



Appeal Decisions

Site visit made on 22 July 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Date of decisions: 10th August 2026

Appeal refs: APP/W2465/C/25/3375592 (Appeal A)

APP/W2465/C/25/3375593 (Appeal B)

APP/W2465/C/25/3375594 (Appeal C)

Property at 337 Narborough Road, Leicester LE3 2RD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeals, as set out on the appeal form, are made by Mr Baljinder Singh (Appeal A), Mrs Jagdeep Kaur (Appeal B) and Mrs Jagdeep Kaur (Appeal C) against an enforcement notice issued by Leicester City Council.
- The enforcement notice was issued on 9 October 2025.
- The breach of planning control as alleged in the notice is: *Without planning permission, the construction of a single storey porch extension to the front of the property.*
- The requirements of the notice are:
 1. *Demolish the porch to the front of the property*
 2. *Remove all items in their entirety from the land as a result of compliance with step 1.*
- The period for compliance with those requirements is 3 months.
- Appeals A, B, and C are proceeding on the ground set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended.

Decisions on Appeals A, B, and C

1. The appeals are dismissed, and the enforcement notice is upheld.

Preliminary points

2. Since the enforcement notice was issued and the appeals were lodged, the Leicester Local Plan 2020 to 2036 (LP) was adopted by the Council in June 2026. This replaces the Leicester City Core Strategy 2014 (CS) and the saved policies of the City of Leicester Local Plan 2006, such that the CS policies cited in the reasons for issuing the enforcement notice no longer form part of the development plan and have no weight. The main parties were given an opportunity to provide observations on this change in the development plan background. The Council confirms that the LP contains similar policies relating to design principles and the historic environment. The enforcement notice has not been withdrawn.
3. The enforcement notice concerns a porch extension with a gabled roof which has been added to the front elevation of the 2-storey, mid-terrace house at no. 337. The appeal property occupies a central position within a crescent of similar houses (nos 317-355 odd) which are on the list of local heritage assets and covered by an Article 4 Direction (issued in November 2016) which removes permitted development rights for, amongst other things, the construction of porches. The crescent is separated from the dual carriageway section of Narborough Road by an attractive area of green space.

4. The Council refused to grant planning permission (on 19 July 2024) for a retrospective planning application (ref. 20240518) for the development that is now the subject of the enforcement notice.

The appeals on ground (f)

5. The issue in ground (f) is whether the requirements of an enforcement notice are excessive to achieve the purpose of that notice.
6. Section 173 of the Act explains that an enforcement notice can have the purpose of remedying the breach of planning control by making any development comply with the terms (including conditions and limitations) of any planning permission which has been 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 **or** it can seek to remedy any injury to amenity caused by the breach.
7. The notice at section 5 requires the demolition of the porch and the removal of all resulting items from the land. On that basis, its purpose is aimed at remedying the breach of planning control that has occurred by restoring the land to its condition before the breach took place. As the requirements do no more and no less than seek to remedy the breach of planning control, they cannot be described as excessive or disproportionate. Put simply, the requirements of the notice are the minimum necessary to achieve the purpose of the notice.
8. The gist of the case put by the appellants is that rather than removing the structure in its entirety, the notice should be varied to require the alteration of the porch roof so as to respect the heritage setting. It is said that they were not aware of the heritage interest at the time. Reference is made to 2 other properties in the same crescent. These are no. 341 and no. 327 but, like the Council, I believe the appellants meant to highlight no. 325 where there is a porch, rather than no. 327.
9. For the modification scenario which has been outlined, there are no precise plan details showing how the appellants intend the porch to appear. Moreover, the reasons for issuing the notice are critical of “... *the projection of the porch*...” and of “...*the bulk of the extension*...” as well as the design of the roof. The appellants’ approach would evidently lead to parts of the unauthorised development remaining in situ, so it would sustain rather than remedy the breach. Moreover, any substitute step which did not require the removal of the unauthorised development would attack the substance of the notice. If, as in this instance, an appeal is not brought on ground (a), which would allow for the consideration of the planning merits, including possible modifications to the porch and planning conditions, ground (f) and the power to vary the terms of the notice under section 176(1) of the 1990 Act as amended cannot be used to attack the substance of the notice.
10. The appellants were not aware that this is a heritage site when they embarked upon the construction of the porch. This is undoubtedly unfortunate, but this oversight cannot justify the appeals being allowed.
11. I am not aware of the planning history relating to no. 341. I saw a side and rear dormer extension and a simple roof canopy at the front entrance door. Both those developments, whatever planning circumstances prevailed at the time they were built, are not directly comparable to the porch at the front of no. 337.

12. The porch at no. 325 was altered from a pitched, gable roof to a mono-pitched roof. However, this was done with the benefit of a planning permission granted on appeal under ref. APP/W2465/D/23/3332487 where the planning merits were assessed. Moreover, returning to "*the bulk of the extension*", the Council notes that the porch at no. 337 is larger in size than the one at no. 325 and cautions that the same roofing solution may not work. Given its greater width, I saw that the subject porch overlaps part of the attractive central advanced gable, a principal feature of the property which is shared across the front elevation of no. 335.
13. Any modifications to the single storey porch extension to the front of no. 337, at this stage, may be explored with the Council away from these appeals. In that regard, the Council says that the appellants have been offered the chance to submit an amended application with a different roof design. Any future planning application would be considered by the Council in the first instance.
14. To sum up, the breach of planning control alleged would be remedied by the requirements in the notice. No acceptable, alternative lesser steps have been put before me that would achieve the statutory purpose behind the notice. The requirements of the notice are not excessive. Rather, they amount to a proportionate remedy to achieve the purpose of the notice.
15. The appeals on ground (f) have therefore failed.

Conclusion

16. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

Andrew Dale

INSPECTOR