

**LOCAL PLANNING AUTHORITY STATEMENT OF CASE**

**APPEAL REFERENCE: APP/N5090/C/22/3311480**

**APPEAL SITE: LAND AT 18 UNDERNE AVENUE, LONDON  
N14 7NE**

**LOCAL PLANNING AUTHORITY REFERENCE: ENF/1016/21**

**SUBJECT OF APPEAL:**

**ENFORCEMENT NOTICE against;**

**Without Planning Permission: the erection of a single storey rear extension with associated raised patio and steps (edged in red in the attached images); The erection of a wall adjoining the single storey rear extension built on top of the raised patio to a total height exceeding 2 metres (edged in yellow in the attached images); The raising of the level of the rear garden, (edged in blue in the attached images) and; The erection of boundary fencing (with 20 Underne) that exceeds 2 metres in height.**

**The appeal is made on grounds (A), (B), (F) and (G)**

## **1.0 THE APPEAL SITE THE SUBJECT OF THIS APPEAL**

- 1.1 The property that is the subject of this appeal relates to a site known as 18 Underne Avenue, London N14 7NE
- 1.2 The appeal site contains a two-storey semi-detached dwelling, within the Brunswick Park ward of Barnet.

**LPA Image 1**



- 1.3 The development in contravention of permitted development rights and without planning consent was made regarding the appeal site.

## 2.0 The Enforcement Notice

The Enforcement Notice, (ENF/1016/21) that is the subject of this appeal was issued by the London Borough of Barnet on 13<sup>th</sup> October 2022.

### The Allegation

“Without Planning Permission: the erection of a single storey rear extension with associated raised patio and steps (edged in red in the attached images); The erection of a wall adjoining the single storey rear extension built on top of the raised patio to a total height exceeding 2 metres (edged in yellow in the attached images); The raising of the level of the rear garden, (edged in blue in the attached images) and; The erection of boundary fencing (with 20 Underne) that exceeds 2 metres in height.”

### Reasons for issuing the notice

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

- i. *The existing single storey rear extension by virtue of its height, size, siting, design and excessive rearward projection is overbearing and visually obtrusive, resulting in serious loss of light, outlook and increased sense of enclosure detrimental of the visual and residential amenities of the neighbouring occupiers of 16 Underne Avenue contrary to Policies CS1 and CS5 of Barnet's Adopted Core Strategy DPD (2012); Policies DM01 of the Adopted Development Management Policies DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016)*
- ii. *The existing raised patio, associated steps and retaining wall, by reason of their height, siting and rearward projection, results in overlooking and loss of privacy detrimental to the amenities of the occupiers of neighbouring residents at Nos 16 and 20 Underne Avenue. The development is therefore contrary to policies D3 of the London Plan 2021, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).*
- iii. *The raised level of the rear garden by reason of its excessive height constitutes an incongruous addition which subsumes its character and appearance, to the detriment of the character and appearance of the existing dwellinghouse and the general locality. It is also visually obtrusive to the occupiers of the neighbouring occupiers, 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). Also, contrary to policy D3 of the London Plan 2021.*

## Requirements

- 1) Demolish the existing single storey rear extension and raised patio terrace with associated steps. This includes the wall erected upon the patio to the side of the patio, neighbouring the property of 20 Underne Avenue.
- 2) Return the level of the garden to that which existed prior to the breach of planning control by:
  - a) On the North East boundary reduce the levels of the garden to match that on the adjacent land at number 16 Underne.
  - b) On the North West boundary reduce the levels of the garden to no more than 30 cm higher than the adjacent land at number 20 Underne.
  - c) Ensure that there is a smooth gradient between the two boundaries.
- 3) Reduce the height of the boundary fencing with No. 20 Underne to 2 metres in height.
- 4) Permanently remove from the property; of all constituent materials resulting from the works in 1, 2 and 3 above.

## Time period for compliance

6 months after the notice takes effect.

### **3.0 GROUND (B) APPEAL**

- 3.1 The appellant has based their ground (B) appeal in regard to the issue of the raised levels to the rear of the appeal site solely.

#### **3.2 Across its width**

- 3.3 The LPA would draw the Inspector to LPA Images 2 below. These depict the natural 'camber' of the sloping decent of the ground level for the rear gardens in regard to the appeal site and its neighbouring properties. They also confirm the distinct artificially raised levels of the rear garden for the appeal site.

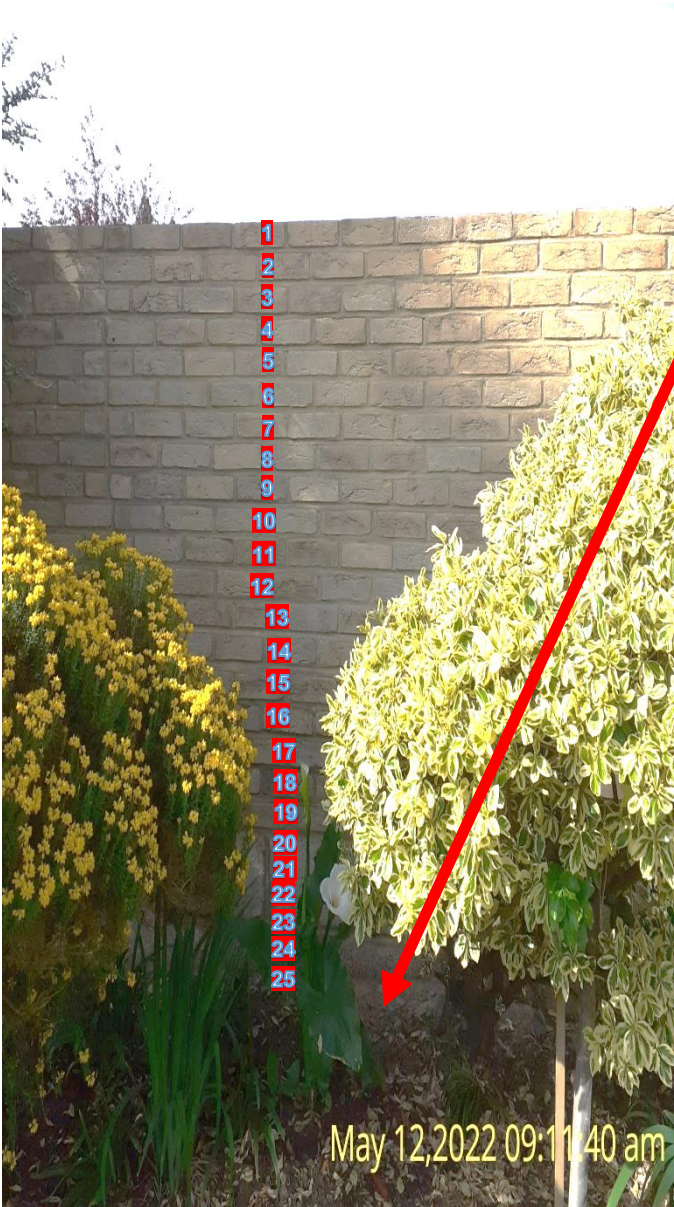
## LPA Images 2

The Issue of Raised Levels for the Site



There is a constant downward camber from No 16 Underne, to far end of the outbuilding of 18 Underne and beyond





Standing in the garden of No 16 Underne, the count of the bricks from ground floor to the top of the wall is 25 bricks. (3 bricks are counted for regarding the white block towards the bottom of the wall. (Please zoom in for greater detail.)



Standing in the garden of No 18 Underne, the count of the bricks from ground floor to the top of the wall is 22 bricks. (At best). However, this should be significantly more as the natural downward camber for the gardens would put the ground floor level much lower, therefore revealing more bricks **not** less bricks.

### 3.4 Across its depth



This is the existing fence bordering No. 20 Underne. The pathway for 18 Underne starts off at original ground level in line with the fence.



Very soon the path starts to rise above the ground level of the existing fence.





The path is now high up towards the straight beam of the existing fence, proving the level raise in the path.



At the top of the path the level of the path is now just below the beam for the existing fence. That is a level raise of approximately 0.5 metres.



This image confirms that the raised levels for the rear of the appeal site are far in excess of the natural downward camber for the neighbouring property of No. 20 Underne. The person depicted in the image is at waist height; this would not be possible if the level of the garden for the appeal site were not artificially raised.

3.5 The LPA would contend that the raised levels for the rear of the appeal site will become completely apparent, in regard to any appeal site visit the Inspector may care to make to the appeal site.

### **3.8 Conclusion of Ground (B) Appeal**

3.8 The LPA would contend that it has proved (above) that the appellant has significantly raised the levels of the rear garden for the appeal site.

3.9 The path directly to the rear of the appeal site and its neighbouring properties has a 'marked' natural camber. It is evident that the gardens on either side of the appeal site are 'stepped' relative to one another. Also, the front of these properties including the appeal site, have the front of the house sitting on higher ground than the gardens for these houses. This is evident from the slope in the side road.

3.10 The LPA understands that the gardens for this neighbourhood, slope downwards away from the houses and also downwards from left to right, to reflect what is seen on the adjacent land. This being so, there can be little doubt that the flat garden for the appeal site, has been raised relative to adjacent land.

3.11 Therefore, as the LPA has proved above, that the matters stated in Enforcement Notice (ENF/1016/21), in regard to the raised levels for the rear of the appeal site, have occurred for the appeal site. The Inspector is respectfully requested to uphold the Enforcement Notice, (ENF/1016/21) for the appeal site, in respect to ground (B), for this appeal statement of case.

3.12 For these reasons the Inspector is also respectfully invited, to dismiss the appeal on ground (B).

#### **4.0 GROUND (A) APPEAL**

4.1 The appellant contends under ground (A) that planning permission should be granted for what is alleged in the Enforcement Notice (ENF/1016/21).

4.2 The following paragraphs represent the Council's case in relation to the alleged breaches and why the serving of an Enforcement Notice was deemed necessary.

#### **4.3 PLANNING POLICY**

##### **4.4 National Planning Policy Framework and National Planning Practice Guidance**

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The National Planning Policy Framework (NPPF) update was published on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

4.5 The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

4.6 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where



relevant to planning decisions. Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

4.7 Relevant policies involved with this appeal are as follows:

DM01 - [DM01 - Protecting Barnet's Character](#) – Page 16

DM02 - [DM02 - Development Standards](#) – Page 21

The London Plan 2021 - [Policy D3](#)

RDG - [Barnet Council Residential Design Guidance 2016](#) – Pages 50 - 52

SPD - [Barnet Council Sustainable Design and Construction Guidance 2016](#)

NPPF - [The National Planning Policy Framework 2021](#)

**4.8 The Mayor's London Plan 2021**

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

4.9 The London Plan 2021 (D3.D(11)) in regard to quality and character of development design, states the following: *“respond to the existing character of a place by identifying the special and valued features and characteristics that*

*are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.”*

4.10 The London Plan 2021 (D3:12) in regard to construction standards, states the following; *“be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.”*

4.11 The LPA would contend that the whole development for the appeal site; of the single storey rear extension with associated raised patio and steps, coupled with a wall erected to the lefthand side of the patio, artificially raised levels for the rear garden and the high fencing in respect to the boundary fencing with No. 20 Underne, for the appeal site is in contravention of some if not all of this policy.

#### **4.12 The LPAs Emerging Local Plan – Regulation 22**

**In regard to Barnet Council’s emerging Local Plan – Regulation 22. This has now passed its consultation stage and has now been presented to the Secretary of State for examination in public.**

4.13 In regard to Barnet’s Character; paragraph 6.3.1 states the following: *“Integral to the Council’s ambitions for growth is the need to ensure that new development is of high quality and responds to local character. In managing change and retaining the qualities that make the Borough a desirable place to live the Council will support well designed and sympathetic sustainable development.”*

4.14 In paragraph 6.3.5 of Reg 22, it also states; *“Character can be eroded through small incremental changes to houses such as replacement windows, doors, roofing materials, loss of gardens and trees, as well as larger scale changes such as loft conversions and extensions. This type of development can, over time, have a cumulative impact on local character.”*

#### **4.15 Supplementary Planning Documents**

- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

4.16 Barnet Council's Residential Design Guidance Supplementary Planning Document (RDG SPD) provides a clear and consistent message on how we manage change within Barnet's suburbs. The SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Conversions, Porches, and Hardstandings and Vehicular Crossovers).

4.15 What is more, the SPD provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character. It provides a local reference point to the suite of national guidance on good design.

#### **4.17 DEVELOPMENT**

4.18 The LPA received a complainant that the appeal site had developed the erection of a ground floor rear extension with a raised patio and associated steps. Also, the erection of a wall to left hand side of patio and the artificially raised level of rear garden for the appeal site.

4.19 The LPA wrote to the appellant requesting that retrospective planning application be made for the 'whole' of the unlawful developments made to the rear of the appeal site. A retrospective planning application reference, 21/6700/RCU was submitted to the LPA, this application was refused planning permission on 25<sup>th</sup> April 2022.

4.20 In the absence of an implementable planning permission there is no formal fallback position.

**4.21 Assessment of development.**

**4.22 Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;**

**4.23 Single storey rear extension**

4.24 Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context, and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1, D3 and D4 of the London Plan 2021. The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

4.25 Policy DM01 requires that all development should preserve and enhance the local character of the area. A large outbuilding has been erected. With this structure in situ, this existing extension at this depth, is considered to result in a significant loss of rear amenity space, as well as appearing as disproportionate and unsympathetic to the host dwelling - the scale further resulting in an overbearing, bulky and dominant impact.

4.26 Clause 2.7.1 of the Development Managements policies state that: "Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the wellbeing of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook."

4.27 Barnet RGD states "Outdoor amenity space provides opportunities for recreation, leisure, tranquillity and overall quality of life as well as interaction with the natural environment. Back gardens and other outdoor amenity spaces contribute positively to Barnet's green character and spacious layout as well as helping to mitigate climate change."



4.28 The existing additions of a single storey rear extension, the raised patio with steps, the raised levels of the garden and the outbuilding have taken up approx. 70% of the garden area. Private amenity space for the exclusive use of building's occupants is a highly valued asset. It is felt that these existing developments considerably reduced access to suitable private amenity space, therefore the extensions are detrimental to the host property amenity space.

4.29 After consideration, the existing developments regarding design would be at odds with the character of the existing dwelling. Any harm caused by these developments is so significant as to be considered unacceptable in regard to the principal of design.

**4.30 Whether harm would be caused to the living conditions of neighbouring residents:**

4.31 It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D1 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

**4.32 No. 16 Underne**

4.33 This neighbour does not have any type of extensions in situ. The extension for the development site coupled with the raised patio extends outward along the boundary wall. These developments have a real impact on the level of harm that is experienced by this neighbour as a result of these developments. This includes the outbuilding that forms part of the boundary wall for this neighbour. By reason of these developments size, siting, and rearward project they have an unacceptable relationship with this neighbour and have an overbearing impact.

**4.34 Garden and raised patio level and associated wall**

4.35 On review, whilst minor mitigation measures have been put in place for the raised patio, which include railings projecting 1m above at the level of the existing extension, however this is not enough to reduce any adverse impact. The overall terrace (patio) and garden level are an alien feature in the vicinity.

Although not visible from the streetscene, the current levels are incongruous. No other examples of this current overall garden level are located in the immediate vicinity and given the pattern of development on this side of the street; the introduction of this element is considered to be unacceptable. Any consent to an element of this sort would only add precedence to a new established character for the area. This includes the wall erected upon the patio to the neighbouring property of 20 Underne Avenue.

4.36 The current garden and patio and wall levels are considered to result in unacceptable harm to the local neighbouring residents (even those not attached to the dwelling). This is because the siting and positioning of the terrace (patio), provides direct opportunity for overlooking into the neighbouring rear amenity spaces. The existing screening provides little or no prevention to the occupiers of the appeal site from directly viewing the neighbouring property from the sides. The terrace (patio), still therefore facilitates overlooking and an intrusion on the privacy of these neighbours on account of the siting of the terrace. Neighbours have a right to enjoy their rear garden without unacceptable levels of overlooking; the development for the appeal site is not considered to afford the neighbouring occupier sufficient levels of privacy.

4.37 As such, the existing raised patio, associated wall and garden level are not considered to be an acceptable addition to the character of the existing dwelling and wider area and is therefore not acceptable under Policy DM01.

**4.38 The raised height of the boundary fencing with No. 20 Underne Avenue**

4.39 The newly erected boundary fencing consists of an approximately 2.5-meter-high fencing replacing a pre-existing lawful fence to the boundary of the site with 20 Underne.

4.40 The Design Guidance Note No 9; Walls, Fences and Gates (1994) requires development for boundary treatment to be of a size, design and scale that respects the character of the host property and surrounding area. Design Guidance Note 9 notes that boundaries should reinforce the prevailing area, especially where a continuous uniform treatment forms a distinctive character.

- 4.41 The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.
- 4.42 The London Plan 2021 (D3.D(11)) in regard to quality and character of development design, states the following; "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character."
- 4.43 Impact on of the High Fencing on Amenity for Neighbouring Property of 20 Underne**
- 4.44 The resident of the neighbouring property of 20 Underne, now have their outlook further depreciated by the overly high fencing, for the above site, causing a sense of an overbearing, a visually intrusive and a dominating feature in regard to the resident of the neighbouring property of 20 Underne. The Design Guidance Note No 9 (4); Walls, Fences and Gates (1994) states "High level boundary features between neighbouring front gardens are inappropriate in most situations and can be particularly unsightly".
- 4.45 Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### **4.46 The NPPF Standards in Respect of the Unlawful Developments for the Appeal Site**

4.47 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.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

4.48 Paragraph 132 states; "*Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*"

#### **4.49 Conclusion of ground (A) appeal**

4.50 Having taken all material considerations into account, it is considered that the single storey rear extension with associated raised patio and steps, coupled with a wall erected to the lefthand side of the patio, artificially raised levels for the rear garden and the high fencing in respect to the boundary fencing with No. 20 Underne; for the appeal site. These unlawful developments do not comply with the Adopted Barnet Local Plan policies and guidance and is not in keeping with the character and appearance of the appeal site, these developments (as a whole), result in in a sub-standard form of development detrimental to the amenity of the current and future occupants and have a detrimental impact upon the residential and visual amenities of the neighbouring occupiers, and impacts on the surrounding area and is therefore considered not in accord with the NPPF and the Development Plan.



- 4.51 As these breaches in planning control are therefore evident for the appeal site; the Inspector is respectfully requested to uphold the Enforcement Notice (ENF/1016/21) for the appeal site, in respect to ground (A), for the LPA's appeal statement of case.
- 4.52 For these reasons the Inspector is also respectfully invited, to dismiss the appeal on ground (A).

## **5.0 RELEVANT PLANNING HISTORY**

### **5.1 Development Management**

Reference: 21/1286/PNH

Address: 18 Underne Avenue, London N14 7NE

Decision: Prior Approval - Withdrawn

Decision Date: 21.03.2021

Description: Single storey rear extension measures 6 metres in depth from the original rear wall with an eaves height of 2.75m and a maximum height of 2.95m.

Reference: 21/1504/192

Address: 18 Underne Avenue, London N14 7NE

Decision: Unlawful

Decision Date: 15.04.2021

Description: Roof extension involving hip to gable, rear dormer window with Juliet balcony and 3no front facing rooflights.

Reference: 21/1806/PNH

Address: 18 Underne Avenue, London N14 7NE

Decision: Prior Approval Required and Refused

Decision Date: 12.05.2021

Description: Single storey rear extension measures 4 metres in depth from the original rear wall with an eaves height of 2.75m and a maximum height of 2.95m.

Reference: 21/2346/192

Address: 18 Underne Avenue, London N14 7NE

Decision: Lawful

Decision Date: 26.05.2021

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 3no front facing rooflights.

Reference: 21/2993/HSE

Address: 16 & 18 Underne Avenue, London N14 7NE

Decision: Approved subject to conditions

Decision Date: 29.07.2021

Description: Single storey rear extension to both properties.

Reference: 21/6700/RCU

Address: 18 Underne Avenue, London N14 7NE

Decision: Refused

Decision Date: 25.04.2022

Description: Single storey rear extension and raised patio (Retrospective Application and amended proposal).

## **5.2 Planning Enforcement**

Reference: ENF/0259/21

Address: 18 Underne Avenue, London N14 7NE

Decision: Case Closed

Decision Date: 28.05.2021

Description: Without Planning Permitted, the development of hip to gable roof extension, including the removal of 2no chimneys.

Reference: ENF/1016/21

Address: 18 Underne Avenue, London N14 7NE

Decision: Enforcement Notice Issued – Appeal in Progress

Decision Date: 13.10.2022

Description: Without Planning Permission: the erection of a single storey rear

extension with associated raised patio and steps (edged in red in the attached images); The erection of a wall adjoining the single storey rear extension built on top of the raised patio to a total height exceeding 2 metres (edged in yellow in the attached images); The raising of the level of the rear garden, (edged in blue in the attached images) and; The erection of boundary fencing (with 20 Underne) that exceeds 2 metres in height.

Reference: ENF/1042/21

Address: 18 Underne Avenue, London N14 7NE

Decision: Case Closed

Decision Date: 30.11.2021

Description: Raised Levels in Rear Garden and Patio not in Accordance to Approved Plans

Reference: ENF/1333/21

Address: 18 Underne Avenue, London N14 7NE

Decision: No Further Action (Duplicate)

Decision Date: 20.12.2022

Description: Breach of condition 5 (joint application) of planning permission reference 21/2993/HSE, dated 29.07.2021

### **5.3 Building Control**

Reference: CPS/F/03/06014

Address: 18 Underne Avenue, London N14 7NE

Decision: Building Work Complete

Description: 1 WINDOW, 1 DOOR

Reference: I/21/00366

Address: 18 Underne Avenue, London N14 7NE

Decision: Pending Consideration

Description: Loft Conversion and Single Storey Rear Extension

## **6.0 GROUND (F) APPEAL**

- 6.1 The appellant contends that the conditions set in the Enforcement Notice, (ENF/1016/21) are excessive and the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary either to remedy any breach of a planning control or to remedy any injury to amenity which has been caused by any such breach.
- 6.2 As with the appellant's ground (B) appeal. The appellant has restricted their ground (F) appeal to the issue of the artificially raised level of the rear garden for the appeal site.
- 6.3 The LPA would draw the Inspector to its own ground (B) appeal above. This covers the issue of the artificially raised level of the rear garden for the appeal site, in significant detail. Negating the necessity for a repeat of that information in its ground (F) appeal.
- 6.4 The LPA would contend that the purpose of the notice (s173[4]) of the notice is have the land restored to its condition before the breach took place.
- 6.5 This can only be assured by removal/reduction of all of the unlawful 'whole development' for the rear of the appeal site.
- 6.6 For the above reasons, the Inspector is respectfully invited to dismiss the appeal on ground (F).

## **7.0 GROUND (G) APPEAL**

- 7.1 The appellant contends that any period specified in the Enforcement Notice, (ENF/1016/21) falls short of what should reasonably be allowed.
- 7.2 Any further increase to the time for compliance would result in continued harm to the character and appearance of the host property and its unlawful whole development for a prolonged period of time. Six months is considered a reasonable time period for works to be carried out, in accordance with the conditions set in Enforcement Notice, (ENF/1016/21).



7.3 However, the LPA is happy to defer to the discretion of the Inspector to amend the terms of Section 6 of the Notice as the Inspector sees fit.

7.4 For these reasons the Inspector is respectfully invited to dismiss the appeal on Ground (G).

## **8.0 CONCLUSION**

8.1 The Council will always seek to prevent development which is harmful to the character and appearance of the property and the surrounding area or enhance the quality and character of the Borough's built natural environment.

8.2 The Council also contend that the Appeals made under Grounds A, B, F and G should fail for the reasons outlined.

8.3 In light of this, the Inspector is respectfully requested to dismiss the appeal and uphold the Enforcement Notice.