



## Appeal Decision

Site visit made on 3 January 2026

by A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr

an Inspector appointed by the Secretary of State

Decision date: 26<sup>th</sup> January 2026

**Appeal Ref: APP/B5480/C/24/3344521**

**30 Southern Way, Romford RM7 9PA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the "Act").
- The appeal is made by Mr Joynoor Hussain against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 15 April 2024.
- The breach of planning control as alleged is the construction of a ground floor rear extension and part first floor rear extension.
- The requirements of the enforcement notice are to: (1) Demolish the entire ground floor rear extension and demolish the part first floor rear extension and as further shown on the photo as Appendix LBH1 attached to this Notice (2) Remove all debris, rubbish or other materials accumulated as a result of taking steps (1) above.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Act.

**Summary of Decision: The enforcement notice is quashed, and planning permission is granted in the terms set out below in the formal decision.**

### Ground (a)

1. The main issue is the effect on: (1) character and appearance of the host building and street scene, and (2) living conditions of the occupiers of neighbouring dwellings, especially, nos. 28 and 32 Southern Way.
2. *Character and appearance:* The ground floor extends across the full width of the host building and projects from the main rear wall by about 6 metres. There is a smaller first floor element that is set back from the rear wall below. The rear is dominated by the ground floor addition exacerbated by the first-floor addition, dormer window at roof level, the flat roofs and overhanging eaves.
3. No. 30 is positioned at the end of a row of terrace dwellinghouses that are similar in design and scale. The extensions blend in with the rear elevation to the host dwelling because of their design and layout. The development does not form visually incongruous additions because they successfully integrate with the host building's built-form, fenestration detail and external appearance. Furthermore, the Council's unchallenged assertion is that the projecting parapet walls could be removed: to my mind, this would further reduce the visual impact of the development. Additionally, concerns about the exposed blockwork to the dormer could also be potentially addressed via conditions, which I will return to later.
4. The rearward projection is not visible from the front although the extensions are noticeable from adjoining properties. Nonetheless, although of varying size and scale, extensions can be found in the vicinity. I am not persuaded that the bulk, mass and scale of the rearward extensions harm visual amenity of the surrounding area given the dwelling's position, location and the siting of the extensions.

5. *Living conditions:* The flank walls of the ground floor extension adjoin the boundary with no. 32 but an alley way to the side of no. 28. I am content that, given the gap, the overall height and scale have no effect on outlook from the latter's rear elevation or garden. The Council is concerned about the potential effect on occupiers of no. 32. However, due to orientation, the extension is unlikely to significantly affect direct or indirect light reaching the rear elevation or habitable rooms. Nonetheless, the side wall to the ground floor extension is likely to be noticeable from the rear elevation in oblique views, but the impact is limited given the shape and layout of the plots. The development does not result in a tunnel vision nor worsen outlook given the design of the extensions.
6. My concern is that the first-floor rear extension has an opening that could permit access onto the flat roof area. As I have already said elsewhere, the side walls to the ground floor extension project above the flat roof, which reinforce a perception that the flat roof might be used for residential purposes. For example, using the roof for sitting out on or as a balcony is likely to raise objections about loss of privacy through overlooking. However, the appellant's plans indicate removal of the side parapet walls and the fitting of a new window in the opening. The Council has suggested a condition that would restrict the use of the flat roof. Subject to the imposition of suitably worded conditions, I find that the development does not cause material harm to neighbours' living conditions.

## Conditions and conclusions

7. The Council suggest a condition requiring details of the parapet wall removal within 3 months, which corresponds with the period of compliance. It is also reasonable to require details of the window to be inserted in the first-floor rear extension, because these are part of the matters alleged. The details are required to make the development acceptable in planning terms. A pragmatic outcome requires consideration of whether a suitably worded condition can be imposed in such circumstances where the development is retrospective. If it cannot, planning permission would have to be refused.
8. In situations where the development has already taken place, it is not feasible to impose a condition precedent or to require that outstanding details be agreed prior to the commencement or occupation of the development, regardless of the importance of those details. Therefore, when a condition is imposed that requires the submission and approval of details or a scheme for development which already exists, it is essential that the condition incorporates a sanction or enforcement mechanism. This is necessary to ensure compliance if the required details are not submitted or approved as stipulated.
9. The key feature of the retrospective condition is that the operational development permitted must be removed if the required detail or scheme is not implemented in accordance with the submitted details within the prescribed timescale. Alternatively, it is submitted on time but not approved and an appeal against the Council's refusal to approve the details submitted pursuant to the condition is not made on time or an appeal is dismissed, or the scheme is submitted and approved but not implemented within the prescribed timescale.
10. In addition to a modified condition prohibiting the use of the flat roof for any residential purpose, a condition, which satisfies the six tests, can require the submission of details for the removal of the parapet walls, application of cement render finish to match the host dwelling where necessary, and the insertion of a window to the first-floor extension. It could be imposed with an appropriate sanction if there is a failure. Such details would provide an alternative resolution at less disruption and is a proportionate outcome.
11. Pulling all the above threads together, the extensions do not appear subordinate but there are good reasons to set aside any conflict with the Residential Extensions and Alterations

Supplementary Planning Document. I find that, subject to the imposition of a suitably worded conditions, and contrary to the Council's arguments, in my planning judgment, the development does not have a materially harmful effect on the character and appearance of the street scene or on amenity. Accordingly, the subject extensions and alterations meet with the main aims of Policies 7 and 26 of the Havering Local Plan (2021), and guidance found in the National Planning Policy Framework (2024) paragraph 135(b)(c)(f) and 139.

12. For all the above reasons, I conclude that the appeal should be allowed and there are good planning reasons as to why I have disagreed with the previous Inspector's decision<sup>1</sup>.

### **Formal decision**

13. 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, for the development already carried out, namely, the construction of a ground floor rear extension and part first floor rear extension, subject to the following conditions:

- 1) The extensions and alterations shall be removed and all materials resulting from the removal or demolition shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within 3 months of the date of this decision, details for the removal of the parapet walls, application of cement render finish to match the host dwelling, and the insertion of a window to the first-floor extension, hereinafter called "the scheme", shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
  - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv) The approved scheme shall have been implemented and the development completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained and retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The roof area of the ground floor extension hereby permitted shall not be used for any residential purpose at all or as a balcony or roof garden.

*A U Ghafoor*

**INSPECTOR**

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<sup>1</sup> Appeal decision ref APP/B5480/D/24/3336494 dismissed 4 April 2024 – s78 appeal against refusal of planning permission for part retrospective ground floor rear extension and part first floor extension. Planning permission was granted for a front porch subject to conditions.