



Appeal Decision

Site visit made on 21 October 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/A5270/C/23/3330322

243 Allenby Road, Southall UB1 2HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Avtar Chauhan against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 24 August 2023.
 - The breach of planning control as alleged in the notice is without planning permission, construction of a single storey front extension.
 - The requirements of the notice are:
 1. Demolish the single storey front extension in its entirety;
 2. Restore the front elevation of the building to its condition before the breach occurred; and
 3. Remove resultant debris.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) 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. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. At the time of the site visit the single storey front extension, the subject of this appeal, had been removed. However, the single storey front extension was in situ when the notice was served, and photographs of the structure have been submitted with the appeal documents. Therefore, the appeal has been determined on this basis.

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

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and crime and safety.

Reasons

Character and appearance

4. The appeal relates to a ground floor commercial unit within a three-storey mid-terrace property characterised predominantly by commercial units and shops on the ground floor with residential flats above.

5. The front roller shutter enclosure, extends over a significant portion of the forecourt, bringing the front building line of this property forward. In addition, its thick and solid grey metal frame and shutters contrasts unfavourably with the traditional brickwork seen on the upper floors of the building and terrace. By virtue of its poor design, size and forward position, the development obscures the shopfront and detracts from the character and appearance of the building. In these respects, the development represents a visually discordant and incongruous feature within the terrace, and the wider street scene.
6. In support of their appeal the appellant has referred to other structures nearby. There is a modest shop awning at No 235 Allenby Road which has the appearance and scale of a traditional shop awning. As such it not comparable to the current appeal development which is more substantial in size and scale and includes roller shutters.
7. The front canopy extension at 229-231 Allenby Road has recently been refused planning permission and dismissed on appeal¹ on 16 July 2024. An enforcement notice requiring its removal was issued on 7 September 2023. Another front extension at 245 Allenby Road was also refused planning permission on 18 November 2021², and an enforcement notice requiring its removal was issued on 24 August 2023. As such, both of these extensions are unauthorised with Notices requiring their removal and therefore do not lend support for the current development before me.
8. I appreciate that a front extension exists at Nos 247-249 Allenby Road. However, this development, forward of the front building line with metal roller shutters also appears incongruous and causes harm to the character and appearance of the terrace and area. As such, I do not consider that this development justifies further harm.
9. In an attempt to overcome the harm, the appellant offers to accept a condition to keep the roller shutter open at all times or remove them entirely. However, it is also the materials of the front extension and its forward position which is particularly incongruous. Therefore, keeping the shutters open or removing them would not be sufficient to overcome the harm identified above.
10. I conclude the development causes harm to the character and appearance of the area, in conflict with policies 7.4 and 7B of the Ealing Development Management Development Plan Document, 2013 (DMDP) and policy D3 of the London Plan, 2021 (London Plan). Amongst other things, these seek to ensure development is of a high-quality design that complements and responds positively to local distinctiveness.

Crime and safety

11. The Council is concerned that the front extension creates a physical barrier to one side of the residential entrance door for the flats above, and that this results in a lack of natural surveillance which would increase in crime and anti-social behaviour issues. However, there is little evidence to indicate that the appeal development has resulted in any anti-social behaviour issues. Furthermore, the development still allows for clear views of the residential entrance doors to the flats

¹ Appeal Decision APP/A5270/W/24/3337433.

² Council ref: 215879FUL.

above, from the pavement and from the opposite side of the road. Therefore, the front extension does not block the natural surveillance of the entrance doors and the shopping parade.

12. I therefore conclude the development does not encourage anti-social behaviour issues or result in any demonstrable crime or safety issues. In these regards it accords with Policy 7.3 of the DMDP and Policy D11 of the London Plan, which collectively seeks to design out crime and that developments maintain a safe and secure environment.

Conclusion on Ground (a) and the Deemed Planning Application

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has a harmful effect on the character of the area in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits to the business, outweigh the harm 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.
14. 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)

15. 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".
16. The enforcement notice requires the removal of the single storey front extension in its entirety and the restoration of the frontage to its previous condition. As such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
17. The appellant states that they are willing to accept a condition which requires that the roller shutters be kept open at all times or to remove the roller shutter entirely retaining the roof and supporting posts. However, I have already found under the ground (a) appeal that it is also the materials of the front extension and its forward position which is particularly incongruous. Furthermore, at the time of the site visit the front extension had been removed.
18. As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
19. On this basis, the Ground (f) appeal fails.

The Appeal on Ground (g)

20. This ground of appeal is that the time given to comply with the notice is too short. The Council has given 2 months for the front extension to be removed, and the

frontage restored to its former condition. The appellant states that the 4 months is required to comply with the Notice.

21. However, the front extension had already been removed at the time of my site inspection. As such, there is no good reason to extend the period for compliance.
22. Accordingly, the appeal on ground (g) fails.

Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice 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