



Appeal Decisions

Inquiry Held on 1 & 2 December 2020

Site visit made on 9 December 2020

by R J Perrins MA MCMI TechArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 January 2021

Appeal A Ref: APP/N5660/18/3215465

21 Garrad's Road, London SW16 1JY

- 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 Mr Iqbal Khan against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The enforcement notice, numbered 14/00201/3CNS, was issued on 24 September 2018.
 - The breach of planning control as alleged in the notice is:
 - A. The material change of use of the ground and first floor of the premises from a children's nursery (D1) to a self-contained residential unit (C3) ('the unauthorised residential unit');
 - B. The erection of an L-shaped single storey extension along the southern end of the rear elevation and eastern end of the side elevation, encompassing and extending smaller existing extensions ('the unauthorised rear L-shaped extension');
 - C. The removal of the southern-most wooden casement window and section of wall beneath (from within the window located at first floor level and over the front porch to the premises) and the insertion of a UPVC door ('the unauthorised UPVC door');
 - D. The removal of the multi-panelled and leaded panes of glass from all the casement windows located on the original front elevation of the premises and the insertion of clear panes of glass ('the unauthorised panes of glass').
 - The requirements of the notice are:
 - A. Cease the use of the unauthorised residential unit; and
 - B. Remove the unauthorised rear L-shaped extension from the premises and reinstate the rear and side elevations as existed prior to the breach of planning control; and
 - C. Remove the unauthorised UPVC door from the premises and reinstate a wooden casement window and brickwork as existed prior to the breach of planning control; and
 - D. Remove the unauthorised panes of glass from the premises and reinstate multi-panelled and leaded panes of glass to match those which existed prior to the breach of planning control; and
 - E. Remove from the premises all associated waste and debris resulting from compliance with the above steps.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B Ref: APP/N5660/X/19/3226119

21 Top Floor Flat, Garrad's Road, London SW16 1JY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Iqbal Ali Khan against the decision of the Council of the London Borough of Lambeth.
- The application Ref 18/05392/LDCE, dated 16 December 2018, was refused by notice

dated 11 February 2019.

- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of the top floor flat, 21 Garrad's Road, SW16 1JY as a single self-contained three bedroom flat.
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Decisions

Appeal A Ref: APP/N5660/18/3215465

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/N5660/X/19/3226119

2. The appeal is dismissed.

Preliminary and procedural matters

3. The Inquiry sat for two days. All of the oral evidence was given by sworn affirmation.
4. At the Inquiry the appellant withdrew the appeal on ground (c).
5. The Council have requested that the plan attached to the enforcement notice be redrawn to encompass what was originally part of the rear garden to No 21. The Council consider this to be the correct planning unit. The appellant argues it is not and it is separated by a fence which I saw during my site visit was in a poor state of repair, with free access between both pieces of land with little to distinguish them.
6. There is no dispute that the pieces of land were bought in March 2007 by the appellant at the same time. They were parcelled into two titles. There is no reason given for that and arguments are made about the dividing fence and when it first came to be. In addition, I recognise that a Council Officer observed that the eastern part of the land was part of the curtilage of the house and regarded as garden land. I also accept that the officer who drafted the notice may have been unaware that the appellant owned both parcels of land.
7. Nevertheless, I must consider if any injustice would occur were I to amend the notice to include the second parcel of land. I am not convinced there would be no injustice given section 70c of the Act which would embrace the second parcel of land. If I were to extend the plan the appellant would inevitably be in a worse position in that regard. As such I will not amend the enforcement notice plan, to do so would lead to injustice.

Appeal A – the s174 appeal

The appeal on ground (b)

8. An appeal on ground (b) is that the breach of planning control alleged has not occurred as a matter of fact. I accept the appellant considers that the breach of planning control as described does not reflect what has taken place. However, the appellant accepted that timber works to construct a wooden canopy had been carried out. Moreover, from the undisputed photographs

submitted by the Council, and from what I saw on site, it is clear a new structure has been erected to the rear of the property.

9. I see no reason to amend that description and no alternative has been suggested by the appellant. What has been constructed has been erected along the southern end of the rear elevation and eastern end of the side elevation, encompassing and extending the smaller existing extensions. The breach of planning control has occurred and the appeal on ground (b) must fail.

The appeal on ground (d)

10. The Planning Practice Guidance (the Guidance) sets out an appellant is responsible for providing sufficient information to support an application for a Lawful Development Certificate, which is also the equivalent of ground (d) in an enforcement appeal. The Guidance says: "In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability". That is reflected by the judgment in *Gabbitts v SSE & Newham LBC* [1985] JPL 630.
11. Those sentiments apply equally to an Inspector at appeal stage and the tests relate in substance to the use at issue in this appeal. Therefore, in this case, the onus is upon the appellant to demonstrate, on the balance of probabilities, that the change of use, to a self-contained residential unit, occurred 4 years or more at or before the time the enforcement notice was served, the relevant date being 24 September 2014.
12. To that end the main thrust of the appellant's case is that Laxmi Chawla has lived continuously on the ground and first floors of the property since June 2014. There is no dispute that Ms Chawla managed the property in 2013 when it was a nursery and in 2014, she was granted a licence to occupy the ground and first floor. I accept that it is not unusual for such an arrangement to co-exist with her employment.
13. In addition to that licence I am directed to a host of documents including bank statements, HMRC documents and a driving licence. All of these documents are addressed to Ms Chawla at No 21 and I have no reason to doubt their authenticity. The bank statements and HMRC documents cover the period from 3 July 2014 through to January 2018. On their face, along with other documents, they point to No 21 being Ms Chawla's address. I also give little weight to the argument that the address was being used to obtain a better credit score; the Council have produced nothing to corroborate that view.
14. Furthermore, I accept that Ms Chawla gave evidence at a previous appeal¹ which was also dealt with by way of Inquiry and addressed issues including electoral roll evidence and anomalies. In that case the Inspector found in favour of Ms Chawla but there is an inevitability, given my deliberations must focus on the very particular circumstances of this ground (d) appeal, that I give the findings of the Inspector in that case, no weight. I say that given the only similarities between the two cases are the parties involved and it is not unusual

¹ APP/N5660/C/14/2215691

for evidence concerning the electoral register to be put forward under a ground (d) appeal.

15. In the same way the fact that Ms Chawla's address was not challenged by the Council when it was within the evidence for that appeal adds little to the appellant's case. That appeal involved a property in Woodburn Avenue, those involved had no reason to question the address of a witness when it had simply nothing to do with the matters being considered at that time.
16. In the face of this evidence is the Council's assertion that Ms Chawla is recorded on the electoral roll as being registered at the second floor flat in 2016. In that respect I am directed again to the previous Inspector's decision where he found Ms Chawla's explanation concerning administration and drop-down boxes to be plausible. However, in coming to that view the Inspector refers to other evidence 'that was beyond the bounds of reason'; there is no similarity here. The fact that Ms Chawla was registered in the second floor flat remains unexplained.
17. Moreover, I am not satisfied on the evidence before me, and from what I saw during my site visit, that Ms Chawla was residing at the property, on the ground and first floor, during the period of renovation. Whilst I accept the photographs submitted by the Council may not show all of the rooms within the building, there is no dispute that the renovation works were of some scale. Building works and materials are clearly evident in many rooms. That was corroborated by email from the appellant which confirms 'complete renovation' was being carried out.
18. Further it is not unreasonable to assume that had there been residential use carrying on at the property as Ms Chawla indicates, then that would have been evident in some form. Indeed, from what I was able to compare on site, one of the photographs at Page 53 of the Council's proof appears to show fitted wardrobes being installed either side of a fireplace with wiring above the fireplace. That photograph is commensurate with the layout of Ms Chawla's bedroom on site; there is no sign of residential use at that time.
19. Even if I am wrong and that is not Ms Chawla's bedroom, the suggestion that Ms Chawla would sleep elsewhere and return to change, shower and occasionally warm food or relax is not corroborated by any witnesses or evidence. Moreover, the Council's further undisputed photographs taken during the works in May 2015 show a level of work that would bring with it a great deal of building dust, dirt and inconvenience. Any reasonable viewing would lead one to question how anyone could possibly live amongst such activity and, as Ms Chawla said in evidence, carry on with their job.
20. I say that given windows and doors on the ground floor were missing, wiring exposed; one of the Council Officers who carried out the inspection in 2015 recalls that the premises were unoccupied, and they were "not capable of occupation". The email² that followed mentions en-suite bedrooms and wardrobes being fitted on the first floor and that changing the use to that of residential would need planning permission and works should cease. There is no mention of any existing residential use of the first or second floors and no mention of such is made by the appellant in his response to that email.

² From Jonathan Dalton dated 12 June 2015

21. Further weight³ must also be attributed to the following; the current use described in the planning application ref:15/06572 (children's nursery); the planning application form ref:17/03351 (property vacant); the Design and Access Statement in support of that application (property vacant); the fact that the first and second floors were not registered for Council Tax until 2018; the lack of any electoral roll entries at the property for Ms Chawla until 2016; and the photograph of July 2016 showing no curtains within the dwelling.
22. Added to that, Ms Chawla's oral evidence included contradictory statements. In the face of new evidence produced during the Inquiry regarding access onto the balcony, Ms Chawla's evidence changed. Initially the Inquiry was informed quite robustly that a door had always been in place to give access onto the front balcony. On seeing pictures which showed that not to be the case the evidence was changed to describe a forward opening window that one had to climb through for access. That is somewhat different, it is not an insignificant change, and brings into question her recollection of the period in question.
23. Mr Rehman did not help the appellant's case; I found him to be a straightforward witness but he could not be sure how the property was being used throughout the period. He only visited around 7-8 times between 2014 and 2019 and recollected that he may have visited around the time of renovations but could not be sure. In the same way the statement from the pest controller adds little and remains untested.
24. Having considered all of these matters I find that there is a degree of ambiguity within the appellant's own evidence, along with evidence from the Council, to find, on the balance of probabilities, that the burden of proof in respect of the four year period to be unfulfilled.
25. Such a finding is not inconsistent with *Swale v FSS & Lee (2006) JPL 886*, where it was held that there is a difference between an established dwellinghouse, when an occupier does not have to be continuously or even regularly present in order for the building to remain in use as a dwellinghouse, and where there is no established use. To be immune from enforcement action under s171B(2) one should ask whether there would have been a time when the LPA could not have taken enforcement action against the use of the building as a dwellinghouse, even if it was available for use, because it was not actually occupied or used as a dwelling.
26. For the reasons set out and as a matter of fact and degree I find that during the period of renovation (approximately May 2015 to June 2016) the building was not being used as a dwelling and that period was a significant enough break to not be considered as *de minimis*.
27. No case has been brought by the appellant under this ground concerning the operational development.
28. Accordingly, the appeal on ground (d) fails.

The appeal on ground (a)

Main Issues

29. The main issues in this case are:

³ Albeit limited given signatories of some documents have not given evidence.

- The effect of the change of use upon the provision of nurseries (Class D1 Use) in the locality.
- The effect of the rear and side extension, UVPC door and windows, on the character and appearance of the host building and conservation area.

Reasons

30. Turning to the first issue Policy S1 of the Lambeth Local Plan (2015) (LP) sets out that existing community premises and land formerly in use as community premises will be safeguarded unless it can be demonstrated that there is no existing or future need for such uses, including reuse for other community services locally and adequate alternative accommodation is available to meet the needs of the area.
31. I accept that the appellant has submitted evidence identifying 60 registered providers within a one-mile radius of the property. Also, since 2013 the Council has granted planning permission for changes of use from residential to nursery on four occasions within the locality. It cannot be said that the provision of nursery facilities in the locality is low.
32. However, the fact that applications for planning permission have been made and approved in recent years, at a time when the nursery at No 21 could have been operating, points to a demand for provision rather than a lack of need. Moreover, the properties identified have not been subject to any investigation in terms of their current capacity or how they operate. Closer scrutiny shows a number of them to be identified as holiday clubs which may or may not be seasonal and may not be in direct competition with a nursery use. No interrogation or analysis of this data has been made; it cannot be relied upon.
33. In the same way the marketing which the appellant points to in order to comply with policy is simply not evidenced in any robust way. I accept that Ms Chawla and the appellant would have had conversations with a number of people and shown some of them round. There is no reason to dispute Mr Rehman's evidence that he had meetings with potential clients and endeavoured to promote the property as an Islamic nursery through his range of contacts amongst a network of Mosques. I also accept that he considered the property was not an operationally or financially viable proposition as a nursery.
34. However, neither Ms Chawla or Mr Rehman have any expertise in the field and there is no documentary evidence to quantify the amount of marketing that was carried out. There is no marketing plan, financial projections or any other documentation one would expect to see when marketing such a property for a nursery use. Whilst I accept that the supporting text to Policy S1, which refers to such evidence, is not policy in itself, it is nevertheless relevant to the interpretation of the policy.
35. When one asks how is it that I should demonstrate the lack of need or demand for my community premises? The text makes it clear for all to see; as a minimum, one should have marketed and advertised the vacancy continuously for a twelve month period **and provide evidence of this** [my emphasis], including a log of enquiries with reasons why the premises were considered unsuitable. That evidence is simply not before me and nothing comparable of

any merit has been produced. Whilst Mr Rehman suggested some sort of study had been carried out it has not been submitted as evidence.

36. Furthermore, I am not convinced the nursery closed because of the unsuitability of the building. The Ofsted letter of 19 June 2014 clearly sets out that the concerns were around management of the premises and staff. Whilst I accept that planning conditions could secure refuse, recycling and cycle storage, there is some inevitability that I find the change of use has led to the unacceptable loss of a nursery (D1) use in the locality. That is contrary to Policy S1 of the LP.
37. Turning to the second issue, the appellant suggested he was not going to pursue the ground (a) for some aspects of the operational development at the Inquiry. Although, in closing, it was maintained that consideration should be given to the arguments put forward. To that end the appeal property is a detached three-storey building sat in a generous plot on the junction with Garrad's Road and Becmead Avenue. A covered external staircase on the southern side of the building leads to a flat in the roof space.
38. The site is located within the *Streatham Park and Garrads Road Conservation Area*. This part of the conservation area is characterised by large detached houses set within relatively spacious plots overlooking Tooting Bec Common. This part of the conservation area is largely residential with houses of character not being uncommon. The description provided by the Council of 'a substantial Queen Anne revival property with some Dutch influenced detailing that dates from the interwar period' is undisputed. I also see no reason to disagree with the view that the property serves an important townscape function framing the entrance to Becmead Road and that it is prominent within the street scene. It is of a scale, size and elevated position such that it inevitably draws the eye.
39. Against that background I accept that the building was originally a residential home and returning its appearance to reflect that would not be out of character with the locality. In addition, the appellant is of the view that he has squared off the rear of the building and there was water ingress and dampness. However, the extension that has been erected does little to respect the original architecture of the property. The white render, PVCu windows and timber canopy, extending the flat roof over the ground floor, are an odd addition which dominate the rear elevation.
40. It is not right to say the extension cannot be seen; it clearly can be when walking along Becmead Road where the rear of the property can be seen over the boundary wall. The extension and canopy draw the eye and leads the viewer to question how they came to be. The extension does not reflect the original more uniform and traditional architectural style.
41. That is at odds with Policy Q11 of the LP and the Lambeth Supplementary Planning Document *Building Alterations & Extensions* which seek extensions that respond to the original architecture of the host building and do not dominate or overwhelm. Also, Policy Q5 of the LP which states that the local distinctiveness of Lambeth should be sustained and reinforced through new development and that proposals will be supported where it is shown that design of development is a response to positive aspects of the local context.
42. Furthermore, Policy Q22 of the LP states that development affecting conservation areas will be permitted where they preserve or enhance the

character or appearance of the conservation area's context and historic character. None of the works carried out at the premises do that. It seems to me that when one purchases a property within a conservation area it comes with some responsibility. That is to say one should have regards to the conservation area to which that property will contribute and the policies in place to protect and retain the characteristics which make it worthy of the conservation area status.

43. Turning to the windows and doors, whilst individually such matters along with access onto the balcony may seem insignificant to the front of the property, the cumulative effect has led to unacceptable harm to the character of the host dwelling. Nearby are properties with windows of similar sizes, symmetry and uniform positioning; that would have been said for the original façade of the appeal premises. The introduction of the door, the removal and replacement of leaded windows has introduced modern features at odds with the original architecture. Along with the rear additions these alterations do not preserve or enhance the conservation area in accordance with Policy Q22.
44. In addition to this the adjoining property No 23 was locally listed recently (July 2020) because of its architecture, history and townscape value and its boundary abuts the appeal premises. No 19, situated on the opposing corner, is also locally listed for the same reasons. Given the harm I have found I also find the development to be at odds with Policy Q23 of the LP which seeks to protect the settings of locally listed buildings. The appeal premises in its current form detracts from the setting of those buildings.
45. I recognise the appellant has endeavoured to remedy some of this by installing tape onto the windows, which I accept does a good job of replicating the original leaded strips, and he is willing to replace the plastic door with a metal version. However, the door would remain at odds with the uniformity of the other windows in the front elevation and I have no idea how long the strips, affixed to the glass, would be in place (as discussed under the ground (f) appeal).
46. For these reasons I find the rear and side extension, UVPC door and windows have led to unacceptable harm to the character and appearance of the host building at odds with the aforementioned policies. Furthermore, the development fails to preserve or enhance the *Streatham Park and Garrads Road Conservation Area*. That finding is not at odds with the Inspector who dealt with the boundary wall appeal⁴ where the decision, unlike this one, was focussed quite rightly on boundary treatments in the locality.

Other matters

47. There is no dispute that there are residential properties of a similar size in the area and that the appellant would need two reception rooms and carers to be accommodated within the property. However, I have no details of where the appellant currently resides and whether those requirements are being met there or not. I'm also in no doubt that the large rooms downstairs would be of benefit for prayer and gatherings.
48. However, these matters do not outweigh the harm I have identified. Finally, the appellant points to a restrictive covenant of 1908 which seeks to ensure

⁴ Appeal Ref: APP/N5660/W/17/3179278

that any house built on the land is used only as a private dwelling house. This has not formed part of my deliberations given it concerns private rights.

Conclusion

49. For all the above reasons and having considered all matters raised the appeal on ground (a) fails.

The appeal on ground (f)

50. Section 173 of the 1990 Act sets out what the contents and effect of an Enforcement Notice should be. Sub-section 4(a) explains what purposes the steps specified in an Enforcement Notice should achieve. In this case the steps specified seek to achieve the restoration of the land to its condition before the breach took place. The Council have confirmed that.

51. At my site visit I could see that the appellant, as he set out at the Inquiry, had affixed strips to the windows to address requirement 5D⁵ of the notice. I accept that when viewed from the street they give the windows the appearance of multi-panelled and leaded panes of glass. However, I have no details of how the strips were affixed or of their longevity, proven or otherwise. If I were to vary the notice to require the attachment of such strips I could not, on the information before me or from what I saw on site, be confident they would last and I could not be sure they would be retained.

52. With regards to the door on the balcony, it was accepted that this is a new addition. It is at odds with the remaining windows in the front façade of the property and regardless of any arguments concerning the impact of the use of the balcony, it has led to harm to the character and appearance of the property itself. For these reasons the requirements are entirely appropriate to achieve the objective of restoring the land to its condition before the breach took place.

53. The appeal on ground (f) fails.

The appeal on ground (g)

54. In closing the appellant submitted that a period of 6 to 9 months would be realistic to carry out works due to the Covid-19 pandemic and the Christmas season. However, in evidence, the appellant accepted he could do the work in six months and Ms Chawla was unconcerned about finding somewhere else to stay. The notice requires 6 months to comply and there is nothing before me to suggest the works are complex in nature or that materials and/or labour would be difficult to source.

55. The appeal on ground (g) also fails.

Appeal B the s195 appeal.

Main issue

56. In the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate, consideration rests on the facts of the case and on relevant planning law and judicial authority. For the avoidance of doubt,

⁵ Remove the unauthorised panes of glass from the premises and reinstate multi-panelled and leaded panes of glass to match those which existed prior to the breach of planning control

arguments concerning planning merits and planning policies are not for my deliberations under this appeal.

57. In the case of applications for an existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. The same applies to an Inspector at appeal
58. The onus is upon the appellant to meet the balance of probabilities and satisfy the burden of proof in respect of the continued use of the top floor flat as a single self-contained three bedroom flat for four years or more at the time the application was made. The relevant date being 16 December 2014.

Reasons

59. There is no dispute that the top floor flat has been used for a considerable period by tenants placed by a number of London Borough housing authorities. These tenants are well documented by letters from those authorities and sheets that were used by tenants to sign-in each day. The Council does not dispute the authenticity of the documents, but does nevertheless point to a number of factors as follows:
- The lack of sign-in sheets for the period June 2016 to April 2017.
 - The invoices to the Royal Borough of Kingston-upon Thames (RBK) and their remittance advice does not state where the family were living within the premises.
 - The fact that Ms Chawla was registered on the electoral roll as living in the top floor flat. Ms Chawla completed that registration herself.
 - In 2017 two other people being registered on the electoral roll and it not being clear where in the property they resided.
60. I accept that sign-in sheets were not a requirement of the authority. Furthermore, the Invoice sheets from the appellant for the period refer to the 'Top Floor Flat'. However, the remittance advice from RBK does not. Moreover, the sign-in sheets start again in 2017. Whilst I recognise that was for a different authority it seems to me unexplained why the sign in sheets stopped when it was clear that the tenant at the time had been signing them for some 10 months.
61. It is reasonable to assume that this was part of a well-trodden routine and a worthy record to keep. Particularly when set against the large property portfolio of the appellant, and that the tenant according to the appellant had not changed. Thus, the reason to justify the lack of sheets, that it was not a 'strict' requirement, against that background I afford little weight.
62. In addition to this are the anomalies with the electoral roll; Ms Chawla recalls filling out the form and did not think that she would have written 'top floor flat' but her answer was not convincing, and the form has not been produced. Although it appears to be shown as an attachment on the printout of the email to which it was attached. In the same way the evidence that drop-down boxes on the automated system were to blame is uncorroborated. Ms

Chawla also avoided a direct answer when questioned about her living on all three floors during the period.

63. The fact that two other people were on the electoral roll also goes unexplained. I am told they were employed by the appellant but have no detail in what capacity they were registered at the property or where they were living. They or any other of the tenants for the period have not been called to add any weight to the submissions. In the same way I must give limited weight to the email introduced verbally at the Inquiry and then submitted as a late document.
64. The email from RBK Accommodation Service, is dated 2 December 2020. It indicates that the 'Top Floor Flat' was booked for the disputed period for the tenants in question. However, it remains untested, its author has not been called and I cannot be certain of the basis of the statement made. For example, there is no clarity as to whether RBK simply state that the top floor flat was being used because that is what the lettings company had told them or, if that was based on a more detailed knowledge or check of the premises during the relevant period.
65. Thus, for the reasons set out above, and having considered all of the evidence available to me, there remains a degree of ambiguity and lack of precision in the appellant's evidence. It has not therefore been demonstrated, on the balance of probabilities, and the evidence currently available, that the use in question took place continuously throughout the relevant period.

Conclusion

66. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the property for as a single self-contained three-bedroom flat was well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Richard Perrins

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Christopher Jacob of Counsel	Instructed by Mr Iqbal Ali Khan
He called	
Ms Laxmi Chawla	Agent
Mr Iqbal Ali Khan	Appellant
Mr Shafiq Rehman	Accountant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Giles Atkinson of Counsel	Instructed by London Borough of Lambeth Head of Law
He called	
Mr Ronan McGinn BSc	Planning Enforcement Officer
Hons PG Dip	

DOCUMENTS

- 1 Signed Statement of Common Ground
- 2 Google Street view images dated 2009, 2015 and 2015
- 3 Email from RBK Accommodation Service dated 2 December 2020