



Appeal Decisions

Site visit made on 27 April 2023

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/H5960/C/21/3288890

142 Priory Lane, London SW15 5JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended (the Act). The appeal is made by Mrs Lavinia Jacobs against an enforcement notice issued by London Borough of Wandsworth.
- The notice was issued on 9 November 2021.
- The breach of planning control as alleged in the notice is without planning permission and within the past four years, the unauthorised erection of anti-intruder spikes and associated works at the property.
- The requirements of the notice are:
 1. Remove the anti-intruder spikes and associated works and return the site to its last lawful condition;
 2. Remove from the site all debris arising from compliance with step 1.
- The period for compliance with the requirements is: Sixteen (16) weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) 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.

Decision

1. It is directed that the enforcement notice is varied by deleting from the allegation at section 3 of the notice, the words "at the property" and replacing them with "around the boundary walls of the property (not including those on the dwellinghouse)". Subject to the corrections 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.

Preliminary Matters

2. This case was originally programmed to be dealt with at the same time as another appeal ref: APP/H5960/C/21/3289693 and I visited the property with that intention. However, I could not adequately see the development addressed by that other notice. That case is now being considered separately and another site visit took place on 14 June but I did use that opportunity to look at the anti-intruder spikes again but just from the neighbouring roads.
3. The allegation is imprecise in describing where the spikes have been installed but there has been no misunderstanding from the appellant about what the notice is directed at. Given my conclusions on the ground (c) appeal, I have altered the allegation and in doing so made it more precise.

The Appeal on ground (c)

4. The appeal on this ground is that what is alleged does not constitute a breach of planning control. The onus is upon the appellant to demonstrate their case which relates only to the spikes that have been added to dwellinghouse rather than those added to the boundary walls.
5. Spikes have been added to the lower-level roof of the property that is closest to Roehampton Gate. I am not provided with detailed drawings of the spikes but the appellant confirms, and the Council do not contest, that the spikes are 0.1m (10cm) in height.
6. There is no argument on behalf of the appellant that the addition of the spikes has involved "development" which is defined by s55 of the Act as, amongst other things, "the carrying out of building, engineering, mining or other operations in, on, over or under land". The appellant however considers that the development had deemed consent by reason of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), Article 3, Schedule 2, Part 1 Class C. Class C permits alterations to the roof of a dwellinghouse subject to a number of limitations.
7. The spikes are accepted as not exceeding the limitation of 0.15m (15cm) in height. As such, the spikes that have been installed on the roof of the dwelling would appear to be permitted development under the terms of Class C. There is no suggestion within the ground of appeal that the spikes along the boundary walls would be permitted development and given the overall heights of the means of enclosure, I would agree.
8. The appeal on ground (c) therefore succeeds to the extent that reference to the spikes on the roof of the dwelling needs to be removed. In other respects the appeal under ground (c) fails.

The Appeal on ground (a)

Main Issue

9. Given my conclusion under ground (c), I will go on to consider the planning merits of the development addressed in the notice as revised which continues to address the spikes on the boundary walls of the appeal site. The main issue is the effect of the development on the character and appearance of the appeal site and surrounding area.

Reasons – character and appearance

10. The appeal site is in a mostly residential part of Wandsworth. The site itself is located on a sharp bend formed by the junction between Priory Lane and Roehampton Gate. The high red-brick wall that extends along the boundary with the roads is a dominant feature in this position on both road frontages. The junction is also close to the entrance with Richmond Park.
11. The immediate area contains a range of house styles although most appear large, traditional buildings with long-pitched roofs, set behind walls that allow views from the roads into the spacious front, leafy gardens. The appeal site is different from this generally soft, verdant and pleasantly suburban street-scene in so far as the front wall is high and this obscures views of the contemporary flat-roofed dwelling as well as the garden behind. There is also a modern building on the opposite side of Roehampton Gate from the appeal site which is behind a high rendered wall. Whilst the appearance of the appeal site and the

site opposite are different from the prevailing character, there is a cleanliness and simplicity to the lines of those structures and they are set back in such a way as to avoid over-dominating the street-scene.

12. The spikes along the top of the prominent red-brick wall and side boundary wall protrude to a significantly noticeable degree. In the case of the most prominent spikes around the front brick boundary wall, they are copper-red colour which is a similar hue as the mortar in the brickwork although the way they catch the light emphasises their pointed, metallic appearance. Their jagged shape is therefore very apparent and in clear view from both road frontages. The spikes are in stark contrast to the pleasant leafy character of the suburban area because they give the boundary structures an aggressive, hostile appearance. They also clash with the clean lines integral to the design of the dwelling.
13. There are other examples of anti-intruder spikes in the area, in particular my attention has been drawn to those along the boundary wall of Templeton House. However, those specific spikes are set towards the back edge of the top of that wall, are dark coloured and seen against a backdrop of mature landscaping behind the walls. Those spikes are less prominent than those addressed by the notice when seen from the foot path and surrounding roads. They do not provide any overriding influence upon the visual qualities of the area. I did also see some railings with spiked tops along some nearby frontages but they provide a more ornate solution allowing views through of the gardens behind, which is more in-keeping with the general visual qualities of the area.
14. The site is close to but not within the Alton Estate Conservation Area (CA) the boundary of which is on the opposite side of the road and covers a large area to the east and south-east of the appeal site. Richmond Park is further away to the south and that is also a designated heritage asset, being a Grade I Historic Park and Garden (HPG). However, although the impact of the development is significant upon the immediate street-scene, this harm is of limited extent. The spikes become less perceptible the further one is away from them. There is a limited impact therefore on the broader setting and this does not harm the setting of the CA or HPG.
15. In relation to the main issue, the development has a harmful effect on the character and appearance of the appeal site and surrounding area. This has not reinforced local character, does not contribute positively to or provide for a visually attractive street-scene and does not therefore comply with Core Strategy¹ Policy IS3. Furthermore, the development does not provide a high-quality design and does not contribute positively to the local special character, therefore not complying with Development Management² Policy DMS1. The significance of CA and HPG would be unaffected and there is no conflict with DM Policy DMS2.

Other matters

16. The spikes are an aggressive addition to the top of the boundary enclosures. However, the visual impact upon the neighbouring residents' living conditions is very limited particularly given that the spikes are seen within and alongside

¹ Wandsworth Local Plan, Core Strategy, adopted March 2016

² Wandsworth Local Plan, Development Management Policies Document, adopted March 2016

vegetation within the garden of the most affected property adjoining the site within Roehampton Gate.

17. Some of the appellant's submissions relate to security concerns due to incidents of vandalism and attempted burglaries in the surrounding area. That included an attempted break-in of this property during construction as well as thefts of the appellant's bicycles from their old address nearby before moving to the appeal site. This has resulted in other steps being taken such as the hiring of a private security firm. This background may well have resulted in the other spikes being installed at Templeton House. However, whilst I am sympathetic to the appellant's situation, they have not shown that the spikes would make a critical difference to security of the site and I give this matter limited weight.
18. The appellant had attempted to engage with the Council about the development and at least one of their officers had indicated a collaborative approach to resolve the situation. However, that officer left the Council and shortly afterwards the enforcement notice was issued but these circumstances have no bearing on the impact of the development and no weight can be given to them in my decision.

Conclusion on ground (a)

19. The other matters set out above do not outweigh my conclusion in relation to the main issue. Having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should not succeed and consequently, the deemed planning application shall be refused.

The Appeal on ground (f)

20. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The requirements of the notice are to remove the spikes and therefore seek to remedy the breach by restoring the land to its condition before the breach took place.
21. There are no alternative lesser steps that could achieve that purpose. I have already, within the appeal on ground (c), varied the allegation. The requirements can remain as set out in order to seek removal of the development around the perimeter walls.
22. The appeal on ground (f) fails.

Conclusion

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

Andy Harwood

INSPECTOR