



Appeal Decision

Site visit made on 12 May 2026

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: APP/G5750/C/24/3356838

21 Dorset Road, Forest Road, London E7 8PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Rohima Rahman against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 30 October 2024.
- The breach of planning control as alleged in the notice is without planning permission the erection of a dormer extension, and without planning permission the installation of two air conditioning condensing units.
- The requirements of the notice are to:
 1. Demolish the dormer extension (as shown edged in yellow on the photograph attached at Appendix 1) and return the roof of the property to its form prior to the unauthorised works being undertaken.
 2. Remove the air conditioning condensing units (as shown edged in green on the photograph attached at Appendix 2), including all associated wiring;
 3. On complete of step 1, remove all materials and debris from the site.
- The period for compliance with the requirements is:
Six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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 dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Applications for costs

2. An application for an award of costs was made by the Council of the London Borough of Brent against Ms Rohima Rahman. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal is made on grounds (a) and (f), and the appellant's case is made in a single document. The document does not explicitly identify the respective arguments with regard to the ground (a) appeal or the ground (f) appeal. The circumstances that led to the construction of the dormer extension are however explained, with an indication that the appellant would be prepared to reduce the size of the dormer roof extension to 'comply with the permitted development allowance'. My attention has also been drawn to other properties on Dorset Road where dormer extensions have been added; the implication being that I am invited to consider precedent and the matter of principle in the context of the appellant's suggested reduction in scale of the dormer roof extension at the appeal property.

4. With regard to the air conditioning condensing units, the appellant's submission suggests that the units would be removed in accordance with the requirements of the notice. Examples of covers and screening for air conditioning units that could be utilised have been cited and a vague reference is made to the re-siting of the units to an unidentified position within the appeal site. I have considered the submissions in the context of the grounds (a) and (f) upon which the appeal was made and have determined the appeal accordingly.

The appeal on ground (a)

Main Issues

5. The main issues are the effects of the:
- Dormer extension on the character and appearance of the appeal property and the surrounding area; and
 - The air conditioning condensing units on the character and appearance of the appeal property and surrounding area; and the living conditions of occupiers of neighbouring properties, with particular regard to noise and vibration and fumes.

Reasons

Dormer extension

6. Together, the long, terraced blocks of Dorset Road and St Stephen's Road are characterised at the rear by two storey rear outriggers that alternate in pairs along the terrace's length, with recessed 'light-wells' between that open out to longer rear gardens / yards. Rear dormer extensions to roofs are not uncommon within this terraced residential block and take varying forms, from those that create a dormer extension within and above just the main house roof, to those that also include extensions within and above the outrigger roofs.
7. There is, nevertheless, a broad and consistent pattern and form of extension that generally respects the scale and form of the main terrace and outriggers without compromising the prevailing proportions and hierarchy of scale and form of properties. In this instance, however, the appeal scheme goes further by pushing the extremities of the dormer roof extension to those of the outrigger and main house roof. The element above the main house roof extends across its entire width, directly adjoining the smaller dormer roof extension at No. 19 and its vertical rear face also aligns directly with the rear elevation of the main house, thereby entirely subsuming the original main house roof.
8. The scale of this element of the extension combines with that above the rear outrigger. This, too, occupies the depth of the roof of this element of the building, directly abutting the parapet wall between Nos 21 and 23 and aligning with the outrigger's vertical flank elevation. Although there is a slight inset from the outrigger's rear face, this would be minimal. Whilst for ease of description I have described the extension in two elements it is in reality, a single, large L-shaped box-dormer roof extension that occupies all but a minute portion of the appeal property's roof.

9. The Council's '*Altering and Extending your Home*' Supplementary Planning Document (SPD)¹ provides guidance on how its local plan policies are applied with respect to household extensions. The SPD expands on the provisions of Newham Local Plan (NLP) Policies SP1, SP3 and SP8 which collectively seek to secure attractive and high-quality development that helps to sustain distinctive places and that compliments and reflects local character and appearance.
10. With particular regard to household extensions, to help achieve high quality design the SPD recommends that extensions should complement and enhance the original character of the property and the wider streetscene. It goes on to establish principles of subservience of extension to original house and to demonstrate clear set-backs from existing elevations. Alterations at roof level should seek to preserve the character of the original house, by amongst other means, the retention of exiting parapet walls and eaves.
11. In this instance, the works enforced against do maintain the property's street facing roof slope and ridge line. It is noted that dormer roof extensions are not uncommon at the rears of properties on Dorset Road and St Stephen's Road on both the main house roof, and also those which extend onto the roofs of rear outriggers. Such extensions contribute to the character of the rear garden block elevations of these properties. To this end, the appellant has drawn my attention to a number of other examples by way of an annotated aerial image of the streets.
12. Nevertheless, the appeal scheme would not be subservient to the original house, nor would it demonstrate a clear set back from existing elevations at the rear elevation of the main house or the flank elevation of the outrigger. There appears to be a small set back from the end elevation of the outrigger, but it is only minimal and does little if anything to mitigate the bulk, scale and massing of the dormer roof extension. The result is an extension that is incongruously large, to the extent that it dominates the appeal property and fails to secure the form of high-quality development that NLP Policies SP1, SP3 and SP8 seek to achieve, or the aims of the guidance set out within the SPD. For these reasons, the appeal scheme is contrary to NLP Policies SP1, SP3 and SP8 and the guidance set out within the SPD. The appeal scheme is also contrary to NLP Policy S6 and London Plan (LP) Policies D1 and D4 insofar as the broad strategic design principles set out therein are applicable to the appeal scheme.
13. Given the powers available to me under an appeal made on ground (a), it is possible to consider under section 177(1) of the Act, granting planning permission in relation to the whole or any part of those matters specified in the notice. The appellant has sought to explain the background to the construction of the dormer roof extension and that it is proposed to reduce the depth of the outrigger portion of the dormer roof extension. This would, in turn, it is stated, enable the extension to 'meet the requirements' of permitted development tolerances for roof extensions.
14. Other than referring to increasing the setback of the 'outrigger portion' of the extension, it is not explained or shown how the existing extension could be altered to reduce its size. Nor have any plans or elevations been submitted to demonstrate what might be intended as a means to achieve those changes. Whether or not the changes required in this respect would be as extensive as the Council suggest, it is at least conceivable that an amended dormer roof extension could amount to 'part

¹ Adopted February 2018

of the matters' allowed for by virtue of s177(1) of the Act. However, I have no scheme before me to demonstrate how that might be achieved and as such I am not persuaded that there is sufficient information before me to consider favourably an alternative under the provisions of s177(1) of the Act. Whilst the purpose of the enforcement procedure is intended to be remedial rather than punitive, it has not been demonstrated that the changes would overcome the harm to character and appearance that I have identified. I cannot conclude that an alternative scheme would avoid conflict with the provisions of NLP Policies SP1, SP3 and SP8 and the guidance set out within the SPD.

Air conditioning condensing units

15. The enforcement notice cites the presence of two wall-mounted air conditioning condensing units within the alleged breach of planning control. The units are mounted on the outrigger's flank elevation at first floor level, just below the first floor window openings. A third unit was also present at the time of my visit to the site, also positioned at first floor level, but on the rear elevation of the main house. A third unit is not referred to within the notice.
16. The units are functional and utilitarian in their appearance. Moreover, although positioned on a flank wall at the rear of the property, their first floor location is such that they are visible from a range of neighbouring properties and are an incongruous feature on a residential property in a residential context. As such, their retention in this location would be contrary to the aims and objectives of NLP Policies SP1, SP2 and SP3 and the broad aims of LP Policies D1 and D4, of collectively seeking to ensure high quality, neighbourly forms of development appropriate to the character and appearance of the host property and surrounding area.
17. The outrigger's flank elevation is separated from the neighbouring property at No. 19 by only a narrow lightwell, a pattern replicated at No. 21. There are a number of windows on both the outrigger's flank elevation and the rear elevation of the main house, at ground and first floor levels, at No. 19. Neither party has provided technical details or specifications regarding the operating noise levels of the units or the noise impact experienced at the nearest residential receptor. Nevertheless, there are no intervening structures, in the form of other built elements or fences or walls that would intercept or mitigation the outward transmission of operating noise from the units. The nature of the arrangement of the outriggers, main house rear elevation and the resulting lightwell would be likely to further contain noise within that space, and thus close to the many opening windows in this confined area.
18. For these reasons, and without further technical detail or specification, I am not persuaded that the operation of the air conditioning condensing units does not lead to adverse effects upon the living conditions of occupiers of the neighbouring property, by way of noise and vibration. There is as a consequence conflict with the aims and objectives of LP Policy D14 and NLP Policy SP8.
19. Although the appellant has indicated an intention to remove the units and reposition them elsewhere, only a very vague description of such has been provided. I am not persuaded that to do so would address the harm to either character and appearance or living conditions that I have identified above. I cannot conclude that an alternative scheme on this basis would avoid conflict with the provisions of NLP

Policies SP1, SP2, SP3 and SP8 or LP Policies D1, D4 or D14 and the guidance set out within the SPD.

Conclusion on the ground (a) appeal

20. For the reasons set out, and having considered all other matters raised, I conclude that the appeal on ground (a) fails in respect of the development the subject of the notice.

The appeal on ground (f)

21. An appeal on ground (f) may be brought if it is considered that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
22. In this case, the notice requires the removal of the dormer extension in its entirety as well as the removal of the two air conditioning condensing units as highlighted on the notice. This is consistent with the purpose of remedying the breach of planning control in accordance with (s173(4)(a)), the breach being comprised of the extension in its entirety and the air conditioning condensing units. I have dealt with the suggested 'lesser steps' as part of the ground (a) considerations.
23. Given that the purpose of the notice is to remedy the breach of planning control, in the absence of planning permission this can only be achieved by the removal of the unauthorised development and consequently the restoration of the building to the condition it was in before the breach took place. To require this does not exceed what is necessary and the appeal on this ground must therefore fail.

Other Matters

24. The appeal was made on grounds (a) and (f). The notice's requirement to demolish the dormer extension and return the property to its form prior to the works being undertaken amounts to interference with the residents' convention rights under Article 8 of the European Convention on Human Rights².
25. However, given the harm identified in the reasons for issuing the notice and my conclusions in respect of the appeals under grounds (a) and (f), I am satisfied that the notice's requirement in this respect pursues the legitimate aim of regulating the development of land in the public interest. The action is both necessary and proportionate. I am satisfied that, in the absence of a specific (or hidden) appeal under ground (g) that the period of 6 months within which to comply with the notice is both reasonable and proportionate to the situation.

Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall therefore uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

G Robbie

INSPECTOR

² as set out within the Human Rights Act 1998