



Appeal Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2025

Appeal Ref: APP/G5750/C/23/3332795

16 Leighton Avenue, Manor Park, London E12 6JW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sonu Singh against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 5 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a 3 storey extension comprising additions to the rear, side and roof of the property.
 - The requirements of the notice are to: (1) Demolish the three storey extension comprising additions to the rear, side and roof of the property (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1), and return the property to its form prior to the unauthorised works¹; and (2) On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is: six months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(f) 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.

Reasons

2. The purpose of the enforcement notice ("the Notice") is to remedy the breach of planning control. The appeal proceeds on Ground (f) which, insofar as is relevant to this appeal, is that the steps required by the Notice to be taken, or the activities required by the Notice to cease, exceed what is necessary to remedy the alleged breach of planning control.
3. In January 2022, planning permission was granted for the construction of a two storey side extension, ground floor rear extension and first floor part rear extension ("the Planning Permission"). Shortly before that, the appellant had obtained a lawful development certificate ("the LDC") confirming that the erection of a rear dormer, front skylights and a loft conversion would be lawful. That was on the basis that it would have been 'permitted development' in compliance with the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").
4. Following that, the dwelling has been extended. The as built plans show a different development to that shown on drawings accompanying the Planning Permission and the LDC. Amongst other variations, the front wall of the extension is further forward and the side extension has been continued upwards into the roof, with the dormer extending across the original dwelling and the new extension.

¹ Reference here to the attached plan and appendix are references to an attachment and appendix to the enforcement notice.

5. The deviation from the Planning Permission is significant and I have no reason to find that it would have been lawfully implemented. Nor has it been shown that lawful works were first undertaken to the roof of the original dwellinghouse, before they were incorporated into the extension.
6. The appellant proposes that works should be undertaken so that the extensions comply with the Planning Permission and the LDC. However, in the absence of evidence of a lawful commencement of the Planning Permission it would have now expired. It is also unclear as to how the roof works could be lawfully modified without removal, when those operations appear to have been started as a development not in accordance with the provisions of the GPDO.
7. Therefore, on the basis of the evidence before me, I find that the Notice cannot be varied to require the development at the site to comply with the Planning Permission and the LDC.
8. I have been provided with a full set of proposed plans, showing the various components of the Planning Permission and LDC combined into one development. However, there is no appeal on ground (a), that planning permission ought to be granted for the matters alleged in the Notice. In the absence of a ground (a) appeal, I cannot simply vary the requirements of the Notice to have the effect of granting a deemed planning permission for the development shown on the proposed plans.
9. Therefore, there are no obvious lesser steps available to remedy the breach of planning control and so the appeal on ground (f) should fail.
10. The appeal is dismissed.

M Bale

INSPECTOR