



Appeal Decision

Site visit made on 18 March 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/B5480/C/23/3315515

4 Kings Road, Romford RM1 2ST

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Shpetim Vajushi against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 30 December 2022.
 - The breach of planning control as alleged in the notice is, without planning permission, the construction of two rear dormers.
 - The requirements of the notice are to:
 1. Demolish the two rear dormers.
 - The period for compliance with the requirement is: Three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) 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.
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Decision

1. The appeal is allowed, the enforcement notice is quashed 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 development already carried out, namely the construction of two rear dormers at 4 Kings Road, Romford RM1 2ST as shown on the plan attached to the notice and subject to the following condition:
 - 1) Unless within 9 months of the date of this decision the development is rebuilt and complete in accordance with plan references JND/1173/24, JND/1173/25, JND/1173/26 and JND/1173/27, all additions to the roof shall be removed.

Ground (a) – the deemed planning application, and ground (f)

2. An appeal on ground (a) is that planning permission should be granted for that which is alleged in the notice. There is also an appeal on ground (f) which is that the steps to comply with the notice are excessive. With ground (f) the appellant has provided details of alternative schemes. Given the overlap with the ground (a) appeal, I have considered these matters together.

The existing development

Main issue

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

Reasons

4. The appeal property is a modest, two-storey semi-detached dwelling, within an area that contains a varied style and design of dwellings. Principally views are available from the front of the property, however there are glimpses of the rear elevation available from surrounding streets. There would also be clear views of the rear elevation from the nearby dwellings.
5. The development that has taken place comprises two rear dormer extensions, which have been constructed both on the rear roof plane, as well as atop the existing rear outrigger to the property. Above the main bulk of the dwelling the dormer extends for almost the entire width of the roof plane, and extends all the way from ridge to eaves level, while atop the outrigger the dormer fills its width and a large amount of its length. As a result of the extent of the additions, they appear as overly large, dominant, and severe features that fail to respect the proportions of the existing dwelling. They are incongruous features, with no other comparable developments nearby, that appear top heavy and unbalance the simple and attractive balance of the property.
6. Furthermore, while not particularly prominent in views from the surrounding area, there are glimpses available of the dormers from the surrounding streets and where they are viewed, they would be discordant and objectionable features.
7. As such, I find that the development as built is harmful to the character and appearance of the host property and the surrounding area, in conflict with policy 26 of the London Borough of Havering Local Plan (adopted November 2021), insofar as it seeks to ensure that development is of a good design that responds to local building forms.

Other Matters

8. The appellant points to other examples of dormer windows in the surrounding area. However, these are distinctly different in their scale than that which is the subject of the enforcement notice. As such, these examples have little bearing on my decision.

Finding on existing development

9. For the reasons given above, I find that the development as exists is not acceptable and that planning permission should not be forthcoming for it.

Alternative schemes

10. The appellant has put forward revised schemes for the retention of development. Each of the scheme involves dormer additions to the dwelling, as is alleged in the notice and thus they are “part of those matters” alleged and can be considered as part of the ground (a) appeal.
11. The enforcement regime is intended to be remedial rather than punitive. While the appellant cannot claim permitted development rights retrospectively in respect of any part of the development already carried out, such rights could be claimed in the future, if the notice was complied with and the development removed. It would then be possible for the appellant to construct new additions that did accord with the permitted development right for roof additions.

12. The appellant has put forward details of a scheme that would accord with the requirements of Class B, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. In my view, this scheme would still result in some harm, albeit less than that which I identify above in respect of the existing development.
13. However, the appellant makes a clear indication that should the appeal fail, and the development be required to be removed in its entirety, then replacement works that accord with permitted development rights would be undertaken soon after. This ability and willingness to construct a replacement addition to the roof results in there being a real prospect of a scheme that accords with permitted development rights occurring. As such, this is a likely fallback position and a material consideration sufficient to outweigh the harm that would result from a scheme that would accord with the permitted development restrictions. As such, I shall grant planning permission for this alternative scheme as set out.

Other Matters

14. I note that concern has been raised in respect of overlooking of neighbouring gardens. However, there exists mutual overlooking and, in my view, any additional impact would not be significant or warrant the refusal of permission. Similarly, any loss of view would not be unacceptable. There is also reference to Party Wall matters, however that is a issue to be addressed between the relevant parties.

Conditions

15. To ensure the development accords with the submitted scheme, I shall impose a condition requiring the dormers to be amended within nine months of the date of this decision.

Overall finding on grounds (a) and (f)

16. The development as currently exists conflicts with the development plan. While the alternative scheme would also result in harm and therefore conflict with the policies of the development plan, a 'fallback' exists sufficient to outweigh the harm associated with the alternative scheme and thus planning permission should be forthcoming for this.
17. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for a development as described in the notice, albeit for an alternative scheme. The enforcement notice will be quashed.
18. In these circumstances the appeal on ground (g) does not fall to be considered.

Martin Allen

INSPECTOR