



Appeal Decision

Site visit made on 4 February 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 MARCH 2026

Appeal Ref: APP/A5270/C/25/3361404

67 Corringway, Ealing W5 3HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr H Arshad Qureshi against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 10 February 2025.
- The breach of planning control as alleged in the notice is without planning permission: The laying of hardstanding in the front garden area ("the Unauthorised Development").
- The requirements of the notice are to:
 1. Remove the hardstanding in the front garden (located in the area shown hatched on the plan).
- The period for compliance with the requirements is: two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (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.

Summary Decision: The appeal is dismissed, and the enforcement notice is upheld with a variation.

Matters Concerning the Enforcement Notice

1. It is incumbent upon me to put the Enforcement Notice (Notice) in order. I have had regard to my powers under section 176(1)(a) of the Town and Country Planning Act 1990 (1990 Act) to correct any defect, error or misdescription in the Notice or, under section 176(1)(b), to vary the terms of the Notice. In each case, the test is if the correction or variation would not cause any injustice to the appellant or the Council, or other interested parties.
2. The appellant indicates that the Notice seeks the removal of the entirety of the hardstanding to the front of the property when the property had a significant quantum of existing hardstanding, prior to the works being undertaken. The appellant contends, therefore, that the requirements of the Notice seek to remove a previously existing hardstanding, which has been replaced, and should, at best, have sought to return the site to its previous condition.
3. Even though it is understood from the appellant that he removed a previous hardstanding, the Notice does not actually allege this removal. Since the removal of the hardstanding is not part of the matters alleged, it falls outside the scope of what I can consider. As the breach of planning control is limited to the laying of the hardstanding, the previous condition of the land would not necessarily involve the previous hardstanding and landscaping indicated in the Statement of Case. If the Notice required the reinstatement of a previously removed hardstanding (that does not form part of the alleged breach), this would be going beyond what is necessary to remedy the breach of planning control and return the land to its former condition.
4. It is acknowledged that the Notice does not require the hardstanding to be broken up and the resultant material to be removed, but in my judgement, the instruction to

remove the hardstanding from the area, marked on the accompanying plan, is sufficiently clear and straightforward in telling the recipient what they must do to remedy the breach. The Notice does not prevent the appellant from removing any waste or finishing the front area by laying grass or by other means following the removal of the hardstanding. As such, I disagree with the assertion that compliance with the Notice would lead to a 'pile of rubble' in the front.

5. However, given the Article 4 direction limits the permitted rights to the front, any works that amount to development¹ are likely to require agreement from the Council via a formal planning application. In my judgement, the Notice as drafted complies with the requirements of section 173 of the 1990 Act, by setting out what the Council regards to be the breach of planning control and the steps required, wholly or partly, to restore the land to its condition before the breach took place.

Preliminary Matters

6. The appellant indicates in their Statement of Case that the Notice should be withdrawn and that the costs of the appeal should be reimbursed to the appellant. However, for clarity, I have not received any formal application for costs, and have taken this statement to mean costs of the appeal should be reimbursed if the Notice was withdrawn by the Council. As such, no separate costs decision has been issued.
7. During the course of the appeal, the government published a consultation regarding the National Planning Policy Framework 2024 (the Framework), outlining proposed changes to it, accompanied by a Written Ministerial Statement. However, since these proposed reforms are still in draft form and may be amended, I have assigned them only limited weight at this stage. In addressing the determining issues of this appeal, it was therefore unnecessary to consult the parties on these changes, and I have focused my decision on the Framework.
8. The appeal is lodged on grounds which include (a) and (f). An alternative scheme advanced by the appellant as part of the ground (f) appeal is detailed on a Drawing referenced Appendix AP3. To consider the alternative, I will have regard to it under the ground (a) appeal. Amongst other things, I will have regard to whether this outcome could be achieved by granting planning permission "in relation to the whole or any part" of the matters alleged in the Notice, either with or without conditions.

The Ground (a) and the Deemed Planning Application

9. The **main issue** in this appeal is the effect of the development on the character and appearance of the area, including the preservation or enhancement of the Hanger Hill (Haymills) Estate Conservation Area.

Reasons

10. Since the site is within the Hanger Hill (Haymills) Estate Conservation Area (Conservation Area), I have applied the statutory duty outlined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This means that I have given special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area by attaching considerable importance and weight to that desirability.

¹ As defined by section 55 of the 1990 Act

11. The front areas of properties on Corringway exhibit a noticeable variation, highlighting a range of architectural styles in the properties, landscaping and parking areas to the front. While there is no strict uniformity, the predominant characteristics include detached properties in spacious plots that are generally set back from the road, featuring a combination of front gardens, hard standings or driveways, low walls, and an assortment of trees and hedges. This blend of elements contributes significantly to the verdant and appealing character of the area, ultimately enhancing the overall value and importance of the Conservation Area.
12. The appeal site is a detached house on the western side of Corringway, near to the junction with Beaufort Road. The house blends Neo-Georgian and suburban Arts & Crafts styling and includes Moderne-inspired corner windows, which is a mixture of the predominant styles described in the Hanger Hill (Haymills) Conservation Area Character Appraisal (Character Appraisal). Despite an area of hardstanding existing prior to the works, the site has a consistent set back with its immediate neighbours, low brick enclosures, and maintained a front hedge as well as a small area of grass, which contributed to the predominant character of the Conservation Area described.
13. The Hanger Hill (Haymills) Conservation Area Management Plan (Management Plan) outlines the estate derives part of its character from enclosed and planned front gardens. It states that the provision of additional access ways, and hardstanding over the entire frontage, poses a threat to the character of the estate. The Management Plan stipulates that no more than fifty per cent of the front garden should be hard surfaced, with the remaining area landscaped. The Management Plan also recommends that hard surfaces utilise aesthetically pleasing and practical materials, favouring porous materials and bricks, pavements, or concrete setts over concrete or tarmac.
14. The development is the laying of a multi tone concrete block paved hardstanding across the frontage of the property, with a largely reddish grey tone to the finish. There is a drain channel on part of the land near the front wall, but no evidence has been included to detail the drainage or if the paving is porous or not. The grass and the hedgerow above the small brick wall to the front of the site have been removed.
15. I do not find the multi tone colour finish to the hardstanding to be objectionable, and the use of concrete setts is a positive aspect that accords with the advice set out in the Management Plan. However, the formation of a hardstanding over the entire area together with the loss of the greenery, with no replacement landscaping, is contrary to the advice set out in the Management Plan, and at odds with the verdant character and appearance on the estate described. The development, therefore, is harmful to the character and appearance of the site and does not preserve or enhance the significance of the Conservation Area.
16. Paragraph 215 of the Framework is applicable in these instances and indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
17. The appellant has set out that the public benefits of the development are the high quality finish of the hard surfacing. I would also add that the increased hardstanding results in a larger area for cars to park off the road. However, in my judgement, these are limited public benefits and would not be sufficient to outweigh the less than substantial harm that I have identified to the heritage asset. In coming to this

conclusion, I am giving considerable weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

18. I have had regard to the fact that several of the neighbouring properties near to the appeal site have been altered, resulting in completely hard surfaced areas. However, from my site observations, those that had been completely hard surfaced in this manner were in the minority, and most had retained a mixture of hardstanding and an area of garden and landscaping. In any event, those that I saw that were devoid of any greenery or landscaping only served to confirm that such developments only serve to diminish the verdant streetscape, to the detriment of the character and appearance of the area.
19. Accordingly, the development is harmful to the character and appearance of the area and fails to preserve or enhance the significance of the Conservation Area. The development is contrary to Policies 7B, 7C and 7.4 of the Ealing Development Plan Document 2013 and Policies D3 and HC1 of the London Plan 2021 as well as the advice and guidance contained within the Character Appraisal and Management Plan. These policies, and guidance, require development to complement the local character, have a positive visual impact with complementary materials as well as conserving or enhancing the significance of heritage assets.

The Alternative Scheme

20. If the ground (a) appeal is unsuccessful and planning permission is to be refused in relation to the deemed planning application, the appellant has proposed an alternative scheme as part of the appeal preceding on ground (f). This has been set out in the preliminary matters above.
21. The appellant's Statement of Case indicates that it would seek to replicate the previous condition to the front by removal of part of the hard surfacing and reinstatement of the low hedge and grass. The drawing submitted, Appendix AP3, is a location type plan with no definitive scale. It shows the boundaries of 67 Corringway outlined in blue with a curved area to the front edged in red, which is where the landscaping and hedge could be included.
22. I consider that the proposed scheme would be in relation to part of the matters alleged in the Notice. Specifically, the scheme aims to partially retain the new hardstanding while introducing soft landscaping. The changes outlined in the Statement of Case could potentially address the identified harms by reintroducing soft landscaping to the front. However, the drawing provided lacks a clear scale and no specific detail on the proposed dimensions of the hardstanding or area of landscaping to be provided. I do not have a larger layout plan that clearly indicates the percentage of the area allocated to landscaping and hardstanding, nor details about the proposed landscaping and a reasonable timeline for its completion.
23. Accordingly, in my judgement, I cannot determine if the proposal addresses all the adverse impacts of the development and satisfies the relevant policies and guidance set out above. As such, I do not have sufficient details with the appeal to approve this alternative scheme with conditions.

Conclusion on Ground (a) and the Deemed Planning Application

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

The Appeal on Ground (f)

25. For the appeal to succeed on this ground, I must be satisfied that the steps required to comply with the Notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.
26. It is the appellant's contention that the works shown on Drawing Appendix AP3 would remedy the breach of planning control and return the land to its condition before the breach took place. I have dealt with this point as part of the ground (a) appeal and have explained why the proposed amended scheme is unsatisfactory, based on the insufficient information currently before me.
27. Section 173 of the 1990 Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first is section 173(4)(a), which is to remedy the breach of planning control and the second is section 173(4)(b), which requires the recipient to remedy any injury to amenity which has been caused by the breach. In this case, the Notice refers to section 171A (1) (a) and requires the removal of the hardstanding. This is consistent with the purpose of remedying the breach of planning control, and I can see no lesser steps that would achieve that purpose.
28. The ground (f) appeal therefore fails.

The Appeal on Ground (g)

29. This ground of appeal is that any period specified in the Notice falls short of what should reasonably be allowed. The period for compliance with the requirements is within two months of the Notice taking effect.
30. The appellant contends that additional time is required, due to the appellant not being able to complete the works in two months. The appellants would need to hire a contractor to undertake the work. The appellant also requests an additional three months, in order to apply to the Council, to seek approval for an alternative scheme to the front of the property. The appellant requests an extension of six months, extending the compliance period to eight months.
31. I acknowledge the arguments presented regarding the difficulties associated with obtaining approval for an alternative scheme, as well as the challenges involved in securing a contractor to remove the existing hardstanding without a clear plan for its replacement. These factors are particularly significant given the potential disruption, especially at the front of the property, where daily access is critical.
32. While I acknowledge that a longer timeframe may be justified given these logistical challenges, I have no evidence from the appellant to substantiate this timeframe, and the eight-month period requested appears excessive. I consider a six-month timeframe strikes a more appropriate balance. This duration would allow sufficient

time for the submission and determination of the application, the engagement of the necessary contractor, and the mitigation of the identified issues.

33. The appeal on ground (g) succeeds and I shall vary the Notice accordingly.

Decision

34. It is directed that the Notice is varied by:

At paragraph 5, the deletion of the word 'two' and its substitution with the word 'six'

35. Subject to the variation, the appeal is dismissed, the 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.

M. P. Howell

INSPECTOR