



Appeal Decision

Site visit made on 3 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 5th March 2026

Appeal Ref: APP/B5480/C/24/3347904

Land to the rear of 9-11 Elm Road, Romford RM7 8HH, also to be known as 1-7 (Cons) Chrome Mews, Romford RM7 8EN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
- The appeal is made by on behalf of Epsom Point Limited against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 13 June 2024.
- The breach of planning control as alleged is the construction of new buildings arranged in one block of four and one block of three buildings intended for use as 7 dwelling houses.
- The requirements of the enforcement notice are to: Option A - (1) Demolish the seven new buildings as shown in the approximate position edged red on Plan 2 annexed to the Notice (2) remove all other debris, rubbish or other materials accumulated as a result of taking step 1 above, or Option B - (1) modify the seven new buildings, as shown in the approximate position edged red on plan 2 annexed to the notice so that their dimensions, position within the site, fenestration positions and elevational appearance match the seven new houses granted planning permission on appeal reference APP/B5480/W/19/3230530, on 23 January 2020, for the demolition of lock up garages and erection of 7 x 3 bed 5 person dwelling houses and provision of 14 parking spaces and associated refuse and recycling and associated landscape works in accordance with the terms of Planning Application Ref P1939.18 dated 21 December 2018. (2) In carrying out Step 1 above comply with all the conditions to Planning Permission on appeal APP/B5480/W/19/3230530, granted on 23 January 2020 including Condition 2 as to the approved plans drawings details, drawings transport statement and design and access statement and those as to the provision of parking, hard and soft landscaping and garden buildings, and (3) remove all other debris, rubbish or other materials accumulated as a result of taking steps 1 and 2 above.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the 1990 Act.

Summary of Decision: The enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal decision.

Ground (a)

1. On 23 January 2020, planning permission was granted on appeal for demolition of lock up garages and erection of 7 x 3 bed 5-person dwelling houses and provision of 14 car parking spaces and associated refuse and recycling and associated landscape works subject to 12 conditions¹. For convenient shorthand, “the 2020 Permission”. There is agreement that the development, as built so far, departs from the scheme approved by the 2020 Permission such that the Council considers it expedient to act. However, residential development, in principle, is not in dispute. The terms of the deemed application are directly derived from the allegation and so planning permission is sought for the new dwellings.
2. The reasons for issuing the notice do not raise concerns about the external appearance of the buildings. The Council, supported by some residents, is concerned about the effect on

¹ I am grateful to the appeal parties who have provided relevant documents from the previous application and appeal.

residential amenity. The **main issue** is the effect of the development on the living conditions of existing and future occupiers.

3. Essentially, the argument is that the development is like a cramped form of housing, but density is not in dispute. In comparison to the 2020 Permission, the as built scheme is similar in terms of the siting, staggered and group formation, layout and fenestration detail albeit some of the windows have been altered to meet building regulations. Be that as it may, there is adequate circulation and private amenity space, and, in its complete form, I do not consider that the increase in bulk, mass and scale would result in an overly cramped layout.
4. The Council is concerned about outlook and overlooking given the increase in scale and size of the dwellings and their altered siting. The concern is that the buildings are closer to the neighbours, and future occupiers would have views of the surrounding properties and result in loss of privacy. However, I observed that in this back land setting, there is already significant overlooking of rear gardens and elevations of properties given the compact and urban nature of the locality. The design and fenestration detail of the new dwellings with boundary treatments and landscaping, as well as angled windows at first floor level, sufficiently reduce direct overlooking of neighbouring properties. Furthermore, as the appellant indicates, amendments could be made to window orientation and openings via the imposition of conditions, which I will come to later.
5. In terms of loss of outlook, in view of the intervening distances between the dwellings and neighbouring properties, I too am satisfied that the development is unlikely to appear overly oppressive or visually intrusive. Outlook from existing and new dwellings would still be relatively open and not be diminished by dominant or overbearing structures and buildings.
6. I have considered all the written representations made by residents. Concerns about the effect of the residential development on privacy have already been addressed given my findings above. I concur that the scheme would provide drainage, access and parking within the site. Issues relating to boundary disputes are not planning matters.
7. Pulling all the above points together, on the main issue, I find that the development does not, and in its complete form would not, materially harm the living conditions of existing and future occupiers. I also attach significant weight to the potential economic and social benefits arising from the development. Moreover, given the current housing position at local level, these considerations weigh heavily in favour of the development as built on this previously developed site. On balance, and subject to the imposition of suitably worded conditions which I will return to, the development accords with the main aims and objectives of Policies 7 and 26 of the Local Plan (2016 -2031), Policies D3, D4 and D5 of the London Plan (2021), and guidance found in the National Planning Policy Framework (2024) paragraph 135(b)(c)(f) and 139.

Conditions and conclusions

8. The Council suggest several conditions requiring various details, which are necessary given the perceived harm to overlooking. I am also mindful of the conditions imposed by the first Inspector. A pragmatic outcome requires consideration of whether suitably worded conditions can be imposed in such circumstances where the development is retrospective. If it cannot, planning permission would have to be refused.
9. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement regardless of the importance of those details. In this case the dwellings are unoccupied, and conditions could be imposed requiring details. Nonetheless, when a

condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated.

10. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale.
11. I have carefully thought about the suggested conditions and in my assessment, it is reasonable to require the following details:
 - (1) scaled plans of the buildings, as built and in their complete form, including details of the materials used on the outer elevations and details of obscure glazing, including specifications, and details of windows to be fitted with restricted opening mechanisms
 - (2) layout plan, elevation design and external dimensions for a detached timber or metal shed in each rear garden for the storage of garden implements and other household paraphernalia
 - (3) resident and visitor parking layout and surface treatment
 - (4) existing tree location and proposed hard and soft landscaping including plant and tree specification, location and quantity, including a landscaping implementation scheme and timetable
 - (5) foul and surface water drainage scheme
 - (6) hours of working and deliveries to the site
 - (7) parking of site vehicles
 - (8) storage of plant and materials on the site, and
 - (9) dust management controls.
12. It is also reasonable to impose a landscape retention condition should any tree or plant forming part of the approved landscaping scheme die within 5 years of being planted a replacement tree or plant shall be planted in order to take its place. In addition, conditions requiring dwellings to be designed and constructed to meet a water efficiency, accessibility and boiler standards are reasonable.
13. Given the compact size of the rear gardens and to protect the privacy of neighbouring occupiers, I too consider a condition removing permitted development rights to construct any extensions, alterations and outbuildings is justified. That said, I do not consider it necessary nor reasonable to require a design and access statement or transport plan, given density has not changed since the original planning permission. Equally superfluous are conditions requiring detail of temporary site huts or buildings, contact details, disposal of waste during construction or burning waste as such matters are covered by environmental health controls.
14. I consider that the proposed conditions meet the six tests and will be imposed with an appropriate sanction if there is a failure. Conditions can be imposed to make the development acceptable in planning terms at less disruption and is a proportionate outcome.

Contrary to the Council's arguments, in my planning judgment, planning permission can be granted for the development. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and there is no need to consider ground (g).

Formal decision

15. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, for the development already carried out, namely, the construction of new buildings arranged in one block of four and one block of three buildings intended for use as 7 dwelling houses, subject to the following conditions:
- 1) The 7 dwellings and associated development shall be demolished and removed from the land in entirety, and all materials resulting from the removal or demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision, the following details and specifications, which are hereinafter called "the Scheme", shall have been submitted for the written approval of the local planning authority and the Scheme shall include a timetable for its implementation:
 - a) scaled plans of the buildings, as built and in their complete form, including details of the materials used on the outer surfaces
 - b) details of windows to be obscure glazed including level or specification of the obscure glazing
 - c) details of windows fitted with restricted opening mechanisms
 - d) layout plan, elevation design and external dimensions for a detached timber or metal shed in each rear garden for the storage of garden implements and other household paraphernalia
 - e) resident and visitor parking layout and surface treatment
 - f) existing tree location and proposed hard and soft landscaping including plant and tree specification, location and quantity, including a landscaping implementation scheme and timetable
 - g) details for drainage and disposal of foul and surface water
 - h) details of hours of working and deliveries to the site
 - i) parking of site vehicles
 - j) storage of plant and materials on the site, and
 - k) dust management controls.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the Scheme or any element of the Scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved Scheme specified in this condition, that Scheme, in its entirety, shall thereafter be maintained and retained unless otherwise agreed with the local planning authority.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) All dwellings hereby approved shall be designed and constructed to meet a water efficiency standard of 105 litres or less per head per day, and 5 litres or less per head per day for external water use.
- 3) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.
- 4) In the event that any gas boilers are to be used in the development, and unless otherwise agreed in writing by the local planning authority, these shall be designed and constructed to meet a dry NOx demission rate of <40mg/kWh.
- 5) Any trees, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No new tree or hedgerow planted in accordance with the above landscaping condition shall be pruned or cut in any manner within 5 years from the date of the occupation of the final dwelling to be occupied, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification):
 - a) no external alterations (to include new windows or other openings and enclosure of the carport and porch areas), extensions, porches, roof extensions, roof light windows, roof enlargements or dormer windows shall be carried out to any part of the dwellings hereby approved without the specific grant of planning permission from the local planning authority, and
 - b) no buildings or other structures shall be erected or constructed (aside from those shown on the plans submitted as part of the retrospective Scheme referred to in condition 1) above, or otherwise approved by the local planning authority in connection with other conditions) within any part of the curtilage of any dwelling hereby approved without the specific grant of planning permission from the local planning authority.

A U Ghafoor

INSPECTOR