

Appeal Decision

Site visit made on 24 March 2022

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Appeal ref: APP/E5900/C/21/3274557
55 Jamestown Way, London E14 2DE

- The appeal is made by Ruhul Islam under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Tower Hamlets Council.
- The notice was issued on 9 April 2021; reference No. ENF/19/00252.
- The breach of planning control was: Without planning permission, the construction of a front (South facing) dormer extension at roof level, shown in the approximate location outlined in red on the plan attached to the notice.
- The requirements of the notice are:
 1. Remove the front (South facing) dormer extension to the property shown in the approximate location outlined in red on the plan attached to the notice, and as indicated in Photo A of Appendix A attached to the notice.
 2. Reinstate the original roof slope following compliance with Step 1, and
 3. Remove all resultant materials from the Land.
- The period for compliance with the requirements is seven (7) months.
- The appeal was made on grounds (a) and (g) as set out in the amended Act. As an appeal was brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act. The fee for the deemed application to be considered was paid.

Summary of decision: The enforcement notice is upheld. Planning permission is not granted to retain the dormer roof extension.

Appeal development

1. The Appellant, Mr Ruhul Islam's property is a 3 storey end of terrace dwelling at the eastern end of Jamestown Way, overlooking an open public space on the northern bank of the River Thames. The appeal concerns the south facing dormer extension built onto the roof, but set back somewhat from the façade of the house.

The enforcement notice

2. Mr Islam's Agent, Mr Avinash Tiwari, raised a number of points in support of the appeal against this enforcement notice. Most were irrelevant, others incomprehensible. Amongst them, he complained that the description of the appeal dormer extension differed between that on the refusal notice of retrospective planning application ref: PA/19/02239 and that in the enforcement notice. The reason for refusal described the extension as "The front dormer window". The enforcement notice description was "... a front (South-facing) dormer extension... ". Mr Tiwari said that meant the enforcement notice should

be “cancelled”. There is nothing in this point. Dormer extensions are frequently and commonly also described as dormer windows. The enforcement notice contains no errors that render it invalid or a nullity.

The appeal on ground (a)

3. The appeal on ground (a) asks that planning permission is granted to retain the front dormer extension at 55 Jamestown Way.
4. Viewed from the south, in the wide public area distinguished by the Virginia Settlers Monument, the Jamestown Way terrace of 3 storey houses is notable for the uniformity of the deep bands of wall colours of brown, yellow and white that run its entire length. The low parapet edge to the roof forms a level line running the length of the terrace. There are 2 front dormers that unfortunately interrupt the uniformity of the terrace roof line, at No. 25 and at the appeal property No. 55. Neither are of unduly poor design. But they do incongruously break up the terrace roof edge line and provide an unacceptably intrusive element that fits poorly with the original design; they are unfitting additions.
5. The Appellant’s reference to the dormer extension at No. 25 having been allowed on appeal does not assist his case. Construction of the front roof extension on No. 25 began in January 2015 when a now superseded version of the General Permitted Development Order applied. That extension was permitted by the then Order. Its retention was allowed following success of an enforcement notice appeal. The earlier concession does not apply to the present case.
6. I agree with the Council that the dormer extension at No. 55 does not comply with Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (2020) Policy D.DH1. That says development is to be of an appropriate scale, height, mass, bulk and form in its site and context, represents good urban design: provides coherent building lines, roof lines and setbacks and complements the streetscape rhythm. I am also concerned that whilst precedent does not decide appeals, allowing the retention of the dormer extension at No. 55 would be likely to lead to applications for similar developments which the Council could find difficult to reasonably resist.
7. The appeal on ground (a) fails. Planning permission is not granted to retain the dormer extension at No. 55.

The appeal on ground (g)

8. The appeal on ground (g) says that the time allowed to comply with the requirements of the notice is too short. I consider that the period allowed for compliance of 7 months is reasonable and achievable. I think it unlikely the Council would act immediately if there was a genuine reason for any delay in complying with the compliance period. The appeal on ground (g) fails.

FORMAL DECISION

9. The enforcement notice is upheld. Planning permission is not granted on the application deemed to have been made for the construction of a front (South facing) dormer extension at roof level at 55 Jamestown Way, London E14 2DE.

John Whalley

INSPECTOR