



Appeal Decisions

Site visit made on 1 April 2026

by **Richard S Jones BA (Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2026

Appeal A Ref: APP/W5780/C/24/3346822

Appeal B Ref: APP/W5780/C/24/3346823

Land at 80, Levett Gardens, Seven Kings, Ilford, IG3 9BU

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mr Mohammed Ishaq against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - Appeal B is made by Mrs Manzoor Begum Ishaq against the same enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notice was issued on 23 May 2024.
 - The breach of planning control as alleged in the notice is without planning consent, the construction of an unauthorised porch and outbuilding.
 - The requirements of the notice are to:
 - (i) Remove the front porch; and
 - (ii) Remove the rear outbuilding; and
 - (iii) Clear all debris from site.
 - The period for compliance with the requirements is six months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since the appeals have been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
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Decisions

Appeals A and B

1. The appeals are allowed insofar as they relate to the construction of a porch and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended, for the construction of a porch on land at 80, Levett Gardens, Seven Kings, Ilford, IG3 9BU.
2. The appeals are dismissed and the enforcement notice is upheld insofar as it relates to the construction of an outbuilding.

Preliminary Matters

3. The breaches of planning control as alleged in the enforcement notice are the construction of an unauthorised porch and outbuilding. An appeal against the decision of the Council to refuse planning permission for the outbuilding was dismissed on 26 April 2023¹. Consequently, as acknowledged by the appellants, a ground (a) appeal, insofar as it relates to the outbuilding, is barred by virtue of s174(2A) of the 1990 Act. However, the porch has not been subject to a related planning application so is unaffected by those provisions. The ground (a) appeal relating to the porch is not therefore barred.

¹ Appeal Ref: APP/W5780/D/23/3315577

Appeals A and B on Ground (a) - the deemed planning applications

Main Issue

4. The main issue is the effect of the porch on the character and appearance of the area, including whether it preserves or enhances the character or appearance of the Bungalow Estate Conservation Area (BECA).

Reasons

5. The appeals relate to a semi-detached bungalow situated in the BECA, the significance of which is derived from the architectural style and historical interest of the pattern and character of a planned suburban estate of 1920s and 1930s bungalows with arts and crafts detailing, set within spacious, verdant gardens.
6. Like many other properties in Levett Gardens, the semi-detached bungalow is symmetrically presented with a central porch flanked by bay windows with gables above (one side being larger than the other). Originally, the porch would likely have been recessed within the elevation.
7. The Council refers to its BECA Design Guide Supplementary Planning Document (DG SPD) which sets out requirements for porches in the area - that they are inset from the side of the bay window by 0.3m and set back from the projection of the bay feature by 0.5m.
8. That which has been built exceeds those guidelines both in width and projection. Consequently, the porch has a greater presence within the composition of the front elevation than that sought by the DG SPD.
9. However, in this part of Levett Gardens, very few of the original recessed porches remain and projecting porches of varying size and appearance now form part of the street scene, including porches which very likely exceed the guidance contained within the DG SPD.
10. Consequently, the porch does not appear harmful or out of keeping along this particular stretch of Levett Gardens. Accordingly, the porch has a neutral effect on the character and appearance of this part of the BECA, thereby preserving, rather than harming its significance.
11. I do not therefore find conflict with Redbridge Local Plan 2015 – 2030, Policies LP26, LP30 or LP33. Those seek, amongst other things, to ensure that the Borough's heritage assets are conserved, protected and enhanced in a manner appropriate to their special interest, character or appearance and significance. Whilst exceeding the dimensions of the DG SPD, I do not find that doing so in the particular circumstances of this case results in development that is out of keeping or harmful.

Request for a split decision

12. The appellants have requested that I consider issuing a split decision in respect of the matters, to allow them to be addressed separately.
13. S177(1) of the 1990 Act provides that planning permission may be granted in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates. Consequently, I am able to make a split

decision on ground (a) in respect of part of the matters which are clearly severable.

14. As the ground (a) appeals are barred for the outbuilding, it is not possible to consider the acceptability of granting planning permission for it, either in its current or amended form. My reasoning on the latter is set out under ground (f).
15. However, as I have found the porch to be acceptable, and it is clearly a distinct and severable operation, I will allow the appeals insofar as they relate to the porch and grant planning permission for it. The Council does not suggest any conditions be imposed for that part of the breach and I consider none are necessary.

Conclusion

16. I therefore conclude that the appeals should be allowed in part.

Appeals A and B on Ground (f)

17. An appeal on ground (f) is that the requirements of the enforcement notice are excessive to remedy the breach of planning control or, as the case may be, the injury to amenity caused by the breach.
18. The breach, as noted, is the construction of an unauthorised porch and outbuilding. The requirements of the notice are to remove the same and clear all debris from the site. The purpose of the notice must therefore be to remedy the breach of planning control. Indeed, the Council confirms as much. Accordingly, the appeals on ground (f) can only succeed if it is shown that the steps set out in the notice are excessive for that purpose.
19. Even though I am allowing the ground (a) appeals in respect of the porch, it does not follow that I should correct the notice to delete the requirements relating to it. That is because s180 of the 1990 Act provides that the requirements of the notice will cease to have effect so far as they are inconsistent with the planning permission granted.
20. The appellants argue that the complete removal of the outbuilding is not required to remedy any identified harmful aspects of the breach of planning control. In that regard they refer to s173(5)(a) of the 1990 Act which states that an enforcement notice may require the alteration of any building to remedy such matters. Furthermore, they say that s173(11) alludes to the possibility of an enforcement notice stopping short of requiring any breaches to be fully removed, by confirming that where this is the case, planning permission shall be treated as having been granted in respect of any development which could have been required to be removed by the terms of the notice, but was not.
21. In that context, the appellants have requested that I consider a proposed alternative development that amends the existing outbuilding, as per drawings provided. It is argued that the proposed reduction in scale/footprint directly addresses the principal issues raised in the corresponding reason for issuing the enforcement notice and would preserve the character of the appeal property and the BECA, in compliance with relevant development plan policies.
22. It is therefore submitted under ground (f) that works to the existing outbuilding to amend it in accordance with the alternative details submitted, would remedy any harm which is identified as resulting from the breach.

23. However, the scenario envisaged by the appellants, to alter the building, would be consistent with an intention to under enforce through a notice seeking to remedy the injury to amenity caused by the breach, which is not applicable here. As the purpose of the notice is to remedy the breach, an altered outbuilding would not achieve that purpose.
24. In support of the appeals, the appellants have provided legal advice on this matter, which argues that I can still vary the terms of the enforcement notice and allow a ground (a) appeal for an outbuilding, provided that it is materially different from the outbuilding which is the subject of the enforcement notice and that considered as part of the previous appeal. That is argued as an obvious alternative which would overcome the 'planning difficulties' associated with the existing outbuilding.
25. The basis for this view is that as an Inspector I have the power to vary the terms of the enforcement notice under s176(1)(b) of the 1990 Act and once varied I am able to grant planning permission pursuant to s177(1). It is thus suggested that requirements (ii) and (iii) are varied to the effect that: (a) the outbuilding is altered to accord with the amended plans listed; (b) that those plans are implemented and completed in full within 3 years of the date of the appeal decision; (c) that the modified outbuilding is subject to a condition that it can be used only for ancillary purposes to the main dwellinghouse; (d) that all resultant debris from the change is removed; and (e) that if the amended plans are not implemented and completed within 3 years of the date of my decision, the existing outbuilding and all resultant debris will be removed from site within a further period of 6 months.
26. However, there are a number of reasons why the approach suggested would not be permissible. Firstly, it would be necessary to consider whether the proposed alternative outbuilding would be 'part of the matters' and should be permitted. Such options should be considered under ground (a), even though the actual application under ground (a) relates to the development as built. In this case, as explained, the ground (a) appeals in relation to the outbuilding are barred so it is not possible to make that judgement as to whether it would be part of the matters.
27. Indeed, without a corresponding ground (a) appeal in relation to the outbuilding, considerations or arguments about the planning merits of an amended scheme cannot be introduced under ground (f).
28. Moreover, the power to vary the terms of the enforcement notice under s176(1) cannot be used to attack its substance and needs to be read in such a way as not to afford a remedy that is obtainable by pursuing an appeal on ground (a).
29. Furthermore, if there is no deemed planning application through ground (a), the power to vary an enforcement notice so that it would under-enforce is limited. Whereas a planning permission granted under a deemed planning application can be conditioned, the same does not apply to a deemed permission arising under s173(11).
30. The appellants have not shown that there are any other lesser steps that would remedy the breach of planning control and I find that the requirements of the notice tally and logically follow from the breach and are not excessive for the purposes of remedying the same.
31. The appeals on ground (f) fail.

Appeals A and B on ground (g)

32. The ground (g) appeals are that the six months given to comply with the notice is too short.
33. It is highlighted that the appellants are both in their 70s and 80s and suffer from very poor health. Medical evidence has been provided which corroborates that, which I shan't repeat here given the sensitivity of that information.
34. It is submitted that the works required by the notice are significant and would be extremely disruptive and stressful to the appellants, particularly whilst they are attempting to recover from their respective health issues. Given their age and health and the nature of the works required, a period of three years is requested for compliance.
35. As I am allowing the ground (a) appeals for the porch, the requirements in relation to it will cease to have effect by virtue of s180 of the 1990 Act. Effectively therefore, the ground (g) appeals are restricted to the time given to comply with the requirements solely in relation to the outbuilding.
36. Consequently, I see no reason why, as suggested, the appellants would need to find alternative accommodation whilst the works to remove the outbuilding are undertaken. I appreciate that one of the appellants has a dust allergy but given the separation to the main house, I see no reason why that could not be suitably managed with appropriate dust suppression measures.
37. I also note the appellants' reference to the Council's initial position on the expediency of taking enforcement action and that they call into question the urgency of the need to remedy what they submit to be limited harm. However, it has been found at appeal that the outbuilding results in unacceptable harm to the character and appearance of the appeal property and the BECA.
38. I fully appreciate that the appellants likely acted in good faith in erecting the outbuilding, following the grant of an LDC for the same. It is indeed unfortunate from their perspective that the Article 4 Direction was made in the intervening period between the date of the LDC and the works being carried out. I also sympathise with the health issues faced by the appellants, but the three years suggested for compliance is excessive and unjustified. It would be tantamount to granting a lengthy temporary planning permission for the outbuilding following an appeal decision which deemed it to be unacceptable.
39. In contrast, the six month period for compliance would strike a reasonable and proportionate balance between managing any difficulties the appellants may encounter and the public interest in this case. It would also allow sufficient time to submit a planning application for an amended outbuilding, should the appellants wish to do so.
40. The appeals on ground (g) fail.

Richard S Jones

INSPECTOR