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## Appeal Decision

Site visit made on 20 April 2021

**by N Thomas MA MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 12 May 2021**

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**Appeal Ref: APP/A5840/C/20/3247291**

**27 Casino Avenue, Herne Hill, London SE24 9PQ**

- 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 Colin Neathey against an enforcement notice issued by the Council of the London Borough of Southwark.
  - The enforcement notice, numbered 19/EN/0237, was issued on 6 February 2020.
  - The breach of planning control as alleged in the notice is without planning permission, the carrying out of unauthorised development by the construction of a uPVC front porch at the property.
  - The requirements of the notice are:
    1. Remove the uPVC porch from the property;
    2. Make good the wall where the porch has been removed resulting in compliance with 1 above.
    3. Remove any debris from the site resulting from compliance with 1 and 2 above.
  - The period for compliance with the requirements is 12 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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### Decision

1. 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 as amended for the development already carried out, namely the construction of a uPVC front porch at 27 Casino Avenue, Herne Hill, London SE24 9PQ as shown on the plan attached to the notice.

### Preliminary Matters

2. Since the enforcement notice was issued, the London Plan 2021 (LP) has been adopted and has superseded the policies of the London Plan 2016 referred to in the notice. I have been provided with copies of the relevant policies.
3. An Article 4 direction is in place restricting permitted development rights in the area, including for the erection of a porch outside any external door at the front of a dwellinghouse.

### The ground (a) appeal and the deemed application

4. The ground of appeal is that planning permission should be granted for the matters stated in the notice. Having regard to the reasons for issuing the

notice, the main issue is whether the porch preserves or enhances the character or appearance of the Sunray Estate Conservation Area (CA).

5. The site is an end of terrace dwelling at the top of a cul-de-sac within the Estate built under the 'Homes for Heroes' campaign during 1920-2. The Estate exemplifies the garden suburb approach of creating housing of a higher standard of design and quality, with a greater emphasis on gardens and green spaces. It includes two storey houses as well as some larger blocks of flats. The buildings generally have steeply pitched clay tiled roofs and small paned casement windows set in walls of yellow brick or rough render.
6. The CA Appraisal<sup>1</sup> identifies that the cul-de-sac has the distinctive elements of the CA, with the strongest 'cottage' likeness. The buildings have a stepping plan form with gabled elements to the front. The cul-de-sac is dominated by roadside verges planted with a hedge and individual trees, as well as hedges along front boundaries and within the front gardens. The resulting character is of a mature and established garden suburb. Most of the front doors do not have porches or any other canopy, although I noted a small number of porches and original canopies evident in the wider area.
7. The dwelling on the appeal site makes a positive contribution to the character and appearance of the CA as it retains its much of its original form and appearance. However, it is discreetly located at the end of the terrace at the end of the cul-de-sac and is therefore screened from wider views due to its location and the mature planting.
8. The porch is modest in scale and has a simple design. As a result of its small scale, siting, and the predominance of hedges and garden planting, only the roof of the porch is apparent in views from the road. Its dwarf walls are in a yellow brick and its mono-pitch roof is covered with clay tiles that reflect those used on the main house. The uPVC windows in the sides and front of the porch are similar to those evident on nearby buildings. I recognise that front doors in the area originally had canopies which were an integral feature of the dwellings, but no canopy has been removed in this instance, and there are few original canopies in the immediate vicinity of the site. Consequently, although the porch is a modern addition, it does not appear incongruous, and its design and materials reflect the simple form and appearance of the main house. I do not therefore find that the porch is harmful to the identified key attributes of the CA which contribute to its significance.
9. For the reasons set out above, I conclude that the porch preserves the character and appearance of the CA. It is therefore not in conflict with Strategic Policy 12 of the Southwark Core Strategy 2011, Southwark Plan 2007 saved Policies 3.15, 3.16 and 3.18, New Southwark Plan (Proposed Submission Version) December 2017, LP Policies HC1, D4 and D5, insofar as they seek to ensure that development conserves or enhances the significance of Southwark's heritage assets and achieves high standards of design. It is also not in conflict with the guidance in the National Planning Policy Framework 2019 or the CA Appraisal. I have been provided with copies of LP Policies D7 and H13 but they apply to new housing development and are not directly relevant.

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<sup>1</sup> Sunray Estate Conservation Area Appraisal

10. The Council has suggested a condition to make any planning permission personal to appellant and to require the porch to be removed prior to the dwelling being occupied by anyone else. However, as I have found that the porch is not harmful, such a condition would not be justified in order to make the development acceptable.
11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeal on ground (f) does not therefore fall to be considered.

*N Thomas*

INSPECTOR