



Appeal Decision

Site visit made on 16 September 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2025

Appeal Ref: APP/G5750/C/23/3326899

34 Pulleys Avenue, London E6 3LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Muhammad Afzal Khan on behalf of Khan and Co against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 5 July 2023.
 - The breach of planning control as alleged in the notice is: The erection of a two-storey rear extension.
 - The requirements of the notice are:
 1. Demolish the two-storey rear extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1).
 2. On completion of step 1, remove all materials and debris from the site.
 - The period for compliance with the requirements is 6 months
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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.
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Decision

1. It is directed that the enforcement notice is:
 - Varied by deleting steps 1) and 2) under section 5 (what you are required to do) and substituted therefor by the following steps:

“1. Demolish the two-storey rear extension (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photograph attached at Appendix 1); or

2. Carry out the development strictly in accordance with planning permission ref: 18/02276/FUL, so as to comply with the terms of this permission, including its conditions and limitations; and

3. On completion of steps 1 and 2 above remove all materials and debris from the site.”
2. 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 as amended.

The Appeal on Ground (a) and the Deemed Planning Application (DPA)

Main Issues

3. The main issues are the effects of the development on:
- the character and appearance of the host building and area; and
 - the living conditions for the occupiers of adjoining properties at 32 and 36 Pulleyns Avenue with regard to daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site comprises a Victorian mid-terrace property with an original two storey back addition which is paired with the neighbouring property at No 36 Pulleyns Avenue. The property has been subdivided to create two separate self-contained flats (one on the ground floor and one on the first floor). The surrounding area is characterised by similar two-storey terraced properties that comprise two-storey back additions which are symmetrically paired with their neighbour. Despite some alterations, there remains a high degree of rhythm and uniformity to the rear elevations. This appeal relates to the retention of a two-storey rear extension to the rear of the original back addition.
5. The Newham Local Plan 'Altering and Extending Your Home Supplementary Planning Document, 2018 (SPD) amongst other things states that new extensions should generally try and replicate the style, design and detailing of the original house; that all new extensions, whether of traditional or contemporary design, should be constructed from materials of the highest quality to complement or appropriately contrast to the original house; and that any new extension should be subservient to the original house and demonstrate clear setbacks from existing elevations.
6. Planning permission was previously approved on 25 September 2018 for a single storey rear and part first floor rear extensions to the flats at 34 and 36 Pulleyns Avenue (2018 permission¹). That scheme comprised a ground floor rear extension approximately 3m deep and a first-floor rear extensions, projecting approximately 1m in depth, to the rear of both properties. A condition was also attached to that permission which required the materials to match those used in the existing buildings at 34 and 36 Pulleyns Avenue. This design, matching materials and the modest depth of the first-floor rear extensions ensured that the development had an acceptable visual appearance and integrated successfully with the back addition at neighbouring properties in the terrace.
7. However, the as built first-floor rear extension extends the rear back addition by approximately 3m at first floor level, significantly beyond the established rear building line of the back additions along the terrace. The resulting two storey rear extension creates one overall large rear addition, which extends the building considerably, and fails to be subservient to the original building. The excessive size and scale of the unauthorised development, at first floor level is accentuated by its red brick material, which is not a characteristic feature of the appeal property and terrace, where the original brick is London stock. Furthermore, the development is

¹ Council ref: 18/02276/FUL.

highly visible from a number of neighbouring properties and public vantage points on Sandford Road.

8. Therefore, despite the current development being located to the rear of the property, the effect of the scheme is overly dominant and diminishes unacceptably the character, appearance, and integrity of this building with consequent harm to the character and appearance of the area.
9. I therefore conclude that the development harms the character and appearance of the host dwelling and area. Accordingly, the development conflicts with SP1 and SP3 of the London Borough of Newham Local Plan, 2018 (LP), Policies D1, D3 and D4 of the London Plan, 2021 (London Plan) and the Council's SPD. Amongst other things, these seek to deliver high quality of urban design in the new buildings and spaces created and states that high quality development will be expected, which respects, takes advantage of, and enhances the positive elements and distinctive features of the borough.
10. However, I find no conflict against Policies S6 and H1 of the LP which relates to strategic policies aimed at promoting larger new housing sites within Newham. Furthermore, I find no conflict against LP Policies SP2 and SP8, which relate to providing healthy neighbourhoods and protect neighbouring amenity, which is not relevant to this main issue.

The living conditions for the occupiers of adjoining properties at 32 and No.36 Pulleys Avenue with regard to daylight, sunlight and outlook

11. The Council's SPD states all new extensions should ensure that reasonable levels of sunlight and daylight to neighbours' rooms and outdoor garden/amenity space are maintained; and that the privacy and outlook of neighbouring amenity is not harmfully compromised.
12. The height and scale of the two-storey rear extension built along the boundary with the neighbouring first floor flat at No 36, results in a visually intrusive and unneighbourly form of development for occupiers of this neighbouring property. Indeed, the outlook and daylight from the first-floor window of No 36 Pulleys Avenue is restricted by the extension resulting in an increased sense of enclosure for the occupiers of this neighbouring property. Furthermore, owing to the orientation of this two-storey extension positioned to the east of the first-floor window at No 36, and the excessive depth and scale of the extension, the development results in a reduction of sunlight to this first-floor window.
13. I appreciate that the appellant also owns No 36. However, I have considered the effect of the development on the occupiers and future occupiers of this adjoining property. Therefore, the current ownership of this property does not alter my conclusion.
14. With regard to No 32 Pulleys Avenue, and daylight and sunlight, the Officer's Report states that whilst there would be some loss of daylight and sunlight towards No 32, this is not considered to be harmful to the living conditions of these neighbouring occupiers. From my onsite observations I find no reason to disagree with this assessment.
15. With regard to outlook, the two-storey rear extension has increased the depth of the original back addition considerably, which is in close proximity to the rear garden

and windows in the rear elevation of the main building at ground and first floor level of No 32 Pulleyns Avenue. The excessive depth and scale of the two-storey rear extension results in an intrusive and unneighbourly form of development for occupiers of this neighbouring property. I observed that the outlook from the garden patio and the ground and first floor windows in the rear main part of the building was particularly restricted by this extension.

16. Therefore, the development fails to provide acceptable living conditions for the occupiers of No 36, with regard to daylight, sunlight and outlook, and fails to provide acceptable living conditions for the occupiers of No 32 with regard to outlook. Accordingly, the development is contrary to Policies D1 and D4 of the London Plan, Policies SP2, SP3 and SP8 of the LP and the aims and objectives of the Council's SPD. Amongst other things, these state that development proposals should be deliver appropriate outlook and amenity and that all development is expected to achieve good neighbourliness.

Other Matters

17. I appreciate that that there are various extensions and alterations to neighbouring properties in the vicinity of the site. However, I do not have the full circumstances of all of those developments. Nevertheless, none appear directly comparable to the development before me, in terms of design, height, depth and size and their proximity to neighbouring properties. I have therefore determined this appeal on its own merits.

Conclusion on ground (a) and the DPA

18. For all of the above reasons, I conclude that the two-storey rear extension results in harm to the character and appearance of the host building and the area and the living conditions of the neighbouring occupiers, in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the improved living standards for the occupiers of the appeal site and compliance with building regulations outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
19. Dismissal of the appeal will involve some interference with the occupiers' rights to respect for private and family life under Article 8 of the European Convention on Human Rights and the right to protection of property, including peaceful enjoyment of possession under Article 1 of the First Protocol. However, these are qualified rights. The interference will be the minimum necessary and a proportionate approach to the legitimate aim of protecting the character and appearance of the host building and the area and the living conditions of the neighbouring occupiers.
20. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The appeal on Ground (f)

21. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the

matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".

22. The enforcement notice requires the demolition of the unauthorised development, and therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
23. However, as outlined above, the 2018 permission previously granted permission for a single storey rear and part first floor rear extensions to flats at 34 and 36 Pulleyns Avenue. The Council consider that development was never implemented, since the current two storey rear extension is larger than that previously approved and therefore the approved scheme lapsed on 25 September 2021.
24. However, the fact that the as-built scheme is different does not necessarily mean that the planning permission has expired. The relevant question is whether or not it began (section 91 of the Act). Section 56(2) and (3) of the Act, provide that development shall be taken to be begun for the purposes of ss91 and 92 on the earliest date on which any material operation comprised in the development begins to be carried out. 'Material operations' are defined in s56(4) of the Act as including: any work of construction in the course of the erection of a building [s56(4)(a)], and the digging of a trench [s56(4)(b)]. Case law has established that works undertaken solely to keep a planning permission alive, when the developer has no intention of proceeding further at that time, can suffice to initiate development.
25. In this regard, the two-storey rear extension is in the same position to the previously approved scheme. Therefore, the overall foundation trench that was built would broadly match the approved extension footprint, and parts of it would contain the foundations of the extension 'as built,' in accordance with s56(4)(b) of the Act. Significant parts of the ground works would relate to the 2018 planning permission and be substantially usable in the permitted extension.
26. Furthermore, no condition was attached to the 2018 that required the approved development to Nos 34 and 36 to be carried out simultaneously. Caselaw has established that enforcement should be remedial rather than punitive. The breach of planning control could also be addressed through compliance with an alternative requirement that requires the development to accord with the terms and conditions of the approved planning permission ref: 18/02276/FUL. This would achieve the purpose of the notice which is to remedy the breach. Therefore, I will add an additional requirement to make the development comply with the extant planning permission which would also remedy the breach of planning control, in line with s173(4)(a) of the Act. Varying the notice on this basis would cause no injustice to either party, as it would not make it more onerous.
27. The appeal on ground (f) succeeds to that extent only, and I will vary the notice.

Conclusion

28. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan INSPECTOR