



Appeal Decisions

Site visit made on 4 March 2026

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Appeal A Ref: APP/B5480/D/25/3366651

23 Masfield Drive, Upminster RM14 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Miss Anna Dabrowska against the decision of the Council of the London Borough of Havering.
- The application Ref is P1648.24.
- The development was initially described as '*retrospective planning application for a loft conversion, with hip to gable roof conversion, front and rear dormers, front porch and alterations to the roof of a front projection*'.

Appeal B Ref: APP/B5480/C/25/3364477

23 Masfield Drive, Upminster RM14 1AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Miss Anna Dabrowska against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 26 March 2025.
- The breach of planning control as alleged in the notice is Operational development in the form of:
 1. Without planning permission, extensions and enlargements to the roof; and
 2. Without planning permission, the construction of a front dormer window in the roof; and
 3. Without planning permission, the construction of a rear dormer window in the roof.
- The requirements of the notice are to:
 1. Demolish the extensions to the roof comprising the hip to gable enlargement and front dormer window; AND
 2. Demolish the rear dormer window: AND
 3. Remove all debris, rubbish and other materials accumulated as a result of taking steps 1 and 2 above.
- The period for compliance with the requirements is:
Six months.
- The appeal is proceeding on the grounds set out in sections 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal succeeds to the extent that the enforcement notice is upheld with a variation in terms set out below in the Formal Decision.

Formal Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for loft conversion, with hip to gable roof conversion, front and rear dormers, front porch and alterations to the roof of a front projection at 23 Masfield Drive, Upminster RM14 1AY in accordance with the terms of the application, Ref P1648.24, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in complete accordance with the following plans: Plan Ref: DAB.OCT.24B Page 1 of 2; and DAB.OCT.24B Page 2 of 2.
 - 2) Notwithstanding the details shown on the hereby approved plans, the first-floor gable flank windows shall be fitted with obscure glazing which shall thereafter be retained as such, and those windows shall be permanently fixed shut.

Appeal B

2. It is directed that the enforcement notice is varied by:

At section '**6. TIME FOR COMPLIANCE**' the deletion of the words "**SIX MONTHS**" and their substitution with the words "**TWELVE MONTHS**".

3. Subject to this variation, the enforcement notice is upheld.

Preliminary Matters

4. Appeals A and B ostensibly relate to the same matters, albeit that the appeal scheme in Appeal A also includes a porch to the front of the property. The porch is not a matter that the notice the subject of Appeal B seeks to attack. I am satisfied however that the scope of the matters are otherwise sufficiently alike so as to enable them to be considered in the manner set out below.
5. The appeal in respect of Appeal B was initially submitted on grounds that included ground (a). However, appeals on ground (a) are barred under the provisions of section 174(2A) of the Town and Country Planning Act 1990 (as amended) (the Act). In this instance, the making of a related planning application (Appeal A), the detail of which includes the works enforced against by the notice, is the reason for the ground (a) appeal to be barred. As a consequence, Appeal B proceeds on the basis of grounds (f) and (g) only, whilst Appeal A considers the planning merits of the scheme for which planning permission was sought.
6. Both Appeal A and Appeal B are supported by a '*Statement of Case on behalf of the Appellant*'. The two statements of case are identically titled, referenced and dated, but differ in their content and structure to reflect the differing nature of the two appeals and their respective processes and legislative requirements¹. As a consequence of the barred ground (a) appeal in respect of Appeal B I have not considered the arguments set out in respect of ground (a) therein and rely instead upon the content of the '*Statement of Case*' in respect of Appeal A and the planning merits of the appeal scheme. The local planning authority's case in respect of Appeal A is set out in the '*Officer Report for decision under delegated authority*' as required in an appeal determined under the provisions of Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009².
7. I have revised the description of development in my decision above in order to omit superfluous words and words that do not describe an act of development. I am satisfied that the revisions are such that neither main party would be disadvantaged by doing so.

Appeal A

Main Issue

8. The main issue is the effect of the appeal scheme on the character and appearance of the appeal property and the surrounding area.

¹ The Statement of Case submitted in respect of Appeal A amounts to 71 pages including appendices, that in respect of Appeal B amounts to 47 pages including appendices.

² The 'Householder Appeals Service'

Reasons

9. The appeal scheme comprises a number of elements; principally a hip-to-gable roof extension to facilitate a loft conversion which, in turn, also facilitates the construction of front and rear dormer window extensions. The appeal scheme also includes alterations to the roof of a forward-projecting element of the property and a front porch extension.
10. Many of the properties on both Masefield Drive and Spenser Crescent share a consistent form and character. Although there are a small number of two storey dwellings, the prevailing dwelling type are single storey, semi-detached bungalows. Typically, these have hipped roofs, with forward-projecting single storey elements with either hipped ends facing the roadside, or with small gable peaks.
11. However, whilst hipped roofs prevail, there are a range of other roof types, sufficient in number to be more than just an exception to the rule and instead contributing positively to a varied residential character and context. Dormer windows front and rear, and hipped, half-hipped and gabled roofs are all present within Masefield Drive, Spenser Crescent and Ruskin Avenue and contribute to a varied residential character and appearance, albeit one that is underpinned by a range of consistent design cues.
12. Hip-to-gable extensions, amongst other forms of roof alterations, are not absent from the surrounding streets. Whilst it is clear that the appeal scheme creates a sense of imbalance with the adjoining half of the semi-detached bungalow (21 Masefield Drive) as that property has not been similarly extended, the previous extensions of other properties within the surrounding streets have not been predicated on maintaining strict balance and symmetry.
13. Havering Local Plan³ (HLP) Policies 7 and 26 set out the Council's approach to residential and urban design and seek to ensure that development is of a high-quality design that contributes to the creation of attractive environments and successful places. With particular regard to residential extensions, the Council's 'Residential Extensions and Alterations' Supplementary Planning Document⁴ (SPD) provides advice and guidance on a range of forms of extension, including roof extensions, loft conversions and dormer windows.
14. The SPD recognises that roof extensions and alterations can change the appearance and character of a dwelling and, in the case of semi-detached properties, result in unbalancing the pair. It goes on to state that '*where the Council has control over such proposals and hipped roofs form a characteristic of the house and / or street, a gable end will not be considered acceptable*'.
15. Whilst the appeal scheme introduces a gable end to the Masefield Drive streetscene where there have been none previously, and the adjoining half of the semi-detached property appears outwardly unaltered, that is not to say that roofs here are unaltered. The appeal property lies adjacent to properties with large and visible rear dormer window structures, all of which contribute to the setting, character and appearance of the appeal site and the surrounding area. So too, the next-door-but-one property with a half-hipped end which nevertheless incorporates

³ Havering Local Plan 2016 – 2031 (adopted November 2021)

⁴ Adopted 2011

a significant extent of vertical 'gable' masonry, as well as those full-gable extended properties on Spenser Crescent. All contribute to the mixed character and appearance of Masefield Drive and Spenser Crescent, of which the appeal property because of its location at the junction of the two contributes to.

16. The appeal scheme is thus able to draw sufficient cues from the varied form of roof extensions and alterations nearby so as not to appear harmfully incongruous. Whilst it does unbalance the pair of semi-detached properties (nos 21 and 23), so too would any extension not undertaken 'as one' by both properties within a pair. Hip-to-gable extensions are not absent nearby, and nor are half-hipped roof extensions, which typically present a broadly similar extent of vertical masonry.
17. The Council notes that hip-to-gable extensions that have been constructed elsewhere within the two streets have proceeded under 'permitted development rights'⁵, rather than having had planning applications expressly approved. That may be so, but provided that such a scheme satisfied the relevant requirements it would benefit from the blanket planning permission provided for by the corresponding part of the Town and Country Planning (General Permitted Development) (England) Order 2015, and it then becomes part of the streetscene.
18. The extension maintains the property's existing roofline and in views along the length of Masefield Drive down the slope towards No. 23, the predominant influence on character is the staggered drop of rooflines and the forward projection of the front bay roofs. The hip-to-gable extension is not a dominant factor. The more open aspect from beyond the junction of Masefield Drive and Spenser Crescent reveals the weatherboard-clad upper gable, but this is seen in the context of the vertical cheeks of rear dormer window extensions on neighbouring properties.
19. The large rear dormer sits within the extended rear roof plane, inset from the roof top and bottom, and separated from the edges by solar panels. Rear dormer window extensions are commonplace on properties visible across the rear garden block of properties on Masefield Drive and Spenser Crescent. In that context, there are a mix of styles, sizes and facing materials to those extensions. The appellant's approach to the rear dormer window is consistent in this respect and although and whilst the external facing materials used contrast in colour and appearance with those of the main house roof, the overall approach to the extensions and alterations is consistent across the whole house. This element of the appeal scheme is consistent with the varied approach to rear dormer window extensions within the surrounding rear garden block and would have a neutral effect on character and appearance, thereby avoiding the harm that the Council identify, even if the Council subsequently concluded that that harm was 'not considered to be so harmful to the character and appearance...' of the rear garden scene so as to warrant refusal.
20. With regard to the alterations to the front of the property, the introduction of the peaked dormer window extension, peaked porch roof and peaked roof on the forward projecting element together represent a substantial change to the character and appearance of the appeal property. However, despite the relative size of the dormer window it is well-sited within the extremities of the roof and reflects the broad style of others nearby, even if the facing materials, and those of

⁵ 8 Spenser Crescent (LPA Ref No: D0236.12) & 24 Spenser Crescent (LPA Ref No: D0169.09)

the porch and roof alteration, differ from the predominantly hanging tile finish seen elsewhere. Nevertheless, the facing materials employed are consistent throughout the extensions and the light tone of the chosen colour coordinates well with the painted render finish of the lower portions of the house.

21. For the reasons set out, the appeal scheme draws from the mixed character and appearance of properties within Masefield Drive and Spenser Crescent in employing elements evident within other original and altered properties within these streets. It does so in a manner that avoids the harm to character and appearance that the Council fears and has resulted in an altered and extended bungalow of modern appearance that does not appear out of place or out of character with those around it. There is no conflict with the provisions of HLP Policies 7 and 26, even if the extensions and alterations are not wholly compliant with the guidance set out within the SPD.
22. The appeal property previously benefitted from a certificate of lawfulness of proposed development⁶ for a range of works which form part of the scheme for which planning permission is now sought via the Appeal A scheme. The Council concluded that, upon construction, the extensions and alterations did not align with those previously approved and thus did not benefit from the provisions of the CLD and permitted development rights. Those matters do not fall before me in the context of a section 78 planning appeal and are not therefore matters to which I attach weight in the consideration of Appeal A.

Other Matters

23. Concern was expressed by the Council regarding the nature of the windows on the extended first floor gable elevation. Although at the time of my visit to the site the windows appeared to be fixed shut (and with no visible means of opening) and frosted, these windows would avoid an elevated view, at close quarters, towards the rears and rear gardens of neighbouring properties on Spenser Crescent. A suitably worded condition to ensure that the windows remain as such would address potential concern regarding overlooking and loss of privacy that may otherwise occur should, at some point in the future, they are no longer fixed shut or obscurely glazed.

Conditions

24. I have carefully considered the matter of planning conditions in light of the advice and guidance set out in the Planning Practice Guidance, having particular regard to the retrospective nature of the application considered under Appeal A. I have also considered the suggested conditions as set out in the local planning authority's appeal questionnaire.
25. I have imposed a plans condition, albeit with slightly revised wording, to ensure the retention of the appeal scheme in accordance with the details submitted with the application. In the interests of the living conditions of existing and future occupiers of the appeal property and of neighbouring properties, I agree that a condition to ensure the retention of obscurely glazed and non-opening upper floor windows on the extended gable elevation should be retained. I have imposed a condition to this effect.

⁶ LPA Ref No: D0050.21

26. For the reasons I have set out above in respect of Appeal A, the facing materials that the dormer window cheeks and the upper portion of the gable elevation have been finished in would not cause unacceptable harm to the character or appearance of the appeal property or the surrounding area. Rather, as constructed they are not inconsistent with the character and style of the light coloured render on the lower portion of the building's elevations. I have not therefore imposed the suggested conditions in respect of further details regarding submission, agreement and implementation of alternative facing materials.

Conclusion on Appeal A

27. For the reasons set out, and having considered all other matters raised, I conclude that appeal should be allowed.

Appeal B

28. The appeal in relation to the Notice proceeds on grounds (f) and (g); the former that the steps required by the notice to be taken 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; and the latter that any period specified in the notice to carry out the required steps falls short of what should reasonably be allowed. In the absence of a ground (a) appeal in respect of Appeal B, the planning merits of the appeal scheme do not fall to be considered within the remit of Appeal B.
29. The notice requires the demolition of the hip-to-gable extension and also that of the front and rear dormer windows. The purpose of the notice is therefore to remedy the breach of planning control and the grounds set out by the appellant in respect of the ground (f) appeal, namely negotiation with a view to reaching 'a mutually beneficial agreement' concerning the development and the undertaking of a survey to review other similar schemes locally would not remedy the breach of planning control. Nor do they set out the detail of an alternative or modified scheme. In any event, as these matters relate to the planning merits of the scheme they do not fall to be considered under ground (f) for the reasons described above. It has not therefore been demonstrated that the steps required by the notice exceed what is necessary to remedy the breach of planning control and the appeal on ground (f) must therefore fail.
30. With regard to the appeal on ground (g) a longer period of 12 months is sought. The notice's requirements would entail a significant degree of disruption and resulting remodelling of the dwelling's layout. The commissioning of a builder to carry out the works, and the works themselves, could reasonably be expected to be a relatively lengthy process. The appellant also makes the point that the logistics surrounding living arrangements during the period of removal and making good could be considerable and disruptive, and that coordination of these factors would not be straightforward within the shorter period of 6 months specified within the notice.
31. I do not agree with the Council's view that a longer period of 12 months would be tantamount to a temporary permission and a longer period for compliance with the notice's requirements would not be unreasonable. The appeal on ground (g) succeeds in so far as I shall amend the notice to allow for a 12 month period for the undertaking of its requirements.

Overall conclusion

32. For the reasons explained in the preliminary matters, although Appeal B was submitted on grounds (a), (f) and (g), by virtue of section 174(2A) of the Act, an appeal is barred on ground (a). The planning merits of the matter enforced against cannot be considered under those grounds as part of Appeal B. However, for the reasons set out in respect of Appeal A, having considered the planning merits in that instance and having considered all other matters raised, I conclude that the s78 appeal succeeds.
33. With regard to Appeal B, I conclude that the period for compliance within the notice falls short of what is reasonable to carry out the required works. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent and so the enforcement notice will be upheld with a variation.
34. Section 180(1) of the Act provides that, where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission. This means that the planning permission granted by virtue of the success of Appeal A overrides the notice to the extent that the planning permission authorises what is being enforced against.

G Robbie

INSPECTOR