



Appeal Decision

Site visit made on 9 April 2024

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/G5750/C/23/3326119 26 Cecil Road, London E13 0LX

- 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 Mohamedsajid Mania against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice was issued on 28 June 2023.
 - The breach of planning control as alleged the notice is: Without planning permission, the erection of a porch.
 - The requirements of the notice are to:
 - (i) demolish the front porch (as shown edged yellow on the photograph attached at Appendix 1) and return the affected elevation of the property to its form prior to the unauthorised works being undertaken; and
 - (ii) on completion of step 1, remove all materials and debris from the site.
 - The period for compliance is three months from the date this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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Formal decision

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

Preliminary Matter

2. As no ground (a) appeal was lodged, which would have brought about a deemed planning application, I am unable to take into account the planning merits and/or impacts of the porch at issue. As such, although the appellant has submitted a number of photographs showing a series of local porches, I cannot draw comparisons between these developments and the porch built at no 26. Besides, although the relevant addresses have been added, the absence of any schedule of their planning history means I have no knowledge of their actual status, or whether any are unauthorised and are themselves subject to enforcement action.
3. As comparisons cannot be made, the current appeal can only be decided on whether the porch can be termed permitted development or whether the benefit of planning permission is required.

The Appeal on ground (c)

4. An appeal on ground (c) is that the alleged development has been carried out, but that no grant of planning permission is required for its lawful retention.
5. Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO), allows for the

erection of porches outside any external door of a dwellinghouse subject to a series of provisos. One of these, proviso D.1 (c), says that development is not permitted should any part of the structure exceed 3 metres above ground level.

6. In this particular instance the porch is overlain by a tiled, pitched roof and this clearly exceeds the said height restriction. In the circumstances the porch cannot fall within the parameters of the GPDO, and planning permission is necessary to authorise its retention.
7. I note that the appellant has offered to reduce the height of the porch to that of 3 metres, but as this appeal is limited only to me reaching a decision on whether the porch, as existing, is lawful in planning terms, any such proposal must remain a matter between the appellant and the Council.
8. For the reasons given above I conclude that the appeal does not succeed. Accordingly, the enforcement notice is upheld.

Timothy C King

INSPECTOR