



Appeal Decision

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2026

Appeal Ref: APP/H5390/C/25/3362811

50 Rostrevor Road, London SW6 5AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard James against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
- The notice was issued on 13 February 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the installation of 3no uPVC double glazed windows at ground floor level to the front elevation.
- The requirements of the notice are:
 - 1) Remove the 3 uPVC windows on the front elevation at ground floor level
 - 2) Reinstate the original timber sash windows as shown in the attached photo
 - 3) Remove from the land all associated materials
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended) ("the Act").

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary Matters

1. A number of the appellant's arguments are matters that would normally be considered as part of an appeal on ground (a). That includes matters relating to the need for replacement windows, the effect on the character and appearance of the area, the cost of replacement, and the effect on the rental market should they become unviable to let as flats. However, no appeal has been made on ground (a) and the time for doing so has passed. I have considered the appeal below on the ground made by the appellant.
2. Section 176(1) of the Act empowers me to correct any defect, error or misdescription in the Notice if doing so would not cause injustice to the appellant or the Council. The breach of planning control alleged relates to the installation of uPVC windows, but read as a whole the Notice relates to the removal of the timber sash windows and the installation of the uPVC windows. That is also the basis on which the appellant has made his representations.
3. The removal of the original sash windows is also the basis for requiring their reinstatement, and without including such a reference, and the second requirement of the Notice, planning permission would be required for any windows inserted following the removal of the uPVC windows.
4. Such a correction is therefore necessary both for clarity and to provide the appellant with a means to fit alternative windows without the need for a further planning permission. At the same time, it would not prevent the appellant from making a planning application for different windows should he wish to do so. No injustice would therefore occur to either party were I to correct Section 3 of the Notice by adding the words, "removal of timber sash windows and", and I will therefore do so in my Formal Decision.

The appeal on ground (f)

5. Appeals on ground (f) are made on the basis that the steps required by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity caused by the breach.
6. In this case, the purpose of the Notice is to remedy the breach. That requires there to be no remaining breach of planning control following compliance with the requirements.
7. The Notice imposes three requirements. The removal of the windows, the re-instatement of 'the original timber sash windows' as shown on a photograph attached to the Notice, and the removal of associated materials.
8. In relation to the first requirement, I have been advised of no planning permission for the windows installed. In order to remedy the breach of planning control it is therefore necessary for the uPVC windows to be removed.
9. In relation to the second requirement, Section 173(5)(b) of the Act expressly states that a Notice may require the carrying out of any building or other operations, and it is common practice for a Notice to require the Land to be restored to its condition prior to the breach taking place.
10. In this case, the re-instatement of windows to match those removed is necessary, but clearly the original windows themselves cannot be re-instated. Requirement 5(2) should therefore be corrected to, "Reinstate timber sash windows to match those in place prior to the breach taking place, as shown on the attached photograph".
11. Similarly, the third requirement requires "all associated materials" to be removed. But, for clarity, that should be qualified to limit them to materials removed in compliance with requirements 1 and 2.
12. The appeal on ground (f) therefore does not succeed, but I will correct the requirements as set out above.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Decision

14. It is directed that the enforcement notice is corrected by:
 - In Section 3, after the words, 'Without planning permission', the insertion of the words, "the removal of timber sash windows and"; and
 - In Section 5, the deletion of the words "associated materials" and their substitution with the words "materials removed in compliance with requirements 1 and 2".
15. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

Peter White

INSPECTOR