Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2026

by R Curnow MA(TCP), BSC(Hons), CMS MRTPI

an Inspector appointed by the Secretary of State

Decision date 24 November 2026

Appeal Ref: APP/W5780/C/24/3348394
Land to rear of 353 High Road, ILFORD, IG1 1TF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Pankaj Pansotra against an enforcement notice issued by the Council of the London Borough of Redbridge.
- The notice was issued on 20 June 2024.
- The breach of planning control as alleged in the notice is: The unauthorised use of the ground floor as residential units and unauthorised first floor rear extension.
- The requirements of the notice are to: I. Demolish the first floor extension in its entirety; II. Cease the use of the premises for residential use; and III. Remove all kitchens, bathrooms; associated fixtures and fittings as well as partitions associated with the conversion into residential units; IV. Remove from the land all building materials arising from compliance with steps i-iii above leaving the land in a tidy condition.
- The periods for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) of the Town and Country Planning Act 1990 (as amended). 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.

Decision

1. It is directed that the enforcement notice is corrected by omitting the words “and unauthorised first floor rear extension” from section 3 of the notice, ‘The matters which appear to constitute the breach of planning control’, and substituting this with “and the addition of a first-floor extension to the sloping roof slope of the previously existing two-storey extension”.

   It is further directed that section 5 of the enforcement notice, ‘What you are required to do’, is varied by: omitting requirement I; omitting the text of requirement II and substituting the words “Cease the use of the ground floor of the premises for residential use”; omitting the text of requirement III and substituting the words “Remove all kitchens, bathrooms, associated fixtures and fittings as well as partitions associated with the conversion of the ground floor into residential units”; omitting the words “steps (i)-(iii)” and substituting the words “steps I and II” in requirement IV; and renumbering requirements II-IV to requirements I-III.

   Subject to the correction and variations, the appeal is allowed in part on ground (a) insofar as it relates to the addition of a first-floor extension to the sloping roof slope of the previously existing two-storey extension and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the addition of a first-floor extension to the sloping roof slope of the previously existing two-storey extension at Land at 353 High Road, Ilford IG1 1TF.

Otherwise, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused for the use of the ground floor as residential units at Land at 353 High Road, Ilford IG1 1TF on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matter

2. In his appeal form, the Appellant suggested that there would be a need to enter the property to "check the use of the extension". In its Questionnaire, the Council suggested likewise. As the Appellant was not contesting the residential use, but simply made the case for the rear extension that could be seen from the public highway, I found that an internal inspection of the property was unnecessary. I informed the parties of this and, as there were no objections, I carried out an unaccompanied site visit.

The Notice

3. The Notice alleges that the breach of planning control includes the use of the ground floor as residential units. However, its requirements include the cessation of the use of the premises for residential purposes. This goes beyond addressing the alleged breach of planning control. The Notice only attacks residential development on the ground floor, so to require the cessation of this use across the whole of the premises would be unfair. It does not render the Notice a nullity, however; the requirements can be varied, without prejudice to the parties. Both agreed to the varied requirements I refer to, above.

Reasons

Ground (d)

4. An appeal under Ground (d) is that at the time that the Notice was issued no enforcement action could be taken in respect of any breach of planning control alleged in it. This is a legal ground of appeal where the onus lies with the Appellant to make his case on the balance of probability.

5. The Appellant's case here relates to the addition of a first-floor element constructed on an existing two-storey extension to 353 High Road, ('No 353'). He says that the Notice is unclear, though he assumes that the Council is referring to an addition at first-floor level. To clarify, this is the extension described as an "upward construction" in the Officer's report.

6. His case is made on the basis that, whilst the recent extension to the property is not immune from enforcement action, the remainder of the first floor to the rear of the property is. He wishes to ensure that, should he be wrong in his assumption and the Notice is directed at the whole rear extension, it would not have to be removed in its entirety.

7. Given the date of issue of the Notice, taking the terms of s171B of the Act into account, the relevant period before immunity might be achieved for operational development of this kind is 4 years. Therefore, the Appellant must show that the first floor of the extension on which the addition was built was substantially complete by 20 June 2020.

8. The Appellant says that planning permission was granted, at appeal, for the erection of a two-storey extension to the rear of No 353 in August 1985, and this is

what was built many years prior to the construction of the addition at first-floor level. Though he has not provided copies of the approved plans, nor of the appeal decision, he has submitted a copy of what he says is a record on the Council website. This sets out the refusal of an application for a two-storey extension at No 353 (Council reference PL/0810/83) and that an appeal against that decision was successful.

9. Furthermore, the Appellant has submitted online street and aerial views of the rear of No 353 that show that the two-storey extension, without the addition, has been built since 2008.

10. Established case law sets out that where a local planning authority has no evidence of its own to counter what is claimed by an Appellant, for those claims to be successful they have to be precise and unambiguous. Here, there is no case put forward by the Council; though it did have the opportunity to rebut the Appellant's claims.

11. As a matter of fact and degree, I find that the Appellant's claim in respect of the two-storey extension without the recently built first-floor addition to be precise and unambiguous on the balance of probability. The original extension was in-situ for more than 4 years at the time that the Notice was issued. As such, even had it been built without permission, it was too late to take action against it. This is not the case with the later addition, however.

12. For the above reasons, I allow the Ground (d) appeal in part, and I shall correct and vary the Notice accordingly. I have not returned to the parties on this matter of correction and variation but, in the circumstances, neither would be prejudiced by my actions.

Ground (a)

13. An appeal made under Ground (a) is that planning permission should be granted for the breach of planning control alleged in the Notice. Here, the Appellant has clarified that he does not seek consent for any residential use; he only seeks planning permission for the first-floor rear extension.

14. The Council's objections to the first-floor rear extension, set out in the reasons for issuing the Notice, related to its use for residential purposes being incompatible with surrounding commercial uses. However, there is no evidence before me to show that the residential use at first floor level, if it occurs, is unauthorised and it is not referred to in the Notice. The Council would have to take further enforcement action if it wished to address any unauthorised residential use at first-floor level at No 353.

15. Notwithstanding this, as the Notice requires the demolition of the extension, I shall address the question of the effects that would arise from its retention. From what I saw at my site visit, the main issues in this regard are: the effect of the extension on the character and appearance of the area; and its effect on the living conditions of the occupants of properties opposite the site in Oaklands Park Avenue, by reasons of outlook and loss of privacy.

Character and appearance

16. No 353 is a two-storey terraced property. It fronts onto High Road where there is a commercial use at ground-floor level; it was not clear what use the first-floor was

put to on this elevation, but this does not have a bearing on the appeal. At its rear, the property faces Oaklands Park Avenue, on the opposite side of which is a terrace of two-storey residential properties.

17. Given my findings on the Ground (d) case, my assessment relates to the small addition to the previously sloping roof. This flat roofed feature has resulted in the extension presenting a full two-storey face to the street. It does not extend the built footprint at No 353, the curtilage of which was already covered by extensions. It does result in a small increase in floor area at first floor level, bringing it out in line with the ground floor that rises from the rear of the footway.

18. The built form to the rears of the properties in this part of High Road varies. All appeared to have extensions and/or outbuildings to their rear, and the overwhelming majority of these run close-to or actually onto the edge of the footway on Oaklands Park Avenue. A large number have first floors that either project as far as the footway or are only set back a little from it. Others project out this far, but are angled back in part at first-floor level.

19. What is proposed to be retained at No 353, by reason of its scale, bulk and appearance, is well integrated into, and respects, these surroundings. It does not look out of place at all. It therefore represents good design in the manner required by Policy LP26 'Promoting High Quality Design', of the Redbridge Local Plan 2015 – 2030, dated March 2018 ('RLP'). This policy is generally in accordance with the terms of the revised Framework, especially its chapter 14 'Achieving well-designed places', with which I find the proposal also accords.

Living conditions

20. RLP Policy LP 26(l) provides guidance in respect of adverse impacts on the amenity of neighbours through, amongst other things, privacy and outlook.

21. While the first-floor element to the rear of No 353 comes a little closer to the residential properties opposite, as it is small with little bulk, it has no ill-effect in terms of outlook. There is a first-floor window in the new wall, but this is sufficiently distant from the properties opposite to preserve the privacy of their occupants.

22. There is a first-floor window in the rear elevation of the property immediately to the southwest of No 353, though I am unsure what use within it serves. However, as the extension to No 353 projects only a little beyond the window, it has no significant effect on outlook from it or light entering the room inside through it.

23. Overall, from the evidence before me, including that of the site visit, I find that the first-floor extension would not affect the living conditions of the occupants of nearby properties. It accords with the terms of RLP Policy 26 and chapter 14 of the Framework.

Planning Balance

24. I have found that there is no harm to the character and appearance of the area, nor the living conditions of the occupants of nearby properties. This has to be set against the terms of Policy DM8 of the Framework. This says that "if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission". I cannot conclude from the evidence that the breach was intentional, so this does not militate against the proposal in my assessment.

Conclusion on Ground (a)

25. The small addition to the rear of No 353 represents sustainable development for which the Framework provides a presumption in favour of. For the above reasons, in respect of the first-floor extension, the Ground (a) case succeeds, and I shall vary the requirements of the Notice accordingly.

Ground (f)

26. Given my findings in respect of the Ground (a) appeal, I need not take the Appellant's Ground (f) case further.

Conclusion

27. For the reasons given above I conclude that the Ground (a) appeal should succeed in part only, and I will grant planning permission for the addition of the extension at first floor level, but otherwise I will uphold the notice with correction and variations and refuse to grant planning permission in respect of the use of the ground floor as residential units. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the Act.

R Curnow

INSPECTOR