



Appeal Decisions

Site visit made on 25 November 2025

by **V Bond LLB (Hons) Solicitor (Non-Practising)**

an Inspector appointed by the Secretary of State

Decision date: 11 DECEMBER 2025

Appeal A Ref: APP/X5990/C/25/3362921

The buildings and associated land at 68 Westbourne Park Villas, LONDON W2 5EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Carmen Chevalier-Firescu against an enforcement notice issued by City of Westminster Council.
- The notice was issued on 26 February 2025.
- The breach of planning control as alleged in the notice is Without the requisite planning permission and within the last 4 years, the erection of an infill structure at the west roof slope to the front of the Property ("the Unauthorised Works").
- The requirements of the notice are: a) Remove the infill structure at the west roof slope to the front of the Property, shown outlined by blue lines on Drawings A and B, and in Photograph 1; b) Reinstate the west roof slope to the front of the Property, to match the materials, profile, appearance and proportions of the previously existing roof, shown outlined by blue lines on Drawings C and D, and in Photograph 2; and b) Make good any damage caused by the installation/removal of the infill structure, using materials and detailing to match the existing appearance and materials.
- The period for compliance with the requirements is: nine months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/X5990/C/25/3362923

The buildings and associated land at 68 Westbourne Park Villas, LONDON W2 5EB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Carmen Chevalier-Firescu against an enforcement notice issued by City of Westminster Council.
- The notice was issued on 26 February 2025.
- The breach of planning control as alleged in the notice is Without the requisite planning permission and within the last 4 years, the erection of a roof dormer at the east slope of the roof of the Property ("the Unauthorised Works").
- The requirements of the notice are: a) Remove the roof dormer at the east slope of the roof, shown outlined by green lines on Drawings A and B; b) Reinstate the east roof slope to match the materials, profile, appearance and proportions of the previously existing roof, shown outlined by green lines on Drawings C, D and E, and in Photograph 1; and b) Make good any damage caused by the installation/removal of the roof dormer, using materials and detailing to match the existing appearance and materials.
- The period for compliance with the requirements is: nine months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Appeal A Decision

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

Appeal B Decision

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

Preliminary Matters

3. In view of the overlap in issues between Appeals A and B and to avoid duplication, I shall deal with the appeals together, distinguishing between them where necessary.
4. An appeal decision in respect of a revised scheme at the appeal property¹ was made during the course of the appeal. The parties were offered an opportunity for comment on this and comments made have been taken into consideration.

The appeal on ground (f)

5. The ground (f) appeal is that the requirements of the notices exceed what is necessary.
6. Section 173 of the 1990 Act² indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred; the second is to remedy an injury to amenity which has been caused by that breach. The fact that the Appeal A and B notices both require removal of the unauthorised developments and reinstatement of the east and west roof slopes to their previous condition means that the purpose of the notices is to remedy the breaches of planning control.
7. The appellant makes various planning merits submissions related to the Appeal A and B developments including by reference to comments made in a 2024 appeal decision³ and in the 2025 Appeal decision. Alternative schemes have also been proposed in these appeals which the appellant contends would overcome any harm. While the 2025 Appeal Inspector found that revised schemes proposed would be harmful, the appellant contends that I could use s176(1)⁴ powers to approach the Appeal A and Appeal B developments separately, and if needs be, make more extensive variations through the requirements to enable an acceptable alternative scheme to be achieved.
8. However, where there is no ground (a) appeal and the purpose of a notice is to remedy the breach, any lesser step that would not remedy the breach cannot be accepted through ground (f). Plainly, alternative schemes would not remedy the breaches of planning control. While s176(1) enables me to make any correction or variation to the notices provided that this would not cause injustice, it does not provide an alternative route to remedies potentially available through ground (a).
9. Indeed, even if the purpose of the notices had been to remedy an injury to amenity, and while I note the appellant's proposed wording, in my view, modifying the requirements to allow for alternative schemes would very likely lack the necessary precision to properly inform the appellant as to what they must do to remedy the situation.
10. The requirements of the Appeal A and Appeal B notices do not exceed what is necessary to remedy the breaches of planning control and accordingly the ground (f) appeal must fail in each case.

¹ APP/X5990/D/25/3366782 ('2025 Appeal')

² Town and Country Planning Act 1990

³ APP/X5990/D/24/3347826

⁴ of the 1990 Act

The appeal on ground (g)

11. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable.
12. The Appeal A and Appeal B notices both stipulate a nine month compliance period. The appellant requests a twelve or fifteen month period on the basis that the appellant and her family had to relocate abroad at short notice and as at the date of submission of the appeal were not in a practical position to start and monitor the required works and that an extension to the compliance period would allow for some flexibility.
13. The appellant's appeal statement indicates that the appellant has returned to the country earlier than intended but is not yet in a position to undertake the works. In the absence of any detailed evidence indicating why the works could not be completed within the nine month compliance period and taking into account the extent of the works required, in my view the time for compliance stated in the notice affords a reasonable period with adequate flexibility. As the appellant comments, the LPA also is empowered to extend the compliance period if necessary.
14. Accordingly the ground (g) appeal fails in respect of both Appeals A and B.

Appeal A Conclusion

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

Appeal B Conclusion

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

V Bond

INSPECTOR