



Appeal Decision

Site visit made on 5 February 2026

by Chris Preston BA (Hons), BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2026

Appeal Ref: APP/A5270/C/23/3331932

1364 and 1362 Greenford Road, GREENFORD, UB6 0HL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr R Babbar against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 28 September 2023.
 - The breach of planning control as alleged in the notice is: The erection of a two-storey rear extension at first & second floor level at 1362; the erection of a flat roof connecting 1362 and 1364 at second floor level; and the erection of front & rear roof dormer extensions at 1362 which all facilitate the material change in use of the first, second and third floor of 1362 to multiple self-contained flats.
 - The requirements of the notice are to:
 - A. Cease the use of the first, second and third floor of 1362 as self-contained flats;
 - B. Remove the kitchens from each of flats including all cooking equipment, cupboards, sinks and surfaces;
 - C. Remove the bathrooms from each of the flats;
 - D. Remove the internal partitions that facilitates the subdivision of the first, second and third floor of 1362 into self-contained flats;
 - E. Demolish the two storey rear extension at 1362 including the flat roof connecting 1362 and 1364 at second floor level;
 - F. Remove the rear dormer window and front roof extension at 1362;
 - G. Remove the wooden outbuilding located on the roof of the ground floor rear extension;
 - H. Remove the wooden balustrading around the roof of the ground floor rear extension; and
 - I. Remove all resulting debris, rubbish and materials from the site.
 - The period for compliance with the requirements is within 3 months of the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by:
2. The deletion of the words “three months from the date the notice takes effect” as the time for compliance and its substitution with the following time periods:
 - i) For requirements 5A, 5G and 5H, within three months from the date the notice takes effect; and
 - ii) For requirements 5B, 5C, 5D, 5E, 5F and 5I, within nine months of the date the notice takes effect.

3. Subject to those variations, the appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (a)

4. The main issues in the determination of the appeal on ground (a) are:
 - i) Whether the development provides acceptable living conditions for the occupants of the self-contained flats, with particular regard to the level of floorspace, external amenity space and levels of outlook;
 - ii) The effect of the development on the living conditions of neighbouring residents, having particular regard to any overshadowing and/or overbearing impacts arising from the extensions and any loss of privacy arising from the use of the first floor balcony; and
 - iii) The effect of the development on the character and appearance of the area.
- i) *Living Conditions of Occupants*
5. The appeal site relates to Nos 1362 & 1364 Greenford Road which comprise the upper floors of two properties, situated above a ground floor, double-fronted, retail unit in a typical London shopping parade, along a busy arterial route. The notice relates to both properties on account of the physical alterations but the unauthorised self-contained flats have been created in No. 1362. No. 1364 has lawfully been converted into 3 flats and the internal use of that property is not affected by the terms of the enforcement notice.
6. No. 1362 formerly housed a single dwelling but has been converted into 7 self-contained flats, three on the first floor, three on the second and a further unit within the roof space. Policy D6/ Table 3.1 of the London Plan (2021) sets out the minimum internal space standards for new residential development. For a one bedroom, one person dwelling the requirement is 37 square metres (sqm), with built-in storage of 1sqm, which is additional to the overall floorspace requirement. For a one bedroom, two person dwelling it is 50sqm with built in storage of 1.5sqm.
7. Each of the units contains a double bed which may indicate double occupancy. However, whichever size limit is used, the internal space falls significantly short of that required. The Council suggests that none of the units are above 25sqm and the appellant does not dispute that point. Somewhat surprisingly, the appellant contends that the layout has been organised to create a “good standard of living for future occupiers for the HMO approved under application ref 213260 providing a kitchen and bathroom in each room”. However, the application, approved in March 2022 (the 2022 permission), was for a HMO and not for self-contained flats which is what has been constructed.
8. Moreover, the HMO approved under that permission was fundamentally different in layout with a shared kitchen, a separate living room and each bedroom containing it’s own en-suite shower room/ toilet. Occupiers would not therefore have been confined to a single space but had access to communal areas offering facilities and space to relax or congregate.
9. Conversely, the self-contained flats that have been created contain the kitchen, bedroom and living space all within a single room. By any measure the

accommodation is cramped with no obvious built in storage space. Residents clearly do their best to make use of the space available but with wardrobes, beds, other drawers etc in a small space directly next to kitchen and cooking areas the limitations of the space are obvious.

10. The appellant maintains that the quality of accommodation is such that the space standards should be overlooked. However, whilst the units are reasonably well appointed with modern kitchen units and appear to be in generally good condition, that would be expected of any new development. Policy D6 of the London Plan requires all development to provide comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. That is not a substitute for the space standards but a requirement of all new development. Consequently, the fact that the units may be reasonably appointed does not offer any mitigation for the fact that they are too small to provide a reasonable standard of accommodation.
11. In addition, Policy D6 states that housing development should avoid single aspect dwellings which should only be provided where it is considered the most appropriate design solution. No analysis of that has been provided to indicate that any real thought was given to such matters as passive ventilation and daylight levels. In fact, the units would appear to rely on mechanical ventilation.
12. Each room does have outlook from the single aspect and the windows are sufficient to allow light into the combined living and kitchen space. However, the fact that is possible is partly on account of the fact that the rooms are of such a small space. If accommodation of the required size was provided the single aspect arrangement would be more problematic. I accept that the loft flat is slightly larger and has more natural light on account of the French doors. However, even that unit remains well below the required space standard.
13. Overall, no analysis has been provided to indicate why the conversion needed to fall below the adopted standards and the obvious conclusion is that the main driver was an attempt to fit as many units in the available space as possible.
14. Furthermore, Policy D6 requires the provision of a minimum of 5sqm of private outdoor amenity space for a 1-2 person dwelling, a figure echoed in Table 7D.2 of the Ealing Development Management Development Plan Document (2013) (the DMDPD). The appellant maintains that the flat roof of the retail unit to the rear of the site would be available for occupants to use. However, that would not necessarily equate to 'private' outdoor space for each flat and limited detail is provided as to how the area would be managed or laid out.
15. In any event, condition 3 of the planning permission for the ground floor rear extension of the retail unit expressly prohibits the use of the roof as a garden, balcony or roof terrace. It is not for me, within the confines of this appeal to seek to over-ride that condition. An application for planning permission to "vary" the permission would be required and neighbouring residents would need to be consulted. I note that the flat roof is in close proximity to the first floor rear windows or flats in No.1364 and objections have been received in respect of unauthorised use of the roof as a terrace. Consequently, it is by no means certain that such use would be found acceptable if an application were made.
16. In those circumstances no private external amenity space is available to the occupants of the respective units. I recognise that it can be difficult to secure such

space in conversions such as this but no clear attempt has been made nor any consideration of how space would be provided for the number of units that have been created. The presence of local parks is not a substitute for the requirement to provide private amenity space, the two things having separate functions.

17. Overall, the size of accommodation is insufficient to provide a comfortable living environment, the space is cramped with, single aspect rooms and a lack of external amenity space. On all of those levels it completely fails to adhere to the requirements of Policy D3 (D7, 8, 9 & 10) of the London Plan with regard to living conditions, Policy D6 of the London Plan, with regard to internal space and layout and Policy 7D of the DMDPD with respect to outdoor amenity space.

Effect on the Living Conditions of Neighbouring Residents

18. The original arrangement to the rear of the terrace is a staggered building line with two storey projecting outriggers followed by a recess. Originally, Nos. 1362 and 1364 would have had rear facing windows within the recess. The two storey extension to the rear of No.1362 has essentially filled in the recess on that side, such that the gap to No.1364 is much reduced.
19. The effect of that on the occupants of No.1364 is obvious. In contrast to the relatively open aspect previously enjoyed, the narrow recess has a tunnelling effect which overshadows and has an overbearing impact on the first and second floor bedroom windows within the rear of No.1364. The result is a dark and gloomy outlook which significantly harms the living conditions of the respective occupants.
20. The impact is worsened by the connecting roof extension which further reduces sunlight and daylight into the void. The appellant has stated that he would be willing to remove the roof extension. However, even in its absence the two storey extension would continue to overshadow and have an overbearing impact on occupants of No.1364, presenting a bleak outlook. It is an insensitive form of development which has no regard to the impact on neighbouring residents.
21. I note that the approved scheme for the conversion of No.1362 to a HMO and No.1364 into flats contained a ground floor rear extension to No.1362 which would fill in the recess. However, it was smaller in scale and the proposal also contained a glass conservatory to the rear of No.1364 which would have allowed that space to be utilised for occupants, whilst maintaining light to the rear windows. Thus, the approved scheme is not comparable to the impact of the two storey extension that has been constructed in terms of the effect on the living conditions of occupants of No.1364.
22. Neighbouring occupants have complained about the use of the flat roof of the retail unit in terms of noise and anti-social behaviour. As noted by the Council use of the roof would represent a breach of condition in respect of the 2009 permission and it would be open to the Council to consider enforcement proceedings in that respect.
23. Nonetheless, it does appear that the roof has been used in connection with the development and a smoking shelter has been erected to facilitate such use. Given the close proximity to the first floor rear windows in both properties the use of the roof is likely to cause noise and disturbance, from noise and smoke fumes. It would also impact upon privacy if the wooden screen had not been erected to

provide a buffer. However, whilst that screens views into ground floor windows, it also has the effect of blocking light and outlook from those windows, further harming living conditions, when added to the effect of the two storey extension and connecting flat roof.

24. For all of those reasons the development has had a significant and harmful effect on the living conditions of neighbouring residents, particularly those residing in No.1364. In that respect it is clearly contrary to the aims of Policy D3 (D7 & 9) of the London Plan in respect of the living conditions of neighbouring residents.

Character and Appearance of the Area

25. As noted above, the rear of the building in question has a staggered building line with two-storey outriggers followed by a recess, a pattern repeated along the row. However, whilst that rhythm forms part of the character of the block, the architectural merits of the rear elevation are limited and it appears very much as the service wing, disrupted by rear extensions to the shops, lock up garages, metal staircases to the flats above and associated clutter. It is not an aspect that adds a great deal to the wider street scene in terms of the character and appearance of the area.
26. To my mind, the arrangement of outriggers with recesses in between is as much about the function of the building as it is to architectural quality. In other words, the recess and the gap between the side walls of the outriggers is required to maintain adequate light and outlook to the windows in the rear elevation of the recessed element. I have already found that the reduction in the gap causes harm in that respect. However, it is not unduly harmful in terms of the appearance of the area in my mind, given the somewhat unattractive and functional nature of the façade.
27. I also note another two storey extension to the side of an outrigger further along the row, although the circumstances in that case are different in that it is the end property in the run of outriggers, such that the relationship with the neighbour is different. In any event, as one looks along the rear elevation, the extension at the appeal site, including the connecting flat roof, does not dominate visually and is of matching materials and design such that its effect does not cause harm to the character and appearance of the area in my view.
28. With respect to the front and rear dormers, the design and scale is comparable to very similar dormers approved under the 2022 permission. Whilst that was for a different development in terms of the use of the buildings the external appearance was effectively the same. The changes are minor in visual terms in respect of the rear dormer and the front dormer remains discreetly positioned behind the parapet wall. Consequently, I am satisfied that the dormers are acceptable in terms of their visual impact.
29. In view of the above I find no harm to the character and appearance of the area and the development complies with the design related aims of Policy D3 of the London Plan.

Other Matters

30. Whilst not a matter raised by the appellant or any of the occupants the requirements of the enforcement notice would clearly impact on the home life of

the occupants of the seven flats. In effect, those residing at the property would need to seek alternative accommodation. Consequently, it is a case where Article 8 Convention Rights¹ are engaged. Rights under Article 8 are qualified rights and, in appropriate circumstances, interference may be justified in the public interest.

31. Regulation of land use through development control measures is recognised as an important function of Government and is necessary to ensure the economic well-being of the country. In that sense, the regulation of development for legitimate planning aims can be said to be in the public interest. The aim is to strike the right balance between the general interests and rights of the wider community and the requirement to protect an individual's private rights. Central to the principle of a fair balance is the doctrine of proportionality.
32. In this case, it does not appear that the units are occupied by any children and no protected characteristics have been put forward. Moreover, there is nothing to indicate that any of the occupants would have particular difficulty in finding alternative rental accommodation. Consequently, whilst the interference with their home life is a matter that I must weigh in the balance, the degree of harm is tempered by those factors, as well as the fact that I have found the accommodation to be of a poor standard which is harmful to the living conditions of those concerned.

Conclusion on Ground (a)

33. Whilst I have found no harm to the character and appearance of the area the development provides wholly unsatisfactory living conditions for occupants of the flats and causes significant harm to the living conditions of neighbouring occupants at No.1364. It is contrary to the relevant policies of the development plan, taken as a whole, and no material considerations have been put forward that would indicate a decision should be taken other than in accordance with the development plan.
34. In addition, having considered the public interest in regulating development and the harmful impacts identified, I am satisfied that the interference with the home and private lives that would result from a refusal to grant permission is a proportionate response.
35. For those reasons the appeal on ground (a) must fail and I shall refuse to grant planning permission for the development.

The Appeal on Ground (f)

36. An appeal on this ground is made on the basis 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
37. As is clear from the terms of the enforcement notice and the subsequent statement of case the Council is seeking to remedy the breach in its entirety and not simply to remedy any injury to amenity. There is no doubt that the requirements in section 5 of the notice would achieve that aim. The question is whether any lesser steps would also achieve that aim.

¹ European Convention on Human Rights, as incorporated into UK Law by the Human Rights Act 1998

38. All of the kitchens and bathrooms were newly installed as part of the work to convert the property into self-contained flats. Each of the kitchens is small, commensurate with the size of each unit, as are the bathrooms. There is no doubt that all of those elements facilitated the material change of use to seven flats and it is not excessive to require their removal in my view.
39. Clearly, if the unauthorised use were to cease and the property reverted to a single dwelling a kitchen and bathroom would be required in order for the lawful use to function. However, that does not dictate that the requirement to remove all of the present kitchens and bathrooms is excessive. Each is configured and designed to serve an individual flat as opposed to a single dwellinghouse and their design has facilitated the layout as flats. Removal therefore goes no further than is required to remedy the breach. Once the notice had been complied with the installation of kitchen and bathroom facilities within the internal space to serve a single dwelling would not amount to development requiring planning permission and it would be open to the appellant to undertake such work.
40. In terms of the external space, the balustrades and smoking shelter were not cited in the description of the breach but the appellant's own case accepts that the outdoor space is for the use of occupiers of the flats and that the external balustrade was installed to ensure the area is safe to use. Thus, those elements were clearly erected/ installed to facilitate the material change of use to self-contained flats and not for any other lawful purpose. Consequently, the requirement to remove those elements goes no further than is required to remedy the breach and restore the land to its condition before the breach took place.
41. The Council accepts that the 2022 permission is still extant and that "in theory" bringing the development into compliance with it would remedy the breach. The appellant contends that the option to implement the 2022 permission should be included as an alternative that would remedy the breach. However, the Council suggest that "the development has gone so far outside the permission that the work required to bring the development back into compliance would itself be development for which there is no permission".
42. I am not entirely clear what the Council is referring to in that comment and its statement does not expand further. As noted above, the dormer windows are not substantially different and the internal arrangement of space and partitioning of rooms is similar to the approved scheme. The two storey extension is notably different in terms of its scale.
43. However, condition 5 of the 2022 permission required the single storey rear extension to No.1362 and the glazed conservatory to No.1364 to be constructed and completed simultaneously. There was good reason for that because even a single storey extension would enclose the space and impact on the outlook from the ground floor window of No.1364. Constructing both elements together would allow the living space within No.1364 to extend outwards, in line with the extension to No.1362 and mitigate that harm. The Council contend that the permission would not have been granted without the condition and it is clearly an important part of the overall decision.
44. Even if the two storey extension was reduced in height and the elevations modified to comply with the 2022 permission the fact remains that the extension was not constructed and completed simultaneously with the neighbouring extension, as

required by condition 5. I am not satisfied that it is possible to comply with that requirement retrospectively; it required the work to be done as one and that has not occurred. That casts doubt over whether it is now possible to implement the permission.

45. In addition, there is significant doubt as to whether the owner/ occupier of the first floor flat at No.1364 would give permission for the extension on that part of the property to be constructed. That would necessitate party wall agreements. The Council contend that the fact that the occupant of No.1364 objected to the development is evidence that such agreement would not be forthcoming such that the requirement to build both extensions together could not be met.
46. There appeared to be a suggestion at my accompanied site visit that the former occupant had moved. Whether that is the case and/or how any new owner/ occupant would feel about the proposed works is unknown. I appreciate that it is, to some extent, a private matter but whether the 2022 permission could be implemented is relevant to whether an alternative “lesser” step is available to remedy the breach of control.
47. In addition to my concerns relating to whether it is actually possible to comply with condition 5 retrospectively, the uncertainty as to whether the extension to No.1364 could be built leaves me to conclude that it would not be appropriate to vary the enforcement notice as suggested. The result would be a lack of clarity.
48. In response to the Council’s concerns regarding condition 5 the appellant has suggested that removal of the first and second floor extension and connecting roof form and alter the rear dormer to match the approved scheme that would be enough to implement the approved permission. He is then of the view that the permission would remain extant until such time as the first floor rear extensions at both Nos.1362 and 1364 could be implemented.
49. However, the approved plans relating to the 2022 permission show that the single storey rear extension to No.1362 was intended to form part of the communal kitchen and dining room for the proposed HMO. In addition, the stairs to the second floor were shown to ascend from within the proposed extension.
50. Accordingly, the communal space and staircase were clearly integral elements of the approved scheme. Without them, the development could not function as a HMO, as approved by the 2022 permission. It follows that the single storey extension does not merely impact upon the external appearance of the property but was of fundamental importance to the way in which the property would be used. With no communal kitchen the property would lack one of the basic facilities for day to day living and would not constitute a dwellinghouse within Use Class C4.
51. Consequently, it has not been demonstrated that the suggested alternative put forward by the appellant would amount to the implementation of the 2022 permission. I have significant reservations as to whether that would be the case. It certainly wouldn’t be the layout shown on the approved plans. What would result would be a building with bedrooms, each with an en-suite bathroom and a communal living room. That being the case, the suggested approach would not remedy the breach of planning control because the development, including the dormer windows would not benefit from planning permission.

52. Given the absence of harm to the character and appearance of the area arising from the dormer windows I have considered whether a split decision could be issued under ground (a), allowing those dormers to remain but refusing permission for the material change of use. However, the dormers have clearly been erected to facilitate the use to flats and enable the upper floor to be used for that purpose. It is not clear what their function would be in the absence of an approved use. They were not required for the former residential use and given my reservations as to whether the 2022 permission can be implemented it is unclear what their function would be or that of the internal space which they have created. As such, I am not satisfied that would be an appropriate course of action.
53. In view of the above, no obvious lesser steps that would remedy the breach of control have been put forward. I am mindful that enforcement of the planning system is intended to be remedial rather than punitive. However, it would not be appropriate to vary the notice to include an alternative requirement which seeks to make the development comply with the terms of the 2022 permission when it is not clear that permission can be implemented.
54. Therefore, the appeal on ground (f) must fail.

The Appeal on Ground (g)

55. The enforcement notice states that all of the required steps must be undertaken within 3 months of the date the notice takes effect. The appellant contends that is unreasonably short and has requested that a period of 6 months is granted to enable him to raise funds to carry out the work, for contractors to be secured and to allow occupants to find alternative accommodation.
56. Clearly, the present occupants would need to move out before the physical work required in demolishing extensions, removing kitchens etc could be undertaken. In practical terms and having regard to the interference with the home life of those concerned it would be reasonable to stagger the requirement to provide time for people to relocate and then for the work to be undertaken. The six month period requested by the appellant would be more proportionate, allowing for three months for the use to cease and a further three months to carry out the physical works.
57. However, I am also mindful of my findings in relation to ground (f). In many situations it would be possible to require the development to comply with the terms of an extant permission but the specific circumstances create difficulties in that respect. In addition, I am not satisfied it would be appropriate to grant planning permission for the dormer windows under ground (a) in the absence of a clearly implementable scheme or use.
58. However, given that the Council has approved the conversion, extension and alteration of No.1362 previously it may be that an amended scheme could be put forward that would overcome the issues relating to the adjacent single storey extensions or providing an alternative layout without the need for such extensions. That could potentially result in some of the external works being retained or modified, as opposed to complete removal. It would be reasonable in my view to allow a period of time for such matters to be considered.
59. In the circumstances I consider a staggered timeline is reasonable and proportionate. The use of the flats could reasonably cease after three months which would allow people sufficient time to relocate. Similarly, the removal of the

wooden balustrading and wooden outbuilding/ shelter on the flat roof could also be undertaken within 3 months, given that work is relatively minor and that the works will discourage people from congregating in that location.

60. In terms of the remaining requirements a period of nine months would allow for alternative proposals to be considered, including the preparation and consideration of any planning application and any subsequent works to be undertaken. That period is tight but not unachievable if matters are treated with some urgency which is required given the need for expediency in the enforcement of the planning system.
61. To that extent the appeal on ground (g) succeeds and I shall vary the terms of the enforcement notice accordingly.

Conclusion

62. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Chris Preston

INSPECTOR