



Appeal Decision

Site visit made on 5 May 2026

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/B5480/C/25/3372927

1 Shamrock Noak Hill Road, Romford RM3 7LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Brett Bishop against an enforcement notice issued by the Council of the London Borough of Havering.
- The notice was issued on 15 August 2025.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a dormer window extension in each flank elevation and to the rear of the roof.
- The requirements of the notice are to:
 - (1) Demolish the dormer window extension in each flank elevation and to the rear at roof level.
 - AND
 - (2) Remove all debris, rubbish or other materials accumulated as a result of taking step (1) above.
- The period for compliance with the requirement is: 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appellant initially appealed under ground (e), however, it has since been confirmed that they do not wish to pursue this ground of appeal.

Reasons

3. An appeal under ground (c) is made on the basis that the matters stated in the notice (if they occurred) do not constitute a breach of planning control. The main thrust of the appellant's case is that the dormers are permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO). In a legal ground of appeal, such as ground (c), the burden of proof is firmly on the appellant, to the civil standard, which is the balance of probabilities.
4. The appellant has provided me with a Certificate of Lawfulness of Proposed Use or Development (the LDC), dated 22 December 2021, reference D0671.21, which certified that a single storey side extension with loft conversion to include side and rear dormers would have been lawful, based on the details in drawings 1755/21/7A (with a note about glazing of side dormer windows), 1755/21/8A, Location Plan and Block Plan. Plan 1755/21/7A shows a proposed dormer, which would be erected to the rear and the sides of the main roof. The top of the dormer is shown as being in line with the ridge of the main roof.
5. Section 192(4) of the Act states that the lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed

unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

6. The LDC was issued because, it was found, the operations come within the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015, thereby not requiring planning permission. In order to benefit from the LDC, the works would need to have been carried out in full accordance with the plans identified in the First Schedule. Even if the works deviated from those plans, the development could still be lawful if it was granted planning permission by the GPDO.
7. A planning permission granted by the GPDO is crystallised when the development begins (except in the case of prior approval development, which is not relevant in this case). In order to benefit from the permission granted by the GPDO, the work carried out must fully accord with the limitations set out in the GPDO. If development is begun but any limitation is exceeded, the whole development would be unlawful, not just the element in excess of the limitations set out in the GPDO.
8. Part 1, Class B of Schedule 2 of the GPDO permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Development is not permitted by Class B if any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof. During my visit, I saw that the dormer that has been constructed does not accord with the plans identified in the LDC as it exceeds the height of the highest part of the existing roof.
9. I was able to see the dormer from the rear and saw that the dormer has been carried out as one act development. While building control may have signed off the works, their role is to ensure that the works meet relevant standards within the Building Regulations, not to ensure that the development is granted planning permission by the GPDO. As the development carried out exceeds the limitations set out under the GPDO, the whole development is unlawful and the appeal under ground (c) must fail.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

M Savage

INSPECTOR