



## Appeal Decision

Site visit made on 27 June 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> July 2026

**Appeal Ref: APP/B5480/C/25/3367840**

**5A Myrtle Road, Romford RM3 8XS**

- 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 Bogdan Balusi against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 20 May 2025.
- The breach of planning control as alleged in the notice is 1) the construction of a rear extension; and 2) the construction of a hard surface in the front curtilage.
- The requirements of the enforcement notice are to: 1) Either demolish the rear extension or reduce the depth and height of the rear extension to no more than 3 metres at any point 2) Either remove the hard surface to the front OR install drainage and an underground soakaway with a capacity of not less than 1 cubic metre so that all surface water runoff is disposed of within the curtilage of the dwelling, and 3) Remove all other debris, rubbish or other materials accumulated as a result of taking steps (i) to (ii) above.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (c), (a), (f) and (g) of the Act.

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

### Preliminary matter

1. On 19 May 2025, Inspector Allen quashed an enforcement notice issued for the same alleged breach of planning controls as stated at bullet-point 4 above<sup>1</sup>. There were technical issues with the phraseology used in the requirements. The previous Inspector held that the steps required in the first enforcement notice were too imprecise and varying the requirements would have caused injustice: I do not spot the same issue in this second notice for the same breach.

### Ground (c)

2. The challenge focuses upon the hard surface as the appellant considers the development is permitted. Article 3, schedule 2, part 1, class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“the GPDO”) grants planning permission for the provision of a hard surface subject to conditions and limitations. Paragraph F.2 states development is permitted subject to the condition that, where the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and the area of ground covered by the hard surface would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.
3. The Government’s Technical Guidance (2019) refers to guidance issued in 2008 on permeable surfacing of front gardens. This document provides options for householders to pave their front garden with hardstanding and explains the importance of making adequate provision for surface

<sup>1</sup> Appeal ref: 3313779.

water drainage to avoid urban flooding. It suggests three main ways to address water from paved surfaces: flowing to drains is the last option.

4. The hard surface at no. 5A covers about 25 square metres but it has been constructed with a slope towards the dwellinghouse: the gradient would aid drainage, and surface water is likely to flow to the designated channel installed along the front elevation. It is reasonable to assume that a builder with technical knowledge or expertise in constructing hard surfaces with such a steep gradient towards the house is likely to make adequate provision for the drainage of surface water given the potential harm to the main dwelling. Contrary to the Council's claims, the appellant has demonstrated that surface water is collected and drained via a soakaway and the evidence submitted shows how the hard surfaced was constructed with a soakaway. Although a snapshot, these clearly show preparation and installation of channels and drainage pipes allowing water to be drained without potential flooding. On the balance of probabilities, I consider that the appellant has sufficiently demonstrated, to my satisfaction, that adequate provision is made to direct run-off water from the hard surface to a soakaway achieving permeability from the hard surfaced area within the curtilage of the dwellinghouse.
5. My inescapable conclusion is that express planning permission is not required for the second matter alleged in the notice and so the construction of a hard surface does not constitute a breach of planning control.
6. Drawing all the above points together and on the available evidence before me, on the balance of probabilities, I find that the installation of the hard surfaced meets conditions and limitations set out in part 1, class F and the development benefits from deemed planning permission by virtue of article 3 to the GPDO. The allegation needs correcting, so this part of the alleged development is deleted. Ground (c) succeeds.

#### Ground (a)

7. The terms of the deemed application are directly derived from the corrected allegation. The **main issue** is the effect of the rear extension upon the character and appearance of the host dwelling and street scene, and the neighbours' living conditions having regard to outlook.
8. Character and appearance: No. 5A is in a residential area and the street scene is characterised by similarly designed dwellings set in rows of mainly terraced properties. The Council explain that the property benefits from planning permission for a single-storey rear extension, which would be 3 metres deep. However, as built, the rear extension is about 4 m deep and runs along the width of the host dwelling. The shallow hipped roof with three roof sides and projection from the dwelling's rear elevation makes it appear a little odd, especially when seen against the backdrop of the main dwelling's pitched roof. Nevertheless, the external elevations of the rear extension match the outer surfaces of no. 5A. The rear extension is slightly set back as there is a 1 m roof overhang, and its fenestration detail is proportionate and in scale. I find the design, size and scale of the rear extension is acceptable and it does not visually harm the external appearance of no. 5A.
9. The representations refer to a purpose-built barbeque structure and outhouse, but these may be permitted development and are not subject to this appeal. That said, the extension extends to the rear of this terraced dwelling and there is some concern about the cluttered appearance of the garden, especially when assessed against the siting of surrounding properties. The Council is concerned about a sense of enclosure. However, I consider that the overall depth, bulk, design and scale of the rear extension do not result in development that is visually out-of-keeping with the residential character of the street scene.

10. The design and layout of the rear extension infringe the Council's technical guidance found in its residential extensions & alterations supplementary planning document (SPD) March 2011. However, domestic extensions can improve the quality of life, and the appeal extension provides valuable and useable space, and extensions are not atypical of the locality. For reasons I have already given elsewhere I consider that any perceived conflict with the SPD can be given limited weight due to the rearward location and siting of the extension.
11. Drawing all the above threads together, in my planning judgment, the architectural style of the development does not, in the round, cause visual harm to the character and appearance of the host dwelling and street scene. Accordingly, the development meets with the main aims and objectives of the development plan as a whole in that the design and appearance satisfies Policy 7 and 26 of the Havering Local Plan (2016 – 2031), Policies D1 and DC61 of the London Plan (2021), and guidance found in the National Planning Policy Framework (NPPF) at paragraph 135(a)(b) and (c).
12. Living conditions: In a similar vein, the Council is concerned about the depth of the rear extension. This is because it is located on the boundaries and is likely to be noticeable from the rear elevations of the neighbouring properties. It is concerned about the extension's overbearing visual effect as it fails to meet the SPD's 45-degree guidelines for terraced dwellings, but there is nothing before me to suggest the depth adversely affects sunlight or daylight given orientation.
13. That said, the rear elevation of the single-storey extension is setback with an overhanging roof resting on two columns allowing a break in the solid side walls. The overall depth, bulk and position of the rear extension do not result in development that is unacceptably overbearing, overpowering or intrusive in views from the neighbouring properties and rear gardens. Given the layout of the site and the design and scale of the rear extension, I find that the development does not have a visually detrimental effect on outlook nor increase the sense of enclosure.
14. I conclude that the rear extension, as built, does not have a materially harmful effect on living conditions of the neighbours and accords with Policies 7, 10, and 26 of the Havering Local Plan, Policy D3 of the London Plan, and NPPF135(f).

### ***Conditions and conclusion on ground (a)***

15. The Council's reason for issuing the notice says it does not consider that planning permission should be granted because planning conditions attached to any consent would not overcome its concerns and permission has already been refused under application ref P0489.21. Despite the appeal questionnaire indicating suggested conditions should be submitted, none have been submitted for my consideration. I have disagreed with the Council's approach and assessment, and the deemed application should succeed in relation to the rear extension without conditions.

### **Overall conclusions**

16. The enforcement notice needs correcting as the hard surfaced is permitted development. For reasons given above, ground (c) succeeds on that basis only. In my planning judgment and having regard to all other matters raised, I conclude that planning permission can be granted for the construction of a rear extension. The appeal should be allowed on ground (a) and there is no need to consider ground (f) and (g) as the notice will be quashed after correction.

### **Formal Decision**

17. The enforcement notice is corrected by the deletion of the following text in section 3: the breach of planning control alleged, "...and 2. Without planning permission, the construction of a hard surface in the front curtilage".

18. Subject to this correction, 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 Act, for the development already carried out, namely, the construction of a rear extension on land at 5A Myrtle Road, Romford RM3 8XS.

*A U Ghafoor*

INSPECTOR