



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/A5270/C/24/3352535

72 Princes Gardens, Acton, London W3 0LQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Akil Efkih against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 22 August 2024.
 - The breach of planning control as alleged in the notice is: The replacement of roof tiles in the front roof slope, replacement of windows in front elevation; erection of front garden boundary treatment including brick walls, brick piers, gate and decorative metal work; the creation of areas of hardstanding in the front garden; installation of an air source heat pump on the rear elevation at first floor level.
 - The requirements of the notice are: 1. Remove the replacement roof tiles in the front roof slope;
 - 2. Reinstate the roof tiles to match the original roof tiles before the breach of planning control occurred; 3. Remove the replacement windows in the front elevation; 4. Reinstate the windows to match the proportions, size, materials, colour, appearance and design of the original windows, before the breach of planning control occurred; 5. Remove the front garden boundary treatment including brick walls, brick piers, gate and decorative metal work; 6. Reinstate the front garden boundary treatment to match the original boundary treatment, before the breach of planning control occurred; 7. Remove the areas of hardstanding that has been created in the front garden; 8. Reinstate the front garden area to its original condition before the breach of planning control occurred; and 9. Remove the air source heat pump from the first floor rear elevation; 10. Remove all resultant debris.
 - **OR 1.** Alter the front roof slope to accord with the development granted planning permission under reference 220543HH subject to its terms and conditions for replacement of roof tiles to main roof and outrigger roof of the dwellinghouse; 2. Remove the replacement windows in the front elevation; 3. Reinstate the windows to match the proportions, size, materials, colour, appearance and design of the original windows, before the breach of planning control occurred; 4. Remove the front garden boundary treatment including brick walls, brick piers, gate and decorative metal work; 5. Reinstate the front garden boundary treatment to match the original boundary treatment, before the breach of planning control occurred; 6. Remove the areas of hardstanding that has been created in the front garden; 7. Reinstate the front garden area to its original condition before the breach of planning control occurred; 8. Remove the air source heat pump from the first floor rear elevation; 9. Remove all resultant debris.
 - The period for compliance with the requirements is: 6 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. The appeal is dismissed and the Enforcement Notice (EN) is upheld.

Preliminary Matter

2. There is no ground (a) appeal (deemed planning application). As such, there are no matters of planning merit that would need a visual assessment of the appeal site and its surroundings to assess the effects of the development on the Hangers Hill Estate Conservation Area or on residential amenity. Moreover, an appeal made solely on ground (f) appeal does not require me to see the site.

Consequently, I have determined the appeal without a site visit. Neither appeal party has been prejudiced by this course of action.

3. With the above circumstances in mind, and the context in which a ground (f) appeal must be determined, which I explain below, all the appellant's concerns about their engagement with the Council, discussions had about the works carried out, and the history of two previous planning applications, are not relevant to the appeal outcome. So too is the presence of a replacement roof on a different property a few doors away. Concerns about procedure and fairness should be taken up with the Council, if necessary, away from this appeal.

Reasons

4. The EN alleges a breach of planning control that comprises various works to the appeal property and within its curtilage. The first set of steps the EN requires to be taken seek to restore the land to its condition before those works took place. The second set of steps require the same, except that in relation to the roof an alternative step is required, which is to alter the front roof slope to accord with the development granted planning permission under reference 220543HH.
5. The EN therefore aims to remedy the breach of planning control by restoring the land to its condition before the breach took place, while in relation to the front roof the breach could be remedied by making the development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land. Consequently, the purpose of the EN falls solely under that defined by s173(4)(a) of the 1990 Act. That sets the context of deciding whether, under a ground (f) appeal, the steps in the EN exceed what is necessary to remedy the breach.
6. The steps do no more and no less than remedy the breach of planning control. As such, they are not excessive. I acknowledge that the appellant has not challenged certain requirements. Nevertheless, at this stage I am required to consider all the steps even if the appellant intends to undertake remedial works anyway. The ground (f) appeal fails.

Conclusion

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

Gareth Symons

INSPECTOR