



Appeal Decision

Site visit made on 6 September 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/U5930/C/23/3326263

245 Sinclair Road, Chingford, London E4 8PS

- 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 “1990 Act”).
 - The appeal is made by Ms Ciyma Sain against an enforcement notice issued by the Council of the London Borough of Waltham Forest.
 - The enforcement notice was issued on 16 June 2023.
 - The breach of planning control as alleged is the wrap-around single storey side and rear extension.
 - The requirements of the enforcement notice are to: (1) Demolish and remove the single storey side and rear extension in its entirety (2) Make good any damage caused to the side wall of the dwellinghouse as a result of the above requirement, using materials of a similar appearance to those used in the exterior of the existing dwellinghouse, and (3) remove from the land all debris as a result of the above requirements.
 - The period for compliance is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the 1990 Act.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the text and number “three (3)” in section 6, time for compliance, and the substitution therefor by text and number “six (6)”. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Ground (a)

2. The **main issue** is the effect of the development on the character and appearance of the host building and surrounding area.
3. No. 245 is a two-storey end of terrace dwellinghouse located in a mainly residential area although there are commercial properties in the vicinity. The Council say that the single storey rear extension is 3.50 metres in overall height and 3.39 m deep with an additional entrance feature at the rear, which is approximately 1 m deep. The side extension is 3.01 m high with a depth of 5.94 m; it is about 8 m in length. Contrary to the Council’s submissions, the bulk, mass and volume are subordinate to the host building.
4. I am, however, concerned about the timber cladding used on the external elevations of the wrap-around extension. The area is dominated by properties built in brick and tile: some of the buildings have decorative features such as the use of different colour brick on the elevation corners. In contrast, the use of timber cladding on the external elevations of the wrap-around extension is inappropriate, because it does not match the host building. The side and rear extension has a visually detrimental effect due to the type and kind of material used on its outer

elevation, especially when viewed from the highway due to the corner positioning of the dwelling.

5. As an alternative scheme, the appellant would be willing to modify the wrap-around extension by removing the cladding and exposing brickwork, which would be less costly and disruptive compared to demolition. However, the overall fenestration detail is also visually unacceptable. This is because the side extension's window openings are inconsistent in proportion and size to the existing dwelling's fenestration detail. The rear extension is bland in design and layout exacerbating the visually harmful effect of the development, especially when seen in public views. Given the external appearance of the wrap-around extension is unacceptable in terms of design, retrospective conditions requiring the timber cladding to be removed within certain timescales would not be appropriate in the circumstances of this case.
6. Pulling all the above points together, I find that the development has a materially harmful effect upon the character and appearance of the host building and the surrounding area. The development fails to accord with Policy DM4 and DM29 of the Local Plan (2013) and Policy CS15 of the Core Strategy (2012), and Policy D4 of the London Plan (2021) all of which are consistent with paragraphs 131 and 139 of the National Planning Policy Framework (2024).

Other matters

7. The reasons for issuing the notice do not allege effect on neighbour's amenity yet the Council's statement of case introduces this subject and refers to local plan policies. Had the authority considered it expedient to take enforcement action because of concerns about the potential effect on amenity, it could and should have referred to this issue in the reasons for issuing the notice. It did not do so. In any event, I am not persuaded by the Council's arguments. This is because the overall size, bulk and mass of the wrap-around extension do not have a materially harmful effect on outlook from no. 243. Nor does the evidence show that the siting has a detrimental effect on daylight or sunlight. This finding does not alter my conclusions on the main issue above.

Ground (f)

8. The challenge is that the steps required exceed what is necessary to remedy the breach. The appellant suggests that the steps required should be altered to give effect to an alternative remedy – remove the cladding and expose brickwork. The merits of this alternative proposition have already been assessed elsewhere. Varying the requirements to remove the cladding would not, I am afraid, achieve the purpose behind the notice, which is to remedy the breach of wrap-around single storey side and rear extension, because the overall design and layout of the external elevations would remain. There are no lesser steps that would remedy the breach and the requirement to remove the extension is reasonable and proportionate. The requirements are not excessive, and ground (f) fails.

Ground (g)

9. It is necessary to consider whether the period specified in the issued notice falls short of what should reasonably be allowed. The Council say that the appellant should have considered the potential cost implications before carrying out the work.

However, the notice is held in abeyance because of the appeal, and the appellant is entitled to assume success.

10. Notwithstanding the above, given the nature of the work required by the notice, I am of the firm view that 6 months is reasonable period of compliance. The work would need to be arranged. A slightly extended period will assist occupiers to consider making suitable arrangements without causing significant interruption to their lives. It would also give the appellant an opportunity to consider making an application for the alternative scheme advanced.
11. On the circumstances, an extended period would be reasonable. This is a proportionate response. On balance, it would strike a fair balance between the competing interests of the wider public interest and this case. I am content that there would be no violation of the rights under Article 8 of the Human Rights Act. Therefore, ground (g) succeeds to this extent.

Overall conclusions

12. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) fails, and planning permission is refused on the deemed application. Ground (f) fails. However, as I have varied the period of compliance, ground (g) succeeds to that limited extent.

A U Ghafoor

INSPECTOR