



Appeal Decision

Site visit made on 30 September 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Appeal Ref: APP/B5480/C/23/3336154

51 Gordon Avenue, Hornchurch RM12 4EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Pinkas Naftali Brander on behalf of Newbrand Properties Limited against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 18 December 2023.
 - The breach of planning control as alleged in the notice is: The construction of a two dormer windows, one in each flank elevation.
 - The requirements of the notice are:
 - (i) Demolish the dormer windows in each flank elevation at roof level; AND
 - (ii) Remove all debris, rubbish or other materials accumulated as a result of taking step (i) above.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f), (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 a two dormer windows, one in each flank elevation at 51 Gordon Avenue, Hornchurch RM12 4EA.

The Appeal on Ground (c)

2. Ground (c) arises where an appellant seeks to argue that the matters alleged by the enforcement notice do not constitute a breach of planning control. The onus of proof lies with the appellant, the relevant test of the evidence being the balance of probability.
3. The appellant contends that the side dormers constitutes permitted development by virtue of Article 3, Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, Article 3, Schedule 2, Part 1, B.1 (b) of the GPDO states that development is not permitted by Class B if “any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof”. Based on the photographs submitted by both parties, and from my own observations during the site visit, the height of the extended roof, including both side dormers, exceeds the height of the highest part of the pre-existing roof.
4. Therefore, on the balance of probability and based on all the evidence before me, the development does not fall within Article 3, Schedule 2, Part 1, B.1 (b) of the

GPDO 2015, for there to be deemed planning permission for the development as built. Therefore, planning permission is required for the development, and there is none in place. There has therefore been a breach of planning control, and the appellant has not discharged the onus on him to demonstrate otherwise.

5. Accordingly, the appeal fails on ground (c).

The Appeal on Ground (a) and the Deemed Planning Application (DPA)

Main Issue

6. The main issue is the effect of the development upon the character and appearance of the host building and area.

Reasons

7. The appeal site relates to a detached bungalow within a residential area. This section of Gordon Avenue is predominantly characterised by similar detached and semi-detached bungalows with front bay windows.
8. Havering's Residential Extensions and Alterations Supplementary Planning Document, 2011 (SPD) states that "dormers should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls." The two side dormers as built occupies a large area of the side roof slopes and therefore are not strictly in accordance with the above guidance. Nevertheless, during my site visit, I also observed that a number of the properties in the area have been altered and extended at roof level which has affected the original form and symmetry of the groups of semi-detached and detached properties.
9. In particular, the appeal bungalow forms part of a small group of detached bungalows (Nos 49, 51, 53 and 57 Gordon Avenue) on the same side of Gordon Avenue that have all been extended at roof level with side dormers, many of which wraparound the rear hipped roofs. The slight increase in ridge height is minimal when viewed against the context of neighbouring detached properties, which have been extended at roof level at a similar height. Furthermore, the 'as built' roof extension is made from dark grey slates/tiles, similar to those found in the area, giving an integrated appearance with the main dwelling and neighbouring properties.
10. I therefore conclude that the development does not have a harmful effect upon the character and appearance of the host building and area. In this respect the development complies with policies 7 and 26 of the Havering Local Plan 2016 – 2031, adopted in 2021. Amongst other things these state that the Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that are informed by, respect and complement the distinctive qualities, identity, character and geographical features of the site and local area.

Other Matters

11. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

12. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice. The appeal on grounds (f) and (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR