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## Appeal Decision

No site visit made

**by A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 September 2026

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**Appeal Ref: APP/W5780/C/25/3369676**

**Land at 2-6, Forest House, Carnarvon Road, South Woodford, London**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
  - The appeal is made by Mr S Bookatz of Bookatz Properties (London) Ltd against an enforcement notice (“EN”) issued by the Council of the London Borough of Redbridge.
  - The EN was issued on 25 June 2025.
  - The breach of planning control as alleged in the EN is: Without planning permission, the construction of a single storey rear conservatory and alterations to windows on northern elevation.
  - The requirements of the EN are to:
    - (I) Remove the rear conservatory in full,
    - (II) Replace the windows on the norther (sic) elevation so that they are fixed shut and obscured; and
    - (III) Remove all debris from site.
  - The period for compliance with the requirements is: 4 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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### Decision

1. The enforcement notice is quashed.

### Matters Concerning the Notice

2. The breach of planning control described in section 3 of the EN refers to the construction of a single storey rear conservatory. However, the evidence before me indicates that a single storey rear extension has been constructed, rather than a conservatory. The breach of planning control is therefore incorrectly described.
3. Notwithstanding this, the appellant identified the extension as the breach of planning control and appealed on this basis. Furthermore, they have not asserted that the breach has not occurred. Therefore, I am satisfied that the appellant has not been prejudiced by the inclusion of the term “*conservatory*” in the allegation. For the same reasons, I am satisfied that I can correct the EN to refer to a single storey rear extension without causing injustice to the main appeal parties.
4. The breach of planning control includes “*alterations to windows on the northern elevation*”. However, the evidence before me indicates that the former windows have been removed and replaced with new windows, rather than altered. Accordingly, the wording of the breach of planning control does not accurately reflect the development that has taken place.
5. I could correct the breach to refer to the “*replacement of windows in the northern elevation*”. However, the reasons for issuing the EN do not state that the replacement windows have materially affected the external appearance of the

building. Therefore, correcting the EN in this way would result in the breach not comprising development under s55 of the 1990 Act.

6. The Council's Enforcement Delegated Report states that planning permission was granted for the conversion of the building into flats in 1997<sup>1</sup> ("the 1997 permission"). Condition 5 of the 1997 permission requires the windows to be fixed and obscured in accordance with the approved plans. The evidence indicates that it is the replacement of previously non-opening and obscure glazed windows with openable and clear glazed windows that is being enforced. Therefore, the replacement windows are in breach of Condition 5 of the 1997 permission.
7. The EN states that the breach of planning control falls under paragraph (a) of s171A(1) of the 1990 Act. However, the failure to comply with a condition falls under paragraph (b). I could correct the EN to refer to both paragraphs (a) and (b) of s171A(1) of the 1990 Act. However, to do so would necessitate significant re-drafting of the EN that would go beyond my powers under s176(1) of the 1990 Act. Furthermore, I am not satisfied that significant re-drafting would not cause injustice to the main appeal parties.
8. Step (II) of the EN's requirements states: *"Replace the windows on the norther (sic) elevation so that they are fixed shut and obscured"*. This step requires the replacement of all windows in the northern elevation. In contrast, the second reason for issuing the EN refers to replacement windows in the first and second floors but does not refer to a particular elevation. Consequently, it is unclear from the four corners of the EN which windows are being enforced against.
9. Step (II) also fails to specify how the windows are to be fixed shut and obscured, nor does it identify the level of obscurity required. Consequently, step (II) lacks precision, as it does not provide sufficient clarity for the appellant to ascertain how they must comply with the EN.

## Conclusion

10. For the reasons given above, I conclude that the EN does not specify with sufficient clarity the alleged breach of planning control or the steps required for compliance.
11. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act, since injustice would be caused were I to do so. The EN is therefore invalid and will be quashed.
12. In these circumstances, the appeal on the grounds set out in s174(2)(f) and (g) of the 1990 Act do not fall to be considered.

*A Berry*

INSPECTOR

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<sup>1</sup> Planning Ref 1096/97