
Appeal Decisions

Site visit made on 31 March 2026

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

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal A Ref: APP/A5270/C/24/3345944

Appeal B Ref: APP/A5270/C/24/3345945

5 Queens Avenue, GREENFORD, UB6 9BX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Marek Moskwa (Appeal A) and Mrs Karina Malgorzata Moskwa (Appeal B) against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 3 May 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, construction of a rear canopy extension.
 - The requirements of the notice are: 1. Remove the rear canopy extension; and 2. Remove all resultant debris.
 - The period for compliance with the requirements is: Four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) (Appeal A only) 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 appeals are 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.

Procedural Matter

2. The appellant's statement makes reference to an appeal on ground (f) – that the steps required by the notice exceed what is necessary (albeit that this appears to be mislabelled as ground (e), which relates to whether copies of the notice were served as required). It would appear that this was an erroneous reference since no representations have been made by the appellant in respect of either of these grounds. The LPA has in any event indicated proper service per ground (e) and as regards ground (f), since the notice is directed at remedying the breach, there is no indication of any lesser obvious alternative that could achieve this purpose.

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 National Planning Policy 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.

Main Issues

4. The main issues are the effect on the character and appearance of the area and on the living conditions of neighbouring occupants.

Reasons

5. The appeal property is a two storey terraced dwelling which has a half-width single storey rear extension of fairly modest depth. A number of properties in the surrounding area have rear extensions of varying sizes which are typically constructed using external materials which match or are similar to those used in the host dwelling.
6. The rear canopy extension attacked by the notice extends significantly beyond the pre-existing rear extension and is constructed from timber posts and beams with a transparent plastic roof. It is some 3m in height at its highest point adjacent to the house, sloping down slightly towards the rear garden. The eastern side of the canopy extension has a full-height screen structure which is covered with artificial foliage along part of the boundary, lowering to an approximately 1.8m fence. As at the date of my site visit, there was only fencing to the western side of the canopy structure. However, the LPA has provided photographic evidence of a semi-transparent tarpaulin side panel having been previously in position on this side.
7. While the relatively open design and lightweight materials of the canopy extension reduce its appearance of bulk, its height and significant depth render it an dominating addition to the host property. The dark-stained timber posts and beams used harmonise reasonably well with surrounding timber fencing. However, the large expanse of plastic roofing is out of character with external materials in the host property and surrounding extensions and creates a low quality appearance which is apparent from neighbouring gardens and rear upper floor windows.
8. I find then on the first main issue that the appeal development results in harm to the character and appearance of the area. There is conflict in this way with Policy D3 of the London Plan (2021) and Policies 7.4 and 7B of the LPA's Development Management DPD (2013) which encourage new development to respond to local distinctiveness, complementing existing materials and detailing.

Living conditions

9. As to living conditions, neither of the adjacent properties has an extension of equivalent depth to the unauthorised canopy extension, with No 7 having only a modest depth extension close to the boundary with the appeal property. Prior to the construction of the canopy extension, occupants of No 7 would have had a fairly open outlook over shared boundary fencing across rear gardens. By contrast, the scale and depth of the canopy extension, which is built up to the side boundaries, together with the poor quality roofing materials used, results in a visually intrusive development and harms the outlook from No 7's nearest ground floor window and from the rear garden of that dwelling.
10. With respect to outlook for occupants of No 3, while partially open to this side, again the scale, depth and position of the canopy extension relative to the side boundary with No 3 causes a material loss of outlook to occupants of this

neighbouring property in views from ground floor windows and within the rear garden.

11. As to loss of natural light, I acknowledge the LPA's comment that the canopy extension extends past the 45 degrees line measured from No 7's closest ground floor window. While I note that a tarpaulin has been attached on this side, this could be precluded by condition. Taking into account also that the roofing material permits some light to pass through, on the available evidence, if appropriately conditioned, any loss of light would not be materially harmful.
12. While I note that the canopy extension is fitted with lighting, allowing use within hours of darkness, there would likely be nothing to prevent the appellant using artificial lighting outside in the absence of the canopy extension and there is nothing to suggest that any use of the canopy extension would be significantly more noisy than any other rear garden patio use.
13. I find then on the second main issue that the appeal development results in harm to the living conditions of neighbouring occupants as described. There is conflict in this way with Policy D3 of the London Plan and Policy 7B of the Development Management DPD which strive to ensure appropriate outlook and a high standard of amenity for adjacent uses including by ensuring appropriate levels of development on site.

Other Matters

14. The appellant references a rear extension of some 6m deep and 3m high at 13 Queens Avenue. I do not have full details of the planning circumstances leading to this development but the LPA has indicated that this was constructed pursuant to a prior approval process during which neighbouring occupants had an opportunity for comment. Planning applications are in any event determined on their own individual merits and No 13's rear extension has, I understand, been constructed in a similar design to the host property and so can be distinguished on this basis.
15. The appellant has not put forward any specific fallback positions and, as the LPA outlines, the canopy extension is larger than any similar structure that could be built pursuant to permitted development rights. The existence of such rights does not therefore offer any material weight in favour of the appeal development.

Overall conclusion – ground (a) and the DPA

16. The appeal development causes harm to the character and appearance of the area and to the living conditions of neighbouring occupants and conflicts with the development plan, read as a whole. No material considerations raised warrant a decision other than in accordance with the plan. Ground (a) fails and the planning permission should be refused in respect of the DPA.

The appeal on ground (g)

17. The appeal on ground (g) is that the period for compliance with the notice (four months) falls short of what is reasonable.
18. The appellant requests a six month compliance period on the basis that work to remove the structure requires 'skilled and expensive labour', which will need to be saved for. I have no detailed evidence to support these contentions and the relatively basic nature of the construction indicates otherwise. While I accept that

works might result in some inability for the appellants and their young child to use the garden, I would expect this to be of a short duration and such interruption also does not therefore justify a longer compliance period. The ground (g) appeal fails.

Overall Conclusion

19. For the reasons given above, I conclude that the appeals 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

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/A5270/C/24/3345944	Mr Marek Moskwa
Appeal B	APP/A5270/C/24/3345945	Mrs Karina Malgorzata Moskwa