



Appeal Decision

Site visit made on 22 January 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03rd March 2026

Appeal Ref: APP/M5450/C/23/3331439

144 Streatfield Road, HARROW, HA3 9BU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Manoj Sheth against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 18 September 2023.
 - The breach of planning control as alleged in the notice is the unauthorised construction of a first floor side extension ("the Unauthorised Development").
 - The requirements of the notice are to: 1) Demolish the Unauthorised Development **or** Build in accordance with the approved drawings and conditions for the planning application reference P/5003/17. 2) Make good any damage caused to the building as a result of the above steps and ensure that all material used shall match those used in the existing building. 3) Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a), (c), (d), (f) and (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 the deletion of 6 months and its substitution with 9 months as the period for compliance.
2. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The appellant was not present for the scheduled accompanied site visit so access to the rear garden was not possible. However, the side extension and its relationship with the gable roof and rear dormer can be clearly seen from the public highway to the front of the property, and I have determined the case on this basis.

Ground (c)

4. The appellant's only argued case in relation to the ground (c) is that planning permission has been "granted and implemented for the majority of the extensions". An LDC was granted on appeal (Ref: APP/M5450/X/21/3284612) for alterations to form end gable, rear dormer and insertion of three rooflights in front roofslope as permitted development. This did not include the first floor side extension.
5. The notice targets the first floor side extension only, and there is nothing before me to show that planning permission exists for this element of the building which

would constitute development and require consent. As such the appeal on ground (c) fails.

Ground (d)

6. This ground of appeal is on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of the matters stated in the notice. The appellant must prove their case on the balance of probabilities.
7. The appellant has referred to an email from The Building Control Partnership which states that they inspected the first floor side extension at the end of August 2019 and that it was “fully built and water tight for its intended use”. It is a very brief email with no further details, and does not even confirm the purpose of this inspection or a precise date. I have not been provided with an original copy of this email as it was sent, rather it is an extract which is included in the body of the statement of case. In addition, I have not seen any corroborating documents such as a building regulation inspection report, contemporaneous notes or dated photographs.
8. In any event, it is far from clear, without further details, as to whether the term “fully built and water tight” would meet the required legal standard of “substantially completed”.
9. As such, the appellant has failed to make out their case on this ground of appeal on balance, and it therefore fails.

Ground (a) and the deemed planning application

10. The main issue is the effect of the development on the character and appearance of the host dwelling and street scene.
11. The host dwelling is an inter-war semi-detached dwellinghouse. It is located on a residential street of a similar type of houses, many of which have been extended in a variety of ways including at ground, first and roof level. Most of the properties now have hardstanding to the front which is used for parking.
12. The alleged development is the first floor side extension which joins the side elevation.
13. The host property had been granted planning permission for a first floor side extension Ref: P/5003/17 but the approved plans show the host property with its hipped roof before the gable roof extension was constructed. This consented side extension, if built, would have been set back from the front elevation, and with a lower ridge level than the existing main roof so that it would have been subservient to the host dwelling and would not have appeared overbearing in its context.
14. However, the gable roof extension has increased the size and mass of the upper portion of the house already, and the side extension as constructed adds additionally to the bulky appearance at first floor and roof level. The relationship with the gable end and rear dormer is clumsy and obtrusive, and I agree with the Council that the side extension taken in conjunction with the other extensions fails to provide an appropriate roof design and causes material harm to the host dwelling and street scene.

15. Whilst I accept that other properties in the vicinity, including those referred to by the appellant, have been extended in a variety of ways each property must be taken in its context and considered individually. The development looks discordant and incongruous on the host dwelling in that location when considering it viewed against the other houses in its immediate vicinity.
16. The harm to the property and character and appearance of the area is in conflict with Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and Core Policy CS1.B of the Harrow Core Strategy 2012, as well as Policies D3.D(1) and D3.D(11) of the London Plan 2021 which all form part of the development plan for the area. These policies seek to secure a high quality of design which respects the character and appearance of the area. The development is also not in accordance with the SPD Residential Design Guide 2010 and the National Planning Policy Framework 2024 which are material planning considerations.

Conclusion on ground (a)

17. The development causes harm to the character and appearance of the host dwelling and the local area. It is in conflict with the development plan policies as set out above and planning permission should be refused as there are not any material considerations that indicate otherwise. The appeal on ground (a) therefore fails and the deemed planning application is refused.

Ground (f)

18. The appellant has stated that they do not consider that there are any lesser steps that can be required. As such there is no alternative scheme which is part of the matters alleged in the notice before me and the appeal on ground (f) fails.

Ground (g)

19. The appellant is seeking an extension of the compliance period to 12 months. It may be difficult to secure a builder to start on site quickly, and the works are not insubstantial so it is proportionate to extend the period to 9 months. The ground (g) appeal succeeds to this extent.

Zoë Frank

INSPECTOR