



Appeal Decision

Site visit made on 17 February 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/F5540/C/24/3340314

68 Burlington Lane, Chiswick, London W4 2RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Ahmed Muhsin Hussein Latif against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The notice was issued on 25 January 2024.
- The breach of planning control as alleged in the notice is *without planning permission, the unauthorised installation of slate tiled roof coverings to a dwellinghouse*.
- The requirements of the notice are:
 - i. *Remove the slate tiled roof coverings from the dwellinghouse*
 - ii. *Remove all resultant debris from the Land*
- The period for compliance with the requirement *6 months after the date this notice takes effect*.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act (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 1990 Act.

Formal Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - the insertion of the word “Either:” before requirement (i);
 - the insertion of the word “Or” after requirement (i);
 - the insertion of a new requirement (ii) worded as follows “*Alter the development to make it comply with the terms including conditions and limitations of planning permission Ref 00176/68/P1 dated 14 July 2021 and the plans approved therewith, insofar as they relate to the roof.*”
 - renumbering the current requirement (ii) to (iii) and rewording to read as follows: “*In either case, remove all resultant debris from the Land*”
 - the deletion of 6 months and its substitution with nine (9) months as the period for compliance.
2. Subject to the corrections and variations 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).

The Enforcement Notice

3. Planning permission¹ had been granted at the appeal site for the single storey rear extension, erection of a rear roof extension and three front roof windows, widening

¹ LB Hounslow Planning Ref: 00176/68/P1

of existing front door and installation of air conditioning unit. Subject to conditions, the details were considered acceptable by the Council, as at the very least they would preserve the significance of the Chiswick House Conservation Area (CHCA). This permission has been enacted by the appellant and thus it is extant.

4. However, the development was not constructed in accordance with the approved details, specifically the materials used for the roof coverings were not similar to the surrounding area, given that they were grey slate tiles (Cupa 12). There were also some amendments to the front porch fenestrations. The Council served the enforcement notice (subject to this appeal) requiring the removal of the inappropriate roof coverings only.
5. In accordance with section 173(1) of the 1990 Act (as amended), an enforcement notice must state, *'the matters which appear to the local planning authority to constitute the breach of planning control'* and it must be stated in such a way that it *'enables any person on whom a copy of it is served to know what those matters are'* (section 173(2)). In other words, the enforcement notice must be clear, in its allegation and its requirements.
6. Section 173(4) of the 1990 Act (as amended) sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach. Step i) of the enforcement notice requires the removal of the slate tiled roof coverings, with step ii) requiring the removal of the resultant debris. This would ensure the complete removal of the unacceptable materials; thus, the purpose of the enforcement notice is clearly to remedy the breach.
7. There is no scope for a notice to require improvements to the land, even if the result is that compliance with the notice would mean the building is left unsecure or open to the elements. Indeed, it would be excessive for the notice to require that the land is restored to its previous condition given the property is located within a conservation area. Any additions to the roof of a dwellinghouse in a conservation area are not considered permitted development under Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). Any alterations to the roof would therefore require planning permission, which would include the provision of replacement roof coverings following compliance with the enforcement notice.
8. The appellant therefore raises concerns in respect to the validity of the notice, on the basis that compliance with steps i) and ii) at Section 5 of the notice, do not contain a requirement to reinstate a roof covering and it would be unreasonable for the appellant to reside within a property without a roof. Be that as it may, the requirements would nevertheless remedy the breach of planning control insofar as the unacceptable grey slate tiles would be removed, and as the notice cannot require an improvement, it is not flawed or invalid in this respect.
9. Nevertheless, the permission remains extant and compliance with the permission would also remedy the breach. I therefore propose to use my powers pursuant to section 176 of the 1990 Act (as amended) to vary the requirements of the notice. The requirements of the notice should be varied to include an alternative requirement to complete the roof coverings in accordance with the details contained in the approved planning permission.

10. It has been brought to my attention that some parts of the development, including the changes to the porch fenestrations are also not in accordance with the details approved under application 00176/68/P1. However, both parties agreed that these minor alterations do not cause material harm, nor do they conflict with the relevant policies and their objectives and were considered acceptable, albeit a subsequent application² was refused on other matters. The variation shall therefore relate specifically to the roof only.
11. The suggested variations to the enforcement notice would provide assurance to both parties, as the requirements would fulfil section 173(4)(a) of the 1990 Act (as amended), in that it would remedy the breach. Given that the permission has been applied for by the appellant, granted permission by the Council and is extant, there will be no injustice to either party.

Appeal on ground (a)

12. An appeal on this ground is that planning permission should be granted for the matters alleged in the enforcement notice, in whole or in part. Consequently, the deemed planning application is for the installation of slate tiled roof coverings to a dwellinghouse at 68 Burlington Lane, Chiswick, London W4 2RR.

Main issues

13. The main issues are the effects of the development on the character and appearance of the host property and whether it would preserve or enhance the CHCA.

Reasons

Character and appearance and impact on the CHCA

14. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LB Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CHCA.
15. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
16. The appeal property is located in the CHCA whose significance is derived from the historical and architectural interest of the 18th century Chiswick House and gardens, along with the surrounding late 19th to early 20th century residential areas and open spaces. The conservation area is large and diverse and whilst the primary focus is on Chiswick House, the surrounding streets have been included to protect the views and vistas of the house, but also because of the high quality of the design of the residential developments that grew up in the area.

² LB Hounslow Planning Ref: 00176/68/P2

17. The appeal site is situated on Burlington Lane within the east character area identified in the CHCA Character Appraisal. The residential area is a positive contributor, consisting of a triangular pattern of relatively small Edwardian terraced housing, along Grantham Lane, Corney Road and Burlington Lane. The area forms an important buffer to the east of Chiswick House and its grounds but is nonetheless notable for the quality of the housing.
18. The properties in Burlington Lane are in red brick and rendered at the first floor level. They feature tile hanging to the upper central section and are planned in pairs. The roofline and front facing slopes are an important feature of the groups character, with the rhythm and consistency of gables and roof treatments prominent as one moves along the street scene.
19. Most of the properties in the east character area of the CHCA have red/brown tiles with a regular and almost uniformed appearance, which contributes positively to the significance of the CHCA. The appeal site has completely removed this feature and replaced with grey slate tiles. The loss of the original materials and the provision of the grey tiles with a smoother finish, differentiate the appeal site from other dwellings which have the similar design and form, notably the adjoining paired property but also the terrace as a whole. The removal of these materials dilutes the overall visual consistency of the property within the CHCA to the detriment of its significance.
20. I consider that the development as constructed has removed an important feature and detail from the front elevation. The existing treatment neither responds to, nor reflects the character or appearance of the host property or the area, nor does it conserve or enhance the CHCAs significance or the positive elements of its special interest.
21. The appellant draws my attention to other properties within the CHCA that have grey slate tiles adjoining red tiled roofs. Indeed, during my site observations, I noted similar grey roof treatments specifically at Nos 1 and 15 Grantham Lane and Nos 32 and 50 Corney Road. These limited examples do not provide an overriding influence over the character of the street scene or the significance of the CHCA in general, but in my view do detract from it, and the current development exacerbates that impact.
22. Furthermore, these limited examples do not preclude the need to achieve high quality design, which converses and takes opportunities to enhance the significance of the borough's heritage assets, as a positive means of supporting an area's distinctive character and sense of history, as confirmed by policies CC1, CC2, CC4 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (HLP).
23. Nevertheless, the appellant considers lesser steps could be taken which would still remedy the breach of planning control, which would involve correcting the notice to relate specifically to the grey slate coverings on the front roof slope only. This would retain the grey roof coverings at the rear, and the grey hung tiles used on the dormers.
24. I acknowledge that these measures would provide an alternative scheme to the requirements stated in the notice, however, the unacceptable materials would

remain within the CHCA, albeit at the rear. *Case law*³ has established that proposals must be judged according to their effect on a conservation area as a whole and must therefore have a moderate degree of prominence. Whilst the rear elevation is not as prominent as the front, it is nevertheless visible from public vantage points along Grantham Lane and the CHCA. As such, these measures would not achieve the purpose of the notice, which is to remedy the breach of planning control that has occurred.

25. For these reasons, the development causes visual harm to the character and appearance of the CHCA, and consequently it would neither preserve nor enhance the conservation area as a whole. Whilst the effect of the development would be localised such that it would be considered less than substantial harm, the Framework makes it clear that great weight should be given to the conservation of heritage assets.
26. In accordance with paragraph 215 of the Framework, less than substantial harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use. Other than the provision of additional accommodation for family members at the appeal site, which would benefit the appellant only, no specific public benefits have been raised by the appellant.
27. Consequently, there are no public benefits that would outweigh the identified harm to which I must attach considerable importance and weight. The development, therefore, fails to preserve or enhance the significance of the designated heritage asset. Consequently, I have found conflict with the statutory presumptions under Section 72(1) of the LB Act, which carries considerable importance and weight. I have also found that there is conflict with the relevant sections of policies CC1, CC2, CC4 and SC7 of the HLP and the Framework, insofar as they relate to heritage assets.

Conclusion on ground (a)

28. For the reasons given above, I conclude that the appeal scheme is contrary to the development plan, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with that plan.
29. The appeal under ground (a) therefore fails.

Appeal on ground (f)

30. The appeal on this ground is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary. As established the purposes of the enforcement notice is to remedy the breach of planning control under section 173(4)(a) of the 1990 Act (as amended).
31. Step i) of the varied notice requires the removal of the slate tiled roof coverings; with the additional step ii) providing an alternative step requiring compliance with the approved permission. Either step would ensure the complete removal of the unacceptable materials, thus meeting the purpose of the enforcement notice to remedy the breach. Despite the alternative measures proposed by the appellant, they would not achieve the purpose of the notice for the reasons stated above.

³ *South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89*

32. Overall, subject to the variations, the steps set out in the enforcement notice are not excessive; they are proportionate and commensurate to the breach of planning control, being the minimum that is required to restore the property to its condition prior to the breach taking place.
33. Consequently, the ground (f) appeal partially succeeds, insofar as the notice is varied to provide an alternative measure to complete the roof coverings in accordance with the planning permission.

Appeal on ground (g)

34. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed.
35. In upholding the enforcement notice, it will interfere with the appellant's and his family's rights under Article 8 of the Human Rights Act 1998 (HRA), including his children and elderly father who has health issues, whose best interests must be given primary consideration. Article 8 of the HRA states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, subject to the concept of proportionality. The enforcement notice identifies the harm caused by the development to the well-established national planning policy aims and principles for protecting the character and appearance of the CHCA.
36. Given that age and disability are protected characteristics under the Equality Act 2010, I must have regard to the Public Sector Equality Duty (PSED). Section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have therefore kept these interests at the forefront of my mind.
37. The appellant highlights that the works to replace the roof would require the family to move out during the remedial works which would interfere with his children's education and the health of his father. The appellant is therefore requesting a period of 14 months. I have not been supplied with details of how long the works are expected to take, or indeed the availability of suitable contractors. In my view the removal and replacement of the tiles is not anticipated to require a significant period of time. Nevertheless, should the family be required to move out into temporary accommodation during the works, it is acknowledged that securing suitable alternative accommodation for a multi-generational family may be more challenging.
38. Overall, in considering the above, I find that the 6 month compliance period falls short of what is reasonable. In my view, an increase of three months, to 9 months in total would be reasonable and provide a proportionate balance between any adverse effects that upholding the enforcement notice would have on the appellant and the best interests of his family, and the protection of the public interests. This would strike an appropriate balance whilst ensuring the action is in accordance with the law and pursues legitimate aims of protecting the environment and is necessary and proportionate to the situation.
39. I therefore conclude that the ground (g) appeal succeeds to that extent and I will vary the enforcement notice accordingly.

Overall Conclusion

40. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and 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).

Robert Naylor

INSPECTOR