



Appeal Decision

Site visit made on 12 August 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/W4705/C/24/3347345

1511 Thornton Road, Bradford BD13 3AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Ms Nadia Begum against an enforcement notice ("EN") issued by City of Bradford Metropolitan District Council.
 - The EN was issued on 23 May 2024.
 - The breach of planning control as alleged in the EN is:
 - i. Without planning permission, the construction of a side extension to the building on the land, as show [sic] on the attached photograph.
 - ii. Without planning permission, the construction of two dormer windows to the front roof plane of the building on the land, as shown on the attached photograph.
 - The requirements of the EN are to:
 - i. Demolish the unauthorised side extension and the two front dormer windows.
 - ii. Remove all arising materials from the land.
 - The period for compliance with the requirements is: Three calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected by:

- *the deletion of the words "...as show on the attached photograph." And their substitution with the words "...as shown on the attached photograph." in 3;*

and varied by:

- *the deletion of the words "...and the two front dormer windows." and their substitution with the words "...and the two dormer windows to the front roof plane of the building on the land." in 5; and*
- *the deletion of three calendar months and its substitution with 9 calendar months as the period for compliance.*

Subject to the correction and variations, the EN is upheld.

Matters Concerning the Notice

2. The alleged breach of planning control includes "...the construction of two dormer windows to the front roof plane of the building...". However, the steps to be taken describe this part of the alleged breach as "... two front dormer windows...". The wording of the allegation and the steps to be taken should be consistent. I am satisfied that I can vary the steps to be taken without causing injustice to either party as it is required for precision.

3. There is a spelling mistake within the alleged breach of planning control. Correcting it would not cause injustice to either party.

Preliminary Matter

4. The appellant appealed under ground (a) and paid the fee within the required timeframe. However, an appeal¹ for the retention of the side extension and front and rear dormer windows was dismissed on 21 July 2022. The EN was issued within two years of the date of the appeal decision. Consequently, ground (a) is barred under s118 of the Levelling-up and Regeneration Act, 2023.

Appeal on Ground (f)

5. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
6. The EN, as corrected and varied, requires the demolition of the side extension and two dormer windows to the front roof plane, and for all associated materials to be removed from the land. The purpose of the EN is to remedy the breach of planning control.
7. The appellant asserts that the complete demolition of the side extension and two front dormer windows is excessive to remedy the breach of planning control. Planning permission was granted under separate planning applications for a side extension² and a hip-to-gable roof conversion, two front dormer windows and a rear dormer window³ in May 2021 (“the 2021 permissions”). As such, the appellant considers that an alternative to demolition would be an additional requirement to alter the side extension and two front dormer windows to comply with the 2021 permissions.
8. There is no ground (a) appeal before me as it is barred. Therefore, I am unable to determine whether planning permission could be granted for an alternative scheme. Furthermore, the purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the demolition of the side extension and the two front dormer windows would not remedy the breach.
9. Even if I could add an additional step to require the side extension and two front dormer windows to be altered to comply with the 2021 permissions, more than three years has passed since they were approved by the Council. There is insufficient evidence before me to confirm whether they had been implemented within the relevant three year periods.
10. For these reasons, I conclude there are no lesser steps that would achieve the EN’s purpose. Consequently, the steps required by the EN are not excessive and therefore, the appeal on ground (f) fails.

¹ Appeal Ref APP/W4705/D/22/3298024

² Planning Ref 21/01479/HOU

³ Planning Ref 21/01292/HOU

Appeal on Ground (g)

11. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is three months. The appellant requests a period of 12 months.
12. The demolition of the side extension and the two front dormer windows would need to be undertaken by a builder/contractor and therefore, time would be required to appoint someone. A replacement exterior wall would need to be constructed, and the rear dormer window amended as it is partially attached to the side extension's roof. The ground floor of the dwelling may also need to be reconfigured as some of the bedrooms are within the roof of the side extension. Therefore, the works required to comply with the EN would be extensive. Consequently, I find that three calendar months falls short of what is reasonable.
13. A period of 12 calendar months proposed by the appellant, however, is a lengthy period for the harm identified in the EN to persist.
14. I consider that extending the time for compliance to nine calendar months would strike a more appropriate balance between remedying the planning harm identified in the EN as soon as practicable and allowing the appellant a more appropriate timeframe in which to arrange for and have the works carried out. Also, this would provide adequate time for the appellant to explore with the Council whether an alternative scheme would overcome their objections and if relevant, secure any necessary permissions.
15. If an alternative scheme is found to be acceptable by the Council or the compliance period of nine calendar months is insufficient, the Council is able under s173A(1) and (2) of the 1990 Act to withdraw the EN or extend the compliance period, even if the EN has taken effect.
16. The appeal on ground (g) therefore succeeds.

Overall Conclusion

17. For the reasons given above, I conclude that the period for compliance with the EN falls short of what is reasonable. I shall correct and vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

A Berry

INSPECTOR