

Appeal Decisions

Site visit made on 3 January 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 28th January 2026

Three appeals land at 23 Carter Drive, Romford RM5 2NT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "Act").
 - The appeals are made by Mr Razvan Stanuti against enforcement notices issued by the the Council of the London Borough of Havering on 22 December 2023.
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Appeal A Ref: APP/B5480/C/24/3337928

- The breach of planning control as alleged in notice is the construction of a boundary treatment within the front and side curtilage facing Carter Drive and Carter Close and the construction of a hard surface within the front curtilage.
- The requirements are to: (1) demolish to ground level the boundary treatment facing Carter Drive and Carter Close within the front curtilage from the area as shown marked A-B on the notice plan Appendix LBH1, or (2) reduce the boundary treatment facing Carter Drive and Carter Close within the front curtilage from the area as shown marked A - B on the notice plan Appendix LBH1 to a height of no more than 1 metre at any part, and (3) demolish to ground level the boundary treatment facing Carter Close within the front curtilage from the area as shown marked C - D on the notice plan Appendix LBH1, or (4) reduce the boundary treatment facing Carter Close within the front curtilage from the area as shown marked C - D on the notice plan Appendix LBH1 to a height of no more than 1 metre at any part, and (5) remove all debris, rubbish or other materials accumulated as a result of taking steps (1), (2), (3) or (4) above.
- The period of compliance is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Act.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld as set out in the formal decision below.

Appeal B Ref: APP/B5480/C/24/3337929

- The breach of planning control as alleged in the notice is part single, part two storey side and rear extensions, single storey front extension which wraps around from the single storey side extension and hip to gable loft extension including a rear dormer.
- The requirements are to: (1) Demolish the part single, part two storey side and rear extensions, demolish the single storey front extension which wraps around from the single storey side extension and demolish the hip to gable loft extension including the rear dormer and (2) remove all debris, rubbish or other materials accumulated as a result of taking step (1) above.
- The period of compliance is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (g) of the Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of decision: The appeal succeeds and the period of compliance is varied as set out in the formal decision below.

Appeal C Ref: APP/B5480/C/24/3337930

- The breach of planning control as alleged in the notice as follows: Planning Permission P1368.21 for two storey side and rear extensions dated 22 October 2021. Condition 5 of Planning Permission P1368.21: 5.a) Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane, in compliance with 6S8485:2015. The gas protection measures shall be carried out in strict accordance with the agreed details, b) upon completion of installation, a Verification Report must be submitted demonstrating that the works have been carried out. The breach of condition 5 of planning permission P1388.21 by the construction of two storey side and rear extensions without prior compliance with the requirements of condition 5.

- The requirements are to: (1) comply with condition 5 of planning permission P1368.21 by removing all side and rear extensions to the property built without compliance with that condition, (2) remove all debris, rubbish or other materials accumulated as a result of taking step 1 above, and (3) comply with condition 5 of planning permission P1368.21 by (i) submitting an application to discharge that condition and thereafter (ii) by complying with all details required to satisfy that condition prior to rebuilding any of the side and rear extensions granted planning permission under planning permission P1368.21.
- The period of compliance with step (1) and (2) is 3 months and with step (3) 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (b), (f) and (g) of the Act. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of decision: The appeal succeeds on grounds (f) and (g) but otherwise fails as set out in the formal decision below.

Appeal A and C – preliminary matters

1. In Appeal A, the notice attacks the construction of a hard surface within the front curtilage, and the reasons highlight the perceived harm caused by the hard surface, due to lack of drainage. However, the steps required do not require the removal of the hard surface. The Council suggest correcting the issued notice by varying the steps required to include removal of the hard surface, but such a variation has the potential to expand the notice's scope and cause injustice¹. Perhaps the lesson to take is that, had the Council not intended to under-enforce, it should have matched the steps required with the allegation.
2. In Appeals B and C, both notices relate to the same act of development (the unauthorised extensions). One alleges development without planning permission and the other alleges a breach of condition 5) imposed on planning permission ref P1368.21 granted on 22 October 2021 for two storey side and rear extensions². For convenient shorthand, "the 2021 Permission". Subsequent applications were made to regularise the unauthorised extensions but refused by the Council ending in a planning appeal, which was dismissed on 31 January 2024³.

Appeal A – ground (a)

3. The terms of the deemed planning application are derived directly from the allegation and permission is sought for the boundary treatment and the construction of a hard surface. The **main issue** is effect of the development upon the character and appearance of the street scene.
4. The appeal property is a two-storey semi-detached house located at, and facing across, the junction of Carter Drive with Carter Close. Its attached neighbour being no. 1 Carter Close, which retains the original hipped roof. The surrounding area is residential and suburban in character. It mainly comprises rows of similar semi-detached dwellings. Many of the houses have been altered and extended in various ways, contributing to a diverse street scene. There are a mix of front boundary treatments of varying designs and heights: the Council say some of these may be immune from enforcement action. Nevertheless, front and side fence and walls appear low in height and scale, and they reinforce the overall suburban quality of the locality.
5. There is a need to afford privacy to the side and rear elevations, especially the rear garden and there are permitted development rights for the erection of 2-metre-high means of enclosure like a boundary fence. That said, I give little weight to the fallback position. The boundary treatment adjacent to the highway exceed the 1 m limitation, due to the overall height of the walls, posts and panels. When the location, position and setting of the appeal property is considered in combination with its overall height, the boundary treatment has a visually jarring effect. While

¹ Applied: section 176(1)(a)(b) of the Act.

² Taken from the officer's report.

³ Appeal ref D/23/3329157.

the panels may reflect the colour used on the external window frames and doors, I do not share the view that the walls and fence complement the external appearance of the host property or its immediate neighbours. The visual impact is accentuated by the area's topography because no. 23 is set on a slight slope.

6. In my planning judgment, and contrary to the appellant's arguments, the boundary treatment appears out-of-keeping with the suburban character of the street scene because of the design and layout of the walls and fence, which form visually intrusive additions to the street scene. Accordingly, the development conflicts with the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) 2011 and fails to meet with the main aims and objectives of Policies 7 and 26 to the Havering Local Plan (2021), and guidance found in the National Planning Policy Framework (2024) paragraph 135(b)(c)(f) and 139.

Appeal C – ground (b)

7. The appellant maintains that the alleged matters have not in fact occurred. The notice is dated 22 December 2023. Details pursuant to discharge condition 5) had been submitted to the local planning authority (the LPA) but refused by notice dated 22 December 2022⁴, almost a year earlier. However, it seems to me that building operations progressed culminating in the erection of the unauthorised extensions. Putting aside the question as to whether condition 5) meets the so-called *Whitley* tests⁵, details had been submitted to discharge condition 5) but refused by the LPA. It appeared a breach of condition had in fact occurred at the date of issue as those details were outstanding. In any event, what had been constructed did not resemble, in terms of design and layout, the scheme approved by the 2021 Permission. At the date of issue and leading up to the issuing of the notice in Appeal C, the matters alleged had in fact occurred. Ground (b) fails.

Ground (f)

8. An enforcement notice shall specify the steps to be taken in order to achieve, wholly or partly, any of the following purposes: remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or remedying any injury to amenity which has been caused by the breach. The phraseology used by the Council in section 5), what you are required to do, concern me. To my mind, the steps required fail the test of specificity.
9. The wording used in section 5) sub (1) and (3) is alarming and confusing. Step (3) requires the submission of an application to discharge condition 5) of the 2021 Permission and thereafter complying with all details required to satisfy that condition prior to rebuilding any of the side and rear extensions granted planning permission under P1368.21. To my mind, step (3) crosses the line and falls within the territory of the judgment in *Payne*⁶.
10. On 18 January 2025, the LPA confirmed approval of details submitted pursuant to condition 5) imposed on the 2021 Permission (decision ref Q0008.25). It seems to me that by implication the LPA concede that the 2021 permission remains extant. It therefore follows that the steps required by the notice should flow from the allegation and simply seek to remedy the breach by making the development comply with the terms, including conditions and limitations, of the 2021 Permission, which has been granted in respect of the land. That variation falls within the scope of s173(4)(a) and (b) as it would remedy perceived injury to amenity.

⁴ Council ref Q0237.22.

⁵ Applied: *F G Whitley & Sons v SSW & Clwyd CC* [1992] JPL 856.

⁶ Applied: *Payne v NAW and Caerphilly CBC* [2007] JPL 117.

11. Earlier reference is made to the essential test of injustice. To avoid any potential confusion, I intend to delete step (1) and (3) and substitute them for a single requirement as stated above. Both the Council and appellant have addressed all the points relevant to this ground (f) appeal and such a variation will not expand the scope of the notice nor come as a surprise. I am therefore satisfied that the variation to the steps required will not cause injustice to any party. Ground (f) succeeds to this limited extent only.

Appeals B and C – Ground (g)

12. The appellant claims that the period of compliance is too short and suggests 12 months. The Council's bundle includes photographs of the property in 2023, and they say, supported by residents, that the property is not occupied. The Council argue that the work can be arranged and done within 3 months.
13. The steps require the demolition of the unauthorised extension. I find the work to be extensive given the nature and scale of the operations, but 12 months is akin to a grant of temporary planning permission. Irrespective of whether the property is occupied by the appellant, in my assessment, the scale of the work required is extensive and 3 months is too short. Appropriate technical drawings and guidance may be needed, and a builder would need to be found and available for the work. I consider that a suitable compromise is 9 months, which is sufficient time for the work to be done or an alternative resolution found.
14. The rights under Article 8 of the European Convention on Human Rights⁷ must be taken into consideration. This includes interference with private and family life. While there are concerns about the effect of upholding the notice with a 3-month period of compliance, interference must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8. The reasons for taking enforcement action clearly set out the harm caused by the unauthorised building work and refer to relevant local and national planning policy. There is a need for development management policies to be applied, and this restriction is an appropriate proportional response to that need.
15. I have carefully reviewed and considered the arguments advanced. However, given the nature of the steps required by the notice, 3 months is unreasonable and 12 months is excessive. In my assessment, a period of 9 months from the date of my decision is proportionate and reasonable. Ground (g) succeeds.

Overall conclusions

16. Appeal A, for the above reasons and having regard to all other matters raised, including reference to other decisions, I conclude that the deemed application on ground (a) should fail. Ground (g) succeeds in Appeals B and C. Ground (f) succeeds in Appeal C and the notices will be varied, but otherwise upheld.

Formal decisions - Appeal A

17. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Appeal B and C – ground (g)

18. The enforcement notices are varied by the deletion of the text: **THREE MONTHS** in section 6), time for compliance, and substitution therefore by the following text: *nine (9) months*. Subject to this variation, the enforcement notices are upheld.

⁷ The ECHR protections have been codified into UK law by the Human Rights Act 1998.

Appeal C – ground (f)

19. The enforcement notice is varied by:

- 1) the deletion of the text in section 5, what you are required to do, sub paragraph (1), (2) and (3)

And

- 2) the substitution therefor by the following text:

- (1) remedy the breach by making the development comply with the terms, including conditions and limitations, of planning permission reference P1368.21, which has been granted in respect of the land, and

- (2) remove all debris, rubbish or other materials from the land.

20. Subject to these variations, the appeal is dismissed and the enforcement notice is upheld.

A U Ghafoor

INSPECTOR