



Appeal Decisions

Site visit made on 8 January 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal A Ref: APP/Y5420/C/24/3336472

Appeal B Ref: APP/Y5420/C/24/3336473

Appeal C Ref: APP/Y5420/C/24/3336474

4 Womersley Road, Hornsey, London N8 9AE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Modassir Qamar Ali (Appeal A), Ms Saadia Qamar Ali (Appeal B) and Ms Uzma Qamar Ali (Appeal C) against an enforcement notice issued by the Council of the London Borough of Haringey.
 - The notice was issued on 11 December 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a part timber part tarpaulin canopy extension adjoining an existing self-contained outbuilding .
 - The requirements of the notice are to:
 1. Demolish the rear canopy extension in its entirety
 2. Remove from the land any debris resulting from carrying out step 1) above.
 - The period for compliance with the requirements is 2 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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Decisions

1. The appeals are dismissed, and the enforcement notice is upheld.

Preliminary Matters

2. The appellants consider that the canopy, when finished, will adhere to permitted development rights under Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO). This is an argument more appropriately advanced under an appeal on ground (c) "that the development enforced against does not constitute a breach of planning control." However, the main building has been subdivided into three-self-contained properties and therefore it is not a dwellinghouse. As such, the property does not benefit from permitted development (PD) rights, and planning permission is required for the development which has not been granted.
3. Furthermore, the Council's handling of the investigation and the advice given is not a matter for me to consider under these appeals on grounds (f) only.

The Appeals on Ground (f)

4. 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".

5. The Notice requires the demolition of the rear canopy extension in its entirety. Therefore, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
6. The appellants state that the canopy construction is still under construction and that it would be finished with a felt material to match the existing outbuilding to improve its appearance. The appellants also state that they intend to install 2 skylights to improve daylight for occupiers of the outbuilding and that they are willing to reduce the size of the canopy to mitigate any harmful effects on neighbouring living conditions.
7. However, since there is no appeal on ground (a) appeal, there is no deemed planning application. Therefore, the planning merits of the development in relation to its design and the effect on neighbouring living conditions development can play no part in my decision. Indeed, it is open to the appellant to submit a pre-application or planning application to the Council for this alternative scheme if they so wish.
8. The notice has been issued to remedy the breach of planning control. That would not be achieved by the steps outlined by the appellant, as it would not remedy the breach of planning control, which is the purpose of the notice and planning permission would still be required.
9. Therefore, the appeals on ground (f) fail.

Conclusions

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

R Satheesan

INSPECTOR