



Appeal Decision

Site visit made on 14 April 2026

by **M. P. Howell BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2026

Appeal Ref: APP/T5150/C/24/3349047

90 Gorton Avenue, London NW9 9UD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Sadiq Alesia against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 21 June 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a hip to gable end roof extension with rear dormer window, and first floor rear extension to dwellinghouse ("the unauthorised development").
- The requirements of the notice are to:
STEP1- Demolish the hip to gable end roof extension with rear dormer window,
AND EITHER
STEP2 - Alter the development (i.e. first floor rear extension) at the premises as shown in plans attached to the notice and remove all items and debris, arising from that demolition and alteration, and remove all materials associated with the unauthorised development from the premises.
OR
Demolish the first floor rear extension to dwellinghouse and remove all items and debris, arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is: 6 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) 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.]

Summary Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Background and Preliminary Matters

1. During the appeal, the government released a consultation on the National Planning Policy Framework, proposing changes to the existing National Planning Policy Framework 2024 (the Framework), accompanied by a Written Ministerial Statement. As these reforms are still draft proposals and may change, I have given them limited weight. Therefore, it was not necessary to consult the parties on these changes.
2. The appellant has emphasised the planning history to illustrate that a planning application for a similar development to that alleged in the Enforcement Notice (Notice) was submitted and subsequently refused on 21 July 2021¹. While I do not have the full details of this case, the grounds for refusal were set out in the statement. The reasons for refusing the development were due to the proposed rear dormer lacking a set down from the ridge of the roof. Also, the combination of the dormer roof and the roof of the proposed first floor rear extension was considered poor in form and design, contrary to development plan policies and guidance.²

¹ Council reference 21/1992

² Reasons for Refusal and development plan policies set out in full in Section 4.1 (Page 7 of the appellant's Statement of Case)

3. Subsequently, two applications: a Lawful Development Certificate for the proposed conversion of the roof from hip to gable, which included a dormer window and roof lights, was granted on 12 October 2021³, and a separate planning application for a first-floor rear extension was approved on 2 December 2021⁴. The plans related to these approvals are included as evidence in the appendices of the appellant's Statement of Case. Despite the earlier refusal, the appellant was advised that they could proceed based on the two subsequent approvals secured through a previous agent. This led to the works being undertaken in a single operation and constituting the breach alleged in the Notice.
4. However, it is important to note that upon conducting a site visit and reviewing the submitted evidence, there are key differences between the two historical approvals and the actual works carried out on site. These differences relate to the increase in the roof height and the upward extension of the side wall of the main property to form the rear dormer undertaken on site. Furthermore, the rear two storey extension is attached to the extended roof on site, rather than the original hipped roof shown on the approved plans for the first floor rear extension.
5. There is no indication in the submissions that a combination of the two subsequent approvals should be considered as obvious alternatives to the development alleged if the ground (a) is not considered acceptable. Therefore, while the planning history is material to the determination of the appeal, my evaluation of ground (a) and the deemed planning application has focused on the development alleged in the Notice and the works undertaken on site.

The Ground (a) Appeal and Deemed Planning Application

6. The **main issue** in this appeal is the effect of the development on the character and appearance of the area.

Reasons

7. Girton Avenue is a predominately residential area. In this section of Girton Avenue between Wimborne Drive and North Way, the dwellings are primarily semi-detached with hipped roofs and bay windows finished in red brick and white UPVC windows. They are situated on generous plots, with a consistent building line, set behind open driveways and gardens, with good spaces in between.
8. The consistent building line, the coherent design features and spaces in between the properties form a pleasant character and appearance to the area. Several dwellings in the immediate vicinity have been extended by altering the hipped roof to form gable ends together with rear flat roof dormers. Despite the roof alterations and extensions to the properties, the scale and appearance of the dwellings, as well as the shared design features and spaces in between, have largely been preserved.
9. The development subject of the appeal has altered the hipped roof to form a gable end, but the side wall has also been extended upwards to form the side elevation of the rear dormer at roof level. The ridge of the roof has been raised slightly at the front, and two rooflights have been inserted in the front roof plane. A rear dormer has been constructed directly off the extended ridge but is set up from the eaves line. A two-storey extension also extends from the rear elevation with a hipped roof.

³ Council reference 21/3179

⁴ Council reference 21/3261

10. Policies DMP1 and BD1 of the Brent Local Plan 2022 (Local Plan) and Policy D3 of the London Plan 2021 (London Plan) seek to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character and appearance of the area.
11. The Brent Residential Extensions and Alterations Supplementary Planning Document 2- 2018 (SPD) sets out advice and guidance on a variety of extensions. For two-storey rear extensions, the SPD indicates that the depth of any two-storey rear extension is restricted to half the distance between the side wall and the middle of any neighbour's nearest habitable room window, up to a maximum depth of 3m. The design, shape and materials of the roof must match the original roof.
12. In terms of roof alterations, the SPD outlines that the conversion of a hipped roof into a full gable is generally acceptable. For rear dormers, it indicates that they can be the full width of the original roof plane, but they should be set down from the ridge by 0.3m and up from the eaves line by 0.5m. Also, dormers that project onto or over a rear projection will not normally be permitted. It goes on to indicate that the style of windows installed in dormers should be in keeping with the property.
13. The modifications include raising the roof, adding two roof lights in the front roof plane, and extending the side wall upward. These changes make the property visibly different from the front. However, my observations revealed that the gentle slope of the road minimises the visual impact of the slight increase in ridge height compared to neighbouring properties. Additionally, the spaces between the neighbouring properties have been maintained and converting the hipped roof to a gable and extending the side wall is a common modification in the area, so these alterations do not seem out of place or detract from the overall character of the street scene. While the extended side wall may be noticeable from certain viewpoints to the east of the property, the nearest neighbouring house largely obscures these changes, reducing its prominence in the street. As a result, these modifications do not significantly alter the character or appearance of the property or the surrounding streetscape.
14. The two-storey rear extension is modest in scale and design, using materials that match the existing property and its original hipped roof. The extension is limited to half the distance between the side wall and the middle of the nearest neighbour's habitable room and does not exceed the maximum depth of 3 metres, complying with the SPD. Although the rear dormer is sizeable and does not step down from the ridge of the roof, it is no wider than the main roof and is set up from the eaves line, featuring appropriate materials and matching windows. Therefore, the dormer fits well within the rear roof plane and is acceptable in terms of scale, design, and finish. Overall, the combined alterations to the rear of the property do not harm its scale, character, or appearance.
15. I note that the SPD indicates that dormers that project onto or over a rear projection will not normally be permitted. However, in this instance, and from what I saw on site, the hipped roof of the rear two storey extension extends off the main roof, and the ridge of the extension roof meets the dormer front elevation. As such, in my judgement, as it does not project onto or over the two-storey projection, the dormer does not contravene the advice and guidance set out within the SPD.
16. The extensions can be seen from certain points in the public space to the rear. However, when viewed from near the rear boundary, the trees, boundary enclosures and neighbouring outbuildings largely hide the extensions from view. From a wider

viewpoint, the alterations are more visible, but they are also observed within the context of the surrounding street scene, where there are examples of neighbouring properties with flat-roof dormers and two-story additions of comparable size and scale. Therefore, although the extensions are visible, they do not appear out of place or inconsistent with the character of the existing rear street scene.

17. Accordingly, the development is appropriately scaled, designed and finished and does not adversely affect the character or appearance of the existing dwelling or the area. The proposal, therefore, complies with the aims and objectives of Policies DMP1 and BD1 of the Local Plan, Policy D3 of the London Plan and the SPD guidance, which seek to maintain the quality of the built environment by ensuring development is of high design and has no adverse impact on the character, appearance, or quality of the wider area.

Conditions

18. The development as built is acceptable, and the Council has not suggested that any planning conditions should be imposed were I to find the scheme acceptable. As the development already exists, there is no requirement to set a time frame for its implementation. Accordingly, I find that no conditions are necessary in this instance to make the development acceptable.

Conclusion

19. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the Notice. The Notice will be quashed, and in these circumstances, the appeal on ground (g) does not fall to be considered.

Formal Decision

20. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out. Namely, the erection of a hip to gable end roof extension with rear dormer window, and first floor rear extension to the dwellinghouse at 90 Girton Avenue, London, NW9 9UD, as shown on the plan attached to the Notice.

M. P. Howell

INSPECTOR