



## Appeal Decision

Site visit made on 13 October 2020

**by J Whitfield BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2020**

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### **Appeal Ref: APP/B5480/C/20/3245910**

#### **33 Carter Drive, Romford RM5 2PH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Ireneusz Drag against an enforcement notice issued by the Council of the London Borough of Havering.
  - The enforcement notice was issued on 24 December 2019.
  - The breach of planning control as alleged in the notice is without the benefit of planning permission the erection of a rear dormer.
  - The requirements of the notice are:
    1. To demolish the rear dormer; OR,
    2. Clad all sides of the rear dormer with tiles matching those of the roof of the host dwelling; AND
    3. Remove all building materials and debris from the site as a result of taking step 1, or 2 above.
  - The period for compliance with the requirements is 3 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
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### **Decision**

1. The appeal is dismissed and the enforcement notice is upheld.

### **Procedural Matters**

2. No appeal has been made on ground (a). Therefore, I cannot consider whether planning permission should be granted for the development alleged in the notice. The planning merits of the development are not relevant to this appeal.

### **The appeal on ground (b)**

3. An appeal on ground (b) is made on the basis that the matters stated in the notice which may give rise to the breach of planning control have not occurred as a matter of fact. The onus of proof rests with the appellant.
4. The appellant accepts that a dormer has been erected at the property. The Council has provided a photograph of the dormer said to have been taken on 13 September 2019, prior to the issue of the notice. I saw from my site visit that the dormer window exists at the rear of the property. In the absence of evidence to the contrary, I am satisfied that the dormer existed at the date the notice was issued.
5. The appeal on ground (b) therefore fails.

**Conclusion**

6. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

*J Whitfield*

**INSPECTOR**