



WRITTEN REPRESENTATIONS:

ENFORCEMENT APPEAL STATEMENT

FACTS TO SUPPORT APPEAL UNDER GROUNDS

(a), (f) and (g)

BY:

Ruma Kabir

FOLLOWING THE ISSUE OF AN ENFORCEMENT NOTICE BY:

The London Borough of Barnet Council

DATED:

16th December 2021

REFERENCE:

ENF/0718/21

FOR:

Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension

AT:

50 Galsworthy Road, London, NW2 2SH

1.0 Introduction

1.1 Enforcement Notice reference ENF/0718/21 dated 16th December 2021 was issued by the London Borough of Barnet Council as it appears to them that there has been a breach of planning control under Section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

1.2 The land to which the Enforcement Notice relates is located at no. 50 Galsworthy Road, London, NW2 2SH.

1.3 The alleged breach of planning control is described as:

Without planning permission, the erection of a part single, part two storey rear extension including a ground floor wooden and plastic canopy extension.

1.4 The Enforcement Notice was issued for the following reasons:

It appears to the Council that the above breach of planning control has occurred within the last four years.

1. *The development by reason of its size, siting, bulk and design constitutes a disproportionate, discordant and incongruous addition to the property, to the detriment of the character and appearance of the terraced properties and the general locality, contrary to policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2016)*
2. *The scale and rearwards projection of the extension creates an overbearing structure that causes a loss of adequate daylight, sunlight and outlook for current and future occupiers of the adjoining properties contrary to policy DM01 (Protecting Barnet's character and amenity) of the Adopted Development Management Policies DPD (2012). The extension also creates an overbearing impact for the whole development and hence disregards advice contained within the Adopted Residential Design Guidance SPD (2013).*

1.5 What they are required to do: -

1. *Demolish the part single, part two storey rear extensions and canopy extension and restore the land to its condition prior to the breach of planning, in line with the following existing plans of permission reference 18/2006/PNH dated 01.05.2018: "Existing rear elevation" from drawing number 2018-Galsworthy-P-R-01 Rev A3, "Existing right elevation" and "Existing left elevation" from*

drawing number 2018-Galsworthy-P-R-02, and “Existing G/F”, “Existing F/F” and “Existing Loft” from drawing number 2018-Galsworthy-P-R-03.

2. *Permanently remove all constituent materials resulting from the works in 1.above from the property*

1.6 Time for compliance: *6 Months after this notice takes effect.*

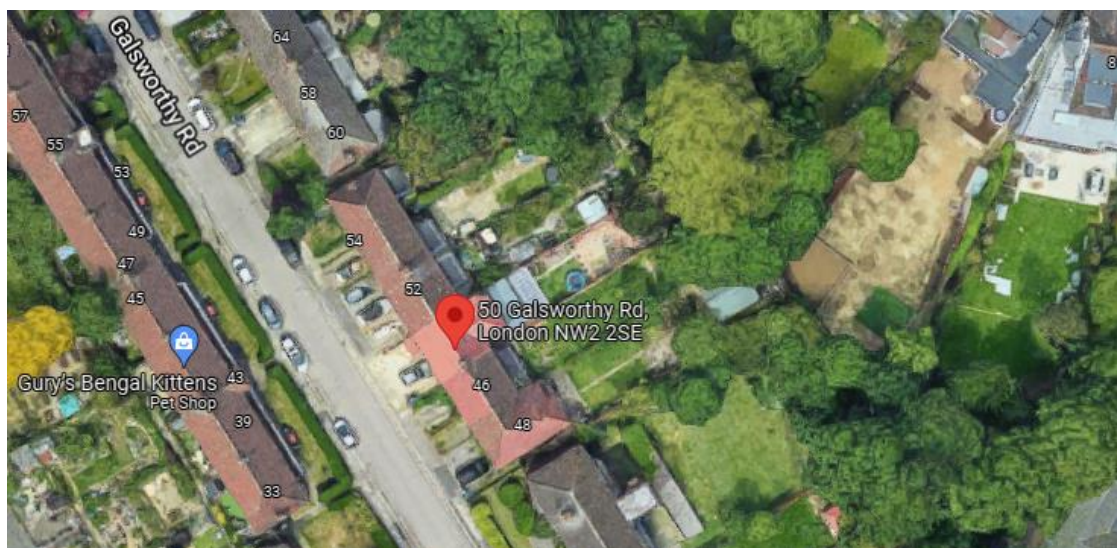
1.7 This Notice takes effect on **27th January 2022** unless an appeal is made against it beforehand.

2.0 Appeal Site and Location



No. 50 Galsworthy Road

2.1 No. 50 is a mid-terrace dwelling located to the north eastern side of Galsworthy Road. The site is not within a conservation area or within the curtilage of a listed building and permitted development rights have not been revoked.



Aerial view of the appeal site and surrounding location

3.0 Relevant Planning Policy

3.1 The reasons for issuing the Enforcement Notice refer to policy DM01 of the Development Management Policies DPD, policy C5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2016).

3.2 Although not referred to within the Enforcement Notice the National Planning Policy Framework is also considered relevant. The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF) 2021

3.3 The National Planning Policy Framework set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

3.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

- 3.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

- 3.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 3.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The Barnet Development Management Policies DPD

- 3.8 The Development Management Policies DPD sets out the borough-wide planning policies that implement the Core Strategy and will be used for day to day decision making by the Planning Service. Policy DM01 was referred to within the reasons for issuing the Enforcement Notice.

Policy DM01: Protecting Barnet's character and amenity

- 3.9 Policy DM01 is a general policy which refers to the protection of Barnet's character and amenity, with the following criterion which has been adhered to during the design process relating most specifically to the appeal case:
- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
 - b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
 - e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
 - g. Development proposals should retain outdoor amenity space having regard to its character.
 - j. Development proposals will be required to include hard and soft landscaping.

The Barnet Core Strategy

- 3.10 The Local Plan Core Strategy embodies spatial planning – the practice of 'place shaping' to deliver positive social, economic and environmental outcomes and provide the overarching local policy framework for delivering sustainable development in Barnet. Policy CS5 was referred to within the reasons for issuing the Enforcement Notice.

Policy CS5: Protecting and enhancing Barnet's character to create high quality places

- 3.11 Policy CS5 refers to protecting and enhancing Barnet's character and sets out a list of criteria that new development should comply with in order to ensure that the development respects local context and distinctive local character creating places and buildings of high quality, including the requirement to enhance the borough's high quality suburbs through the provision of buildings of the highest quality.

Residential Design Guidance SPD

- 3.12 The Residential Design Guidance SPD provides advice on residential development issues such as local character, density, car parking and amenity space standards.

4.0 Grounds of Appeal

4.1 The appellant accepts that at the time the Enforcement Notice was issued that those matters described had occurred, that the notice was properly served on everyone with an interest in the land and at the time the notice was issued it was not too late to take enforcement action. As such, the appellant is not appealing on grounds (b), (c), (d) or (e).

4.2 However, the appellant appeals under the following grounds:

- Ground (a) that planning permission should be granted for what is alleged in the notice
- Ground (f) that the steps required by the notice are excessive and lesser steps would overcome the objections
- Ground (g) that the time given to comply with the notice is too short

5.0 GROUND (a) APPEAL

5.1 The appellant seeks to retain those matters referenced within section 3. of the Enforcement Notice and therefore, appeals against the Enforcement Notice on Ground (a). The appellant thus challenges the council's reasons for issuing the Enforcement Notice.

5.2 Therefore, the following statement will seek to demonstrate that the development is a proportionate and complementary addition to the host property which has a positive impact on the character of the area and that the rearward projection does not cause any unacceptable impacts on the residential amenities of neighbouring occupiers.

Background

5.3 By way of background to the site the appellant submitted the following applications:

Ref 18/2006/PNH Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.7 metres and maximum height of 3 metres

Decision: Prior approval not required 1st May 2018 (Copy attached in **Appendix A**)

Ref 18/2947/192 Single storey rear extension following the demolition of an existing rear extension

Decision: Lawful 7th June 2018 (Copy attached in **Appendix B**)

Ref 18/3899/HSE Part two storey rear extension following the demolition of existing single storey rear extension

Decision: Approved 29th August 2018 (Copy attached in **Appendix C**)

- 5.4 Having gained a certificate of lawful development for a 6m deep single storey rear extension and received planning consent for a part two storey/part single storey 3m deep rear extension the appellant did not realise that a combination of the schemes would be unlawful. As a result, the appellant has implemented the 6m deep single storey extension deemed lawful under application ref 18/2947/192 and then added the first floor element of the scheme approved under application ref 18/3899/HSE.
- 5.5 In addition, the appellant unwittingly added a further ground floor wooden and plastic canopy addition mistakenly believing that as this was an open structure built in temporary lightweight materials it did not require planning consent.
- 5.6 Whilst the appellant now acknowledges that the development is unauthorised, she considers it necessary to declare that she never set out to intentionally contravene planning control.

Design and impact on character

- 5.7 Paragraph 126 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.8 Paragraph 130 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 5.9 Policy DM01 (Protecting Barnet’s character and amenity) seeks to ensure that all design represents high quality and proposals will be considered acceptable where they can amongst other things preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- 5.10 Core Strategy policy CS5 has regard to protecting and enhancing Barnet’s character and sets out that development should address the principles, aims and objectives set out in the national design guides; be safe, attractive and fully accessible and protect and enhance the gardens of residential properties.
- 5.11 The SPD Residential Design Guidance recommends that development have regard to the form, scale and architectural style of the original building.

Part single, part two storey rear extension

- 5.12 As highlighted at paragraph 5.3 the appellant previously gained planning consent for a 3m deep part single, part two storey rear extension and received a certificate of lawful development for a 6m deep single storey extension and although their amalgamation is unlawful the intent of this appeal should be to determine whether the cumulative impacts of the combined schemes result in the level of harm set out within the Enforcement Notice.
- 5.13 The part single, part two storey rear extension has been designed and constructed to a high standard utilising good quality materials which complement the form, external materials and detailing of the original dwelling.



Existing part single, part two storey rear extension

- 5.14 The council's Residential Design Guide provides advice on extensions and states at paragraph 14.21 that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3m. Paragraph 14.22 of the SPD goes on to state:

Single storey rear extensions to the original house, need to ensure that:

- *the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties*
- *they do not look too bulky and prominent compared to the size of the main building and garden to which they relate*
- *if the garden space is in breach of amenity standards then application will normally be refused*
- *in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour.*

5.15 Paragraph 14.23 states that each proposal will be considered on its own individual merits, however, where there is scope for a larger rear extension, the principles of good design as set out in Table 3 of the SPD still apply.

5.16 The pre-existing host property had an overall depth of approximately 9.1m and as the scheme removed an original 2.42m deep single storey rear projection the depth of the property at ground floor level has only increased by 3.58m which should be considered as proportionate.

5.17 In addition, the host property benefits from a long rear garden and following the development the site has still retained a rear garden depth of approximately 23m.

5.18 Consequently, when also taking into account other mitigating factors such as the modest height and flat roof design of the single storey element in combination with the council's acceptance of the scale and mass of the first floor element the proposed extensions do not look too bulky or prominent compared to the size of the main building and the garden to which they relate.

5.19 Regarding outdoor amenity space, Table 2.3 of the Sustainable Design and Construction SPD states that development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.

Table 2.3: Outdoor Amenity Space Requirements	Development Scale
For Flats: • 5 m ² of space per habitable room.	Minor, Major and Large scale
For Houses: • 40 m ² of space for up to four habitable rooms • 55 m ² of space for up to five habitable rooms • 70 m ² of space for up to six habitable rooms • 85 m ² of space for up to seven or more habitable rooms	Minor, Major and Large scale

Table 2.3 of the Sustainable Design and Construction SPD

- 5.20 The existing property has five habitable rooms and as the rear garden measures approximately 126m² it far exceeds the outdoor amenity space requirements set out in Table 2.3.
- 5.21 Furthermore, the development is not visible from the public realm and there is evidence of similar extensions upon the host terrace including that at no. 46 Galsworthy Road which is visible from the appeal site.
- 5.22 Therefore, given the evidence above whilst the single storey rear element may exceed the 3m depth set out in the SPD the proposed part single, part two storey rear extension would be a proportionate, high quality addition that harmonises with the original dwelling fulfilling the aims set out under paragraph 14.22 of the SPD and as a result it would not undermine the character and appearance of the host property and wider terrace.
- 5.23 In summary, the part single, part two storey rear extension would comply with the overall aims and design principles within the NPPF, policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the intent of the Supplementary Planning Document: Residential Design Guide (2016).

Ground floor wooden and plastic canopy extension

- 5.24 Whilst the appellant would like to retain the ground floor wooden and plastic canopy in addition to the part single, part two storey rear extension she would be willing to remove this element of the unauthorised development from the site if deemed necessary to retain the part single, part two storey rear extension.
- 5.25 However, in support of the canopy the appellant considers its lightweight design, modest height and depth in combination with the materials of construction ensure it is a suitable addition to the garden setting and allows the outdoor space to be enjoyed throughout the year thus improving the amenities of existing occupiers of the appeal dwelling.
- 5.26 The canopy is approximately 3m deep and extends the full width of the property and given its lightweight appearance it does not compete with the form of the host property and it is not read as a conventional extension. Therefore, although the overall depth of the rear extensions may exceed the council's guidelines the additional canopy does not appear out of proportion.
- 5.27 In addition, as highlighted above, as a good sized garden is maintained the plot would not appear unduly cramped and thus, given the modest scale, height, open construction and the fact that the canopy is not visible from the public realm the development could not reasonably be considered to be detrimental to the general locality or disproportionate, discordant and incongruous.



Wooden and plastic canopy

- 5.28 Given the above reasons the canopy would not have an unacceptable effect on the character and appearance of the host property, wider terrace or surrounding area and therefore complies with the overall aims and design principles within the NPPF, policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the intent of the Supplementary Planning Document: Residential Design Guide (2016).

Impact on adjoining neighbours

- 5.29 Paragraph 130 point f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.30 London Plan 2021 policy D3 (Optimising site capacity through the design-led approach) states that development should deliver appropriate outlook, privacy and amenity.
- 5.31 Policy DM01 (Protecting Barnet's Character and Amenity) and the council's Adopted Residential Design Guidance seek to ensure that the amenities of neighbouring occupiers are protected by taking a full account of all neighbouring sites when assessing a scheme.
- 5.32 The council's Residential Design Guide also requires that extensions do not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.

Part single, part two storey rear extension

5.33 To recap the site has previously gained lawful consent for the 6m deep single storey extension and planning approval for the first floor element albeit these developments were assessed independently.

5.34 When assessing the part single, part two storey 3m deep rear extension approved under application ref 18/3899/HSE regarding whether harm would be caused to the living conditions of neighbouring residents the associated delegated officer's report confirms:

"The extension is not considered to be overbearing to either neighbouring property and would not encompass them or cause a tunnelling effect. There is a stairwell window 0.5 metres from the edge of the 2 metre first floor element adjacent to no 52 which will be affected by some loss of light. However, due to the window being for a stairwell landing, it is not a principle window therefore the loss of light would not be detrimental to the living conditions of neighbouring residents. The closest habitable room window is located 2 metres from the property boundary and will not suffer from a significant loss of light. The proposed extension is not considered to cause detrimental loss of light to no 48. There is to be some overlooking into the gardens of neighbouring properties, however this would not cause any additional harm or loss of privacy to neighbouring residents. Overall, it is not considered that the extension would cause significant harm to neighbouring properties."

5.35 Regarding the 6m deep single storey rear extension the appellant initially applied under the 'notification for prior approval for a proposed larger home extension' and as the council did not receive any comments within the 21-day period the proposal was considered permitted development.

5.36 Whilst the lack of neighbour objection to the 6m deep extension is not determinative it is nonetheless a material consideration in favour of the scheme.

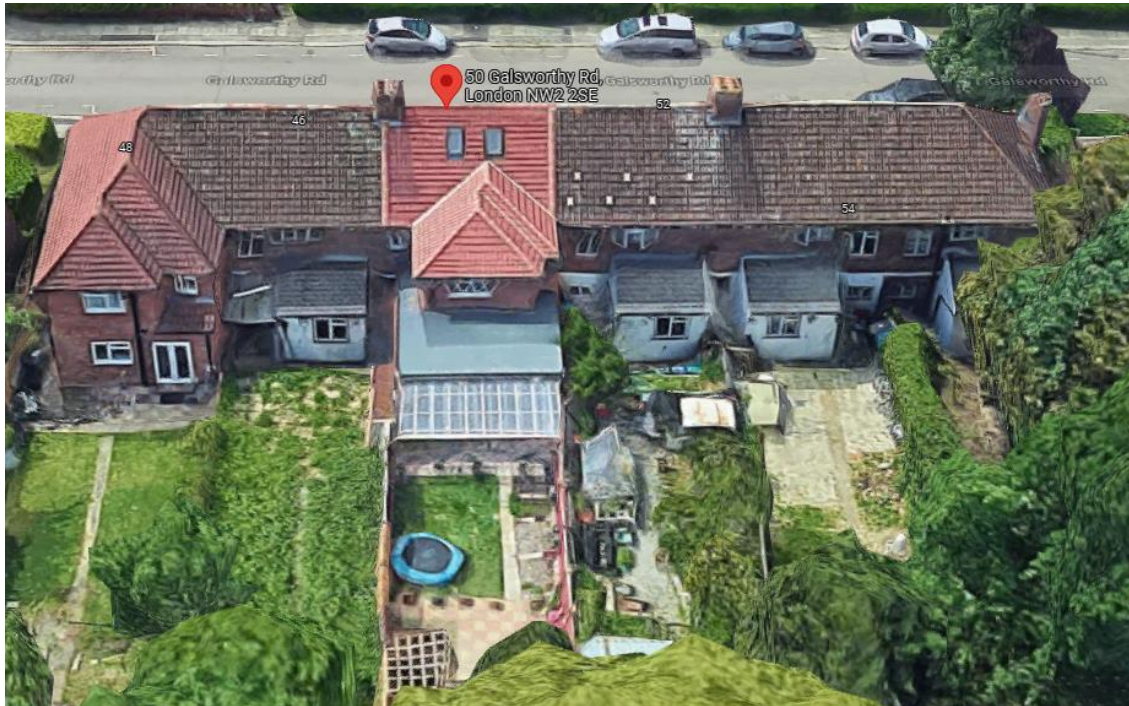
5.37 The appeal property is a mid-terrace dwelling that is attached to nos. 48 and 52 Galsworthy Road whilst it also shares a rear boundary with no. 10 Harman Drive.

5.38 No. 48 Galsworthy Road is positioned to the southeast, no. 52 is positioned to the northwest whilst no. 10 Harman Drive is located to the east with a separation distance of approximately 55m available between dwellings. As a consequence, this statement will seek to demonstrate that the development would not result in material harm to the living conditions at nos. 48 and 52 Galsworthy Road.



Site context

- 5.39 As illustrated above both neighbouring properties have existing single storey rear projections. The aerial image above shows 45 degree lines drawn from the centre point of the nearest habitable room windows at both nos. 48 and 52.
- 5.40 The image clearly demonstrates that the proposed part single, part two storey rear extension would not impact on the residential amenities of occupiers of no. 52 by virtue of overbearingness, loss of light or outlook.
- 5.41 Regarding no. 48 the appellant acknowledges that the rear corner of the 6m deep extension would marginally intercept a 45 degree line, however, given the position of no. 48 to the south of the appeal site in combination with the modest height of the extension and the size of the neighbour's rear garden the appellant states that the part single storey rear extension is not so much taller than the boundary fence that it would have a harmfully overbearing effect or cause an unreasonable sense of enclosure. Moreover, light received within the habitable rooms and gardens would not be affected by reason of no. 48's position to the southeast of the extensions.
- 5.42 Given the above points, the part single storey, part two storey rear extension would not materially harm the living conditions of the occupants of nos. 48 and 52 Galsworthy Road and therefore, these elements of the development would comply with the NPPF, London Plan policy D3, Development Management policy DM01 and advice contained within the Adopted Residential Design Guidance SPD.



Site layout

Ground floor wooden and plastic canopy

- 5.43 In terms of the rear canopy, whilst the appellant has demonstrated her willingness to remove this element if necessary to gain approval for the part single, part two storey rear brick built extension she states that given the lightweight design, modest depth and height and materials used ensure that it does not impact on the residential amenity currently enjoyed by neighbouring occupiers.
- 5.44 Although the canopy is visible over the side boundary treatments its open sided design and slim profile could not reasonably be considered to appear overbearing whilst the clear plastic roof allows views through so the canopy does not appear visually intrusive.
- 5.45 Consequently, the canopy does not create a sense of enclosure or reduce sunlight that would unacceptably affect living conditions. In addition, both neighbouring properties have an open outlook over their own long rear gardens and thus the relatively minor increase in built form created by the canopy would not be harmful.
- 5.46 Given the above points, the appellant states that the additional ground floor wooden and plastic canopy would not cause a loss of daylight, sunlight and outlook or create an overbearing impact and as a result this element of the development also complies with the NPPF, London Plan policy D3, Development Management policy DM01 and advice contained within the Adopted Residential Design Guidance SPD.

Conclusion on Ground (a)

- 5.47 Given the above points, the appellant requests that the enforcement notice is quashed and that planning permission is granted for the part single, part two storey rear extension including ground floor wooden and plastic canopy, however, the appellant has indicated she would be willing to remove the ground floor wooden and plastic canopy if necessary to allow the part single, part two storey rear extension to be retained.
- 5.48 The appeal works comply with the overall aims of the National Planning Policy Framework 2021, policy DM01 of the Development Management Policies DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide.

6.0 GROUND (f) APPEAL

- 6.1 In the instance that the Inspector is minded to dismiss the appeal under Ground (a) the appellant appeals against the Enforcement Notice on Ground (f) on the basis that the steps required to be taken by the notice exceed what is necessary to remedy the breach of planning control.
- 6.2 The council's Enforcement Notice requests the following remedial action:
1. *Demolish the part single, part two storey rear extensions and canopy extension and restore the land to its condition prior to the breach of planning, in line with the following existing plans of permission reference 18/2006/PNH dated 01.05.2018: "Existing rear elevation" from drawing number 2018-Galsworthy-P-R-01 Rev A3, "Existing right elevation" and "Existing left elevation" from drawing number 2018-Galsworthy-P-R-02, and "Existing G/F", "Existing F/F" and "Existing Loft" from drawing number 2018-Galsworthy-P-R-03.*
 2. *Permanently remove all constituent materials resulting from the works in 1. above from the property.*
- 6.3 As highlighted in paragraph 3.5 the property has previously gained planning consent for a part single, part two storey 3m deep rear extension under application ref 18/2006/PNH.
- 6.4 The appellant states that no planning purpose would be served by requesting the entire development be removed only for the part single, part two storey 3m deep rear extension to be rebuilt soon afterwards.

6.5 Therefore, the appellant respectfully requests that the terms of the notice are varied as shown below:

1. *Demolish the ground floor wooden and plastic canopy extension and rebuild in accordance with the plans approved under application ref 18/2006/PNH for a part single, part two storey 3m deep rear extension.*
2. *Permanently remove all constituent materials resulting from the works in 1. Above from the property.*

6.6 The appellant considers that this would remedy the breach of planning control as it would remove the cumulative impacts of the existing development which by reason of an earlier planning approval has already confirmed by the council would be a proportionate, appropriate addition that would complement the host property and the pattern of development on the host terrace whilst also eliminating any perceived impacts on the residential amenities of neighbouring occupiers.

6.7 In summary, the appellant respectfully requests that the notice could be varied to allow the appellant to carry out the lesser measures shown above and it would not be disproportionate to require the appellant to carry out the steps required by a varied notice.

6.8 In summary, if the appeal fails on ground (a) the appeal should succeed on ground (f).

7.0 GROUND (g) APPEAL

7.1 In the instance that the Inspector is minded to dismiss the appeal against Grounds (a) and (f) the appellant appeals against the Enforcement Notice on Ground (g) on the basis that the time given to comply with the notice is too short.

7.2 The council's Enforcement Notice requests the following remedial action:

1. *Demolish the part single, part two storey rear extensions and canopy extension and restore the land to its condition prior to the breach of planning, in line with the following existing plans of permission reference 18/2006/PNH dated 01.05.2018: "Existing rear elevation" from drawing number 2018-Galsworthy-P-R-01 Rev A3, "Existing right elevation" and "Existing left elevation" from drawing number 2018-Galsworthy-P-R-02, and "Existing G/F", "Existing F/F" and "Existing Loft" from drawing number 2018-Galsworthy-P-R-03.*
2. *Permanently remove all constituent materials resulting from the works in 1. above from the property.*

7.3 **Time for Compliance: Six (6) calendar months after the notice takes effect**

- 7.4 The level of work required is beyond the appellant's capabilities and as a result she would have to employ a competent builder, electrician and plumber to carry out the demolition and rebuilding works.
- 7.5 The works required by the notice go beyond the need for just demolition as should the layout of the original house require reinstating this would involve removing and relocating both the kitchen and bathroom during which time the appellant and her family would not be able to remain in the property whilst the works were being completed and thus would have to find suitable alternative accommodation.
- 7.6 The cost of these works would not be insignificant and therefore, the appellant politely requests an extension of time to ensure that she does not suffer mentally, physically, or financially.
- 7.7 As there would be no public interest in potentially placing the appellant into financial hardship or under excessive mental or physical pressure an extension of compliance period would represent a proportionate response that strikes a fair balance between the concerns of the wider public interest and the needs of the occupiers of the site as well as the requirements of the council.
- 7.8 Taking the above points into consideration it is kindly requested that the time for compliance is extended from **six (6) months up to nine (9) months**.

8.0 Conclusions

- 8.1 In summary, the appellant considers that planning permission should be granted for the development alleged in the Enforcement Notice. Should the appeal be dismissed under ground (a) the appellant considers that the notice could be corrected and varied as set out above under ground (f). The appellant also appeals on Ground (g) on the basis that the time given to comply with the notice is too short.

21st January 2022