



Appeal Decisions

Site visit made on 22 June 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2026

Appeal A Ref: APP/F5540/C/24/3353225

Appeal B Ref: APP/F5540/C/24/3353226

Appeal C Ref: APP/F5540/C/24/3353227

Appeal D Ref: APP/F5540/C/24/3353268

212 Kingsley Road, Hounslow TW3 4AR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeals are made by Mr Kanwal K Gunjal, Mr and Mrs Ramani Dhottapavi Kandasamy and Mr Tomaz Michalski against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The notice was issued on 13 September 2024.
- The breach of planning control as alleged in the notice is *the unauthorised erection of rear extensions*.
- The requirements of the notice are:
 - i) *Demolish the rear extensions*
 - ii) *Remove all resultant debris from the land,*
- The period for compliance with the requirement is: *3 months after the date this notice takes effect*
- The appeal is proceeding on the grounds set out in section 174(2)(e), (c), (f) and (g) of the 1990 Act (as amended).

Formal Decisions

1. It is directed that the enforcement notice is corrected by:

- Amending the allegation wording at Section 3 of the enforcement notice, to read as follows:

“Without planning permission, the erection of the extensions shown in red, green and yellow on the attached plan EN1.”

- Amending the wording in Section 5.i. of the enforcement notice, to read as follows:

“Demolish the rear extensions shown in red, green and yellow on the attached plan EN1.”

- Substituting the plan labelled EN1 and annexed to this decision, for the plan attached to the enforcement notice.

2. Subject to the corrections the appeals A, B, C and D are 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 Enforcement Notice

3. The plan attached to the enforcement notice highlights the appeal site against which the alleged breach of planning control relates. The site is bounded by a red line. The Council served the notice against the “unauthorised erection of rear extensions” which were shown hatched on the plan. A copy of which was received by the appellants. Given my findings, it would be prudent to identify exactly which parts of the appeal site my decision relates.
4. Consequently, I have amended the site plan (ref: EN1) to highlight the relevant single storey rear extensions in blue, red, green and yellow for clarification purposes. I have informed the parties of my intentions. The Council have indicated that they have no concerns with the proposed corrections to the notice. However, the appellants have provided further comments in respect to issues they have already raised in their statement of case. There is also some confusion from the appellants in respect to the plan attached to the enforcement notice, and to what part of the site it relates.
5. The appellants suggest that the notice refers to the partially constructed “home office” at the rear of the garden. However, neither the enforcement notice nor the plan attached refer to this partially constructed outbuilding, and as such the “home office” does not form part of this appeal.
6. The hatched area shown on the plan attached to the enforcement notice is clear, in that it encapsulates the various rear extensions at the appeal site, albeit these have been constructed in separate stages. Therefore, in order to distinguish to which sections of the development my decision refers, I have divided these into coloured areas in the approximate positions on the amended EN1 plan for clarification purposes. These are as follows:
 - Blue section – The single storey rear extension granted planning permission in December 1979 (Ref: 00667/212/P1)
 - Red section – The “conservatory” as referred to by the appellants, consisting of an extension with a flat polycarbonate roof and the walls clad in timber panels.
 - Green section – The “porch” as referred to by the appellants, which consists of an attached covered area between the “conservatory” and “tool shed”.
 - Yellow section – The “tool shed” as referred to by the appellants.
7. The amendments have not altered the area of the plan but merely seek to identify which parts of the appeal site the corrected notice relates, as such there has been no injustice to either party.

Preliminary matters

8. Since the enforcement notice has been served, the appellants have made alterations to matters alleged in the notice. At the time of my visit, an additional covered area had been created which is attached to the “tool shed” and “porch” as referred to by the appellants. Whilst this forms a different development to that

alleged in the notice, I have based my decision on the development that existed at the time the enforcement notice was served.

Background

9. From the information before me and following the site visit, it is apparent the large single storey extension at the rear of the premises has been constructed in separate stages. A single storey rear extension was granted planning permission¹ in December 1979 and was in existence when the appellant purchased the property in 1989. Both parties agree that this part of the development is lawful. I have indicated this in blue on the amended plan (EN1) attached to the enforcement notice.
10. The appellant refers to the addition of a “conservatory” to this extension. At the time of my site visit, this was attached to the blue extension as shown on EN1 and consisted of an extension with a flat polycarbonate roof, which has been clad in timber panels. This extension is shown in red on the amended plan EN1.
11. It was noted that the red extension as shown on EN1 had two lockable doors and had been subdivided internally. The door closest to No 214 Kingsley Road consisted of a narrow corridor leading back into the blue extension. The second door provided access to a room containing separate living space with an ensuite bathroom. From the living space, there was access to a separate bedroom, which was located inside the existing blue extension shown on EN1.
12. A structure has been attached to the rear of the red extension which is referred to by the appellant as a “porch” which consists of a further covered area, which I have indicated in green on the amended plan EN1.
13. Finally, a “tool shed” as referred to by the appellant was attached to the green extension, which I have indicated in yellow on the amended plan EN1. The yellow extension was accessed by a separate lockable door. The appellant indicated that property and tools had been stolen from this area and therefore a sturdier construction has been sought. At the time of my site visit the yellow extension contained a bedroom, fridge and ensuite bathroom.
14. I have been presented with no lawful development certificates (LDC) for any of the red, green or yellow developments as shown on EN1. Nor have I been presented with any planning permission which would confirm these works are lawful.

Appeal under ground (e)

15. An appeal on this ground relates to whether the notice was served as required by section 172 of the 1990 Act. Section 172(2) of the 1990 Act requires a copy of the notice to be served on the owner, occupier and any person having an interest in the land.
16. Section 174(6) defines “relevant occupier” as a person who (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence; and (b) continues so to occupy the land when the appeal is brought. A person may be an occupier because of a lease, a license or

¹ London Borough of Hounslow Planning Ref: 00667/212/P1

oral permission. An interest in the land highlights a legal or equitable interest, such as a mortgage or the benefit of a covenant.

17. The appellants highlight the enforcement notice was not address to specific persons, but merely addressed to “occupiers”, but offers little evidence in respect to whom and/or how these notices were served. Conversely the Council have undertaken a His Majesty’s (HM) Land Registry search², in order to establish the identity and addresses of the owner of the property and anyone else holding an interest in it. The HM Land Registry search identified Mr Kanwal K Gunjal as the owner of the premises. However, the search did not identify any other owners, occupiers or tenants.
18. The Courts have held that there are limits to how far the Local Planning Authority (LPA) need go in identifying the owners, occupiers and persons having an interest in the land³. It was held in *Newham* that a land registry address is proper service if an LPA has not been given another. The LPA does not need to check the records of other Council departments; the statutory framework points to the knowledge of the LPA as relevant for the service of the notice.
19. From the information before me, the LPA served copies of the notice by hand to the owner(s) and occupier(s) of the property on 13th September 2024. Consequently, following reasonable inquiries by the LPA in accordance with section 329(2) of the 1990 Act, I am satisfied that the enforcement notice was served on all persons as having an interest in the premises at that time.
20. Even if the notice had not been correctly served, section 176(5) of the 1990 Act provides that failure to serve may be disregarded if the appellant has not been substantially prejudiced by the failure to serve them. In this case all the appellants have been able to submit appeals against the enforcement notice and had the opportunity to argue it fully in the course of these appeal proceedings. It cannot, therefore, be said that they have suffered any prejudice as a result of any failure to comply with the rules concerning service. There is no suggestion that any other person may have been prejudiced.
21. I conclude, therefore, that in the circumstances of this case any failure by the Council in terms of service of the enforcement notice may be disregarded.
22. Consequently, the appeal on ground (e) fails.

Appeal under ground (c)

23. An appeal under ground (c) is that those matters (if they occurred) do not constitute a breach of planning control. In a legal ground of appeal, the onus of proof is firmly on the appellants to make their case, on the balance of probabilities.
24. From the details before me the appeal site has been subdivided internally to create two flats. The Council has provided evidence that there are Council Tax records for a ground floor flat and first floor flat at 212 Kingsley Road, Hounslow TW3 4AR dating back to May 2003⁴. Furthermore, the appellant confirms that he has been paying two Council Tax bills for approximately 20 years. Therefore, in my view it is

² Title number MX316406

³ *Newham LBC v Miah* [2016] EWHC 1043 (Admin) and *Oldham MBC v Tanna* [2017] 1 WLR 1970.

⁴ Councils Statement of Case – Appendix 2

reasonable to consider that the existing use is as two flats rather than a single dwellinghouse.

25. The appellants contend that the developments at the rear of the property would be permitted by Schedule 2, Part 1, Class A of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order, 2015, as amended (GPDO), which provides for the enlargement, improvement or alterations to a house, subject to limitations.
26. Schedule 2, Part 1, Class A of the GPDO relates specifically to development within the curtilage of a dwellinghouse. For the purposes of Part 1 of the GPDO a dwellinghouse is considered Class C3 under the Town and Country Planning (Use Classes) Order 1987 (the UCO) as amended. From my understanding the appeal property is no longer considered a dwellinghouse as it consists of two flats (ground and first floor), and as such, it would not benefit from permitted development rights under Part 1 of the GPDO.
27. Even if, the appeal property was still considered a dwellinghouse, it is unlikely that the red, green or yellow developments would be considered permitted development under Schedule 2, Part 1, Class A of the GPDO. A.1(f) states 'the enlarged part of the dwellinghouse would have a single storey and would extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse.'
28. The rear wall of the original dwellinghouse is considered the rear elevation prior to the construction of the rear extension subject to the extant planning permission, the blue extension. Given that the red, green and yellow extensions are significantly in excess of the 3 metre threshold applied to semi-detached properties, it is unlikely that an LDC could be issued for these developments.
29. Accordingly, the development would not comply with the limits and conditions of permitted development, as set out in Schedule 2 Part 1 Class A.1(f) of the GPDO and subsequently planning permission is required. Therefore, the matters stated in the notice have occurred, and I conclude that the appellant has not shown, on the balance of probabilities, that they do not constitute a breach of planning control.
30. Therefore, the appeal under ground (c) fails.

Appeal under ground (f)

31. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act (as amended) sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
32. The corrected notice requires the demolition of the alleged unauthorised rear extensions. This is as opposed to requiring these structures to be modified by, for example, reducing them in size. Removing the rear extensions would restore the land to its condition before the breach took place. Therefore, the purpose of the notice must be to remedy the breach.

33. The appellants have not appealed the enforcement notice under ground (a) in that planning permission should be granted for the development. As such, I cannot consider the planning merits of the case nor indeed whether the proposal would harm the visual character and appearance of the area, and thus I can only consider whether lesser steps would suffice to remedy the breach of planning control. No lesser steps have been advanced by the appellant. In the absence of details for any alternative proposals, I have no basis on which to consider whether another option is viable, as this could prejudice the parties.
34. Consequently, I find that the requirements of the corrected enforcement notice, as stipulated, would be appropriate to remedy the breach of planning control, and as such the requirements of the enforcement notice are not excessive. Given that no lesser steps have been identified that would achieve the aims of the notice, the appeal on ground (f) therefore also fails.

Appeal under ground (g)

35. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act (as amended) falls short of what should reasonably be allowed.
36. The rear extensions whilst occupiable have a semi-completed and temporary appearance. Therefore, the works to remove these structures as required by the corrected enforcement notice would be within the capabilities of a competent person within the building trade and could be undertaken within 3 months of the date of this decision.
37. Furthermore, I have been presented with little evidence that would lead me to otherwise conclude that the period of 3 months is reasonable and proportionate to remedy the breach of planning control. The specified timeframe would strike an appropriate balance between the remedial rather than punitive requirements of the enforcement notice whilst also maintaining public confidence in the planning system.
38. I therefore conclude that the ground (g) appeal fails.

Overall Conclusion

39. For the reasons given above, I conclude that the appeal should be dismissed, and the enforcement notice is upheld with corrections.

Robert Naylor

INSPECTOR

