



Appeal Decision

Site visit made on 15 February 2022

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

Appeal Ref: APP/U5930/C/20/3262121

82 High Road, Leyton, London E15 2BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Rashid Abukar against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
 - The enforcement notice was issued on 2 October 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of an L-shaped dormer roof extension to the rear of the land.
 - The requirements of the notice are:
 - 1) EITHER - Remove the L-shaped rear dormer roof extension in its entirety and reinstate the original roof of the Land to its former condition before the L-shaped rear dormer roof extension was constructed;
 - 2) OR - Alter the L-shaped rear dormer roof extension to bring it in accordance with drawings numbered D02, D03, D06, D07 and D08 approved on 14th June 2017 (ref: 162985) (attached to this Notice);
 - 3) Remove all resulting materials, rubble and general detritus from the Land following compliance with either step 1) or 2) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the 1990 Act as amended.
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Formal Decision

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

Reasons

2. In order to succeed on a ground (c) appeal, the appellant must show on the balance of probability that the matters alleged in the enforcement notice do not constitute a breach of planning control.
3. The works described in the allegation constitute a building operation and fall within the definition of "development", as set out in Section 55(1) of the 1990 Act. The Council says that the lawful use of the premises is as self-contained flats with a retail unit on the ground floor. Therefore, the works do not benefit from 'permitted development' rights pursuant to Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Consequently, Section 57(1) provides that planning permission would be required for the works.
4. The appellant has obtained planning permission for a dormer extension to the rear of the main roof (Ref 162985 dated 14 June 2017). It is argued that the development has been carried out in accordance with the approved plans.

5. The approved rear dormer extension would be confined to the main roof slope. It would be set back from the eaves by 500 mm and from the verge of the adjoining property at No 80 by 1000 mm. However, the development, as built, extends across the full width of the main roof slope. It projects over the eaves line onto the roof of a previous rear extension. The development is substantially larger than that approved and is of a different design. As such, the dormer extension has not been constructed in accordance with the approved plans.
6. The matters alleged constitute a breach of planning control as the development does not accord with the planning permission. The appeal on ground (c) must fail, therefore.

Conclusion

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

Debbie Moore

Inspector