



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 19 May 2026

Appeal ref: APP/T0355/C/26/3377196

Land at 4-6 Brockenhurst Road and 11 Oliver Road, Ascot, Berks, SL5 9DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Faisal Mir (Aura Ascot Ltd) against an enforcement notice issued by the Royal Borough of Windsor and Maidenhead.
- The notice was issued on 2 December 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, the removal of the roof and the construction of one additional storey".
- The requirements of the notice are: "1. Dismantle and remove all timber framework including all associated materials used in the construction of one additional storey. 2. Reconstruct the pre-existing flat roof to that shown in drawing number 015ST-A-11.13 dated 25.04.2022, drawing number 25.04.2022, and the image shown in exhibit EE01, comprising Ruberoid flat roof covering, on 18mm ply deck over 150 Celotex boards (or equivalent PUR board), on an air vapour control layer, on 18mm ply deck on firings to provide 1:40 fall to flow to a suitable guttering and outfall. 3. Following compliance with step 2, remove the scaffolding and all resulting materials from the land".
- The time period for compliance with the requirements of the notice is "Two calendar months after this Notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Procedural matters

1. I note that the Council has invited me to initiate an award of costs against the appellant in accordance with the procedural guide for enforcement appeals, if I consider he has caused them to waste time in preparing and engaging in an appeal that could have been avoided. However, it was not procedurally correct for the Council to make such an invitation. If they believed the appellant to have acted unreasonably in the appeal process, the correct procedure was to submit a costs application themselves within the set timetable.

Reasons for the decision

2. The appellant has submitted extensive arguments as to why he believes the period for compliance with the notice is too short. In summary, he contends that the period should take into account the time required to undertake surveys and prepare technical solutions, instruct suitable qualified contractors, complete statutory and procedural requirements, and give the opportunity for engagement with the Council in relation to potential planning solutions. He therefore requests that the compliance period be extended to 12 months.

3. While I acknowledge the appellant's reasons this request, I am also mindful that more than 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will be begin again from the date of this decision, the appellant will effectively have had some 6 months in which to undertake the processes he describes and to carry out the necessary works to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate.
4. Therefore, on the evidence before me, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.
5. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it is open to him to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

6. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee