



Appeal Decision

Site visit made on 10 March 2026

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 8 APRIL 2026

Appeal Ref: APP/G5750/C/24/3341681

Land at 24A Salisbury Road, Forest Gate, LONDON, E7 9JX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Theodore Kirwan against an enforcement notice issued by the Council of the London Borough of Newham.
 - The notice was issued on 21 February 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a mansard roof.
 - The requirements of the notice are: 1) Demolish the mansard roof (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photographs attached at Appendix 1) and return the affected elevations of the property to their form prior to the unauthorised works; or 2) Make all the necessary alterations and modifications to the mansard roof (as shown in the approximate location edged in blue on the attached plan, and as shown edged in yellow on the photographs attached at Appendix 1) so that it wholly accords with the plans approved by the Council under planning permission ref: 22/02545/FUL on 22nd December 2022, so as to comply with the terms of this permission, including its conditions and limitations.
 - The period for compliance with the requirements: Six 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.
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Decision

1. 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

2. The parties were notified in advance that my site inspection would be carried out as an unaccompanied visit with access provided from the ground floor flat at 24 Salisbury Road to that property's rear garden. No objections were raised to this approach and there was no discussion of the case during my site visit.

The appeal on ground (a) and the deemed planning application (DPA)

Preliminary Matters

3. The revised National Planning Policy Framework 2024 ('Revised Framework') came into force during the course of the appeal. The revisions made have not had a direct bearing on the issues which are central to these appeals. On 16 December 2025 the Government published a consultation on proposed reforms to the Revised Framework. These proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes.

Background and Main Issues

4. Planning permission was previously granted for a mansard roof extension at the appeal property¹. The Council assessed that the mansard roof constructed did not represent implementation of that permission in view of material differences between them and the notice was therefore issued in respect of the mansard roof constructed.
5. The main issues then are the effect of the appeal development on the character and appearance of the host property and terrace and on the living conditions of neighbouring occupants.

Reasons

Character and appearance

6. The appeal property forms the upper part of a flatted mid-terrace property. While there are differing roof designs in the wider area, properties in the terrace are characterised by their butterfly roofs which sit behind a front parapet wall resulting in a pleasing simplicity in their design.
7. The mansard roof development attacked by the notice has been constructed with side parapet walls in an awkward convex design which draw the eye in the street scene as a visually intrusive feature. Its front windows lack uniformity in size and are clad in felt, lending an obviously low quality appearance to the development.
8. In views from neighbouring gardens at the rear, the absence of any noticeable set back from the eaves means that the rhythm contributed by the pre-existing roof is lost and the mansard roof has a bulky appearance which harmfully dominates the original form of the building. Rear roof level windows are again felt clad and mismatched in size which adversely affects design quality. Overall the mansard roof constructed is not comparable in visual impact to the development approved pursuant to the 2022 Permission.
9. The appellant proposes that, if I find the mansard roof as built to be unacceptable, any visual harm could be overcome by changing window materials and colours and by altering the front parapet wall to be more symmetrical, drawing attention to the fact that the appeal property does not have back to back neighbours. No specific proposals are before me but, in my view, the limited changes indicated would not be enough to overcome the harm identified, particularly given the importance of the butterfly roof design to the character of the appeal building and terrace.
10. I conclude then on the first main issue that the appeal development has a materially harmful effect on the character and appearance of the host property and terrace. It conflicts in this way with Policies D1 and D4 of the London Plan 2021 and Policies S6, SP1, SP3, SP8 and H1 of Newham Local Plan 2018 which seek good design and to protect the distinct character and local features of an area, encourages integration with the street scene and to ensure quality neighbourhoods.
11. It also does not accord with guidance in the LPA's Altering and Extending your Home SPD (2018) (SPD) which states that alteration at roof level should seek to preserve the character of the original house by maintaining street facing roof slopes, ridgelines and chimneys, and that all parapet walls and eaves should be

¹ Ref: 22/02545/FUL (2022 Permission)

retained where practicable and any new extension should be both subservient to the original house and demonstrate clear set-backs from existing elevations.

Living conditions

12. By reason of its significant massing, the mansard roof attacked by the notice represents a dominant feature in views from the gardens of neighbouring properties. However, given its position at roof level, it does not in my view harmfully impact on the outlook of neighbouring occupants.
13. I note that as part of the construction of the appeal development, a previously functioning chimney was capped off meaning occupants of the ground floor flat can no longer make use of this. While no doubt frustrating, in my view, the inability to make use of a chimney presents the loss of a comfort and convenience, comparable to the loss of a pleasant view, rather than a harmful effect as regards living conditions.
14. I find then on the second main issue that the appeal development does not have a materially harmful effect on the living conditions of neighbouring occupants. No conflict arises with the underlying aims of Policies D1 and D4 of the London Plan and Policies SP1, SP3, SP8 and H1 of the Newham Local Plan related to the protection of residential living conditions. I find no conflict either with guidance in the SPD related to protecting residential amenity.

Ground (a) and DPA Conclusion

15. The appeal development does not cause harm to the living conditions of neighbouring occupants but results in significant harm to the character and appearance of the host property and terrace. There is conflict with the development plan, read as a whole, and no material considerations justify a decision other than in accordance with the plan. The ground (a) appeal accordingly fails and planning permission will be refused in respect of the DPA.

The appeal on ground (f)

16. This ground of appeal is that the requirements of the notice exceed what is necessary.
17. S.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 to remedy the breach of planning control which has occurred; the second is to remedy an injury to amenity which has been caused by the breach. The notice requires either demolition of the mansard roof and restoration of the property, or the making of alterations so that the development wholly accords with the plans approved in respect of the 2022 Permission, with the effect that there would be compliance with the conditions and limitations of that permission. This suggests that its purpose is to remedy the breach of planning control, which accords with the LPA's stated purpose.
18. The appellant's submissions under ground (f) relate to proposals to modify the appeal development and I have dealt with these under ground (a). There are no other lesser steps presented and I do not consider that there are any other less onerous steps that would achieve the purpose of the notice. The ground (f) appeal accordingly fails.

The appeal on ground (g)

19. The appeal on ground (g) is that the period for compliance with the notice (six months) falls short of what is reasonable.
20. The appellant requests a minimum of nine months, referencing the fact that the appeal property is currently tenanted with almost 12 months left on the tenancy, citing pressure and backlogs in the eviction court, along with time needed for the works stipulated in the notice. I have though no detailed evidence in support of any of these contentions. On the available evidence, the six month compliance period represents a reasonable period for compliance with the notice requirements. The ground (g) appeal fails.

Conclusion

21. 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).

V Bond

INSPECTOR