



**TOWN AND COUNTRY PLANNING (ENFORCEMENT)(DETERMINATION BY
INSPECTORS)(INQUIRIES PROCEDURE) (ENGLAND) RULES 2002**

PROOF OF EVIDENCE

Gary Bakall

FOR PUBLIC INQUIRY ON

25th – 26th November 2014

APPEAL SITE

15 Gayton Crescent, London NW3 1TT

APPELLANT

Mrs. Galway-Cooper

SUBJECT OF APPEAL

This Proof of Evidence supports the decision of the Council to:

Enforcement Notice on 5th March 2014 alleging "The erection of three part rear extension ranging from single storey to four storey' and requiring the recipient to completely remove the three part rear (east elevation) extension and make good the rear elevation."

COUNCIL REFERENCE: EN14/0149

PLANNING INSPECTORATE REFERENCE: APP/X5210/C/14/2217197

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1. INTRODUCTION

- 1.1 I am Gary Bakall. I have an Honours Degree in Town & Country Planning and a Diploma in Town & Country Planning from University of Westminster. I am eligible for membership of the Royal Town Planning Institute.
- 1.2 I have had over 15 years' experience in town planning in local government. I have been employed by the London Borough of Camden in the role of Principal Planning Enforcement Officer for 4 years, Senior Planning Enforcement Officer for 5 years and before that as a Planning Enforcement Officer for 6 years. I undertake all planning enforcement including the drafting of enforcement notices as well as appeals. I am familiar with the appeal site and with the Hampstead area in general. My involvement with this case has been overseeing the enforcement investigation.
- 1.3 This inquiry will look at (A) the refusal of planning permission on 04/06/2013 for an extension comprising three elements, to the south, to the north and to the rear (east) and (B) the issue of an enforcement notice by the Council on the 5th March 2014 against a rear extension which itself comprises three elements. The appellant has appealed against the enforcement notice on ground (a), (d), (f) & (g) of Section 174 (2) of the Town and Country Planning Act 1990.
- 1.4 The appeal against refusal of planning permission (A) was originally submitted and accepted by the Inspectorate as a Householder Appeal in August 2013 but was transferred out of the Householder Appeal Service and programmed to be heard by Written Representations. When it came to light that the rear extensions were unauthorised and the enforcement notice against them appealed it was decided to link the two appeals at Public Inquiry.
- 1.4 Together with my colleagues Jonathon McClue and Nick Baxter, I will be representing the Council at this Public Inquiry. For ease and simplicity the

Council refers to appeal (A), the section 78 appeal against the refusal of planning permission for the extension and appeal(B), the appeal against the enforcement notice requiring removal of the rear extension.

- 1.5 This proof deals with the matters arising from appeal (B) against the enforcement notice served on the 5th March 2014 except for the conservation and design issues raised by the appeal against the EN on ground (a), which will be dealt with by my colleague Nick Baxter. My colleague Jonathon McClue will be dealing with the s78 appeal (A) against the refusal of planning permission
- 1.6 The building on the appeal site is not statutorily listed but is adjacent to listed buildings.

2.0 SITE AND SURROUNDING AREA

- 2.1 The appeal site comprises a detached 3 storey single family dwelling house plus basement located on the south side of Gayton Crescent at the junction with Willow Road in Hampstead. The property is surrounded by garden amenity space; although to the rear (east) this is quite limited it is larger on the south side adjacent to no. 14 Gayton Crescent and the flank wall of no. 41 Willow Road to the east. The building has lightwells at the front in common with other houses on the south side of Gayton Crescent. The building's brick surface is painted in common with others in the locality.
- 2.2 This is an important building. It is located within the Hampstead Conservation Area. All of properties 1-15 Gayton Crescent (inclusive) are identified in the Hampstead Conservation Area Statement as making a positive contribution to the character and appearance of the Hampstead Conservation Area. An Article 4 Direction (having effect from 1st September 2010. in respect of the Hampstead C.A. has withdrawn most permitted development rights pertaining to alterations to the front of the properties but does not affect the PD rights to the rear of the properties.

2.3 There are Grade II listed buildings to the east. These include 33-41 Willow Cottages, being a detached terrace of 2-storey houses with painted and rendered finish.

3.0 RELEVANT PLANNING HISTORY

3.1 *4th September 2006*: Planning permission was granted (ref: 2006/ 2929/P) for the change of use of basement of residential dwelling (Class C3) to nursery school (Class D1) and associated minor works.

3.2 *19th August 2008*: Certificate of Lawfulness (Existing) granted (ref: 2008/3188/P) for 'two single storey ground floor level extensions to the rear of the single dwellinghouse. This certificate was granted on the basis of plans submitted from 1906 which show 2 single storey extensions to the rear of the property. The decision letter and plans are attached at **Appendix 2**.

3.5 *24th December 2008*: Certificate of Lawfulness (Proposed) (ref: 2008/4730/P) refused for the erection of a basement, ground and first floor rear extension to single dwellinghouse (Class C3) for the following reasons:

'The proposed rear extension would be more than one storey and would be within seven metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. It therefore fails to comply with Class A.1 (f) (ii) of the Town and Country Planning (General Permitted Development Order 1995 as amended by Amendment) (No.2) (England) Order 2008.

The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse. It therefore fails to comply with Class A.2 (c) of the Town and Country Planning (General Permitted Development Order 1995 as amended by (Amendment) (No.2) (England) Order 2008.' Copy attached at appendix 3.

- 3.6 *April 2012*: planning application withdrawn (ref: 2012/0529/P) for the 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).
- 3.7 *4th June 2013*: Planning application refused (ref: 2013/1031/P) by the Development Control Committee (DCC) for the 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 existing dwelling house (Class C3) on design grounds. This refusal is the subject of appeal (B) also being considered at this inquiry.
- 3.8 *4th March 2014*: Certificate of Lawfulness (Existing) (ref: 2013/7485/P) refused construction of rear W.C. extension and warned of enforcement action. The decision letter, officer report and accompanying plans are attached at **Appendix 4**.
- 3.9 *4th March 2014*: Certificate of Lawfulness (Existing) (ref: 2013/7388/P) refused erection of four storey rear extension (south-eastern corner of building) and warned of enforcement action. The decision letter, officer report and accompanying plans are attached at **Appendix 5**.
- 3.10 *4th March 2014*: Certificate of Lawfulness (Existing) (ref: 2013/7395/P) refused erection of rear staircase extension and warned of enforcement action. The decision letter, officer report and accompanying plans are attached at **Appendix 6**.

These three refused CLEUD applications comprise the three elements of the rear extensions now the subject of the EN issued on 5th March 2014, the subject of appeal (A). This is clearly understood by the appellant, as indicated at paragraph 3.6 of their grounds of appeal, and provides powerful evidence against their suggestion that the EN is 'void for uncertainty'.

The officer report authorising the EN the subject of appeal (B) is at **Appendix 1**.

- 3.11 *20th March 2014*: Certificate of Lawfulness (Existing) granted (ref: 2014/0968/P) for removal of railings to north-western corner of property (junction between Gayton Crescent and Willow Road).
- 3.12 *May 2014*: Certificate of Lawfulness (Existing) withdrawn (ref: 2014/1374/P) for single storey rear extension.
- 3.13 *2nd June 2014*: Enforcement Notice issued (ref: EN13/1075) requiring reinstatement of front boundary railings on design grounds.

4.0 PLANNING ENFORCEMENT HISTORY

- 4.1 EN08/0799 - Fence removed and used as parking space-opened 11/09/2008 closed 29/09/2008 as permitted development.
- 4.2 EN09/0054 - 3 storey extension built without no p.p. – opened 04/02/2009 closed as no breach 28/02/2011
- 4.3 EN10/0856 – Demolition of wall to create off street parking – opened 07/09/2010 closed as p.d. 10/08/2012
- 4.4 EN11/0901 – A complaint was made that: ‘Substantial works carried out for more than 12 months with no planning, can anything be done to bring the works to a conclusion and a wall has been removed and a vehicle mounts the curb and parks on a small piece of garden’. – opened 30/09/2011 closed 30/11/2012 as permitted development. This complaint concerns what is the subject of the EN of 5th March 2014 and is addressed below.

4.5 EN12/0618 – Removal of 1 X holly tree on the front corner of the property covered by TPO – opened 11/07/2012 closed 26/02/2013 as no record could be found of TPO on Holly Tree.

5.0 APPEAL B (ENFORCEMENT NOTICE): COUNCIL’S CASE, GROUNDS (D), (F) AND (G).

5.1 The enforcement notice was issued on the 5th March 2014 and alleged, ‘The erection of three part rear extension ranging from single storey to four storeys’. It required within three months the removal of the three part extension and make good the rear extension. The reasons for issuing the notice are:

“(1) It appears to the Council that the above breach of planning control has occurred within the last 4 years.

(2) The rear extension by virtue of its height, bulk and location detracts from the character and appearance of the host building, the street scene and the wider Hampstead Conservation Area and harms the setting of nearby Listed Buildings contrary to policies CS14 (Promoting high quality places and conserving heritage our heritage); DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of the Councils Local Development Framework 2010”

5.2 The EN is attached at **Appendix 1**. The appellants have appealed under grounds (a), (d), (f) & (g)

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

5.3 Section 171B(1) (Time Limits) of the TCPA 1990 states:

‘Where there has been a breach of planning control consisting of the carrying out without planning permission of building, engineering, mining or other operation in, over or under land, no enforcement action may be taken after the

end of the period of four years beginning with the date on which operations were substantially completed.’

- 5.4 The Council issued the enforcement notice on the 5th March 2014. The appellant has to prove upon the balance of probabilities that the rear extension the subject of the EN was substantially completed by the 5th March 2010, i.e. four years prior to the service of the enforcement notice. Guidance suggests that an appeal on ground (d) will succeed if a LPA has no evidence itself, nor any from others to contradict or otherwise make the appellant’s version of events less than probable, provided the appellant’s evidence alone is sufficiently precise and unambiguous.
- 5.5 Evidence supplied by the appellant previously in response to a Planning Contravention Notice (PCN) and response (attached at **Appendix 7**) about this matter stated that the rear extension was completed prior to October 2008 and was permitted development, (See Mrs Galway Cooper’s affidavit at **Appendix 7**). Further investigation has found contradictory evidence that casts doubt on these claims. A comprehensive search of all relevant Council records relating to the premises around the pertinent time has shown that the property was an uninhabitable abandoned building site at this time and neighbour’s photos also clearly show that the works were far from substantially completed.
- 5.6 When the rear extension was investigated as part of planning enforcement investigation EN11/0901 by myself it was accepted that the rear extension was permitted development by virtue of The Town & Country Planning (General Permitted Development) Order 1995 (G.P.D.O. 1995), Schedule 2, Part 1, Class A. This allows the enlargement, improvement or other alteration of a dwellinghouse within certain prescribed limitations, the ones relevant to the rear extension include the cubic content of the resulting building not exceeding 10% of the cubic content of the original building, which it does not; the part of the building enlarged not to exceed in height the highest part of the roof of the original dwellinghouse, which it does not; and that the part of the building enlarged would be within 2 metres of the boundary of the curtilage of

the dwellinghouse and would not exceed 4 metres in height. When the rear extension was first measured as part of the investigation EN11/0901 on 5th September 2012, it was not possible to get to the rear ground level because there was no access from the back of the house or down from the scaffolding and so the measurement of the closest part of the rear extension (the middle four storey staircase enclosure) to the boundary was not accurate and was mistakenly measured as being 2 metres from the boundary, when in fact it is 1.5 metres to the boundary with the result that the rear extension is not permitted development under the G.P.D.O. 1995.

Comment [JA1]: Is this correct?

- 5.7 In any case it appears that the rear extension would not have benefited from the provisions of the G.P.D.O. 1995 because the works were not started before the Town & Country Planning (General Permitted Development) Order 2008 (G.P.D.O. 2008) was introduced, replacing the GPDO 1995 with effect from the 1st October 2008. Schedule 2, Part 1, Class A of the 2008 Order allows householders to construct rear extensions but prohibits rear extensions over a single storey from being within seven metres of the boundary, which this rear extension clearly is.

It is noted that the appellant does not argue any longer that the development is PD. This is evidenced by the absence of an appeal against the EN on ground (c).

Planning

- 5.8 In June 2008 the Council received an application for a Certificate of Lawfulness (Existing) (Ref: 2008/3188/P), shown at **Appendix 3**. This application shows the rear elevation before any recent development with an original double storey central addition with a balcony on top flanked by two single storey structures that had been constructed in 1906 and where the subject of this application. The site was visited in August 2008 by the case officer where photographs were taken, copies of these photographs attached at **Appendix 8a** clearly show that no building work had taken place and that

the two ground floor extensions that were the subject of the application and the two storey central addition are still in place.

- 5.9 In September 2008 complaints were received by the planning enforcement team that railings had been removed from the side of the property near the junction with Willow Road that allowed access for vehicles to park. A site visit on 24th September 2008 by Planning Site Inspector Darlene Dike found building contractors on site who stated that the removal of railings was a temporary measure while the building was being refurbished and would be replaced in a year's time when the building work was completed. If exterior building work had been occurring at the premises at this time it would be expected that the case officer would have referred to it. The photograph from this visit is attached at **Appendix 8b**.
- 5.10 In October 2008 the Council received an application for a Certificate of Lawfulness (Proposed) for the erection of a basement, ground and first floor rear extension, (Ref: 2008/4730/P). At the bottom of section 8 of the application form the applicant has stated that the proposal has been started. And in an accompanying letter dated 7th November to the case officer, Laura Swinton, the applicant states that the construction of the extension was substantially commenced before 30th September 2008 and that the proposal should be judged against the provisions of schedule 2, part 1, Class A.1 of the GPDO 1995 and not on the more restrictive (in this case) provisions of Schedule 2, part 1, Class A GPDO 2008. The proposed drawings accompanying this application show a rear extension similar to the one constructed. It is important to note that the existing drawings accompanying this application show the historic rear additions and no new work. A copy of this application is contained at **Appendix 3**. The application was refused by decision letter dated 24th December 2008 because the proposal did not meet the requirements of the GPDO 2008.
- 5.11 In February 2009 a complaint was received that a three storey rear extension was being constructed at the property. An enforcement investigation was started reference EN09/0054. The property was visited 18th February 2009

but site inspectors Allen Gillespie and Jackie Bailey were refused access and informed by a builder on site named Mr Wilsonh that the owner (Mr Pardoe) had stated that no information was to be given out about what was happening on site. A photograph taken at this time shows the rear elevation covered in scaffold and sheeting, attached at **Appendix 8c**, statements from Jackie Bailey and Allen Gillespie are attached at **Appendix 9**.

The site was visited again on 30th April 2009 where it was found no one was working on site, photographs were taken, attached at **Appendix 8d**. The site was again visited on 9th September 2010 by Allen Gillespie and Jackie Bailey where the current owner Mr Pardoe explained that no rear extension was being built and that the scaffold was to facilitate works to the roof and external facades. Photographs were taken of the rear, all the three sets of photographs show a scaffold covered rear and do not give much indication of what is underneath, attached at **Appendix 8e**. The enforcement case was closed 28th February 2011 as no breach was found.

5.12 In September 2011 complaints were received concerning substantial works continuing at the property in excess of 12 months and that the railings on the side had been demolished and vehicles were parking in the garden. An enforcement investigation (Ref: EN11/0901) was opened. A site visit was carried out by me on the 10th July 2012 but access to the site was limited with the property still being covered in scaffolding and sheeting; no building work was being carried out at the rear and I was informed by Mrs Galway-Cooper that no building works requiring planning permission had been carried out, she explained that the property had been left untouched since a bridging loan fell through because of the financial crisis in 2009 but they were arranging to have the property tidied up. This is referred to by Ms Galway –Cooper in her e-mail dated 16th September 2012 attached at Appendix 14. Internally the building was unfinished with no plaster on the walls and there was no staircase. I sent an email informing local residents that no building works were being carried out was on the same day, attached at **Appendix 10**, photographs taken at this visit are attached at **Appendix 8f**. A further visit by me on 25th September 2012 was more exhaustive and documented the

extensions as built. A Planning Contravention Notice was served on the owners of the property, a copy of the PCN and response is attached at **Appendix 7**.

- 5.13 In the response to the PCN Ms Wendy Galway-Cooper stated that the rear extension was built by their tenant, a builder named Jim Pardoe who built the extension in August and September 2008 in order to benefit from the provisions of schedule 2, Part 1 Class A (Householder) of the General Permitted Development Order 1995 that was due to be updated in October 2008. Further clarification of these events was requested by letter dated 16th July 2013 which was responded to by email on July 30th together with copies of invoices and bank statements that purported to support their case. This information is contained at **Appendix 7**. The response to the PCN does not contain any clear statements from the appellant as to when she saw the structure or at what stage of construction it was at.
- 5.14 In November 2013 the appellants applied for three Certificates of Lawfulness (Existing), for the erection of four-storey rear extension (south-eastern corner of building) (Ref; 2013/7388/P), for erection of staircase extension (Ref: 2013/7395/P) and construction of rear w.c. extension (Ref: 2013/7485/P). These three applications cover the three part rear extension. The evidence supplied with these applications is essentially the same as that provided in response to the PCN but also includes a sworn affidavit from the appellant. It also states that the single storey w.c. extension was built in early 2009 but conforms to the conditions and limitations attached to Schedule 2, Class A GPDO 2008. Details of these three applications are contained at **Appendices 4-6**.
- 5.15 Local residents responded to these three applications with evidence of their own which contradicts the appellant's assertion about when the works were completed including photographs of the rear elevation that show that no building work had taken place at the rear of the property in September 2008 and that on 16th August 2010 the walls of the central staircase enclosure were still bare breeze blocks without the necessary cement render required to

make them watertight. The response to these applications from the neighbours is contained at **Appendix 11**.

Council Tax

- 5.16 The Valuation Office Agency (VOA) is the government department responsible for keeping Council Tax bands up to date in England and Wales. Local Councils have a duty to report any changes to properties to the VOA. The Council has no responsibility for the valuation of properties for council tax purposes, either nationally or locally. All local councils are legally obliged to amend the Council Tax band as instructed by the VOA. Every property is banded for a council tax, as long as it qualifies to be a 'dwelling'. To be a dwelling, the VOA will look to see if the property is either habitable or capable of repair. In limited circumstances, the VOA can decide to 'delete' a council tax band. This means that a property would not have a council tax band at all and the taxpayer wouldn't pay any council tax. If a property is actually occupied, it is generally assumed to be habitable and the VOA will not delete the band, even if repair or renovation works are on-going.
- 5.17 If the works are more substantial than normal repairs including structural alterations, major renovation or other alterations, which result in the property being incapable of occupation, then the band may be deleted. In these circumstances the works would result in a property of a different character from the old one it replaces. Such works will be of a much greater scale than normal repairs, and often carried out to a different specification to the original. Significant reconstruction must make it impossible to live in any part of the property for the band to be deleted. Information from the Council's CT Team Leader, Ann O'Callaghan is at **Appendix 12** together with statements from the four CTax Inspectors who have visited the property.
- 5.18 Although there has been no written declaration from the owner, 15 Gayton Crescent was removed from the Council Tax Valuation List with effect from 15.09.2008 due to major building works making the property inhabitable. The property was returned to the Council Tax Valuation List with effect from 03.09.13 due to property being considered a chargeable dwelling again.

Attached at **Appendix 12** are copies of the site notes from Council Tax (CTax) Inspectors who visited the site during this period.

- 5.19 On 15th April 2009 Jenny Courtney, a CTax inspector, found major building works were in progress at this property. Rear wall to building has been part demolished as rear extension being added to premises. Recommends Class A uninhabitable exemption from 15/09/08 (when Building Control records shows work commenced).
- 5.20 In a further email dated 12 April 2010 (see **Appendix 12**) Jenny informs her manager that the property was visited on 10th March 2010 and 7th April 2010 – found no builders on site (appears to be abandoned site). Confirms that property was empty, unfurnished, uninhabitable and undergoing major works (part demolished) recommends VO remove property from list.
- 5.21 In an email dated 18th October 2010 the same CTAX Inspector informs her manager that the property was visited on 1st July 2010 where it was found that works in progress and gutted, again on 24th September 2010 where it was found that works in progress but builders not on site, it appeared as if works were on hold. Jenny Courtney goes on to say that it has been part demolished and will need to be monitored again when works near completion.
- 5.22 In an email dated 6th January 2011 the same CTax Inspector states she visited in December and on 5th January 2011, works in progress and still a building site.
- 5.23 The property was visited again on 18th August 2011, 8th September 2011 and 13th October 2011 by a different CTax Inspector who states building works ongoing. (Please see memo headed INSPECTOR'S REPLY and dated 09.09.2011 and 17.10.2011 from Winston in **Appendix 12**)
- 5.24 Visited 16th February 2012 where it was confirmed that major works still ongoing. (Please see memo headed INSPECTOR'S REPLY and dated 09.03.2012 from Winston in **Appendix 12**)

- 5.25 The property was visited again 31st July 2012 and found to be uninhabitable. The whole of the building had been stripped, there are props and scaffoldings to support structures. However it appears works have temporarily ceased. There were no builders on site. Please see memo headed INSPECTOR'S REPLY dated 2 August 2013 from Olua **Appendix 12**.
- 5.26 A memo dated 13 February 2013 reports that Mrs Galway-Cooper advised that the property is still not complete but should be by the end of the summer. Please see **Appendix 12**.
- 5.27 These visits by different CTax inspectors all show that from early 2009 until early 2013 the property was left an inhabitable building site and this strongly indicates that the rear extension had not been substantially completed on 5th August 2010.

Building Control

- 5.28 A Building Control application for the erection of a rear extension was made on 30th September 2008, (Ref: 08/1/0601) the fee was paid but no drawings appear to have been submitted, by the then lease holder Jim Pardoe. The building control officer visited the site on the 7th and 10th October 2008 but found no one on site and left a card on both occasions. This application is still outstanding.
- 5.29 On the 14th July 2012 the building control section received notification that a gas boiler had been installed (Ref: 12/CP/03528).
- 5.30 On 13th April 2013 following pressure from the Council's Building Control Section to regularise these matters Wendy Galway-Cooper made a building control application (Ref: 13/1/06432 Computer records attached at **Appendix 13**) for new rainwater goods, rewiring, replastering with insulation, repairing staircase and replacing windows. This was rejected and a new building control application was made on the 23rd April 2013 (Ref: 13/3/06390) for new structural openings being formed internally, new windows, walls internal

plaster removed and being re rendered/plastered and insulated. New staircase rewiring and new services. New rainwater goods. No drawings were submitted as part of this application but the descriptions inform us that the property as a whole was far from complete

Electoral Register

- 5.31 No one was registered on the electoral register at this property in 2008, the ER form recorded that the property was under renovation and empty. In 2009 it is recorded as “renovation”. For 2010 it is recorded that ‘no one lives here! Under renovation for over 18months.’ The 2011 electoral registration form states ‘empty under 5 years, still under renovation’ The 2012 form states ‘under repair’. This all indicates that the property was uninhabitable and a building site when first visited by the canvasser’s as they did not return to the property as would be the case if they had any indication that it was inhabited. In 2013 both Philip and Suzanne Galway-Cooper submitted Camden Electoral Registration Forms stating 15 Gayton Crescent was their current address. The ER Form documents are contained at **Appendix 14**.

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

- 5.32 The Council accepts that under Schedule 2, Part 1 Class A of the GPDO 2008 single storey rear additions would be permitted development within certain prescribed limits and constraints. These permitted development rights are a given and could not be included in the requirements of the notice. The single storey WC, if an addition on its own, would benefit from permitted development but at present it is part of a larger structure so does not benefit from these rights.
- 5.33 The refused planning application includes a proposed storey to be built on top of the single storey WC extension that is part of the enforcement notice and was refused a Lawful Development Certificate dated 4th March 2014 (Ref: 2013/7485/P), please see **Appendix 4**. This element is not considered

acceptable for the same reasons the Council issued an enforcement notice against the rear extension.

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

5.34 The Council is prepared to accept a 6 month compliance period

6.0 SUMMARY AND CONCLUSIONS

6.1 This is a clear breach of planning control. The appellants were well aware that they did not have planning permission for the rear extension they built and have tried to deceive the Council into thinking it was permitted development and now that it was substantially completed over four years ago.

6.2 It appears that some attempt was made to use the provisions of the 1995 GPDO although evidence that anything was actually started before 30th September 2008 is extremely scant despite the importance of this date for the lawfulness of this structure. What appears more certain is that all building works were abandoned early in 2009 and the whole development was left unfinished for many years. There is no record of any real building work taking place until the start of 2013. It would be stretching credulity to suggest that the large rear extension was somehow substantially completed before August 2010 while the rest of the property was left a stripped out, partly demolished uninhabitable shell. The appellant has admitted to me that building work stopped in early 2009 because a bridging loan fell through as a result of the financial crisis.

6.3 Photographs from neighbouring residents confirm that in August 2010 the rear extension was not substantially complete.

7.0 LIST OF APPENDICES

- 1. Copy of Enforcement Notice**
- 2. Planning approval 2008/3188**
- 3. Planning refusal 2008/4730**
- 4. Planning refusal 2013/1031**
- 5. Planning refusal 2013/7388**
- 6. Planning refusal 2013/7395**
- 7. PCN Response**
- 8. Photographs**
- 9. Site Inspector Statement**
- 10. Closure e-mail**
- 11. Submission from neighbour (sent separately)**
- 12. Council tax evidence and statements**
- 13. Building Control evidence**
- 14. Electoral register evidence**