



Appeal Decision

Site visit made on 12 May 2026

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Appeal Ref: APP/A5270/C/24/3346457

14 Elmbank Way, Hanwell, Ealing W7 3DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Karnail Singh against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 15 May 2024.
 - The breach of planning control as alleged in the notice is Without planning permission: The material change of use of the first and second floor of the property into two self-contained flats.
 - The requirements of the notice are: A) Cease the use of the first and second floors as two self-contained flats; B) Remove the kitchen from the second floor, including all cupboards, surfaces, cooking equipment and the kitchen sink; and C) Remove all resulting material, debris and rubbish from the land.
 - The period for compliance with the requirements is: three months.
 - The appeal is 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 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.
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Decision

1. It is directed that the enforcement notice is corrected by in paragraph 5 the deletion of the words 'two self-contained flats' and their substitution with the words 'more than one self-contained flat'.
2. Subject to the correction, 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.

The appeal on ground (a) and the deemed planning application (DPA)

Preliminary Matters

3. The revised National Planning Policy Framework 2024 (Revised Framework) came into force during the course of the appeal. The revisions made have not had a direct bearing on the issues which are central to this appeal. On 16 December 2025 the Government published a consultation on proposed reforms to the Revised Framework. These proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on these.

Main Issue

4. The main issue is whether the appeal development affords adequate living conditions for its occupants, having regard to internal floor area, provision of outdoor amenity space and outlook.

Reasons

Internal floor area

5. The first floor flat is laid out with one bedroom and one study room but there would be nothing to prevent the study being used as a bedroom. The LPA has then assessed this flat as a two bedroom, three bedspace flat on one level which Table 3.1 to Policy D6 of the London Plan 2021 indicates should have a minimum gross internal floor area (GIA) of 61sqm. The LPA estimates the floor space of the first floor flat as around 44sqm which falls very significantly below the minimum indicated.
6. From my site visit observations, it appears that the constrained internal space provided in this property offers very limited room to accommodate basic household furniture and domestic storage needs while leaving adequate space for circulation. The resultant effect is of an uncomfortably cramped living environment.
7. As regards the second floor flat, this is arranged as a studio property with the main open plan area containing a double bed under the sloped ceiling of the roof and a kitchen and small breakfast bar, along with a separate bathroom. The LPA estimates the floor space as around 20sqm, falling very far below the Policy D6 Table 3.1 stipulation for a one bedroom, two bedspace flat at 50sqm. In view of its location within the roofspace, a significant proportion of the floorspace falls below the 2.5m height minimum referenced in Policy D6 for at least 75% of the Gross Internal Area, further reducing the sense of space. Overall, the effect is of a very restrictively sized dwelling which lacks sufficient space for basic domestic furniture, living space and storage needs for two people.
8. The appellant contends that this studio property could be used by a single individual but even in this context, the floor space would fall well below the one bedroom one bedspace stipulation in Table 3.1. I share the LPA's view that the accommodation offered as a self-contained studio property is not comparable to the situation where this is offered as a bedroom within a larger flat.

Outdoor amenity space

9. The front garden of the property is a hardstanding area, presumably intended for off-street parking and is open to the road and accommodates refuse storage. Overall, this area is then unsuitable as a private outdoor amenity space.
10. The appellant contends that the occupants of the first and second floor flats have access to the rear garden of the property, which would be via an alleyway to the side of an adjacent property. While the rear garden has not been divided so as to enable private garden areas, this could potentially be achieved by condition and as such, adequate outdoor amenity space could be achieved for occupants of the first and second floor flats in this way.

Outlook

11. The LPA does not offer a detailed explanation as to its concerns as regards outlook in respect of the first and second floor flats other than reference to Policy D6 of the London Plan seeking to avoid single aspect dwellings. As regards the first floor flat, the main habitable rooms are afforded adequate outlook from their respective windows. With respect to the second floor flat, while the bedroom area is served

only by a rooflight window, given the open plan layout and windows serving the kitchen area, this dwelling also affords adequate outlook for its occupants.

12. I find then that the appeal development does not afford adequate living conditions for its occupants having regard to internal floor area. It conflicts in this way with Policies D3 and D6 of the London Plan which seek to achieve indoor environments that are comfortable and inviting, and adequately sized rooms in new housing development. There is a failure to accord also with Policy 7B of the LPA's Development Management DPD (2013) which strives to achieve high standards of amenity.

Conclusion on ground (a) and the DPA

13. While the outlook afforded to occupants of the first and upper floor flats is adequate and appropriate outdoor amenity space could be dealt with by condition, the inadequate internal floor area provision results in a significantly cramped environment. There is conflict in this way with the development plan, read as a whole and no material considerations indicate a decision other than in accordance with the plan. The ground (a) appeal fails and planning permission will be refused in respect of the DPA.

The appeal on ground (f)

14. This ground of appeal is that the requirements of the notice exceed what is necessary.
15. S.173 of the 1990 Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred; the second is to remedy an injury to amenity which has been caused by the breach. The fact that the notice in this case requires the use to cease and removal of the second floor flat kitchen suggests that its purpose is to remedy the breach of planning control.
16. The appellant raises two points under ground (f), the first is that, in view of planning permission having been granted¹ for two flats at the property (one ground floor flat and a second flat across the first and second floors), the requirements should allow the first and second floors to be used as a single flat.
17. The LPA has indicated that since the 2022 Permission was implemented, the intended effect of the requirements would result in reversion to the use as two flats approved by the 2022 Permission. I share the LPA's view that in the circumstances, there is no need to specifically reference the 2022 Permission. However, given the intention in relation to requirement 1, it would be clearer to amend this so that it stipulates ceasing use of the first and second floors as 'more than one self-contained flat'. Given the LPA's stated intention and since this would not make the notice more onerous to comply with, I do not consider that any injustice would arise from this correction.
18. The second ground (f) submission is that the requirement for all kitchen cupboards to be removed from the second floor flat is excessive. However, this is in my view necessary to prevent resumption of the unauthorised use of the second floor as a self-contained flat.

¹ Ref: 224090FUL (2022 Permission)

19. The ground (f) appeal succeeds only to the limited extent stated.

The appeal on ground (g)

20. The appeal on ground (g) is that the period for compliance (3 months) with the notice falls short of what is reasonable.

21. The appellant requests a period of six months on the basis that the three month period is 'wholly unreasonable' in view of the 'rights of the exiting tenant', works required and time required to schedule and action these. The appellant submits no detailed evidence to support these contentions and, in my view, taking into consideration the limited extent of the works stipulated in the requirements, a three month compliance period would offer adequate time for existing tenants to seek new accommodation and for the appellant to arrange and carry out the very limited works stipulated. The LPA has in any event indicated that regular use is made of their power to extend the time for compliance in circumstances where this is necessary.

22. The ground (g) appeal fails for the reasons given.

Overall Conclusion

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

V Bond

INSPECTOR