



Appeal Decision

Site visit made on 9 September 2025

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date 29 September 2025

Appeal Ref: APP/B5480/C/23/3332071

102 Waverley Crescent, Romford RM3 8AJ

- 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 Alexandr Lipanovich against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 27 September 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the construction of side and rear canopies.
 - The requirements of the notice are: 1. Demolish the side and rear canopies; and 2. Remove all debris, rubbish or other materials accumulated as a result of taking step 1 above.
 - The period for compliance with the requirements is one month after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (d) of the Act.
-

Decision

1. It is directed that the enforcement notice is corrected by:

- The substitution of the plan annexed to this decision for the plan attached to the enforcement notice;
- The deletion of the text 'the construction of side and rear canopies' at paragraph 3 of the enforcement notice and the substitution of the text 'the construction of side and rear canopies, other than those in the area shaded blue on the attached plan.'; and
- The deletion of Step 1 at paragraph 5 of the enforcement notice in its entirety and the substitution of the text '1. Demolish the side and rear canopies, other than those in the area shaded blue on the attached plan;'.

Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

Ground (c)

2. To succeed under this ground of appeal the appellant needs to show, on the balance of probabilities, that the construction of side and rear canopies at the site did not constitute a breach of planning control.
3. Section 57 of the Act sets out that planning permission is required for the carrying out of any development of land. Section 55 provides the relevant meaning of development, which includes the carrying out of building, engineering, mining or other operations in, on, over or under land.

4. The canopies are attached to the semi-detached house and act as extensions to the side and rear elevations. There is no dispute that their construction comprised development requiring planning permission, but it is claimed that these works benefit from planning permission granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
5. I have been referred to Class E of Schedule 2, Part 1 of the GPDO, which relates to the erection of any building or enclosure for a purpose incidental to the enjoyment of the dwellinghouse, amongst other things. The Government's Technical Guidance 'Permitted development rights for householders' (2019) explains that buildings which are attached to a house are not permitted under Class E as they would be subject to the rules in Class A, which relate to the enlargement, improvement or other alteration of a dwellinghouse. Condition A.3(a) of Class A states that the materials used in any exterior work (other than in the case of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
6. The exterior walls of the original dwellinghouse have an unpainted pebble-dash finish, while a single storey rear extension has white rendered walls. The main roof and front porch roof have clay pantiles and the rear extension has a flat grey roof. The appearance of the exterior of the existing dwellinghouse contrasts with that of the dark stained timber posts and beams and the clear plastic sheeting of the canopies. The canopies do not therefore accord with Condition A.3(a) of Class A and do not benefit from any planning permission granted by the GPDO.
7. I have not been referred to any other planning permissions the canopies may benefit from and it has not been demonstrated, on the balance of probabilities, that the canopies do not constitute a breach of planning control.
8. The appeal under ground (c) must therefore fail.

Ground (d)

9. To succeed under this ground of appeal the appellant needs to show, on the balance of probabilities, that at the date when the notice was issued no enforcement action could be taken in respect of the side and rear canopies.
10. The notice was issued before 24 April 2024, and the canopies were therefore substantially complete when section 171B of the Act provided that no enforcement action could be taken against unauthorised operational development after the end of the period of four years beginning with the date on which the operations were substantially complete. It is claimed that the canopies were built in 2015.
11. Photographs have been provided showing canopies along the side and rear of the house in August 2015, May 2016, May 2017, and March and May 2018. However, a large single storey extension has been erected to the rear of the house in place of a smaller conservatory at some point since then, which is shown in photographs dated 27 September 2020. The substantially different sizes of the former conservatory and the existing extension make it very difficult to accept that all of the canopies currently in place are the same as those shown in the photographs dating from 2018 and earlier. It is also evident that the rear canopy shown in the pre-2020 photographs had a metal and timber frame with metal posts running into/adjacent timber decking, whereas that currently in place is primarily timber framed with supporting posts fixed into a patio.

12. An invoice addressed to the appellant shows polycarbonate sheeting, rafter bars, and sheet closure fittings were delivered to the site in October 2014. Those materials are consistent with the design of the canopies, but the photographs show that parts of the canopies must have been substantially demolished prior to the erection of the rear extension. It is claimed that only part of the canopy attached to the rear of the house was temporarily detached, and not demolished, during construction of the rear extension in 2020, and then reattached. This is not supported by the photographs, which show different canopy structures at the rear of the house prior to 2020. There is no evidence to suggest that all the rear and side canopies were erected together as a single building operation.
13. The differences between the canopy framing materials and their fixings into the ground lead me to find, as a matter of fact and degree, that the removal of at least parts of the canopies to facilitate the rear extension, followed by the reinstatement of those parts, comprised building operations requiring planning permission. It is therefore clear that the construction of at least the parts of the canopies alongside the side and rear elevations of the rear extension were carried out less than four years before the notice was issued.
14. The dates of Google Earth Pro and Street View photographs have not been disputed. The aerial photographs dated 8 April 2017 and 17 May 2018 appear to show a canopy along the side elevation of the house on those dates. The Street View photographs dated April 2018 and October 2022 show the canopy currently in place along the front part of the side elevation of the house at those times. These photographs provide a reasonably clear indication that a canopy along the side elevation of the original house (but not along the side and rear elevations of the rear extension) had been in place for more than four years before the date the notice was issued. These photographs also confirm very different canopies were in place around the former conservatory in April 2017 and May 2018.
15. The evidence is not sufficiently clear and precise to show, on the balance of probabilities, that all of the canopies were constructed at least four years before the notice was issued. The evidence shows that it is more likely than not that the canopy running along the side elevation of the original house, up to the rear extension, was constructed more than four years before the notice was issued.
16. The appeal under ground (d) succeeds in part, insofar as I find part of the side canopy was lawful and exempt from planning control when the notice was issued.

Conclusion

17. I conclude on the balance of probabilities that the construction of a side canopy took place more than 4 years prior to the issue of the notice and so, at the date that the notice was issued, the time for taking enforcement action against that side canopy, as set out in section 171B(1) of the Act, had expired. The appeal succeeds on ground (d) in part, in respect of that side canopy only. Otherwise, for the reasons given above, I conclude that the appeal should not succeed in respect of the construction of a rear canopy and another side canopy along the rear and side walls of the rear extension to the house, which took place less than 4 years prior to the issue of the enforcement notice. I shall uphold the notice with corrections.

L Douglas

INSPECTOR

Plan

This is the plan referred to in the decision dated 29 September 2025

by L Douglas BSc (Hons) MSc MRTPI

102 Waverley Crescent, Romford RM3 8AJ

Reference: APP/B5480/C/23/3332071

Scale: Not to Scale

