



Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Appeal Ref: APP/T5150/C/24/3339027

224 Preston Hill, Harrow HA3 9UJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
- The appeal is made by Mr Kai Zuo against an enforcement notice (“the notice”) issued by the Council of the London Borough of Brent.
- The notice was issued on 15 January 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a House in Multiple Occupation (HMO) and flats and, without planning permission, the erection of a part single-storey and part two-storey rear extension, conversion of the former detached garage to primary living accommodation including the installation of a bathroom, kitchen and mezzanine floor, the erection of extensions to the rear of the former detached garage, and alterations to the roof form of the premises.
- The requirements of the notice are to: (1) Cease the use of the premises as a House in Multiple Occupation (HMO); (2) Cease the use of the premises as flats; (3) Cease the use of the former garage as primary living accommodation; (4) Remove all kitchens and cooking facilities, except one, from the premises and remove all associated items, debris and materials arising from this removal from the premises; (5) Remove all bathrooms and bathroom facilities, except two, from the premises and remove all associated items, debris and materials arising from this removal from the premises; (6) Demolish the part single-storey and part two-storey rear extensions, remove the mezzanine floor from within the former detached garage, demolish the extensions to the rear of the former detached garage, and alter the roof form so that it represents the roof form which existed prior to the unauthorised change of use and development commencing; (7) Remove all partition walls facilitating the unauthorised change of use from the premises; and (8) Remove all associated items, debris and materials arising from the compliance with the above steps from the premises so that the premises and the internal layout is returned back to a single family dwellinghouse as existed prior to the unauthorised use and development commencing.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Act.

Summary of Decision: The appeal is dismissed, and the notice is upheld with a correction and a variation in the terms set out below in the Formal Decision.

Preliminary Matter

1. The parties were advised that a site visit was not necessary and would not be undertaken.

The Notice

2. Although an appeal was not made on ground (b)¹ the appellant disputes that the roof form was altered recently. He contends that it was altered in accordance with a planning permission granted over 30 years ago (“the 1992 permission”)² and that recent works were limited to the renewal of roof tiles.

¹ That [the alleged] matters have not occurred.

² 92/1637 granted 15 December 1992.

3. The Council maintains that alterations were made to the roof form but only refers to where the pitched roof of what it alleges is a part single-storey and part 2-storey rear extension ("the alleged rear extension") meets the original roof plane.
4. The only evidence of the work undertaken in that part of the building appears in 3 photographs provided by the Council. The first, taken in April 2022, shows roofing felt, with battens part laid to carry new tiles but does not confirm that any change had been made to the shape of the roof in that area. The other photographs, from November 2023, appear to be taken from a rear dormer window and show a gulley where the roof of a rear extension meets the rear plane of the main roof.
5. I have a copy of the decision notice granting the 1992 permission, but drawings showing the roof form approved then have not been provided. For that reason and due to the absence of earlier photographic evidence it is not possible to determine the precise form of the roof before the recent works commenced. Consequently, it cannot be established whether, and if so how, the roof form may have been altered. Even if a site visit had been carried out, the same position would be arrived at.
6. Viewed collectively, the available evidence does not show that any change was made to the form of the identified part of the main roof beyond the minimal effect that may be expected when the pitched roof of a rear extension is tied in. Thus, and on the balance of probabilities, the roof form was not altered as alleged.

The appeal on ground (f)

7. The appeal is only made in respect of the alleged rear extension, which the appellant contends has planning permission by reason of the following decisions:
 - 20/3747: certification that a proposed single-storey rear extension was permitted by Article 3 and Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the Order") issued on 17 December 2020.
 - 21/1039: express planning permission for development including a first-floor rear extension granted on 25 May 2021.
8. The drawings approved under reference 21/1039 include an existing ground floor plan confirming that the extension certified under reference 20/2747 had not yet been built. The drawing was annotated, "Ground floor will remain no change".
9. Photographs taken by the Council in April 2022 show the rear wall and a side wall of a single-storey rear extension in unfinished blockwork. No work had begun on the first-floor element, so the alleged rear extension did not exist at that stage. Commencement at first-floor level would have been very unlikely, if not impossible then, due to scaffolding erected to facilitate work under way at roof level.
10. The next set of photographs, from October 2022, show a rear extension nearing completion at ground floor level, with a downpipe yet to be fitted and protective film on the door and window frames. Interior photographs show the shells of kitchen cabinets in place but without worktops.
11. However, the exterior photographs also indicate that work resembling the first-floor extension approved under reference 21/1039 was no less advanced at that stage. These photographs confirm that the 2 extensions were not separately erected but

that, on completion of the project, a more extensive development, including the alleged rear extension, had been carried out instead.

12. Article 3(5)(a) of the Order states that any permission it may grant for building works does not apply if the building operations involved in the construction of that building are unlawful. In this case, while the Order permitted the erection of the single-storey rear extension certified under reference 20/2747, the development that was carried out at ground floor level is part of the alleged rear extension.
13. The alleged rear extension is not the extension permitted by the Order or the extension that was permitted under reference 21/1039 but a different development that was carried out without the required permission. The requirement to demolish it is therefore not excessive.

Conclusion

14. For the reasons given above, I conclude that the description of the breach of planning control is incorrect, insofar as it relates to the alleged alterations to the roof form of the premises. The notice will be corrected accordingly.
15. It therefore follows, for the reasons given above, that the notice's 6th requirement (step 6) is excessive to remedy the corrected breach of planning control insofar as it relates to the alleged alterations to the roof form of the premises. The appeal on ground (f) succeeds to that extent, even though this was not part of the appellant's case. However, and for the reasons also given above, the appeal should not otherwise succeed, including in respect of the alleged rear extension.
16. I shall therefore uphold the notice with a correction and a variation.

Formal Decision

17. It is directed that the notice is corrected in schedule 2 by the deletion of the words "and alterations to the roof form of the premises."
18. It is further directed that the notice is varied in schedule 4 by the deletion of the words "and alter the roof form so that it represents the roof form which existed prior to the unauthorised change of use and development commencing" in step 6.
19. Subject to the correction and variation, the appeal is dismissed, and the notice is upheld.

Mark Harbottle

INSPECTOR