Planning Inspectorate

Appeal Decisions

Site visit made on 17 November 2026

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2026

Appeal A Ref: APP/F5540/C/25/3373413
Appeal B Ref: APP/F5540/C/25/3373414
Appeal C Ref: APP/F5540/C/25/3374324
19 St John's Road, Isleworth TW7 6NB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Salim Mussa (Reflections), Appeal B is made by Miss Clifa Argentina Vaz and Appeal C is made by Mrs Lillian Bowles against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The notice was issued on 4 September 2025.
- The breach of planning control as alleged in the notice is: The unauthorised erection of an extension to the rear garage and installation of an air conditioning (A.C.) unit to the flank wall of the building.
- The requirements of the notice are to:
  i. Demolish the extension to the rear garage as shown in a hatched area on the attached plan.
  ii. Remove the air-conditioning unit from the flank elevation of the building as shown by a blue box on the attached plan.
  iii. Remove all resultant debris from the land.
- The period for compliance with the requirements is: 3 (three) months.
- The appeals are proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended) (the 1990 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 1990 Act.

Decisions

1. It is directed that the enforcement notice is corrected by:

   The deletion of the allegation at Section 3 and its substitution with "Without planning permission, the erection of an extension to the rear garage and installation of an air conditioning (A.C.) unit to the flank wall of the building."

2. Subject to the correction, Appeals A and C are allowed in part and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for part of the development, namely the air conditioning unit on the flank wall of the building at 19 St John's Road, Isleworth TW7 6NB, referred to in the notice.

3. Otherwise, and subject to the correction, the appeals are dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under S177(5) of the 1990 Act as amended, for the extension to the rear of the garage.

Matters concerning the notice

4. I am satisfied that the omission of the words "without planning permission" from the allegation constitutes a defect capable of correction under section 176(1)(a) of

the 1990 Act. The correction would not alter the substance of the breach alleged. Rather, it would clarify that the development is alleged to have been carried out in the absence of planning permission and would more accurately identify the breach of planning control. As the correction would cause no injustice to either party, I shall correct the allegation accordingly.

Appeals A and B on Ground (d)

5. The alleged breach of planning control comprises the erection of an extension to the garage and installation of an A.C. unit and therefore constitutes operational development. The burden of proving immunity rests with the appellant and the relevant test is the balance of probabilities.

6. An appeal on ground (d) is that, at the date the notice was issued, no enforcement action could be taken in respect of the matters alleged in the notice. Section 115 of the Levelling-up and Regeneration Act 2023 amended section 171B of the 1990 Act by extending the time limit for taking enforcement action against operational development from four years to ten years.

7. Transitional provisions preserve the former four-year period where unauthorised operational development was substantially completed before 25 April 2024. There is no evidence before me to indicate that the development subject to this appeal was substantially completed before that date. Indeed, the Council's records refer to reports of works to the garage occurring during early 2025. I therefore find that the 10-year period applies in this case.

8. The enforcement notice was issued on 4 September 2025. To succeed on this ground, the appellants must therefore demonstrate, on the balance of probabilities, that the operational development alleged in the notice was substantially completed more than ten years before the issue of the notice, namely before 4 September 2015.

9. The Council's evidence includes a photograph dated 9 August 2023 showing the rear of the appeal site. The photograph indicates that works to extend the garage, which are the subject of the notice, had not commenced by that date. No evidence has been provided to suggest otherwise. Therefore, the evidence before me does not demonstrate that the garage extension was substantially completed before 4 September 2015. Nor has any evidence been provided to establish that the A.C. unit was installed more than ten years before the issue of the notice.

10. Consequently, I am not satisfied, on the balance of probabilities, that either element of the operational development alleged in the notice was immune from enforcement action when the notice was issued. The appeals on ground (d) therefore fail.

Appeals A and C on Ground (a) and the Deemed Planning Application

Main Issue

11. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

12. The appeal site comprises the ground floor of a two-storey Victorian property located at the junction of St John's Road and Aylett Road. The building is occupied as a hair and beauty salon on the ground floor, with a self-contained residential unit at first-floor level. The ground floor accommodation extends into a garage accessed from Aylett Road. The residential flat is accessed by an external staircase in the rear yard area via a side gate from Aylett Road. The flat is rented separately to the commercial ground floor unit.

13. The site occupies a prominent position at the end of a short terrace on St John's Road, a busy mixed-use thoroughfare characterised by commercial premises at ground-floor level with residential accommodation above. Shopfronts, fascias and other signage create a strong retail character along the street, which extends briefly into the adjoining side roads through the presence of corner units and wraparound commercial frontages. In contrast, the surrounding area to the rear is predominantly residential in character. Aylett Road is lined mainly by Victorian terraced housing, although a modern detached infill dwelling lies directly to the rear of the site and a bungalow is situated on the opposite side of the road. Being situated on a corner location, the appeal property is highly visible within the street scene.

14. At the time of my site visit, it appeared that most of the extension had been removed, although remnants of the structure remained evident. Nevertheless, in determining the appeal on ground (a), I must assess the development as alleged in the notice on its merits and whether planning permission ought to be granted as such. An image showing the built structure (taken in October 2025) is provided by Mrs Bowles' agent in their appeal statement.

15. Had it remained in place, it is my view that the extension would infill much of the limited space between the main building and the rear garage, resulting in a cramped and congested appearance to this part of the site and a poor-quality access arrangement to the first-floor flat. By reason of its siting, form and extent, the extension would appear as an unsympathetic addition that would fail to respect the character and proportions of the host building. Consequently, it would be harmful to the appearance of the property and would detract from the character and appearance of the surrounding area.

16. Furthermore, being constructed from timber framing and corrugated plastic sheeting, the materials are incongruous with the brick-built host property and are not reflective of the prevailing materials found within the surrounding area. As a result, the development would have a temporary and utilitarian appearance that would further exacerbate its harmful visual impact. In this respect the extension is contrary to Policies CC1 and CC2 of the Local Plan which seek to secure development that responds positively to local character and achieves a high standard of design.

17. The A.C. unit is installed on the flank elevation of the building at an intermediate level between ground and eaves height and adjacent to a substantial advertising hoarding. While it is visible from Aylett Road, from some neighbouring properties and in limited views from St John's Road, it is viewed in the context of an elevation that already accommodates a variety of functional and commercial features, including the large billboard, external stair structure, pipework and other ancillary

structures. Consequently, the unit is experienced as part of an established grouping of servicing and operational equipment rather than as a standalone feature on an otherwise unaltered façade.

18. The unit is modest in scale relative to the overall dimensions of the flank wall and the adjacent advertisement structure. Although recognisable as plant equipment, it occupies a limited proportion of the elevation and does not obscure any notable architectural detailing. The appeal building occupies a prominent corner position within a mixed commercial and residential setting where a degree of visual activity and commercial paraphernalia is already evident. I also observed other A.C. units on buildings within the locality during my site visit. In this context, the A.C. unit appears as typical operational equipment associated with the commercial use of the premises.

19. The positioning of the unit on the flank elevation avoids cluttering the principal frontage and represents a location that is closely associated with existing servicing features. Taking these matters together, while the unit is visible within the streetscene, its visual effects are limited and localised. It would not appear unduly prominent or incongruous within its surroundings and does not materially detract from the character or appearance of either the host building or the wider street scene.

20. Policies CC1 and CC2 of the Local Plan seek to ensure that development responds positively to local character and achieves a high standard of design. For the reasons given above, I conclude that the garage extension would constitute an unsympathetic and visually intrusive form of development that would fail to respect the character and appearance of the host building and its surroundings. Accordingly, it would conflict with Policies CC1 and CC2 of the Local Plan.

21. By contrast, I have found that the A.C. unit, by reason of its scale, siting and relationship with existing servicing and commercial features on the flank elevation, would not harm the character or appearance of the host building or the wider area. Consequently, the A.C. unit would accord with Policies CC1 and CC2 of the Local Plan.

Conclusion on Ground (a) and the Deemed Planning Application

22. For the reasons given, I conclude that appeals A and C should be allowed in part only, and I will grant planning permission for the A.C. unit on the flank wall. The remaining development is contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding.

Appeals A and B on Gound (f)

23. This ground of appeal is that the steps required by the notice exceed what is necessary to achieve its stated purpose. Section 173(4) of the 1990 Act provides that the purpose of the enforcement notice must be either to remedy the breach of planning control or to remedy any injury to amenity. In this case, the requirements indicate that its purpose is to remedy the breach by restoring the land to its condition prior to the breach taking place. For success on this ground, the appellants would need to demonstrate lesser or alternative steps which would achieve that purpose.

24. The appellants maintain in their argument on ground (f) that the works provide a private spa treatment area for the local aging population and that as the premises is commercial, there is no need for a garden. There is no suggestion under this ground of appeal regarding what lesser steps may be more appropriate to remedy the breach and there are none that are apparent.

25. Given that the requirements go no further than requiring the appellants to undo what has been done, they cannot exceed what is necessary to fully remedy the breach of planning control. As there are no lesser steps that would achieve the statutory purpose behind the notice, the appeals on ground (f) fail.

Appeals A, B and C on Gound (g)

26. This ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed, having regard to section 173(9) of the 1990 Act. The issue is therefore whether the period specified in the notice is reasonable to secure compliance with its requirements. The notice requires compliance within three months. The appellants request the period is extended to 6 months.

27. The requirements are limited to removal of the garage extension. As the garage extension has already been substantially demolished, the remaining works necessary to achieve compliance are therefore limited in extent and would not be unduly complex or time-consuming. Accordingly, I am satisfied that the period of three months specified in the notice provides sufficient time to undertake the remaining steps required to secure compliance. The appeals on ground (g) therefore fail.

Conditions

28. No conditions regarding the operational development were advanced by the parties and as the A.C. unit is in place, no conditions are considered necessary.

Conclusion

29. For the reasons given, the appeal should succeed in part only, and I will grant planning permission for the A.C. unit on the side elevation. I will uphold the notice and refuse to grant planning permission for the extension to the garage.

30. Section 180(1) of the 1990 Act provides that the requirements of the upheld notice will cease to have effect so far as inconsistent where a planning permission is subsequently granted for the same development or part of it. As the decision is split, I will leave the requirements as they are and allow the planning permission to override the notice where there is inconsistency.

S A Hanson

INSPECTOR