



Appeal Decision

Site visit made on 5 October 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2026

Appeal Ref: APP/M5450/C/25/3365722

93 Turner Road, Edgware HA8 6AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
 - The appeal is made by M & N Builders Properties Ltd against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The notice was issued on 17 April 2025.
 - The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised construction of a detached outbuilding located at the extreme rear of the garden land ('unauthorised development')'.
 - The requirements of the notice are to:
 1. Demolish the unauthorised development.
 2. Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is: Two (2) calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Preliminary Matters

2. After the notice was issued, the London Borough of Harrow Local Plan 2021-2041 was adopted on 24 March 2026 (the LP). I have taken the main parties responses on relevant LP policies into account. These supersede previous development plan policies cited in the notice.
3. Although not included in the reasons (cited in the notice) for issuing the notice, the Council's appeal statement also refers to impact on neighbouring residential amenity. The appellant had an opportunity to address this issue in final comments.
4. I am therefore satisfied that I can determine the appeal on the above basis without injustice to any party.

Ground (a)

Main Issues

5. The deemed application for planning permission is for the matters specified in the breach of planning control in the notice, as set out in the 4th bullet point in the

banner header above – essentially, the entire single detached outbuilding shown in the notice plans. The main issues are:

- the effect of the outbuilding on the character and appearance of the area; and
- its effect on the living conditions of the occupants of adjacent houses with regard to outlook from back gardens and noise in back gardens.

Reasons

Character and appearance

6. No.93 Turner Road is an end of terrace house. The long back garden slopes gently down towards an alleyway behind, next to a vegetated corridor of land alongside a railway line. It is similar in these respects to the short row of houses it forms part of and repeats along the same side of this road for some distance in both directions. As originally laid out, it is likely that these back gardens were mainly open and as a planned linear pattern of probably early 20th century housing, this development contributed positively to the character and appearance of this area.
7. A later single-storey rear extension at No.93 is wide across the entire house and projects in-depth into the back garden with a low pitched lean-to roof. Most other houses along this side and part of Turner Road (including either side of No.93) have been enlarged in this way, some with flat roofs. The bottom end of many back gardens (including either side of No.93) also now contain a variety of outbuildings. Some are small or traditional in design with pitched roofs. Most are larger and wide across plots, including many with flat roofs. Though single-storey, these structures have significant box-like form.
8. While this subsequent piecemeal development has notably reduced the extent of open back gardens, there is little evidence that it is now anything other than an established part of these residential properties. Nevertheless, that there has been this change does not override remaining important features still worthy of protection nor warrant unacceptable development in this area.
9. The siting of the outbuilding, at the bottom end of the back garden, accords with the Council's relevant guidance¹, though the approximately 2.7m high flat roof above eaves level does not, given the 2.5m maximum set out in the guidance. It is, as matter of fact and degree, a limited variance and in my planning judgement not sufficient alone to render the entire outbuilding out of keeping with its immediate context. The overall design, including external materials, is broadly compatible and the relatively low profile, single-storey height is subordinate to the two-storey part of the house.
10. However, though the outbuilding is also wide across most of the back garden, it is materially longer than some other, already quite long outbuildings at the ends of back gardens shown in the aerial photographs before me and that I saw at my site visit. This includes because some have canopy overhangs beyond the actual building envelope and are longer than the canopy on the front of the outbuilding. Furthermore, although the adjoining back garden of No.95 contains three outbuildings, the appellant has not objectively demonstrated (such as with comparison figures or a plan) that the aggregate footprint is 'virtually identical' to

¹ Residential Design Guide Supplementary Planning Document, December 2010.

the outbuilding. Even if taken together, the aerial photographs and what I saw indicate they are still smaller in footprint and overall built form than the outbuilding.

11. The outbuilding is otherwise set well back from the Turner Road streetscene and slightly lower down, so not prominent or conspicuous in public views from the front through the gap between No.93 and No.91. Nor is the full extent of the outbuilding very apparent from the semi-public alleyway at the back. Nonetheless, it can be noticed by the occupants of adjoining or nearby houses as something demonstrably more than the general extent of other outbuildings in these back gardens. Limited public visibility does not outweigh significant innate adverse impact caused by inherently unacceptable development to begin with.
12. In light of all the above, the approximately 65sqm outbuilding is overly large in footprint by virtue of excessive length, with substantial three-dimensional built form. It takes up a disproportionate part of the back garden, encroaching too far towards the extended house, notably closing the intervening separation gap between these opposing buildings and unduly reducing openness. This overdevelopment of the back garden causes appreciable harm to the character and appearance of the area so has significant weight. Consequently, the outbuilding is contrary to LP policy GR1 which includes that the design and layout of development should respect the character and context of the locality and have regard to bulk, massing and footprint.

Living conditions

13. Although the outbuilding is sited close to back garden boundary fences either side of it, especially on one side, they screen most of its elevations. Only a narrow band of brickwork and roof eaves jut further upward and in the front elevation this part of the outbuilding is progressively more distant from these boundaries. Much of each side elevation is next to the sides of adjoining outbuildings, so people using these adjacent back gardens are not able to get very close to the outbuilding in any event, especially on one side. The open parts of these gardens mean people can conduct usual domestic activity (such as relaxing, children's play or socialising) further away from the outbuilding if they wish.
14. As a result, this upper part of the outbuilding (and the outbuilding as a whole) is not unduly overbearing so does not adversely affect outlook from back gardens of the adjacent houses. Furthermore, if it was used to meet the normal domestic needs and for the personal enjoyment of the appellant (or the occupants of No.93, if not the same), then there is no apparent reason why this would cause unacceptable noise disturbance for planning purposes². Such use could be controlled by a condition. On this basis, the outbuilding complies with LP policy GR1 which includes that development should safeguard the amenity of existing neighbouring occupiers in relation to outlook and the impact of noise.

Other Considerations

15. The appellant erected the outbuilding in the belief that it constituted permitted development³. Before the notice was issued, the Council refused an application for a lawful development certificate seeking to establish this⁴. I have not been informed

² The Council also has separate powers to control statutory nuisance.

³ Article 3(1), Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

⁴ P/4164/22

if that decision was taken to appeal. As there is no apparent permitted development fallback position this consideration has no weight.

16. The appellant has not provided a plan or other details to convincingly demonstrate that a theoretical 'very similar' or 'comparable' outbuilding could instead be erected as permitted development. In any event, there is little apparent realistic prospect that a replacement outbuilding would likely be built, such as why it would be needed. This consideration therefore has limited weight.
17. The National Planning Policy Framework (NPPF) advocates effective and efficient use of land and seeks to optimise the potential of sites. But that is not at the expense of other NPPF objectives, such as those also embodied in the LP about the character and appearance of an area.
18. No.93 is not a listed building and the outbuilding is not in a Conservation Area. The absence of harm in these respects is a neutral factor and neither consideration makes the outbuilding acceptable. Notwithstanding my finding in the second main issue, I am also satisfied that other planning conditions could not make the outbuilding acceptable given fundamental objections to it in the first main issue.

Other matters

19. The appellant, the Council and an interested party referred to alleged actual or intended use of the outbuilding as a self-contained dwellinghouse. While I was able to see inside it at my site visit, use of the outbuilding is not a matter pursued by the notice or therefore within the scope of this appeal. The alleged use of No.93 as a house in multiple occupation is also a matter for the Council.

Planning Balance and ground (a) conclusion

20. Even if the outbuilding is useful to the appellant or the occupiers of No.93, this personal, private benefit does not outweigh the harm it causes to the character and appearance of the area in the wider public interest. There are, therefore, no other considerations to indicate that ground (a) should be determined otherwise than in accordance with the development plan taken as a whole⁵. Consequently, for the reasons given above, the detached outbuilding is unacceptable and planning permission should not be granted for it. Accordingly, ground (a) fails.

Ground (g)

21. For ground (g) to succeed, the appellant must demonstrate that the 2 calendar month period specified in the notice to take the steps required by it falls short of what should reasonably be allowed. An additional 4 months (effectively 6 calendar months in total) is sought to demolish the outbuilding then remove all materials and debris.
22. As a matter of principle, timely and effective planning enforcement is endorsed in relevant Planning Practice Guidance, but it should also be remedial, not punitive. The appellant had a realistic prospect of success on ground (a). It is therefore unwarranted for the Council to maintain that potentially unnecessary preparatory arrangements for demolition (with conceivably abortive costs) should have already been made in advance of the outcome of the appeal; be that to save time within the time period already in the notice or as reason to reject the additional time sought.

⁵ Section 38(6) - Planning and Compulsory Purchase Act 2004, as amended.

23. That said, notwithstanding the size of the outbuilding and that it is a solid, permanent structure, it appears to be relatively simple and straightforward in construction. There is little evidence that its demolition would require specialist equipment or machinery or to counter that it is the sort of work routinely undertaken by general builders. As such, there is no apparent reason why 2 calendar months is not sufficient to find a suitable builder and for the works to be completed.
24. In these circumstances, there is no basis for an additional 4 months. This disproportionate extension of time would effectively grant an unjustified temporary planning permission and unduly prolong the harm caused by the breach of planning control. I am also mindful that if finding a builder with availability was unexpectedly problematic (or a specialist demolition contractor was shown to be required), the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance. But that would be a separate matter for the Council, whereas the period in the notice must be sufficient to begin with.
25. Consequently, on the evidence before me, the 2 calendar month period in the notice to take the steps required by it does not fall short of what should reasonably be allowed. For these reasons ground (g) does not succeed.

Overall Conclusion

26. Grounds (a) and (g) both fail so the appeal is not successful. Accordingly, I shall uphold the notice and refuse planning permission.

Robin Buchanan

INSPECTOR