



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2026

Appeal Ref: APP/N4720/C/25/3376109

14 Cliff Side Gardens, Woodhouse, Leeds LS6 2HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Feigin Estates Ltd against an enforcement notice ("EN") issued by Leeds City Council.
 - The EN was issued on 24 October 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the erection of a dormer window to the rear of the property in a conservation area.
 - The requirements of the EN are to:
 1. Remove the dormer in its entirety from the roof and
 2. Make good the roof with slates to match the remainder of the roof.
 3. Remove all debris and detritus resulting from steps 1 and 2.
 - The period for compliance with the requirements is: Six months beginning with the day on which this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:
 - *the deletion of the words "...in a conservation area." in section 3;*
 - *the deletion of the words "Remove the dormer in its entirety from the roof" and their substitution with the words "Remove the dormer window to the rear of the property in its entirety" from step 1 of section 5; and*
 - *add "from the Land." to the end of step 3 of section 5.*
2. Subject to the correction and variations, the appeal is dismissed and the EN is upheld.

Matters Concerning the Notice

3. The breach of planning control was originally appealed under grounds (a), (f) and (g). However, ground (a) is barred. Therefore, I have determined the appeal under grounds (f) and (g) only.
4. The breach of planning control includes the phrase *"...in a conservation area"*. This is not an act of development and therefore, I have omitted it from section 3 of the EN. As this correction is for precision, I am satisfied that it would not cause injustice to either main appeal party.

Preliminary Matter

5. The EN has been appealed under grounds (f) and (g) therefore, the planning merits of the development are not relevant to this appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

6. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
7. It is necessary for the breach of planning control to be described consistently throughout the EN. Therefore, I have varied its description within step 1 of the requirements. Step 3 of the requirements seeks the removal of all debris. However, it does not specify from where it should be removed. Therefore, I have varied step 3 to include "*from the Land*". As these variations are for precision, I am satisfied they would not cause injustice to either main party.
8. The breach of planning control is the erection of a dormer window. The EN seeks the removal of the dormer window; the making good of the roof; and the removal of the associated debris. Therefore, the purpose of the EN is to remedy the breach of planning control.
9. The appellant seeks to adapt the existing dormer window to address the Council's concerns by changing the materials and/or scale. However, there is no ground (a) appeal before me. Therefore, I am unable to consider whether the dormer window could be altered.
10. The purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the demolition of the dormer window in its entirety and the restoration of the roof would not remedy the breach. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control.
11. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

12. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
13. The period for compliance is 6 months. The appellant asserts that 6 months is insufficient to comply with the EN as the house is occupied by tenants who are under contract until 30 June 2026. Therefore, the works to remove the dormer window cannot begin until the tenants' contract has expired. An alternative timeframe has not been proposed by the appellant.
14. The Council has stated that they would be willing for the timeframe to be extended by a further two months. However, if the appeal is dealt with after the 30 June 2026, they assert that the original timeframe should remain as the existing tenancy agreement will have ended.
15. The tenancy agreement is due to expire within a matter of days and therefore, the existing tenants will vacate the property very soon (if they have not already done so). I am not aware of any difficulties the appellant would experience in complying

with the EN's requirements within the 6-months following the determination of this appeal. Accordingly, I am satisfied that 6 months would be sufficient to comply with the EN's requirements.

16. For these reasons, I do not find that the compliance period afforded by the EN falls short of what is reasonable. Therefore, the appeal on ground (g) fails.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed.
I shall uphold the EN with a correction and variations.

A Berry

INSPECTOR