



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/T5150/C/24/3342344

9 Bryan Avenue, London NW10 2AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Adnan Kazem Abdul-Hussain Al-Killidar against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 12 March 2024.
 - The breach of planning control as alleged in the notice is the erection of a first floor conservatory to the rear of the premises.
 - The requirements of the notice are: 1. Completely and permanently remove the unauthorised rear extension to the first floor level of the premises and restore the roof top back to its original condition before the unauthorised development took place; and 2. Remove all associated debris, items and materials arising from step 1 from the premises.
 - The period for compliance with the requirements one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is varied by the insertion of 'part' before 'first floor' in schedule 2 and the insertion of 'incomplete' before 'unauthorised' in requirement 1 in schedule 4.
2. The appeal is dismissed and, subject to the variations, the enforcement notice is upheld.

Preliminary Matters

3. The appeal has been made under ground (b). Under this ground the Appellant claims that the breach of planning control alleged in the notice has not occurred as a matter of fact. To determine whether the breach has occurred requires an assessment of written and photographic evidence of the situation that prevailed on the date of issue of the enforcement notice, and nothing would be achieved by visiting the site. The appeals have therefore been determined without undertaking a site visit.

Reasons

4. 9 Bryan Avenue is a two storey detached dwelling. At the rear of the dwelling is a single storey flat roofed element. The construction of a conservatory on the flat roof of this element has been commenced by the erection of uPVC framing on three sides. The structure, when photographs were taken by a Council Officer, did not have a roof. So the erection of a first floor conservatory, as alleged in the enforcement notice, had not occurred because it is incomplete. But the erection of uPVC framing on three sides of the flat roof was a building operation and development has occurred for which planning permission has not been granted.

5. The ground (b) appeal succeeds in part and insofar as it relates to the allegation as it is written. But in these circumstances the enforcement notice, rather than being quashed, can be varied to reflect the development that has occurred. The ground (b) appeal fails overall and, subject to variations, the enforcement notice has been upheld.

John Braithwaite

Inspector