



Appeal Decision

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/T5150/C/24/3355912

117 Carlton Avenue East, Wembley HA9 8ND

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ash Patel against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 15 October 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of first floor side and part single, part two storey rear extensions, including extension for boiler room, loft conversion with rear and side dormer windows and rear Juliet balcony to dwellinghouse.
 - The requirements of the notice are to:
 - Step 1 – Demolish the first floor side and part single, part two storey rear extensions, including extension for boiler room, loft conversion with rear and side dormer windows and rear Juliet balcony to dwellinghouse.
 - Step 2 – Remove all items and debris, arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
 - 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 is upheld.

Preliminary Matters

2. Considering the matter at appeal it was not necessary to carry out a site visit, and I have made my decision based on the written evidence submitted during the appeal process.

Ground (f)

3. The appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. It is essential to understand the purpose of the notice. Under s173(4) of the Act, the purpose of a Notice can be: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
4. On reading the enforcement notice as a whole, it is clear that the purpose of the notice is to remedy the breach of planning control that has occurred, in that it requires the entirety of the unauthorised extensions to be removed from the building. The Council confirm this in its statement of case.
5. The appellant sets out that they are willing to undertake two steps to address the breach. The first of these is in respect of the ground floor rear extension. It is stated that this is “to become lawful under prior approval rights.” It is contended that extensions between 4 metres and 8 metres in depth on a detached property

are permitted. It is also contended that the ground floor rear extension is 3.62 metres in depth. Nonetheless, The Town and Country Planning (General Permitted Development) (England) Order 2015, does not grant permission retrospectively. Thus, the single storey rear extension cannot become permitted development.

6. The second step to which the appellant refers is the removal of large rear dormer and its replacement with a smaller dormer, which is to be subject of a planning application, together with the removal of the side facing dormer. I have nothing to indicate that any application has been submitted for a replacement dormer.
7. In any event, the only consideration in this case is whether the requirements exceed what is necessary to achieve the identified purpose. Since the purpose of the notice is to remedy the breach of planning control which has occurred, no lesser steps other than those set out in the notice would achieve that purpose. Therefore, the appeal on ground (f) fails.

Other Matters

8. My findings above do not preclude the appellant from exploring an alternative scheme with the Council via an appropriate planning application, should they wish. I note the period of compliance is six months and this should be sufficient to gauge whether any agreement on such an alternative scheme is likely.
9. Details of a previously granted scheme at the site have been provided. However, what has been constructed differs from this approved scheme and thus it has little bearing on my decision.

Conclusion

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

Martin Allen

INSPECTOR