Planning Inspectorate

Appeal Decision

Site visit made on 28 July 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2026

Appeal Ref: APP/A5270/C/25/3367676
Land at 1 Kennedy Road, Hanwell, W7 1JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Baruch Wolodarski of Kennedy Road Invest Ltd against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 9 May 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the enlargement of the roof, including hip to gable end alteration and rear dormer roof extension ("Unauthorised Development").
- The requirements of the notice are to:
  1. Remove the roof enlargements, including hip to gable end alteration and rear dormer roof extension; and
  2. Restore the roof to its conditions prior to the development subject to this notice; and
  3. Remove all resulting materials, rubbish, debris from the land.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. The appellant initially appealed under grounds (a) and (f). However, the ground (a) appeal is barred under section 174(2A) of the Town and Country Planning Act 1990 as amended (the 1990 Act) because the enforcement notice was issued within the two year period after the making of a related planning application that is no longer under consideration[1]. The appeal therefore proceeds on ground (f) only.

3. The appellant and interested parties refer, amongst other things, to the effects of the development on the character of the area and the neighbours' living conditions, together with the safety of the build and the need for the additional accommodation created. However, these matters relate to the planning merits of the development which I am unable to consider in the absence of an appeal on ground (a) and a deemed planning application.

The appeal on ground (f)

4. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

[1] Application Ref. 244478HH

5. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.

6. In summary, the notice requires the unauthorised development to be removed and the roof restored to its condition before the breach took place, and all resulting materials to be removed from the land. The purpose of the notice is therefore to remedy the breach of planning control, as confirmed in section 4 of the notice.

7. As an alternative to these requirements, the appellant proposes to either alter the brickwork of the extensions to match the original brickwork with the addition of brick slips, or amend the design of the roof extensions. However, where there is no ground (a) appeal, and the purpose of the notice is to remedy the breach of planning control, any lesser step that would not remedy the breach cannot be accepted through the ground (f) appeal. Allowing the development to remain but in an altered form would not achieve the purpose of the notice to remedy the breach. There are no obvious alternatives or lesser steps to achieve this purpose.

8. For these reasons I find that the requirements of the notice do not exceed what is reasonably required to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Conclusion

9. For the reasons given, I conclude that the appeal should be dismissed, and the enforcement notice will be upheld.

M Ollerenshaw

INSPECTOR