



Appeal Decision

Site visit made on 7 November 2023 by N Unwin BSc (hons) MSc MRTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2023

Appeal Ref: APP/A5840/C/23/3316586

5A Westmoreland Road, London, Southwark SE17 2AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Alhaji Turay against an enforcement notice issued by the Council of the London Borough of Southwark.
 - The notice was issued on 30 January 2023.
 - The breach of planning control as alleged in the notice is: without planning permission, the erection of a single storey timber building at the rear of the land as shown for indicative purposes outlined in red on the attached photograph 'A' ("the Unauthorised Development").
 - The requirements of the notice are to demolish the single storey timber building at the rear of the land; and remove all fixtures, fittings, debris & materials as a result of the above works from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

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 Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the single storey timber building preserves or enhances the character or appearance of the Walworth Road Conservation Area (CA).

Reasons for the Recommendation

4. The appeal site is one of a group of three storey properties of similar design and materials, fronting Westmoreland Road and forming part of the CA. The Walworth Road Conservation Area Appraisal (CAA) identifies these buildings as being of post-World War II construction, with such properties comprising stock or fletton brick. Whilst the CAA does not identify these buildings as being of merit, neither are they identified as detracting from the character and appearance of the CA.
5. The rear of these properties forms part of a yard with their rear ground floor elevations sharing a similar building line and being of a brick construction, reflective of other buildings comprising this part of the CA. There are painted

timber structures adjoining the rear of properties comprising the wider yard, nevertheless I have not been presented with any firm evidence that these benefit from express planning consent. Furthermore, the timber building is viewed within the immediate context of those properties fronting Westmoreland Road and not those of the wider yard.

6. The appellant claims the existing structure could be improved, nonetheless the development, as alleged, is a single storey timber building. The development, projecting from the rear of the appeal property appears disconnected from the host building in terms of its materials and form, interrupting the linear rear building line. This degrades the symmetry of the rear ground floor elevations of the buildings adjoining Westmoreland Road. The unpainted particle board is of a poor quality in comparison to the brick of the host and surrounding buildings, appearing incongruous and out-of-keeping with the host building and street scene when viewed within its context. The development degrades the character of this part of the CA.
7. With the above in mind, the structure neither preserves or enhances the character or appearance of the CA. Given the scale and location of the scheme, the harm would be less than substantial for the purposes of the National Planning Policy Framework 2023. The harm, which I am required to give considerable importance and weight, should be weighed against the public benefits.
8. The development provides the appellant with additional space, separate from that of the main premises. Nevertheless, due to the private nature of this benefit I can only afford it limited weight.
9. As such, no public benefits have been identified which would be consequently capable of outweighing the considerable importance and weight that I attach to the harm that is caused to the significance of the designated heritage asset. Accordingly, the development is contrary to Policies P14 and P20 of the Southwark Plan 2019-2036 (2022) as a whole, which when read together, require new development to be of a high standard of design and to preserve or enhance the character and appearance of the Conservation Area.

Conclusion and Recommendation

10. For the reasons given and with regard to all other matters raised, I recommend that the appeal on ground (a) should fail and the deemed planning application should be refused.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal on ground (a) should fail and the deemed planning application should be refused.

A U Ghafoor

INSPECTOR