



Appeal Decision

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/U5930/C/24/3348603

170 Station Road, Chingford, London E4 6AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Harjit Aulak against an enforcement notice issued by Waltham Forest London Borough Council.
 - The enforcement notice was issued on 20 June 2024.
 - The breach of planning control as alleged in the notice is failure to comply with conditions imposed on a planning permission ref 191416 granted on 7 February 2020.
 - The development to which the permission relates is: Alterations including demolition of first floor flat and construction of three storey floors above existing ground floor with roof terrace at first floor rear elevation, single storey rear extension, and associated cycle and bin storage at ground floor rear elevation to create 5 residential units (5 x 1 bedroom flat).
 - The conditions in question are numbers 2, 3, 11, 14, 15, 16, 19, 21 and 24, details of which are set out at Schedule 1 to this decision.
 - The notice alleges that the conditions have not been complied with, as set out in Schedule 2 to this decision.
 - The requirements of the notice are set out in Schedule 3 to this decision.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by:
 - the deletion of paragraphs 8 and 9 at section 3 of the notice (The matters which appear to constitute the breach of planning control).
 - the deletion of paragraphs 11 and 12 from section 5 of the notice (What you are required to do).
 - At paragraph 13 of section 5 of the notice, the deletion of the words 'with step above' and their replacement with the words 'with the steps above'.
2. Subject to those changes, the appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

3. Given the ground of appeal and the nature of the dispute in this case I was able to determine the appeal without visiting the site. I sought the views of both parties before deciding on this approach.

Background

4. On 7 February 2020, planning permission was granted for substantial alterations to this building to create 5 flats. The planning permission was subject to a lengthy set of planning conditions. The enforcement notice alleges non-compliance with 9 of those

conditions, and sets out a range of measures - 13 in all - designed to remedy the situation. The dispute focuses on 4 of those 13 measures – numbered 6, 7, 8 and 9 at section 5 of the notice. Additionally, I raised matters relating to other elements of the notice, as set out below.

Enforcement Notice Corrections

5. Although the appellant's concerns relate only to requirements 6-9, I also sought the views of both parties relating to requirements 11 and 12, which did not, in fact, set out any specific steps to be carried out and were actually repetitions of the matters alleged at paragraphs 8 and 9 of section 3 of the notice.
6. The appellant did not respond to my request, but the Council suggested revised wording for both requirements. However, I can only correct the notice if doing so would not cause injustice to either party¹. In this case, the effect of the changes the Council suggests would be to impose new requirements on the appellant, including a requirement to submit a management plan for the approval of the Council. That would make the notice more onerous, and thus cause injustice to the appellant.
7. I also raised the possibility of reducing the notice in its scope by removing paragraphs 8 and 9 from the alleged breach of planning control, together with the corresponding requirements 11 and 12. Changing the notice in this way cannot cause injustice to the appellant, since it would be reduced in its scope. Nor would it cause injustice to the Council since, as things stand, requirements 11 and 12 would be ineffective anyway. It is open to the Council to consider issuing a further notice in due course should it wish to address the relevant matters separately. I will therefore correct the notice by removing the relevant paragraphs from the alleged breach of planning control and the requirements of the notice.
8. In addition to the above, requirement 13 refers to 'compliance with step above' which should plainly be 'compliance with the steps above'. This minor point can be corrected in the interests of clarity without changing the substance of the notice or causing injustice to either party.

Reasons

9. The appeal is made solely on ground (f), which 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
10. An enforcement notice can seek to achieve, wholly or partly, the following purposes, as set out in section 173(4) of the Act:
 - a) *remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or*
 - b) *remedying any injury to amenity which has been caused by the breach*

¹ See section 176(1) of the 1990 Act

11. In this case, the notice sets out a series of steps which appear designed to make the development comply with the planning permission previously granted. This is consistent with the purpose of remedying the breach of planning control in accordance with s173(4)(a). The reasons for issuing the notice (section 4 of the notice) indicate that that is the purpose. With that in mind, it would not be appropriate to vary the requirements in the notice in any way that would frustrate the purpose of remedying the breach of planning control.
12. In broad terms, the disputed 4 requirements seek various works, including the removal/replacement of windows and doorways, along with the replacement of some yellow render with white render, to ensure compliance with the approved drawings.
13. The only question before me is whether the requirements in the notice exceed what is necessary to remedy the breach of planning control. However, the appellant has not shown that the disputed requirements are unnecessary in any respect. Indeed, since there is no dispute that matters including windows, doorways and render do not comply with the approved scheme, it is clear that the breach of planning control cannot be remedied unless those matters are corrected. The appellant has not suggested any revised wording for the notice to address those matters.
14. I appreciate that the site was not in a conservation area at the time the planning application was determined. However, in the absence of an appeal on ground (a), it is not open to me to consider the planning merits of the building as constructed, and so whether or not it was in a conservation area is not relevant. For the same reason, I would not have been able to consider the merits of the revisions to the scheme the appellant refers to, even if details of the proposals had been provided.

Conclusion

15. For the reasons given above, I conclude that the disputed requirements of the notice are not excessive, and it has not been shown that the purpose of the notice could be achieved with lesser steps. Accordingly, the appeal does not succeed. However, for the reasons set out above, I will correct the notice by removing paragraphs 8 and 9 of section 3 and paragraphs 11 and 12 of section 5, along with a minor revision to requirement 13. Subject to those changes, I shall uphold the enforcement notice.

Peter Willows

INSPECTOR

Schedule 1: The conditions referred to in the notice

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents and thereafter maintained as such for the lifetime of the development:

Drawings Numbers:

Dwg Number	Rv	Date	Title
PL200	-	April 2019	Existing Floor Plan and Location
PL200A	-	April 2019	Existing Block Plan
PL200B	-	April 2019	Existing Site Plan
PL201	-	April 2019	Existing Section and elevations
PL202	-	April 2019	Proposed Floor Plans
PL202A	-	April 2019	Proposed Block Plan
PL202B	-	April 2019	Proposed Site Plan
PL203	-	April 2019	Proposed Elevations
PL204	-	April 2019	Proposed Section and elevation
PL205	-	April 2019	Proposed Waste Management Plan
			Material Board
			Garden Material Sample Board
			Rear Window Reveal Detail
			Side recessed Window reveal detail
			Planning Design and Access Plan
P2188	-	Sept 2019	Revised Outline Construction Logistics Plan

- 3) Notwithstanding the materials and details provided in condition 2 above, prior to the commencement of the development on site, notwithstanding site investigation and clearance works, demolition and construction to slab level, detailed drawings, information and / or samples of a. all colours, materials and window details to be used on the elevations of the building, b. all details of the shopfront design, colours, materials and access methods.

- shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out solely in accordance with the approved details, prior to the completion of the development hereby approved and thereafter retained as such.
- 11) Notwithstanding the garden material board as approved under condition 2 Prior to the occupation of the development, notwithstanding site investigation and clearance works, demolition and construction to slab level, details of the hard and soft landscaping to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of the retained and proposed planting and trees and boundary treatment in and around the site, as detailed on the approved plan no. [PL133 Rev D, dated 26.07.19], along with the requirement to demonstrate that all hardstanding areas are permeable. The development shall be carried out solely in accordance with the approved details and all approved planting shall be carried out in the first planting season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner.
- 14) Notwithstanding the refuse management plan approved under condition 2, Prior to the commencement of the development, notwithstanding site investigation and clearance works and demolition, full details of the a) refuse storage facilities, b) collection strategies, and c) management system for both the commercial and residential components of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details which shall be provided prior to first occupation of the development hereby approved and shall thereafter be maintained as such for the lifetime of the development.
- 15) Prior to the commencement of the development, notwithstanding site investigation and clearance works and demolition, full details of the obscured glazing, structural louvred privacy screens and any other forms of privacy measures relating to the newly created windows shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, all works shall be carried out in accordance with the agreed details and shall thereafter be permanently retained as such.
- 16) Prior to the occupation of the development, a scheme detailing measures to reduce water use within the development, to meet a target water use of 105 litres or less per person, per day, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved scheme and thereafter retained.
- 19) All window reveals on the external face fronting Station Road of the development hereby permitted shall be set in 115mm (minimum) from the external face of the building and thereafter retained as such.

- 21) Prior to the commencement of operations for the ground floor retail unit, a plan of management is to be prepared including but not limited to the following details: a) Proposed use b) Hours of operation c) Delivery and services management and times d) Any other relevant operations shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out solely in accordance with the approved details, prior to the completion of the development hereby approved and thereafter retained as such.
- 24) No vents, extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings. New rainwater goods shall be cast metal painted in keeping with the colours and materials approved under condition 3, and thereafter retained as such.

Schedule 2: The matters of non-compliance alleged in the notice

- 1) In contravention of condition 2 of planning permission (ref: 191416) granted on 7th February 2020, the failure to carry out the external detailing in accordance with drawings PL202 – April 2019 “Proposed Floor plans” (in particular the side dormer roof), PL203 - April 2019 “Proposed Elevations” and PL204 - April 2019 “Proposed Section and elevations”.
- 2) In contravention of condition 3 of planning permission (ref: 191416) granted on 7th February 2020, the failure to submit and approve in writing the following; 2 detailed drawings, information and / or samples of; a. all colours, materials and window details to be used on the elevations of the building, b. all details of the shopfront design, colours, materials and access methods.
- 3) In contravention of condition 11 of planning permission (ref: 191416) granted on 7th February 2020, the failure to provide a landscaping scheme prior to occupation.
- 4) In contravention of condition 14 of planning permission (ref: 191416) granted on 7th February 2020, the failure to provide details on waste refuse storage, collection strategies and management systems prior to the commencement of the development.
- 5) In contravention of condition 16 of planning permission (ref: 191416) granted on 7th February 2020, the failure to provide, prior to the occupation of the development, a scheme detailing measures to reduce water use within the development.
- 6) In contravention of condition 15 of planning permission (ref: 191416) granted on 7th February 2020, Prior to the commencement of the development, notwithstanding site investigation and clearance works and demolition, full details of the obscured glazing, structural louvred privacy screens and any other forms of privacy measures relating to the newly created windows shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, all works shall be carried out in accordance with the agreed details and shall thereafter be permanently retained as such.
- 7) In contravention of condition 19 of planning permission (ref: 191416) granted on 7th February 2020, All window reveals on the external face fronting Station Road of the development hereby permitted shall be set in 115mm (minimum) from the external face of the building and thereafter retained as such.
- 8) In contravention of condition 21 of planning permission (ref: 191416) granted on 7th February 2020, the failure prior to the commencement of operations for the ground floor retail unit, a plan of management is to be prepared including but not limited to the following details: a) Proposed use b) Hours of operation c) Delivery and services management and times d) Any other relevant operations.
- 9) In contravention of condition 24 of planning permission (ref: 191416) granted on 7th February 2020, failure to comply with condition of no vents, extracts, or plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings.

Schedule 3: The Requirements of the Notice

- 1) Carry out all the necessary alterations to the first floor roof garden in accordance with drawing number PL202 (attached to this Notice) to comply with condition 2 & 12 of planning permission 191416 granted on 7th February 2020.
- 2) Carry out all the necessary alterations to the internal floor plans in accordance with drawing number PL202 (attached to this Notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 3) Remove the render from the rear elevation and implement the facing brickwork (subject to approval from the Local Planning Authority) as outlined in drawing number PL203 (dated April 2019 and attached to this notice) to comply with condition 2 & 3 of planning permission 191416 granted on 7th February 2020.
- 4) Remove the side dormer from the roof and unauthorised vulex windows and carry out the necessary alterations to the roofscape in accordance with drawing number PL202 (attached to this Notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 5) Remove the industrial extractor flue on the rear elevation of the property.
- 6) Remove the windows on the side elevation and implement recessed window reveals with Rock panel cladding in timber appearance as outlined in drawing number PL203 (dated April 2019 and attached to this notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 7) Remove the yellow render from the northeast elevation and implement the white coloured rendered wall as outlined in drawing number PL203 (dated April 2019 and attached to this notice) to comply with condition 2 & 3 of planning permission 191416 granted on 7th February 2020.
- 8) Remove all windows on the front elevation and replace with Powder coated aluminium double glazed sliding sash windows as outlined in drawing number PL203 (dated April 2019 and attached to this notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 9) Remove all windows and doorways on the rear elevation and carry out alterations in accordance with drawing number PL203 (dated April 2019 and attached to this notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 10) Implement the bin and cycle storage areas stipulated in the approved drawing PL203 (dated April 2019 and attached to this notice) to comply with condition 2 of planning permission 191416 granted on 7th February 2020.
- 11) In contravention of condition 21 of planning permission (ref: 191416) granted on 7th February 2020, the failure prior to the commencement of operations for the ground floor retail unit, a plan of management is to be prepared including but not limited to the following details: a) Proposed use b) Hours of operation c) Delivery and services management and times d) Any other relevant operations
- 12) In contravention of condition 24 of planning permission (ref: 191416) granted on 7th February 2020, failure to comply with condition of no vents, extracts, or

plumbing or pipes, other than rainwater pipes, shall be fixed on the external face of the building, unless shown on the approved drawings.

- 13) Remove all resulting materials, rubble and general detritus from the Property following compliance with step above.