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## Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 January 2026

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**Appeal Ref: APP/B5480/C/24/3348037**

**1 Lynwood Drive, Romford, RM5 2RB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Dr Khalid Saleem against an enforcement notice issued by the Council of the London Borough of Havering.
  - The notice was issued on 14 June 2024.
  - The breach of planning control as alleged in the notice is: The construction of a two storey side extension, hip to gable extension and raising the ridge of the original dwelling and the construction of a rear dormer window extension.
  - The requirements of the notice are: (i) Lower the ridge of the part of the original dwelling to the height as existed previously as shown in the photograph in Appendix A; AND (ii) Remove the unauthorised rear dormer extension; AND (iii) Remove the hip to gable extension; AND (iv) Demolish the part single, part two storey side extension on the eastern elevation; AND (v) Remove all debris, rubbish or other materials accumulated as a result of taking steps (i), (ii), (iii) and (iv) above.
  - The period for compliance with the requirements is: Four months.
  - The appeal is proceeding on the grounds set out in section 174(2)(f)& (g) of the Town and Country Planning Act 1990 (as amended).
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### Decision

1. It is directed that the Enforcement Notice (EN) is varied by the deletion of “Four months” and its substitution with “Six months” as the time for compliance. Subject to this variation, the appeal is dismissed and the EN is upheld.

### Preliminary Matter

2. There is no deemed planning application. As such, I cannot consider any matters of planning merit such as the effect of the development on the character and appearance of the area. The submitted grounds of appeal also do not require any visual assessment of the appeal site and its surroundings. Against this background, I have determined the appeal without needing to see the site. Neither party has been prejudiced by this course of action

### Ground (f)

3. The EN alleges various elements of unauthorised development. It requires those to be removed/demolished, and for all resulting debris/rubbish to be removed. Accordingly, the purpose of the notice falls within s173(4)(a) of the 1990 Act which is to remedy the breach of planning control by restoring the land to its condition before the breach took place. This sets the context for considering whether, under s174(2)(f) of the 1990 Act, the steps required by the notice exceed what is necessary to remedy the breach.
4. There is a background of previously approved development at the appeal site, that was either granted planning permission, or it was deemed to be lawful. The Council has though stated that the scheme built is different and materially larger than what was approved. This has not been disputed, and the appellants has not

suggested that part of any lesser steps could be to bring some of the appeal development in line with a planning permission that has been granted. Moreover, it is not for me to scout around for, or raise, any possible alternative that is not put in evidence. I also do not have the plans for any of those schemes anyway and so I could not frame alternative steps with the precision that is needed.

5. The steps required by the EN do no more and no less than is needed to remedy the breach of planning control by restoring the land back to its condition before the breach took place. Consequently, they are not excessive. The ground (f) appeal should therefore fail.

### **Ground (g)**

6. It seems to me that a compliance period of 12 months would be unduly long to carry out the required steps. However, four months would be too short, given the extensive nature of the works involved and the need to line up builders and consider the impact on the living arrangements of the occupiers while the work is carried out. I therefore intend to extend the time period to 6 months, which in my view strikes the right balance between bringing the breach of planning control to an end while also not being unreasonably short. To this extent the ground (g) appeal succeeds.

### **Conclusion**

7. I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the EN prior to upholding it.

*Gareth Symons*

INSPECTOR