



Appeal Decisions

Site visit made on 7 November 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 1st February 2020

Appeal Ref: APP/H5960/C/19/3221949 (Appeal A)
10 Burntwood Grange Road, London SW18 3JX

- 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 appeal is made by Chandrakant Patel against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The enforcement notice was issued on 3 January 2019.
 - The breach of planning control as alleged in the notice is without permission, and within the last four (4) years, the unauthorised erection of a single-storey side/rear extension on the Property.
 - The requirements of the notice are:
 1. Remove the unauthorised side/rear extension in its entirety; OR
 2. Carry out remedial works to the Property to ensure that the extension accords with the approved plans of the planning permission granted on 28 April 2017 under reference 2017/1355; AND
 3. Remove from the Property all debris arising from compliance with steps 1 or 2.
 - The period for compliance with the requirements is eight weeks.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since the development is exempt from the payment of fees, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal Ref: APP/H5960/W/19/3221946 (Appeal B)
10 Burntwood Grange Road, London SW18 3JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Patel against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2018/4983, dated 17 October 2018, was refused by notice dated 14 December 2018.
 - The development proposed is to demolish existing rear extension and erect new rear and side single storey extension.
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Decisions

1. It is directed that the enforcement notice be varied by deleting "Eight weeks" and substituting "Six months" as the period for compliance in paragraph 6 due to the appeal succeeding under ground (g). Subject to this variation Appeal A is otherwise dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B is dismissed.

Applications for costs

3. Applications for costs were made by Mr C Patel against the Council of the London Borough of Wandsworth in respect of each appeal. These applications are the subject of separate Decisions.

Appeal A The appeal on ground (a) and the deemed planning application; Appeal B

Main Issues

4. The main issue in respect of both Appeal A and Appeal B is the effect of the development on the character and appearance of the appeal building and surrounding area.

Reasons

5. Properties in the vicinity of the appeal site are predominantly 2-storey semi-detached dwellings. The appeal property shares this form, and is located on the corner of Burntwood Grange Road and Burntwood Close. The moderately spacious corner junction means that the property is within good view for reasonable distances along each of these streets.
6. Further, the prominence of the south-western elevation of the building is pronounced by virtue of a land incline to the north-east, resulting in the property sitting on higher ground than generally is the case for properties to its west and south.
7. For these reasons, the south-western elevation of the built extension is particularly dominant on the streetscene. This effect is heightened further by its significant length, only set back slightly from the front elevation of the main building and extending significantly beyond its rear elevation, and because it is located directly on the boundary of the property against the footway. Further, the flank elevation has extensive areas of brickwork lacking features which might soften its appearance and its roof awkwardly protrudes above, and to each side, of the existing first floor side elevation window.
8. Taken altogether the result is an overly-dominant and visually obtrusive addition to the main building. While other local properties have been extended, it is the particular features of the appeal development in the context of its design and siting which, for the reasons above, cause it to significantly harm the character and appearance of both the host building and the surrounding area. I note in particular that the appeal development is significantly larger and more dominant in relation to its host dwelling than the extension facing it across the road at 8 Burntwood Grange Road.
9. As such the appeal development is in conflict with Policy IS3 of the Wandsworth Local Plan Core Strategy (2016), Policies DMS1 and DMH5 of the Wandsworth Local Plan Development Management Policies Document (2016), as supported by the Council's Housing Supplementary Planning Document (2016), which together seek to promote high quality design and protect the character and appearance of places. The appeal development is also contrary to the design principles of the National Planning Policy Framework (Chapter 12).

10. I have carefully considered the development approved by the Council (Ref: 2017/1355) for the erection of a single-storey side/rear extension at the property. While I acknowledge that there are similarities with the appeal scheme as built, including the same eaves height, the approved extension was set back further from the front elevation of the main building causing it to appear subordinate to it. The appeal development's significant use of brick on the section of the extension's rear wall nearest to the footway combines with the extensive area of brickwork on the flank wall to aggravate a sense of overdevelopment. This is in contrast to the lighter significantly-glazed rear wall design of the approved scheme. In addition, the poor design of the roof features in the appeal scheme, as regards their relationship with the existing first floor side elevation window, was not included within the approved scheme. These are in my judgement material differences, with the appeal scheme causing a level of significant harm to character and appearance that would not be caused by the approved extension.
11. The appellant has suggested a condition requiring the rendering and painting black of the lowest metre of brickwork from the footway to create a plinth effect. However, that in my view would not diminish the dominance or visual obtrusiveness of the substantial extension as a whole as built under the appeal scheme for all the reasons given above.

Appeal A The appeal on ground (g)

12. The appellant has said that the compliance period of 8 weeks is too short to select a contractor, agree a contract, make preparation for works and execute them. I have considered this submission carefully, together with the Council's argument that the compliance period stated in the notice is reasonable taking also into account the ongoing harm that it would cause to character and appearance during the period.
13. Compliance with either step 1 or step 2 of the notice requirements would involve reasonably substantial works. The extension as occupied is an integral part of the home and alternative arrangements would need to be made by the occupiers to facilitate the works. The compliance period therefore needs to incorporate sufficient time to arrange and complete the substantial works and to make necessary domestic living arrangements. The appellant has suggested that a compliance period of 6 months is reasonable and I do not think that this is excessive when balanced against the harm caused by the development.
14. For these reasons, I will vary the compliance time to 6 months. The appeal therefore succeeds on ground (g) and I will vary the notice accordingly.

Conclusions

15. For the reasons given above I conclude that Appeal A should not succeed except to the limited extent on ground (g). I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application.
16. For the reasons given above I conclude that the Appeal B should be dismissed.

Andrew Walker

INSPECTOR