



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 14 January 2026

Appeal ref: APP/X5990/C/25/3370107
Land at 52 Queensway, London, W2 3RY

- 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 appeal is brought by Mr Kamalanathan Subramaniam against an enforcement notice issued by the City of Westminster Council.
- The notice was issued on 25 June 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 first and second floor rear extension, ("the Unauthorised Works"), shown outlined by yellow lines on Photograph A".
- The requirements of the notice are: "1. Remove the unauthorised first and second floor rear extension from the Property, as shown outlined in yellow in Photograph A and detailed in red in Drawing A. 2. Following compliance with Step 1, repair and make good the rear elevation of the Property at first and second floor levels, using appropriate materials and techniques, and remove all resulting debris from the Property".
- **The time period for compliance with the requirements of the notice is "WITHIN 9 MONTHS OF THIS NOTICE TAKING EFFECT".**
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's case is that more time is needed to comply with the requirements of the notice in order to prepare for the submission and subsequent determination of an application for a revised planning permission for the unauthorised extension. He also refers to a fixed term tenancy agreement of 36 months that cannot be broken and that he is the sole carer for his father in-law so will have limited time to oversee the remedial works. The appellant therefore requests that the compliance period for the requirements of the notice be extended to 36 months.
2. While I acknowledge the reasons given for requesting more time to comply with the notice, it is not possible for the compliance period to be extended to 36 months as this would be tantamount to granting a temporary planning permission, which I have no authority to do on an appeal made on ground (g) only. I note that a related appeal (APP/X5990/W/24/3349862) was dismissed on 10 January 2025. There is no evidence before me of a further application having been submitted, and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I cannot justify extending the compliance period in these circumstances. With regards to the 36-month tenancy agreement,

I agree with the Council that as the appellant was fully aware the extension in its current form did not have the benefit of planning permission, since being informed by the Council on 13 September 2021, it's reasonable to conclude that he knowingly chose to sub-let part of the property at his own risk.

3. I am also mindful that nearly 6 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had nearly 16 months in which to prepare and submit a further planning application and to arrange for the necessary works to comply with the requirements of the notice to be carried out. I consider this period to be more than reasonable and provides a proportionate balance between the personal needs of the appellant, in respect of his carer responsibilities, and the need for the stated harm caused by the unauthorised use to the Queensway Conservation Area, to be brought to an end as soon as possible. On the evidence before me, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee