



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 17 August 2026

Appeal Ref: APP/T5150/C/24/3345505

102D Dartmouth Road, London NW2 4HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Melanie O'Riordan (Metropolitan Housing Trust Ltd) against an enforcement notice issued by the Council of the London Borough of Brent.
 - The enforcement notice was issued on 24 April 2024.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the erection of a decking and timber balustrade to the roof of the single storey rear extension.
 - The requirements of the notice are to:
STEP1 Completely and permanently remove the unauthorised decking and timber balustrade from the roof of the single storey rear extension.
STEP2 Remove all associated debris, items and materials, arising from the compliance with STEP 1, from the premises.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matters

2. On 12 September 2024, in determining the appeal made under reference APP/T5150/W/24/3340515, Inspector Robinson gave planning permission for the same development as in the appeal before me.
3. Notwithstanding the planning permission since granted, the Council has confirmed that it will not withdraw the enforcement notice. Further, the appellant has indicated that the appeal will not be withdrawn. Accordingly, I have proceeded to determine it. In doing so, I draw the parties' attention to the implications of the planning permission on the effect of the notice due to the provisions of section 180(1) of the Act:

(1) Where, after the service of -

(a) a copy of an enforcement notice; or

(b) a breach of condition notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

4. As agreed by the main parties, within the above context, no site visit was necessary to determine the appeal.

Ground (f)

5. To be successful on this ground, I must be satisfied that the notice requirements are excessive in achieving its purpose.
6. It seems to me from the way the notice has been drafted that its purpose is to remedy the alleged breach of planning control. The requirements seek to achieve that purpose by removing the unauthorised operational development¹ targeted by the notice. There is nothing excessive in that.
7. The appellant says that the notice requirements should be amended to require removal of certain works only, rather than those in totality alleged to constitute the breach of planning control. However, in the absence of a ground (a) appeal, the power to vary the terms of the notice under s176(1) of the Act cannot be used to attack its substance. The lesser steps put forward by the appellant would not achieve the same ends as the notice requirements in remedying the breach of planning control.
8. As far as it is relevant, given the planning permission now in place for the development and the implications of Section 180 of the Act, ground (f) does not succeed for the above reasons.

Ground (g)

9. For success on this ground, I must be satisfied that the 1 month compliance period of the notice falls short of reasonable.
10. The appellant requires 3 months but provides limited evidence in support of that position. In any case, it seems to me that the steps of the notice could reasonably be completed within 1 month.
11. As far as it is relevant, given the planning permission now in place for the development and the implications of Section 180 of the Act, ground (g) does not succeed for the above reasons.

Andrew Walker

INSPECTOR

¹ at the time of the notice