



Appeal Decision

Site visit made on 2 June 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 3 July 2026

Appeal Ref: APP/G5750/C/24/3350259

Land at 117 Windsor Road, Forest Gate, London E7 0RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shareefur Haque against an enforcement notice issued by the Council of the London Borough of Newham.
- The notice was issued on 24 July 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the creation of a self-contained unit of residential accommodation (as located at ground floor level, and as shown in the approximate location edged in blue on the attached plan).
- The requirements of the notice are to:
 1. Cease the use of the self-contained unit of residential accommodation (as located at ground floor level, and as shown in the approximate location edged in blue on the attached plan).
 2. Remove the kitchen and bathroom from the self-contained unit of residential accommodation.
 3. Remove the fence and gate which facilitate the provision of an enclosed garden area for the self-contained unit of residential accommodation (as shown in the approximate location edged in green on the attached plan).
 4. Remove from the site all debris arising from compliance with the above steps.
- The period for compliance with the requirements is: five months from the date this notice takes effect.
- 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.

Appeal on ground (a)

1. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the matters stated in the notice, as constituting a breach of planning control.

Main Issues

2. The main issues are;
 - Whether acceptable living conditions are provided for the occupiers of the development, with particular regard to internal room sizes; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Living conditions - occupiers of the development

3. According to the Council's uncontested measurements the development has a gross internal area (GIA) of 21.1 metres (m)², with a bedroom GIA of 6m² and no storage space.

4. The notice refers to conflict with the Technical Housing Standards – Nationally Described Space Standard (March 2015). However, I have not been directed to any planning policy which requires compliance with these standards. Nevertheless, these measurements fall significantly below the required sizes for a one bedroom, one person dwelling, as set out in Policy D6 of the London Plan 2021 (LP).
5. This significant shortfall, and my site observations, leads me to conclude that the development is unduly small, cramped and does not provide adequately sized accommodation for occupants. This results in unacceptable and inappropriate residential quality.
6. Accordingly, I am unable to find that acceptable living conditions are provided for the occupiers of the development, in terms of internal room sizes. It therefore does not create healthy neighbourhoods or provide high quality accommodation for living, contrary to Policies S6, SP2 and SP3 of the Newham Local Plan 2018 (NLP). Conflict also arises with Policies D3, D6 and GG4 of the LP. These seek, amongst other matters, to provide adequately sized rooms which are fit for purpose, achieving indoor environments that are comfortable and inviting for people to use and creates good quality homes that meet high standards of design. In addition, there is conflict with NLP Policy H1, which, amongst other things, requires new development to meet the minimum internal space standards in the LP.

Living conditions - occupiers of neighbouring properties

7. I am informed that the development has previously been used as a residential annexe that was occupied by the daughter of the appellant. However, having a relative occupying a wing of a house is not the same as having that part of the house severed and occupied by a completely separate, independent and unrelated household.
8. The development, when the internal connecting door is locked, sub-divides the dwelling and creates a new unit of accommodation. This results in two households within the site instead of one.
9. Nevertheless, entry to the development is taken from the rear of the building via the side alleyway, spreading out the entrance points such that there would not be an accumulation of comings and goings at one location. The self-contained flat is also small, which limits its overall occupancy, and I have not been made aware of any noise complaints regarding the use of the development to the Council. With little evidence to the contrary, I am therefore not persuaded that the intensity of occupancy of the development, which is likely to be for one person, is to the extent that undue harm from noise and disturbance is caused.
10. Accordingly, I find that, although there is likely to be some increase in noise, activity and disturbance, from comings and goings, car movements, internal noise, and visits to the development, this is not excessive or unduly harmful.
11. As such, I am satisfied that the development does not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties. In this respect, no conflict with Policies SP2, SP3 and SP8 of the NLP and Policy D14 of the LP has therefore occurred. These seek, amongst other matters, the promotion of

healthy lifestyles, the avoidance of problems related to 'bad neighbour' uses, and the avoidance of significant adverse noise impacts on health and quality of life.

Other Matters

12. I am aware that the Council has not found the development's effect on the character and appearance of the area, car parking levels and highway safety to be objectionable. Nevertheless, the absence of harm in these respects do not weigh in favour of the development.
13. It has been put to me that the site has a public transport accessibility level of PTAL 3, is within walking distance of Woodgrange Park and Manor Park train stations and has good access to some shopping and community facilities. I am also mindful that the National Planning Policy Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. This also supports achieving appropriate densities and the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes. In addition, I have been made aware that Newham has the second highest housing target in London. Nonetheless, given that the development is only a one-bedroom flat any benefits in these respects are contextually somewhat limited.

Conclusion on ground (a)

14. Although I have found that there is no adverse impact regarding the effect of the development on the living conditions of the occupiers of neighbouring properties, this, and the other matters raised above, are significantly outweighed by the unacceptable harm that is caused in respect of the internal room sizes and the living conditions of the occupiers of the development.
15. Accordingly, the development conflicts with the development plan and there are no other considerations to warrant taking a decision otherwise than in accordance with it. The appeal therefore fails on ground (a) and planning permission will not be granted.

Appeal on ground (f)

16. An appeal on ground (f) is brought on the grounds 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 stated in the notice or, as the case may be, remedy any injury to amenity which has been caused by such breach.
17. Section 173(4) of the 1990 Act states that the purpose of an enforcement notice is to (a) remedy the breach of planning control, or (b) remedy any injury to amenity which has been caused by the breach. The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.
18. In this case the requirements of the notice are to cease the use of the self-contained unit of residential accommodation, remove the kitchen, bathroom, fence and gate, and any resultant debris. Accordingly, the purpose is clearly to remedy the breach of planning control.

19. The appellant claims that the kitchen and bathroom were in place before the material change of use occurred. It is also argued that an enclosed terrace area is shown in the approved plans for a rear extension, which was granted in 2004. I am mindful that an enforcement notice cannot require the removal of works that were undertaken for a different and lawful use, and which could be utilised in that other lawful use if the unauthorised use ceased.
20. However, there is no clear evidence to show that the kitchenette and bathroom were installed, or that the fence and gate were erected to serve the single dwelling before the unauthorised change of use occurred. The photograph in figure 3 and Appendix D of the appellant's evidence does not capture these facilities and there is no mention of them in the statutory declarations. Indeed, the declarations imply that the appellant's daughter would regularly go into the main house for meals, to use the bathroom and for cooking. Furthermore, whilst the approved plans have an area annotated as a 'terrace', there are no details of any means of enclosure around this area, and a fence is not shown on the elevations.
21. I have taken into consideration the appellant's points, referring to various photographs, about the unlikely central positioning of the bed in the room had the bathroom not been constructed, and the refurbished condition of the room being indicative of the bathroom and kitchen having been installed. However, from this information, I do not agree that it is more likely the facilities were installed to serve the original single dwelling.
22. It appears to me that there is a fundamental and crucial link between the arrangement of the rear access, with the fenced off alleyway and garden area, the installation of the kitchen and bathroom and the subsequent use as a self-contained flat. In my assessment, on the balance of probability, the former facilitates the latter. These facilities and works are therefore integral to the unlawful use. It is well established in case law that a notice can legitimately require the removal of ancillary works integral to and solely for the purpose of facilitating an unauthorised use.
23. In my view, the intent behind the notice can only be achieved by ceasing the unauthorised use and removing all the facilitating works referred to above that enables the residential use of the self-contained flat. No lesser steps would achieve the purpose to remedy the breach and the steps required are therefore proportionate. The appeal on ground (f) therefore fails.

Conclusion

24. For the reasons given above, I conclude that the appeal should not succeed. I shall 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.

Formal Decision

25. 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.

Mark Caine INSPECTOR