



Appeal Decision

Site visit made on 18 October 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2025

Appeal Ref: APP/G5750/C/23/3331242

8 Mathews Park Avenue, Stratford, London, E15 4AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
- The appeal is made by Mr Sarash Seediahah Bhatoolaul against an enforcement notice issued by the Council of the London Borough of Newham.
- The enforcement notice was issued on 12 September 2023.
- The breach of planning control as alleged is the erection of a roof extension.
- The requirements of the enforcement notice are to: 1) Demolish the roof extension (as shown edged in yellow on the photograph attached at Appendix 1 to the notice), and 2) on completion of step 1, remove all materials and debris from the site.
- The period for compliance is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the 1990 Act.

Summary decision: The enforcement notice is quashed and planning permission is granted in the terms set out below in the formal decision

Ground (a)

1. The **main issue** is the effect of the roof extension on the character and appearance of the host dwelling and surrounding area.
2. No. 8 is a two-storey terraced property, and the street scene is characterised by similar properties with simple architectural style and uniformity. The roof extension forms an L-shape rear dormer window, which extends the full width of the dwelling’s main roof and outrigger. The Council argues that the parapet walls, which abut no. 6, have been built up in yellow brick to form the side walls and the development is contrary to its supplementary planning document (SPD)¹. The appellant argues that the extension is set off from the firewalls, and the parapets and eaves are retained and claim the side dormer cheeks would be finished with plain tiles to match the existing roof.
3. The roof extension is set back from the eaves and extends the external walls of the host building, but to me the development is like an upward extension to the host dwelling. The external elevations have been finished in render, nevertheless, the fenestration detail and external appearance is consistent with the simple architectural style of the host building. I find that the scale of the development appears subordinate to the style and layout of this modest terraced dwelling and the design does not materially harm the external appearance of the host dwelling or block in which it is located.
4. The development is visible in private and public views, but roof extensions are not that atypical of the street scene. The roof extension is larger in comparison to other additions in the street or wider locality. Nonetheless, I consider that the design, scale and layout of the roof extension do not have an overly towering visual effect. Given the dormer window’s rearward setting and property’s positioning, the bulk and mass of the roof extension does not draw the naked eye. It does not have a visually incongruous impact, and its retention would not represent unneighbourly development as it integrates with the overall character of the street

¹ Altering and Extending your Home (adopted 2018).

scene. In this case, there are good reasons therefore to attach limited weight to the perceived conflict with the SPD.

5. The appellant's appeal submissions included drawing 161009 L 308, but this drawing does not illustrate the side elevations of the roof extension finished in tiles that match the host roof. In response to the Council's concerns, amended drawings, referenced as 161009 L 305 and 308 Rev A, were subsequently submitted. These revised drawings include annotations regarding matching materials. Upon careful consideration, it is my view that an appropriate alternative compromise—one which minimises both cost and disruption—would be to impose a planning condition specifically addressing the Council's concerns about matching materials. Such a condition would make the development acceptable in planning terms by ensuring that the materials used are consistent with those of the original roof.
6. Should it not be possible to impose a suitably worded condition, planning permission would have to be refused. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement or occupation of the development, regardless of the importance of those details. Therefore, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated.
7. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale.
8. I consider a suitably worded condition requiring the submission and implementation of an approved matching material scheme, which meets the six tests, can be imposed. Subject to this condition, and contrary to the Council's arguments, in my planning judgment, the development does not materially conflict with the aims of London Plan Policies D1, D4 and D8 (2021) and Newham Local Plan Policies S6, SP1, SP2, SP3, and SP8 (2018), and design guidance found in the National Planning Policy Framework (2024).

Overall conclusions

9. For the above reasons and having regard to all other matters raised, including reference to permitted development rights and other appeal decisions, I conclude that the deemed application on ground (a) should be allowed. As the notice will be quashed, ground (f) and (g) do not need to be considered.

Formal decision

10. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the Act, for the development already carried out, namely the erection of a roof extension, subject to the following condition:
 - 1) The erection of a roof extension hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 6 months of the date of this decision a matching material scheme, showing details of the material to be used on the external elevations of the roof extension hereby permitted, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

A U Ghafoor

INSPECTOR