



Appeal Decision

Site visit made on 9 September 2025

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/G5750/C/23/3323237

79 Sutton Court Road, London E13 9NN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Naved Kazi against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 26 April 2023.
 - The breach of planning control as alleged in the notice is the erection of a roof extension.
 - The requirements of the notice are: 1. Demolish the roof extension. 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is five months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, 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 as amended.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The main issues in the appeal are:
 - The effect of the dormer roof extension on the character and appearance of the dwelling and the surrounding area.
 - The consequences of refusing planning permission and upholding the enforcement notice for the appellant and their family.

Reasons

Character and appearance

4. The appeal property contains a two storey, mid-terrace dwelling, with a single storey outrigger at the rear. The dwelling is located in an established residential area, largely made up of lengthy terraces of properties of similar age, scale and appearance, set back similar distances from the street and occupying rectilinear plots of comparable size. These factors contribute to the pleasant and unified residential character and appearance of the environs.
5. The enforcement notice attacks a flat roofed box dormer extension erected on the rear facing roof slope of the dwelling. The dormer occupies almost all the rear roof

slope. It extends between the party walls on either side, has an overall height similar to the main roof line of the dwelling and neighbouring properties and being built up off the rear wall, largely obscures the original roof profile and the original rear eaves line. The tile hanging on the dormer face aligns with the original rear wall. This has all led to the dormer appearing as an overlarge and incongruous addition, visually dominating the rear elevation of the dwelling and substantially eroding its original roof form. In addition, it does not reflect the Council's 'Altering and Extending your Home' Supplementary Planning Document, which advises that new extensions should, amongst other things, be subservient to the original dwelling and be set back from existing elevations.

6. For the most part, dwellings in the vicinity are not encumbered by large scale additions at roof level. Although there is one roof addition of similar size in the locality, that isolated incidence does not weigh in favour of granting permission for the dormer. The circumstances in which the nearby roof addition were erected are unclear. For example, there was no suggestion that its erection followed a recent grant of planning permission. Consequently, the dormer is also entirely at odds with the prevailing pattern of local development and it appears as an obvious, alien feature at the rear of the terrace. Although there are limited public views, the dormer is readily apparent from neighbouring residential property.
7. In reaching the above findings I have considered the expressions of support for retaining the dormer from a number of neighbouring residents. However, individual opinions can alter even over a relatively short space of time, whilst the visual harm caused would endure indefinitely if the dormer were to remain.
8. Therefore, the dormer causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. This conflicts with Policy SP1 of the Newham Local Plan (LP) which requires development to be of high quality through respecting, taking advantage of and enhancing the positive elements and distinctive features of the Borough. It also conflicts with LP Policy SP3, which requires all new development to, amongst other things, realise a high quality of urban design in new buildings and spaces and to reinforce or create positive local distinctiveness, whilst securing integration and coherence with the local context.
9. However, there is no conflict with LP Policies S6 and H1, or Policies D1 and D4 of the London Plan, which are all more strategic in scope. The Council did not explain the relevance of these policies to this matter. Nor is there conflict with LP Policy SP8; the Council accepted that the dormer is not harmful to the living conditions of neighbouring occupiers and there is no sound reason why I should find otherwise.

Consequences for the appellant & their family

10. Article 8 of the Human Rights Act 1998 affords individuals the right to respect for their private and family life and home. The right is qualified, such that interference may be justified where it is in accordance with the law and in the public interest. Where the Article 8 rights are those of children, Article 3(1) of the United Nations Convention on the Rights of the Child requires the best interests of the child to be a primary consideration.
11. I am given to understand that the appellant resides at the property with their spouse and three school age children. The appellant explained that the dormer was erected at the same time as rebuilding works were being undertaken following a serious fire which had left the property uninhabitable. As the property was not insured at the time of the fire, the appellant has suffered significant financial losses. The appellant understood from their builder that express planning permission was not required for the dormer. Council officers visited the property during construction of the dormer but did not advise that planning permission was required until after its completion. This has all contributed to the appellant experiencing episodes of ill health preventing them from working. I can sympathise with the

appellant's circumstances, which are clearly a source of continuing anxiety for them and their family.

12. The appellant suggested that the property would have to be vacated during the remedial works. However, it is difficult to reconcile this claim with the relatively modest scale of those works. Being largely confined to the roof, the works would have little effect on most of the habitable space in the dwelling. In my experience, roof alterations of a similar scale are often undertaken whilst occupiers remain in residence. Accordingly, the appellant and their family would not have to live in unsuitable conditions if they remained at the property during the works.
13. It is not part of the appellant's case that one or more of their children are facing unusual or especially challenging personal circumstances, such as for example, an acute health condition, which would be adversely affected by the works. There would undoubtedly be substantial costs for the appellant, who is already, I understand, in significant debt. It is entirely possible that additional pressures have been placed on the appellant's finances since the appeal was made. Even so, there is little to indicate that further financing could not be secured for the works, for example against the property, or that the appellant would be at a greater risk of losing their home through the notice being upheld. Therefore, the limited interference with the rights of the appellant and their family to a private and family life which would follow from refusing to grant planning permission for the dormer and upholding the notice would be proportionate.

Other matters

14. I acknowledge that some neighbouring occupiers might be reluctant for further works to be undertaken at the property. Although there could be some inconvenience and disruption during the works, this is likely to be relatively small scale and of limited duration.
15. It is open to the appellant to make a planning application to modify the dormer to reflect what could otherwise have been erected as 'permitted development'¹, the final decision on which would rest with the Council in the first instance.

Conclusion

16. The dormer harms the character and appearance of the dwelling and the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Article 3(1), Schedule 2, Part 1, Class B