



Appeal Decision

Site visit made on 3 June 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

Appeal Ref: APP/B4215/C/25/3368799

8 James Leach V C Road, Manchester, M40 7PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Vikram Goyal against an enforcement notice issued by Manchester City Council.
 - The notice was issued on 10 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer to the rear and the erection of a part single/part two-storey rear extension.
 - The requirements of the notice are to 1. demolish the dormer as outlined yellow on the attached photograph ENF/01 and ENF/02, 2. reinstate the rear roof of the main dwellinghouse and make alterations to the two-storey rear extension so that it fully with accords with the terms of planning permission Ref. 140201/FH/2024, dated 25 September 2024, including the conditions subject to which that permission was granted. For the avoidance of any doubt, that includes drawing no. 'JAM-02-20 – AMENDMENT 1B' (copy attached to this notice) and the use of the following materials: main brick – Ibstock Wellbeck Village Blend, feature brick – Weinberger Barton Light Multi, roof tiles – Russell Grampian in Anthracite Grey; 3. remove all building materials, rubble and waste from carrying out the above steps.
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by the deletion of the word “*with*” before “*accords*” in section 5(2) of the notice. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Applications for costs

2. An application for costs is made by Manchester City Council against the appellant. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant initially lodged an appeal on ground (g) of the section 174(2) of the Act, i.e., that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed. As part of this appeal, the appellant requested a compliance period of nine months. The Council has considered this matter and has decided to relax the compliance period from three months to nine months in accordance with section 173A(1)(b) of the Act. Consequently, the appellant has now withdrawn the ground (g) appeal.

4. The appellant lodged an appeal on ground (a) of section 174(2) of the Act. However, this appeal and the associated deemed planning application was barred¹ by virtue of section 174(2A) of the Act.
5. I observed on my site visit that the dormer to the rear of the property had been removed. Despite this, it is still necessary that I consider the grounds of appeal based on the development that was in place when the notice was issued.

The Notice

6. There is a superfluous “*with*” before “*accords*” within section 5(2) of the notice. This is clearly a typographical error. I shall vary the notice by deleting the word “*with*” and, in doing so, no injustice would be caused to the main parties.

Ground (c) appeal

7. The appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.
8. Planning permission was approved for the appeal dwellinghouse under planning application 117055/FO/2017. Condition 22 of that planning permission removed permitted development rights for alterations to the roof. In this regard, the dormer which is the subject of this appeal would not fall to be permitted development given condition 22 of planning permission 117055/FO/2017.
9. Planning permission was approved on 25 September 2024 for a part single, part two-storey extension under planning permission 140201/FH/2024. Such a planning permission did not include the erection of a rear dormer and condition No. 03 of that planning permission states that *‘the materials to be used on the external surfaces of the extension hereby permitted shall match those on the existing dwellinghouse in type, size, colour and texture’*.
10. The evidence is that that the part single, part two-storey rear extension has not been built in accordance with planning permission 140201/FH/2024, namely the two storey element of its roof differs in term of its height/pitch, and the materials used do not match the materials used on the external surfaces of the originally approved dwellinghouse in terms of colour and tone. Given the various deviations from planning permission 140201/FH/2024, I find that the development does not accord with such a planning permission.
11. The breach of planning control comprises an act of development under section 55 of the Act. The part single, part two-storey rear extension is built as one single building operation. There is no evidence that the development is permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In any event, the rear dormer and rear extension require planning permission given the removal of permitted development rights under condition 22 of planning permission 117055/FO/2017.
12. The appellant’s claim on ground (c) is that the rear extension *‘uses materials to match the host dwelling’*. This is not reasonably substantiated by the appellant and

¹ Given appeal decision ref no. APP/B4215/D/25/3359619 for the erection of a dormer to the rear roof slope and insertion of skylight windows to the front roof slope and a double/single storey rear extension – dismissed on 8 April 2025.

my site visit revealed that the brick material was substantially different from that used on the original dwellinghouse. Moreover, and, in any event, the appellant is silent on the fact that the two-storey rear extension has also not been built in accordance with the approved planning permission because of the height/pitch of its roof. The appellant makes no comment about the rear roof dormer in terms of the ground (c) appeal.

13. For the above reasons, I conclude that the ground (c) appeal fails.

Ground (f) appeal

14. The appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
15. The appellant's appeal on ground (f) is essentially the same as that made for the ground (c) appeal above. I have already concluded that the materials used in respect of the rear extension do not match those used on the original dwellinghouse.
16. In respect of the unauthorised dormer, the purpose of the notice is to remedy the breach by requiring its removal. The removal of the dormer is not an excessive step as it remedies this part of the breach of planning control.
17. As regards the part single, part two storey rear extension, the purpose of the notice is to remedy the injury caused to amenity by requiring compliance with planning permission 140201/FH/2024. While the appellant has submitted an alternative scheme, which shows a smaller/adapted rear roof dormer, I am unable to consider the planning merits of such an alternative scheme in the absence of an appeal made on ground (a) of section 174(2) of the Act and hence a deemed planning application.
18. I conclude that the steps in the notice do not exceed what is necessary to remedy the breach of planning control, or to remedy the injury to amenity which has been caused by the breach of planning control. Therefore, the ground (f) appeal fails.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

D Hartley

INSPECTOR