Street  
London  
W1D 0JG**



## Appendices

Appendix	Title / Reference	Date	Comment
1	Enforcement notice EN14/0149	5th March 2014	This is the notice served by the London Borough of Camden in relation to the three rear extensions in situ at the property. This is the Notice against which this appeal is submitted.
2	Certificate of Lawfulness (Existing) 2008/3188/P "Two single storey ground floor level extensions to the rear of the single dwellinghouse"	19th August 2008	This certificate established the lawfulness of the two single storey additions at the rear of the property.
3	Decision Notice and LPA Officer's Report 2013/1031/P "Erection of a two storey side extension on the south side, including erection of a new bay window plus new access with balcony and stone coping on north side; and erection of single storey lean to extension at lower ground level rear to an existing dwelling house(Class C3)"	4th June 2013	Planning permission was refused for proposed extensions to the property. This decision is currently subject to an appeal ref. APP/X5210/D/13/2203132.
4	Decision Notice, Officer's Report and application drawings for application 2013/7485/P "construction of rear WC extension"	4th March 2014	<p>Lawful Development Certificate refused because the Council considered that on the balance of probability the development is not lawful.</p> <p>It is considered that this precipitated the issuing of the Enforcement Notice.</p>
5	Decision Notice, Officer's Report and application drawings for application ref. 2013/7395/P "erection of rear staircase extension"	4th March 2014	<p>Lawful Development Certificate refused because the Council considered that on the balance of probability the development is not lawful.</p> <p>It is considered that this precipitated the issuing of the Enforcement Notice.</p>
6	Decision Notice, Officer's Report and application drawings for application ref. 2013/7388/P "erection of four storey rear extension (south-eastern corner	4th March 2014	Lawful Development Certificate refused because the Council considered that on the balance of probability the development is not

	of the building"		lawful.  It is considered that this precipitated the issuing of the Enforcement Notice.
7	<p>'Existing' drawings dated 2008:</p> <ul style="list-style-type: none"> <li>- Front Elevation ref S07064 (REVISION S08117) dwg 05</li> <li>- Lower ground floor ref S07064 (REVISION S08117) dwg 02</li> <li>- Ground floor plans ref S07064 (REVISION S08117) dwg 04</li> <li>- Rear elevation and Elevation A,B ref S07064 (REVISION S08117) dwg 2</li> <li>- First floor plan and Second floor plan ref. S07064 (REVISION S08117) dwg 03</li> </ul>	20th May 2008	<p>These drawings show the appeal property as existing in 2008 i.e. before the current rear extensions at the property. These show that there was an existing terrace at 1st floor level.</p> <p>These drawings also correspond to those in Appendix 2.</p>

# 1. Introduction

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- 1.1 A copy of the Notice is at Appendix 1.
- 1.2 The Notice comes into effect on 16 April 2014, and this Appeal has been duly made in advance of that date.

## **Grounds of Appeal**

- 1.3 The Appellant submits this Appeal under the following Grounds;
  - A)
  - D)
  - F)
  - G)
- 1.4 Before setting out these Grounds of Appeal in more detail, it is vital to provide further background information as to the planning history of the Appeal site in order to assist the Appeal Proceedings and the understanding of the Inspector.
- 1.5 The Appellant also provides, as appendices, relevant documents / drawings / plans pertaining to the planning history and the historic development of the site that will be referred to during proceedings. The Appellant reserves the right to add to this list if necessary.

## 2. Site and Surroundings

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- 2.1 The appeal premises, No. 15 Gayton Crescent, is a detached single family dwellinghouse set within its own corner plot fronting Gayton Crescent at the junction with Willow Road.
- 2.2 The premises are currently undergoing refurbishment.
- 2.3 The dwelling is comprised of accommodation at lower ground, ground, first and second floors beneath a pitched roof. The building has lightwells to the front and has a painted finish, similar to other properties in the area.
- 2.4 Given the topography of the site and the surrounding area, lower ground floor level sits below street level within the Gayton Crescent elevation, but forms the ground level to the rear of the property where the dwelling opens onto a private rear garden area.
- 2.5 This difference in levels is due to the fall of the ground along a west / east axis through the site. Willow Road which lies to the north of the site falls away as it passes eastwards.
- 2.6 A vehicle parking space lies adjacent to the north elevation of the property adjacent to Willow Road.
- 2.7 To the rear of the dwelling is an external rear garden. This is bounded to the east by the side (west) elevation and front garden area of No 41 Willow Road, which is an end of terrace property.
- 2.8 There are a series of three adjoining rear extensions projecting to various modest degrees from the principal rear (east) elevation.
- 2.9 The side elevation of No.41 directly abuts the rear external garden space of the Appeal premises.
- 2.10 This terrace continues eastwards and is formed by properties at Nos. 33-41 (consecutive), all of which are Grade II listed buildings. The Statutory List entry describes these properties as:

*Terrace of 9 cottages. c1866.*

*Stucco with rusticated quoins and 1st floor bands. Slated roofs. 2 storeys and semi-basements. 2 windows each. Square-headed doorways with splayed jambs, fanlights and panelled doors; Nos 33-37 with C20 Neo-Georgian doorcases and doors with arched heads. Entrances approached by stone steps with cast-iron railings. Round-arched*

*recessed sashes with splayed jambs; ground floors with margin glazing. Shaped plaque inscribed "Willow Cottages" between 1st floor windows of No's 37 and 38.*

*INTERIORS: not inspected*

2.11 The Appeal premises itself is not listed but lies within the Hampstead Conservation Area.

2.12 The Conservation Area Appraisal has identified the site as lying within Sub Area 3 of the conservation area and Nos.1-15 Gayton Crescent (consec) have been identified as buildings which make a positive contribution to the character and appearance of the conservation area.

### 3. Planning History

3.1 A review of the Council's online planning register highlights the following previous planning history at the Appeal site.

Application Number	Development Description	Status	Date Registered	Decision
<u>2006/2929/P</u>	Change of use of basement of residential dwelling (Class C3) to nursery school (Class D1) and associated minor works	WITHDRAWN	17-07-2006	Withdrawn Decision
<u>2008/3188/P</u>	Two single storey ground floor level extensions to the rear of the single dwellinghouse (Class C3).	FINAL DECISION	29-07-2008	Granted
<u>2008/4730/P</u>	Erection of a basement, ground and first floor rear extension to single dwellinghouse (Class C3).	FINAL DECISION	19-11-2008	Refused
<u>2012/0529/P</u>	Erection of a two storey side extension, a single storey front extension at lower ground level, and a new bay window with a balcony above to an existing dwelling house (Class C3).	WITHDRAWN	09-02-2012	Withdrawn Decision
<u>2013/1031/P</u>	Erection of a two storey side extension on south side, including erection of a new bay window plus new access with balcony and stone coping on north side; and erection of single-storey lean-to extension at lower ground level rear to an	APPEAL LODGED	05-03-2013	Refused

existing dwelling house  
(Class C3).

<u>2013/7485/P</u>	Construction of rear wc extension.	FINAL DECISION	11-12-2013	Refused and Warning of Enforcement Action to be Taken
<u>2013/7388/P</u>	Erection of four-storey rear extension (south-eastern corner of building).	FINAL DECISION	11-12-2013	Refused and Warning of Enforcement Action to be Taken
<u>2013/7395/P</u>	Erection of rear staircase extension.	FINAL DECISION	11-12-2013	Refused and Warning of Enforcement Action to be Taken
<u>2014/1374/P</u>	Single storey rear extension (Certificate of Lawfulness (Existing))	REGISTERED	31-03-2014	

- 3.2 A Certificate of Lawfulness for an existing development was granted in 2008 for two single storey ground level extensions to the rear of the single dwellinghouse (LPA Reference: 2008/3188/P). A copy of these drawings and the Decision Notice is at Appendix 2.
- 3.3 At the time of writing there is an undetermined Appeal resting with the Planning Inspectorate (ref: APP/X5210/D/13/2203132) for the following development refused by the LPA in March 2013 (LPA ref: 2013/1031/P).

*"Erection of a two storey side extension on the south side, including erection of a new bay window plus new access with balcony and stone coping on north side; and erection of single storey lean to extension at lower ground level rear to an existing dwelling house(Class C3)"*

At the present time, the Appeal is awaiting confirmation of a site visit date.

- 3.4 Despite being recommended for approval by LPA officers, this application was refused by LPA's Development Control Committee. A copy of the LPA's report to the Committee and Decision Notice is at Appendix 3.

#### **2013 Certificate of Lawful (Existing) Development Applications**

- 3.5 In November 2013, the Appellant submitted three independent applications (highlighted in red in the table above) to the LPA seeking Certificates of Lawful (Existing) Development. These related to in-situ rear extensions. The Appellant had submitted three applications to relate to the three identifiable elements of the rear extensions. The LPA issued three independent Decision Notices.
- 3.6 The extensions referred to in these applications relate and correspond to the extensions that are the subject of the current Enforcement Notice, now the subject of this Appeal. Copies of the Decision Notices, relevant drawings and the LPA Planning Officer's Delegated Reports are at Appendices 4-6. These drawings therefore directly relate to the extensions that are now the subject of this Enforcement Appeal.
- 3.8 During the determination and assessment of the Applications, the LPA considered it appropriate to assess the totality of the three elements together as a single entity. The LPA set out their rationale to this approach within the Delegated Reports referred to above.
- 3.9 The LPA refused the three Certificate applications on the basis that they were not satisfied that the extensions combined, fell to be considered as permitted development either by way of dimensions/ size/ form and also that the applicant had not demonstrated to the satisfaction of the LPA that the extensions had been substantially completed for 4 or more years.
- 3.10 These refusals therefore precipitated the issuing of the current Enforcement Notice.
- LPA Actions prior to Enforcement Notice**
- 3.11 As noted within the Planning History table above, the LPA recently assessed and determined an application for a side extension under LPA ref : 2013/1031/P and which is now the subject of a separate Written Representations Appeal. (ref: APP/X5210/D/13/2203132).
- 3.12 The LPA determined that application at a time when the existing rear extensions (now the subject of this Enforcement Appeal) were in situ. These were clearly shown on the existing plans and elevations submitted to the LPA and which now form those appeal proposals. In this regard it is implicit that the LPA had regard to the existing situation at the appeal site when assessing that application. The relevant Planning Officer report to the LPA Development Control Committee is at Appendix 3.

3.14 According to the Officer's report (pg 264), LPA officers visited the property in 2008 and 2012 and concluded that there had been no breach of planning control for those elements now the subject of the Enforcement Notice.

3.16 Paragraphs 6.2-6.11 set out a detailed assessment of alleged breaches of planning control. Very importantly, the LPA, at paragraph 6.6, clearly stated that rear extensions present at the site constituted development undertaken with the benefit of being "permitted development". The LPA concluded at paragraph 6.11;

*"the above demonstrates that the various enforcement matters have been concluded, and have no bearing or relationship to the current application proposals"*

3.15 By recommending approval for the Appeal proposals, it is implicit that the case officer, in his consideration of the proposals will have assessed the cumulative effect of the existing and proposed extensions, and having done this concluded that firstly, those extensions were permitted and that the side extension scheme was acceptable, and preserved the character and appearance of the conservation area.

## 4. Scope of Extensions Subject of Enforcement Notice

- 4.1 With reference to the Planning History above, the Enforcement Notices relates to a series of three rear extensions. The table below identifies and clarifies those extensions for the sake of clarity.

2013/7485/P	<b>Construction of rear w/c extension.</b>
Scope of Extension	<p>It is clear from LPA documents and past applications that an existing rear extension was present in this location, at lower ground floor only as shown by drawings dated 1906. This was confirmed by the LPA in respect plans submitted by the Appellant in 2008 (ref <u>2008/3188/P</u>) (Appendix 2)</p> <p>This current (marginally enlarged) extension serves a W/C at lower ground floor.</p>
2013/7388/P	<b>Erection of four-storey rear extension (south-eastern corner of building).</b>
Scope of Extension	<p>This extension provides additional living accommodation to habitable rooms at lower ground, ground &amp; 1<sup>st</sup> floor.</p> <p>There are doors at lower ground level opening onto the rear garden area of the appeal property.</p> <p>There are no rear facing windows at ground, 1<sup>st</sup>, or 2<sup>nd</sup> floor.</p> <p>A small step out external terrace area sits above 1<sup>st</sup><sup>nd</sup> floor roof level serving a bedroom at 2<sup>nd</sup> floor level and accessed by opening doors.</p>
2013/7395/P	<b>Erection of rear staircase extension.</b>
Scope of Extension	<p>It is clear from LPA documents and past applications that an existing rear extension was present in this location, at lower ground and ground floor only as shown by drawings dated 1906. This was confirmed by the LPA in respect plans submitted by the appellant in 2008 for a Certificate of lawful development (LPA ref: <u>2008/3188/P</u>)</p> <p>This rear extension now extends a further 200mm rearwards and over lower ground, ground, 1<sup>st</sup>, 2<sup>nd</sup>, and sits below a small cat slide roof.</p> <p>It serves an extended internal staircase. The original staircase was in the same position. This extension serves a more appropriate and suitable staircase for a dwelling of this size.</p>

There are no habitable rooms within this extension. Small windows serve the staircase only at 1<sup>st</sup> and 2<sup>nd</sup> floor only.

4.2 The Appellant will provide evidence to highlight that these extensions have been added to the dwelling house in order to ensure that the dwelling house can provide more suitable accommodation, including the provision of an internal staircase of proper depth and a further w/c at lower ground floor level. It is the consequence of seeking to create a more liveable house that these extensions exist. The Appellant will set out that these modest enhanced features are not excessive and serve to create modest internal improvements and facilities.

## 5. Formal Grounds of Appeal

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Ground (a) That planning permission should be granted for what is alleged in the notice

- 6.1 It will be argued that under Ground (a) that in the context of the Development Plan and site specific circumstances, planning permission should be granted for the rear extensions that are the subject of the Notice.
- 6.2 It is understood from the Decision Notices for the Certificate Applications (Appendices 4-6) that the LPA would consider design and conservation policies as the principal reasons as why the extensions would not be acceptable.
- 6.3 The Appellant will adduce evidence to address this principal issue having regard to the following key elements:
- i) *The historic background and rationale to the erection of the rear extensions;*
  - ii) *The effect of the extensions upon the setting of adjacent statutorily listed buildings;*
  - iii) *The effect of the extensions upon the host building;*
  - iv) *The effect of the extensions upon the Conservation Area, and;*
  - v) *The benefits of the extensions to the host property in terms of improving an existing residential unit.*
- 6.4 In anticipation of comments from third parties / interested parties in addition the Appellant will adduce evidence relating to;
- vi) *The effect of the extensions upon the living conditions / residential amenity of proximate residential units, including, but not limited to, the effect upon;*
    - *Privacy / overlooking*
    - *Daylight and Sunlight*
    - *Outlook*
    - *Sense of enclosure*
- 6.5 Evidence in support of this Ground will be adduced from the characteristics of the original rear extensions that existed at the site prior to those which currently exist within the rear elevation. (Appendix 7)

- 6.6 The Appellant contends and will adduce evidence that the extensions that are the subject of the Notice are in accordance with the Development Plan and the National Planning Policy Framework, and shall refer, as appropriate, to the Development Plan and the Framework to support this Ground of Appeal

**Ground (d) – That at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.**

- 6.7 The Appellant will submit evidence to demonstrate that the rear extensions have been in-situ for a period of 4 or more continuous years and, at the time the Notice was issued, it was too late for the LPA to take enforcement action against what is alleged in the Notice.

**Ground (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections**

- 6.8 Without prejudice to Grounds A and D, it is the Appellant's case that should the Notice be upheld, the requirement to demolish all rear extensions is excessive, unnecessary and lesser steps would overcome the objections.

- 6.9 The Appellant will adduce evidence from the fact that the dwelling house retains the benefits of permitted development rights at this dwelling house and in the event that the Notice is upheld will be seeking to remedy matters (in the first instance) in 2 ways;

- 1) *To explore with the LPA as to the extent of rear extensions that would be considered acceptable*
- 2) *To confirm the maximum extent of rear extensions that would incontrovertible fall to be considered as permitted development.*

- 6.10 On this basis the Appellant need only remove the extensions to a level / dimension / form that would then comply with the provisions of Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (as amended May 2013).

- 6.11 The Appellant will submit that the LPA have considered that the single storey W/C extension would, in its own right, constitute permitted development. This is set out within the LPA Officer report (Appendix 4-6) paragraphs 3.3-3.7. The Appellant therefore contends that to require demolition of this element would be onerous and unnecessary in this context.

- 6.12 Having regard to the site circumstances and the provisions of the GPDO, the Appellant will adduce evidence to demonstrate that full demolition or all of the rear elevations is unnecessary and that lesser steps would overcome the objections.
- 6.13 Evidence in support of this Ground will also be adduced from the characteristics of the original extensions that existed at the site prior to this which currently exist within the rear elevation. (Appendix)

**Ground (g) That the time given to comply with the Notice is too short**

- 6.14 The Notice requires that the Appellant complies within 3 months.
- 6.15 Without prejudice to Grounds A,D and F, the Appellant contends that this is too short a period of time within which to arrange for works of demolition / remediation to be tendered, contracted and undertaken. Furthermore, it does not take account that there may well be opportunities with the LPA to explore what may or may not be permissible place of the rear extensions should the Notice be upheld.
- 6.16 The Appellant will submit that an extended period of time would allow the Appellant to formulate rear extensions that would incontrovertibly be considered to be permitted development. This may well be a reduced form in terms of extent and height, but would allow the Appellant to plan accordingly and properly for what would require a substantial remodelling of their private and only home, causing severe disruption.