



Appeal Decision

Site visit made on 27 September 2022

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/H5960/C/21/3279342

114 Himley Road SW17 9AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Murugesu Ahilan against an enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The notice was issued on 9 June 2021.
 - The breach of planning control as alleged in the notice is without planning permission and within the last 4 years, the erection of a hip to gable side roof extension, rear dormer roof extension and extension above two-storey back addition at the property.
 - The requirements of the notice are to:
 1. Remove the unauthorised hip to gable side roof extension, rear dormer roof extension and extension above two-storey back addition and to return the property to its former condition; Or
 2. Remove the extension above the two-storey back addition and amend the hip-to gable side roof extension and rear dormer extension to comply with the approved drawings of the certificate of lawfulness ref. 2016/7441 for alterations including erection of hip to gable side roof extension and erection of dormer extension to main rear roof, dated 1 March 2017.
 3. Remove from the site all debris arising from compliance with steps 1-2 above.
 - The period for compliance with the requirements is three months.
 - 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.
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Decision

1. The appeal is dismissed, 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.

The appeal on ground (a) and the deemed planning application

2. The main issues are the effect of the extensions on (i) the character and appearance of the house and area generally, and (ii) the living conditions of the occupiers of 116 Himley Road with particular regard to outlook and daylight/sunlight matters.

Character and appearance

3. The appeal property is a semi-detached house located on a residential street consisting of a mix of terrace and semi-detached houses.
4. From the rear of the house, I observed several, what could be described as L-shaped dormer roof extensions, including some referred to by the appellant.

5. Whilst those I saw, have dormer extensions which extend up to ridge height and occupy almost the entire width of the main roofslope, those developments do not feature extensions which occupy the entire roof of the outriggers, and such extensions are not characteristic of the immediate locality.
6. The rear extensions, subject of the appeal, occupy the entire slope of the main and outrigger roof. As a result of their scale and design, in particular the height and depth of the extension above the outrigger and its box-like form, the extensions have a bulky and dominant appearance which relates poorly to the dwellings style and character. Together they appear as a significantly discordant feature which diminishes the character and appearance of the house with consequent harm to the character and appearance of the surrounding area.
7. The rear extensions are not prominent in views from the street because of the proximity to 116 Himley Road. However, whilst not readily seen in wider public views, the extensions will be visible from the rear windows and gardens of neighbouring and surrounding dwellings and in such views the extensions would appear as a discordant feature.
8. The notice gives the appellant the option to either remove the unauthorised extensions or modify them in accordance with a previously certified scheme. Consequently, it is reasonable to assess the extensions, subject of the notice, against the certified scheme.
9. However, the dormer in the certified scheme would not occupy the entire roofslope nor would there be an extension above the outrigger. It would not therefore have the same effect.
10. The Council raised no specific objection to the hip to gable extension. Given this and since the certified scheme includes such an extension, I see no reason to take a different view.
11. The appellant referred to and provided details in respect of an appeal decision elsewhere in the borough (APP/H5960/W/17/3191087). In that case the Inspector found that the design of the proposed mansard roof would be similar to others along Merton Road. Also, in keeping with the existing nearby outriggers the proposed first and second floor elements of the extensions would incorporate flat roofs. This and that the development was in a mixed-use area mean that the circumstances are not comparable, and that decision does not present a strong argument to justify the appeal development.
12. Overall, for the reasons given above, the rear extensions cause unacceptable harm to the character and appearance of the house and area generally contrary to Policy DMH5 of the Wandsworth Local Plan Development Management Policies Document 2016 (DMPD) which requires extensions to be well designed and not so large that they dominate and compete with the original building. There is also conflict with the design aims of the National Planning Policy Framework and the Council's SPD¹.

Living conditions

13. The outrigger at No.114 would have already limited the outlook from and the daylight/sunlight to the inner rear and side facing windows of No.116. The

¹ Wandsworth Local Plan Supplementary Planning Document Housing Adopted November 2016

dormer is confined to the roofslope and the extension above the outrigger is no closer to No.116 than the previously existing situation.

14. The outrigger is around 1.7m taller, which is reasonably significant. However, given the separation distance that remains, and based on my observations, there is no materially harmful overbearing impact on the outlook from No.116.
15. Whilst there may be some additional overshadowing later in the day, I find no material harm because of loss of daylight or overshadowing.
16. Accordingly, there is no conflict with the overall amenity protection aims of Policy DMS1 of the DMPD, the Framework or the Council's SPD.

Overall conclusion on the ground (a) appeal and the deemed planning application

17. For the above reasons, I conclude that the appeal on ground (a) should not succeed.

The appeal on ground (g)

18. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant suggested that a minimum of nine months would be more appropriate to enable suitable housing to be sourced for the occupants displaced by the works and so that the development can be carried out with minimal disruption to neighbours. They also referred to restrictions associated with the COVID-19 pandemic however, these are no longer applicable.
19. The purpose of the time period within an enforcement notice is to allow for the physical works associated with the notice to be removed. The appellant's submission largely relates to the time before the works can commence.
20. Whilst the appellant's concerns are understandable, in the absence of substantive explanation about how many occupants would be and why they would have to be displaced, I consider the period of three months as specified in the notice, is proportionate to the breach of planning control that has occurred.
21. Accordingly, the appeal on ground (g) fails.

Conclusion

22. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR