



Appeal Decisions

Site visit made on 05 February 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2026

Appeal A Ref: APP/A5270/D/25/3359166

162 Gunnersbury Lane, Acton, London, Greater London, W3 9BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Gursewak Dhaliwal against the decision of the Council of the London Borough of Ealing.
- The application Ref is 242645HH.
- The development proposed is described on the application form as: Amended roof profile, external and internal alterations, including new and replacement fenestration to the front, side and rear.” (Householder application).

Appeal B Ref: APP/A5270/C/25/3360443

162 Gunnersbury Lane, Acton, London, Greater London, W3 9BB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Gursewak Singh Dhaliwal against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 20 December 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the construction of a part single, part two storey side and rear extension, alteration of the roof from hip to gable, construction of a dormer roof extension and installation of rooflights (the “Unauthorised Development”).
- The requirements of the notice are to:
 - A. Demolish and remove the part single part two storey side and rear extensions, the roof alteration and dormer extension and rooflights.
 - B. Restore the building to its condition prior to the unauthorised development occurring.
 - C. Remove all rubble and debris from the land as a result of complying with the notice.
- The period for compliance with the requirements is: 6 months from the date the notice takes effect. The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision in Respect of Appeal A:

1. The appeal is dismissed.

Decision in Respect of Appeal B:

2. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. Two appeals are before me relating to the same property. One relates to the Council’s decision to refuse to grant planning permission for various extensions and alterations to the dwelling and the other is made against the Council’s decision to serve an enforcement notice in respect of works already carried out. I shall refer to

the “planning” appeal as Appeal A and the enforcement notice appeal as “Appeal B”.

4. The planning application in respect of Appeal A was submitted retrospectively. The description of development for which permission was being sought, as given in the application form, is set out in the banner heading above. The Council subsequently, altered that description and the decision notice in respect of the application describes the development as:

Alteration to the roof profile, single storey/part two storey side/ rear extension, external alterations, including new and replacement fenestration to the front, side and rear.

5. I can find no record that the Council sought or received the appellant’s agreement to that change. However, the amended description is a more accurate reflection of the development for which permission was sought and the appellant has not questioned the way the Council has described the development in his appeal submission.
6. In particular, as can be seen from the submitted plans, it is clear that permission was being sought for the erection of the single storey and two storey extensions to the side and rear as well as the alterations to the roof. The description on the application form did not refer to those elements but the Council was clearly correct in including them within the description of development based on the plans submitted.
7. The description on the application form referred to an “amended roof profile” along with internal and external alterations and new/ replacement fenestration to the side and rear. It may be that the phrase “amended” referred to proposals to change the design from previously approved schemes, including the permission granted in 2017 by the Council (the 2017 permission)¹ for various extensions and alterations and the Certificate of Lawful Development (CLOPUD) for a proposed dormer, hip to gable conversion and other roof alterations which was granted by the Council in 2020 (the 2020 CLOPUD)².
8. However, the development was not built out in accordance with either of those proposals, being markedly different in design and appearance, matters that I shall cover in detail later in my decision. It seems to me that the proposal sought permission retrospectively for the erection of the various extensions and roof alterations, as shown on the submitted plans and that is how I shall consider Appeal A.
9. Whilst the application was submitted retrospectively it is important to note that the submitted plans do not reflect the development, as constructed. There are notable differences, specifically in relation to the projecting balconies that have been created at first and second floor level. A separate planning application relating to those balconies was refused by the Council in August 2024³ and I am not aware that any appeal has been made against that decision.

¹ LPA reference 160420HH

² LPA reference 202334CPL

³ LPA reference 242549HH

10. Consequently, in the interests of clarity, I shall make my decision in respect of Appeal A based upon the plans submitted with that application which effectively show the development as constructed, excluding the projecting balconies.
11. Somewhat surprisingly, given the similarities between the as-built development which is the subject of the enforcement notice (Appeal B) and the scheme under consideration in Appeal A, the Council's stated reasons for issuing the enforcement notice are different to the reasons given for refusing to grant planning permission. Two reasons for refusal were given in respect of the planning application, one relating to the design of the roof form and one in relation to the impact on neighbouring residents as a result of overlooking and loss of privacy.
12. However, the reasons for issuing the enforcement notice also refer to the overall scale, bulk, height and design of the development as a whole and the impact on neighbours as a result of alleged over-dominant and overbearing form of the development. There is no reference to overlooking or loss of privacy in the reasons for issuing the notice and no reference to overbearing or overly dominant impact in the refusal to grant permission.
13. Given that no ground (a) appeal is before me in relation to Appeal B, the planning merits in respect of the specific reasons for issuing the notice are not contested. In respect of Appeal A, the appellant submitted his appeal statement directly in response to the specific reasons for refusal and did not address the other matters referred to by the Council when issuing the enforcement notice. That is understandable given that he was unrepresented at the point he submitted the planning appeal and that he was responding directly to the specific matters raised in respect of the decision letter.
14. In those circumstances and to avoid prejudice to the appellant, I will confine the main issues in the determination of Appeal A to those matters addressed by the Council in its decision letter and associated delegated officer report.

APPEAL A

Main Issues

15. The main issues in the determination of the appeal are:
 - i) The effect of the development on the character and appearance of the area arising from the extensions and alterations to the roof of the property;
 - ii) The effect on the living conditions of neighbouring residents in respect of overlooking and privacy.

Character and Appearance of the Area

16. The property is situated on Gunnersbury Lane, a short distance to the south-west of the Underground station at Acton Town and the neighbouring retail parade. As one moves beyond that commercial parade suburban residential development lines either side of the carriageway, predominantly made up of pairs of semi-detached housing, seemingly from the early to mid 20th century.
17. There is some uniformity in style with a mixture of red brick, roughcast render and two-storey bay windows being prevalent. Nonetheless, there is also variety

between pairs, with some having hipped bays, some gable fronted, some utilising hanging tiles with others having mock timber panels.

18. In scale there is a high degree of uniformity, with two-storey housing being almost universal in the immediate vicinity, albeit with signs of additional storeys within the roof space. It is a typical "Metroland" suburban location. The property itself would originally have harmonised with the general surroundings, being a two-storey semi-detached dwelling with a front bay, a hipped roof and a garage to the side.
19. The rear garden of the property is enclosed within the block fronted by Gunnersbury Lane, with Lillian Avenue and Gunnersbury Gardens at either side. Nonetheless, the side and rear of the property are clearly visible through the gaps in the building line.
20. In contrast to the modest scale of the original dwelling, the overall size and volume of the proposed extensions is substantial, extending to the side, rear and beyond the roof plane. From the front the impact is limited. The side extension is subservient in scale and mirrors a similar extension on the neighbouring property.
21. It is to the side and rear that the visual impact of the extensions are most prevalent. When viewed from the gap between houses on Gunnersbury Gardens the roofline is prominent as it is from the numerous dwellings within the block. From the side the flat roof of the dormer straddles the ridgeline of the two-storey rear outrigger which presents an awkward intersection with the box-like dormer appearing to sit like a top hat over the pitched roof of the outrigger. In addition, a further pitch rises up from the side extension at a slightly different angle to the pitch of the outrigger.
22. The overall result is unsightly mish-mash of different hips, pitches and ridgelines which contrasts unfavourably against the generally simple roof form of the original dwelling and those of similar properties in the area. The prominence of the roof form is increased due to the raised height of the outrigger when compared to previous approvals.
23. When viewed from the rear very little of the original hipped roof form remains apparent. However, the substantial box-like dormer and the roof of the rear outrigger dominates in scale and, as noted, relates poorly in design terms to the pitched roof of the outrigger. The increased height of the outrigger not only increases the overall scale and prominence of the roof alterations but has allowed for the insertion of a large window in the gable, adding to the sheer amount of glazing across the rear elevation as a whole. The extent of glazing is uncharacteristic of the original design and the appearance of surrounding dwellings, further adding to the harm caused by the scale and bulk of the roof alterations.
24. I should note that the submitted drawings contain a discrepancy in respect of the proposed roof alterations. The proposed rear elevation (drawing No. A-006) shows that the flat roof of the dormer window would be level with the ridgeline of the projecting outrigger. However, the proposed "left side elevation" (Drawing No. A-007) shows that the dormer would straddle the top of the ridgeline of the projecting gable, as does the proposed roof plan (Drawing No. A-004). It is also apparent that the ridge height of the projecting gable and the height of the flat roof of the dormer is shown to be set lower on the side elevation, in relation to the height of the ridgeline of the main part of the house, than it is on the proposed rear elevation.

25. Given that the application is submitted retrospectively, it seems likely that the intention was to seek permission for the dormer window as constructed, which is in the form shown on the side elevation and roof plan i.e. straddling the pitched roof of the rear outrigger. In other words, it seems likely that the rear elevation is drawn incorrectly as opposed to the other two plans.
26. Whichever version is correct the arrangement would be harmful in terms of the effect on the character of the dwelling and surrounding area. The “as-built” arrangement is more harmful on account of the fact that the way the dormer straddles the ridge of the rear extension, sitting like a top-hat across it. However, even if the intention was to remove that arrangement and link the flat roof to correspond to the height of the ridgeline, the overall scale would remain harmful, as would the proportions and box-like appearance of the dormer.
27. I appreciate that the 2020 CLOPUD accepted that a box dormer and hip to gable conversion would be lawful. However, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is essentially a regulatory code whereby different classes of development constitute ‘permitted development’ providing that they meet the conditions and limitations of the relevant section.
28. In respect of roof alterations under Class B, Part 1 of Schedule 2 the limitations relate to matters such as overall size, volume, height, a preclusion on the provision of balconies amongst other things. The Council estimate that the volume of the roof extensions as constructed and proposed in this appeal exceeds the 50m³ limit set by paragraph B.1(d)(ii) of Class B, Part 1, Schedule 2 of the GPDO and that has not been disputed by the appellant. Accordingly, the works to the roof do not benefit from permitted development rights. For the reasons set out in respect of Appeal B, the development as a whole is unauthorised.
29. In any event, it does not automatically follow that a development will cause no harm in design terms or comply with relevant policies of the development plan because a similar development may have been lawful in respect of the GPDO. As noted, the GPDO is a regulatory code and there is no requirement to assess compliance with planning policy providing a development meets the conditions and limitations of a particular class.
30. The development before me does not amount to permitted development and, in the first instance, I am required to assess the proposal against the policies of the development plan and take account of the effect on the character and appearance of the area and host property. Whether there is a realistic fall-back position is a matter I shall consider later in my decision.
31. However, for the reasons set out I find the roof alterations are extremely unsympathetic when viewed against the character and design of the original dwelling and the largely consistent design and character of the wider area.
32. For those reasons, the development is contrary to the aims of Policy D3 of the London Plan (2021), particularly section D(1) with respect to form and layout and D(11 & 12) with regard to the need to respect architectural quality and detail. It would also contravene the design related aims of Policy D4 of the London Plan and the similar aims of Policies 7.4(D) and 7B(A, B and C) of the London Borough of Ealing Development Management, Development Plan Document (2013) (the DPD).

Living Conditions of Neighbouring Residents

33. Given the obvious harm arising from the development I can address this matter relatively briefly. Each rear bedroom at first and second floor level is provided with a set of French doors which the plans show would have an associated Juliette balcony. The overall impression would be of a watchtower peering over neighbouring gardens on account of the extent of glazing and position of those balconies.
34. Having stood in the respective rooms one has a clear view into the private space to the rear of the adjacent gardens at Gunnersbury Lane but also to the rear of properties at Lillian Avenue and Gunnersbury Gardens, particularly from the windows in the gable of the outrigger which projects closer to those properties.
35. I appreciate that a degree of overlooking is common in urban areas but that normally comes through windows of more limited proportions where views would be fleeting. The appellant has referred to other developments in the area but it is not clear if they benefitted from planning permission and, in any event, I could see nothing comparable to the development at the appeal site in terms of the extent of glazing and balconies in such proximity to neighbouring gardens.
36. The windows in question are deliberately designed to provide a large viewing platform and to allow doors to be opened so that occupants can stand or sit at the balcony and take in the view. The result of that insensitive arrangement is that there would be both a real loss of privacy for neighbouring residents when the rooms were in use but also a perceived feeling of being overlooked simply on account of the design of the windows.
37. For those reasons, the development has and would harm the living conditions of neighbouring residents, contrary to the aims of Policy 7B(c) of the DPD and Policy D3(D7) of the London Plan.

Other Matters

38. As noted above, the Council has previously granted the 2017 permission and the 2020 CLOPUD. For reasons I shall set out in respect of Appeal B I am not satisfied that the 2017 permission remains extant. Moreover, the roof extensions, as constructed appear to go above the 50m³ permitted by the GPDO, such that they would not benefit from planning permission granted by the GPDO. In any event, the roof alterations and rear and side extensions were constructed as a single operation rather than as discreet developments. Taken as a whole the works do not benefit from planning permission.
39. Even if the 2017 permission and 2020 CLOPUD could be implemented the impact would not be comparable to the development as constructed. The extent of glazing approved was notably less, the roof alterations were smaller in scale, with the rear facing gable of the outrigger being set further down the roofslope of the main dwelling. Instead of the hipped and pitched roof between ground and first the flat roof of the current extension projects further into the garden and is less sympathetic in style.
40. Thus, the impact in design terms and on the living conditions of neighbouring residents is greater in the scheme before me than it would have been had the work been carried out in accordance with the previously approved development. Thus,

even if there was a realistic fall-back, which is not made out, it would not justify the grant of permission for the development now proposed.

41. As noted, the appellant has referred to other properties where hip to gable conversions and associated flat roofed dormers have been erected, particularly Nos 33 and 35 Lillian Road. However, no details of the planning history of those properties has been provided and the scale of development as a whole bears no comparison to the scale of development in this instance. No comparable developments were apparent at my accompanied site visit and none that dwarfed the scale and features of the original property to the same extent.
42. I recognise that a decision to refuse permission may impact upon the appellant's ability to move into the property with his family, including an elderly relative. However, I understand that the pace of the build has been slow with work commencing 6 or 7 years ago. The family have clearly been living elsewhere throughout that time and their homelives will not be unduly disrupted, albeit that there may be a further delay before the dwelling is habitable.
43. In any event, given that approval has previously been granted for extensions that would meet the same need in a less harmful way, I see no reason to grant permission for the scheme before me on account of personal circumstances. Accordingly, it is not a matter that attracts any notable weight in favour of the development.

Conclusion in Respect of Appeal A

44. For the reasons given the proposal causes harm to the character and appearance of the host property and the surrounding area in addition to causing significant harm to the living conditions of neighbouring properties. It fails to comply with the relevant policies of the development plan in those respects and with the policies of the development plan taken as a whole.
45. No material considerations have been put forward that would lead me to take a decision other than in accordance with the development plan and no conditions could be attached that would make the development acceptable in planning terms. It follows that the appeal should be dismissed.

APPEAL B

The Appeal on Ground (f)

46. An appeal on this ground is made on the basis 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. As is clear from the terms of the notice and as confirmed by the Council in its appeal statement, the aim of the notice is to remedy the breach of control in full.
47. The appellant maintains that a lesser step would be to vary to terms of the notice such that the option of making the development comply with the approved plans in respect of the 2017 permission and the 2020 CLOPUD. However, in the view of the Council the 2017 permission was never implemented and is no longer extant. If the Council is correct in that regard a requirement to make the development accord with the plans approved in relation to that permission would not remedy the breach of control. It would simply replace one unauthorised development with another.

48. The permission was granted on 27 March 2017, subject to a number of conditions, including the statutory three year commencement condition. Work on site was being carried out 2019 given that a Council officer visiting the site in relation to a different application noted that *“the dwelling currently benefits from planning permission for a part single, part two storey side/rear extension (ref 160420HH) which is currently under construction.”*
49. However, the Council now contends that the officer was wrong to draw that conclusion and considers that what was, in fact, being constructed was not the 2017 permission but a different scheme. The Council points to numerous differences between that permission and what has been constructed⁴. Those are that the roof is hipped rather than gabled; the roof has a rear dormer when none was shown on the approved plans; the dormer extends above the height of the outrigger; the dormer has a Juliette balcony; there is a gable end containing a full height window on the outrigger rather than a hipped roof; the side extension is wider than approved; the ground floor extension has a flat roof rather than a hipped/ pitched roof; the rear fenestration is wholly different and there is extensive fenestration on the side elevation.
50. Whilst not a matter raised by the Council it also seems that the ground floor extension is deeper than the approved drawing, extending further into the garden⁵.
51. Whilst it is clearly the case that the 2017 permission did not approve a rear dormer, hip to gable conversion or a gable end on the two-storey outrigger, similar features were shown on the 2020 CLOPUD. In effect, the appellant’s position is that the difference between what has been built and the combined plans approved in relation to the 2017 permission and 2020 CLOPUD is not significant.
52. It is not clear if the 2020 CLOPUD was granted on the basis that the 2017 permission would be implemented first and the proposed roof extensions would then be added onto that development. Having looked at the plans and officer report in relation to that application, that does appear to be how the Council assessed the lawfulness of the proposal.
53. For example, in assessing whether the proposed roof alterations fell within the 50m³ limit of Class B, of Part 1, Schedule 2 of the GPDO the officers calculated the volume of the hip to gable conversion of the rear outrigger. In other words, it was assumed the hipped roof of the outrigger, as approved in the 2017 permission, would be created and then extended to form the gable end.
54. If the two-storey outrigger with a hipped roof was not constructed in the first instance then I am not satisfied that a proposed works would have amounted to permitted development. If the 2017 permission, including the hipped roof of the outrigger, was never implemented, there would have been no hipped roof to extend or alter in respect of that part of the roof.
55. Class B is limited in scope to ‘the enlargement of a dwellinghouse consisting of an alteration to its roof’. If, as actually occurred, the two-storey outrigger was constructed from the outset with a gable end, then that work didn’t simply involve an extension or alteration to the roof of the property falling within Class B. The two-storey extension, including its roof, was part of a wider extension to the property.

⁴ As set out at paragraph 7.11 of the Council’s appeal statement

⁵ As shown on the comparative plans submitted with the retrospective application in respect of Appeal A.

As explained in *Permitted development rights for householders, Technical Guidance (2019)* it is necessary to view a development holistically when determining whether it would constitute permitted development. The explanatory text explains:

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.

56. In other words, where work is undertaken as part of a wider development, such as the single and two storey side and rear extension constructed in this instance, it will not amount to permitted development unless each part of it is permitted by the relevant Class. The side and rear extensions were not permitted by Class A and it follows that the extensions and roof alterations as a whole did not benefit from permitted development rights.
57. Thus, the way in which the appellant, or those advising him, sought to amalgamate the 2017 permission and the 2020 CLOPUD was not the correct approach in my view. The 2017 permission was a distinct planning permission for a particular form of extension, as shown on the submitted drawings. The 2020 CLOPUD confirmed that proposed roof alterations and extensions to the property would have been lawful based on the roof approved by the 2017 permission being in place.
58. What the 2020 CLOPUD did not do was confirm it would be lawful to construct a two-storey rear extension with a gable end and associated other roof extensions and alterations from the off. By carrying out the development in that manner the appellant did not implement the 2017 permission, he implemented a fundamentally different scheme. Nor did he construct the development considered lawful by the 2020 CLOPUD. The development, viewed as a whole, did not benefit from permitted development rights or planning permission granted directly by the Council and was unauthorised.
59. I would have reached that conclusion even if the roof alterations and extensions fell within the limitations of Class B and C of Part 1, Schedule 2 of the GPDO on the basis that it would have been incorrect to disaggregate the roof extensions from the wider development. However, in any event, the extensions and alterations at roof level did not conform to the plans submitted with the 2020 CLOPUD application in a number of ways. The volume of the roof is notably greater than the 50m³ limit, contrary to paragraph B.1(d)(ii) of Part B. The provision on balconies serving the window in the dormer and the gable end of the outrigger also contravenes paragraph B.1(e)(i).
60. Consequently, the extensions and alterations at roof level did not amount to permitted development and did not benefit from planning permission granted by the GPDO. Furthermore, viewed holistically, the development as constructed does not conform to the plans approved in the 2017 permission. The roof form is completely different at second floor level. It is also different at ground floor level with a flat roof which also appears intended as a balcony in place of the pitched and hipped element shown on the plans.

61. The difference in fenestration is marked. The rear elevation almost has more glass than wall with four sets of French doors and a full height window in the gable to the outrigger, compared to the much more modestly sized windows in the approved scheme. There is also extensive glazing to the side, including velux windows in the roof. However, the pitch of the roof to the side is extremely steep, such that the rooflights function largely as a window in a vertical wall.
62. The width of the side extension and depth of the rear extension also appear greater than approved. The sum of all those differences is not minor but substantial, especially viewed in the context of a development in such close proximity to neighbouring properties.
63. Having regard to the relevant caselaw referred to by the Council the differences are undoubtedly material vis-à-vis s96A of the Town and Country Planning Act⁶. In other words, what has been constructed is not the scheme approved by the 2017 permission. It is a materially different, unauthorised, development.
64. Even if the works at ground and first floor could somehow be disaggregated from the development at roof level, which would be incorrect for the reasons given, the differences between that part of the development and the 2017 permission would still be significant and material, taking account of the differences in scale, design and fenestration and the inclusion of balconies.
65. Accordingly, I agree with the Council's present position that the 2017 permission was not commenced and it was certainly not implemented. Whilst officers who visited the site in 2019 may have been under the impression that the work being undertaken was the implementation of the 2017 permission it was in fact a different development. It follows that the 2017 permission is no longer extant because the time limit for commencement has expired.
66. I have set all of the above out in some detail because it has implications for the appeal on ground (f). Given that the 2017 permission is no longer extant it follows that varying the terms of the enforcement notice to require compliance with the plans approved by that permission would not remedy the breach of control.
67. Moreover, even if the 2017 permission was extant, varying the requirements to ensure compliance with both the 2017 permission and the 2020 CLOPUD would not be clear in my view because the approved plans in respect of both show different things. To comply with the 2017 permission would be to construct the development with a hipped roof, tying into the hipped roof of the original dwelling. The 2020 CLOPUD showed a completely different roof form with gable ends to the main dwelling and the two-storey outrigger. It is not clear how it would be possible to make the development accord with those conflicting plans at the same time.
68. Therein lies the problem of the appellant's suggested "hybrid" solution of constructing the ground and first floor in line with the 2017 permission and the roof extension and alterations as per the 2020 CLOPUD. It is not possible to comply with both at the same time. No planning permission was ever granted to construct the development in that form from the outset and it would not remedy the breach of planning control as a result.

⁶ John Southwood v Buckinghamshire Council & Stephen Green [2024] EWHC 71 (Admin)

69. Finally, as noted by the Council Article 3(5) of the GPDO states that permission granted by Schedule 2 does not apply if, in the case of permission granted in respect of an existing building, the building operations involved in the construction of that building are unlawful. That is the case in respect of the building operations undertaken. In that situation, the development cannot retrospectively be brought into line with the 2020 CLOPUD in a way that would benefit from permission granted via Schedule 2 of the GPDO. In other words, the suggested variation would not remedy the breach of control.
70. In any event the roof extensions and alterations deemed lawful in the 2020 CLOPUD were dependent upon the extension below. I could not vary the notice to require compliance with the 2020 CLOPUD at roof level because it would not be possible to construct that element in the absence of a lawful development at ground and first floor level.
71. The nub of all of that is that the development, as constructed, is unlawful and there is no extant planning permission with which to comply. Varying the requirements as suggested by the appellant would not remedy the breach of planning control. I can think of no other obvious alternatives that would remedy the breach.
72. I am mindful that my reasons for reaching that conclusion are somewhat technical, particularly with regard to the interplay between the 2020 CLOPUD and the 2017 permission. Clearly, the Council has granted permission for extensions and alterations to the property in the past and the requirement to demolish the development in its entirety may seem somewhat draconian in that context.
73. It may be that the appellant can seek planning permission for some form of extension and alteration retrospectively and rely upon the provisions of s180(1) of the Act if such permission was granted. However, that would be a matter between the appellant and the Council and it is not for me to comment on the merits of any application that may be submitted. In the absence of an obvious alternative that is available to me at the time of my decision it follows that the appeal on ground (f) must fail.

Conclusion in Respect of Appeal B

74. For the reasons given above, I conclude that the appeal should not succeed and I shall uphold the enforcement notice accordingly.

Chris Preston

INSPECTOR