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## Appeal Decision

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

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**Appeal Ref: APP/N5090/C/24/3355923**

**64 Blundell Road, Edgware HA8 0HZ**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Sirghie Ghiata against an enforcement notice issued by the Council of the London Borough of Barnet.
  - The notice was issued on 17 October 2024.
  - The breach of planning control as alleged in the notice is the construction of a rear dormer roof extension.
  - The requirements of the notice are: 1. Demolish the roof extension and restore the roof to its condition prior to the breach of planning control, as shown on attached drawing no. 01/10; and 2. Permanently remove all constituent materials resulting from the works in 1. Above from the property.
  - The periods for compliance with the requirements is 4 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Preliminary Matters

2. The appeal has been made under ground (c) only. To succeed under ground (c) the development that is the subject of the enforcement notice must either benefit from planning permission or it is development permitted under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

### Reasons

3. 64 Blundell Road is a two-storey terraced dwelling. Planning application 24/3492/RCU was submitted for retention of the rear dormer roof extension that is the subject of the enforcement notice, but this was refused by the Council on 31 December 2024. The rear dormer does not therefore benefit from planning permission.
4. Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) states that the enlargement of a dwellinghouse consisting of an addition to its roof is permitted development. But Paragraph B1 of Part 1 of Schedule 2 states that development is not permitted by Class B if, amongst other things, the dwellinghouse is on article 2(3) land. Article 2(3) of Part 1 of Schedule 2 includes land within an area designated as a conservation area under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal property is within the Watling Estate Conservation Area and the rear dormer roof extension is not therefore development permitted under Class B of Part 1 of Schedule 2 of the GPDO.

5. The Appellant maintains that the rear dormer roof extension was built in accordance with an Architect's drawings and that a building control team agreed that the works could proceed. Neither these nor any other matters mentioned by the Appellant are relevant to the ground (c) appeal.

6. Planning permission has not been granted for the rear dormer roof extension and it is not permitted development. The ground (c) appeal therefore fails.

***John Braithwaite***

Inspector