



Appeal Decision

Site visit made on 1 April 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/H5960/C/23/3321800

207 Wimbledon Park Road, London SW18 5RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Mohamed Arah Sheikh against an enforcement notice issued by the Council of the London Borough of Wandsworth.
- The notice was issued on 28 March 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission and within the last 4 years, the unauthorised erection of a rear roof extension to the main rear roof above the two-storey back addition of the property ("the Unauthorised Extension")*.
- The requirements of the notice are:
 1. *Remove the Unauthorised Extension from the Property;*
Or
 2. *Carry out works to the Unauthorised Extension so that it complies with the planning permission granted by the Council on 4 October 2019 under reference 2019/3150;*
And
 3. *Remove from the Property all debris arising from the compliance with step 1 or step 2 above.*
- The period for compliance with the requirements are: *Three months after the date on which this notice takes effect.*
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) 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.

Summary of Decision: The appeal is dismissed, and the enforcement notice is upheld subject to the variation in the terms set out in the Formal Decision below.

Formal Decision

1. It is directed that the enforcement notice is varied by:
 - Deleting the text in the time for compliance paragraph at section 6 of the enforcement notice and substituting with the text "Six months (6) after the date on which this notice takes effect".
2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. There has been a revised National Planning Policy Framework (the Framework) published by the Government since the enforcement notice was issued. However, it does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.
4. Since the Council issued the enforcement notice, the new Wandsworth Local Plan 2023-2038 (WLP) has been adopted in July 2023. As such, I have taken it into account in my decision.

Appeal ground (a), the deemed planning application

5. The deemed planning application is for the erection of a rear roof extension to the main rear roof above the two-storey back addition of the property.

Main Issues

6. The main issues are the effect of the development on i) the character and appearance of the host property and the surrounding area and ii) the living conditions of neighbouring properties with specific regard to overbearing impacts and outlook.

Reasons

Character and appearance

7. The appeal site is a two storey single family dwelling located within a terrace on the eastern side of Wimbledon Park Road in Wandsworth. The surrounding area is generally residential. The residential properties fronting Wimbledon Park Road exhibit a similar design, consisting of traditional gabled bays to the front providing a strong rhythm and regular building form that is characteristic within the area.
8. At the rear, the appeal site and the neighbouring properties within the terrace lack the architectural detailing of their front facades, some of which have had incremental alterations and additions, particularly at the roof level. This provides a varied character with differences in the scale of additions with a noticeable lack of coherence or symmetry. Consequently, the street scene provides distinctive and decorative front elevations, opposed to the varied roofscape on the rear elevations.
9. The roof extension to the main roof extends over the existing outrigger at the rear, to the same depth as the rear wall, like that at the adjoining property at No. 209 Wimbledon Park Road. However, the scale of the extension would be read within the context of a much broader elevation at the rear. The extension is of generous proportions, infilling much of the roof over the outrigger, unlike most other examples in the vicinity that terminate short of the rear outrigger wall. Furthermore, the parapet wall between the appeal site and No. 209 provides additional bulk and mass to the extension, providing a more dominant appearance to those nearby.
10. The Wandsworth Local Plan Housing Supplementary Planning Document (SPD), adopted January 2016 highlights a good 'rule of thumb' is to extend over only 50% of the length of the back addition¹. As stated, there is a degree of variation in respect to the amount of roof space left at the end of the original outrigger along the rear of these buildings. The scheme before me would exceed the SPD percentage, which provides a disproportional addition in relation to the host dwelling and its surroundings. The increased bulk and mass are further exacerbated through the provision of the parapet wall and the use of the lightly coloured bricks at the end of the extension. This provides a top heavy appearance which I find harmful to the character and appearance of the host property and the surrounding area. This would be consistent with the previous Inspectors findings².

¹ London Borough Wandsworth Housing SPD paragraph 4.165

² PINS Ref: APP/H5960/D/22/3292735

11. The appellant has directed me to examples in the area where properties have been altered and extended at the rear roof level, notably at numbers 173, 177, 179, 181, 183, 191, 200, 204, 205, 209 and 211 Wimbledon Park Road. Regarding these examples, as stated above there is much variation in respect to roof space coverage and materiality providing for a varied character at the rear of Wimbledon Park Road. However, I have no evidence in respect to the planning history associated with these developments or indeed whether they are lawful. Consequently, I give these examples limited weight. In any event, I have determined this appeal on its own merits based on all the evidence presented.
12. Consequently, the development would be contrary to the relevant provisions of WLP policies LP1 and LP5; the aims and objectives of the Housing SPD and the Framework which collectively, amongst other things, require development to have a high level of physical integration with their surroundings, which relate positively to the prevailing local character and the emerging character through complementary form, setting, detailing and use of matching or complementary materials, to be visually subservient.

Living conditions – Overbearing impacts and outlook

13. In regard to the overbearing impacts of the scheme and outlook for neighbouring properties, the appeal site is located within a terrace that has been subject to several alterations and extensions particularly at the roof level. It is acknowledged that the flank and rear windows serving No. 207 would provide views predominantly of the rear gardens and amenity spaces of the neighbouring properties, although this is to be expected within a suburban location such as this.
14. From my site observations there is a prevalence of reasonably tight relationships between buildings in the vicinity. The appeal scheme would be viewed within the existing built form in the area, thus would have limited impact in respect to being considered either significantly dominant or represent an overbearing outlook. Again, this would be consistent with the previous Inspectors findings.
15. For the above reasons, having particular regard to overbearing impact and outlook the scheme would not have an unacceptable effect upon the living conditions of the neighbouring occupiers. The scheme satisfactorily accords with the relevant provision of WLP policy LP1 and the Framework which, amongst other things, seeks a good standard of amenity for all existing and future occupants of buildings.

Conclusion on ground (a)

16. Whilst I find that the scheme would be appropriate in regard to living conditions of neighbouring properties, the rear roof extension over the outrigger would cause unacceptable harm to the character and appearance of the surrounding area, in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan.
17. Consequently, the ground (a) appeal does not succeed.

Appeal on ground (f)

18. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. S173(4) of the Town and Country Planning Act 1990

(the Act) sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or b) remedying any injury to amenity which has been caused by the breach

19. Having regard to its requirements, it is clear that the purpose of the enforcement notice is to remedy the breach of planning control. That purpose includes 1) removing the unauthorised extension; or 2) complying with the planning permission granted by the Council on 4 October 2019 under reference 2019/3150. The latter option seeks to retain a large portion of the existing development at the roof level (which was granted planning permission³), whilst removing the unauthorised section of the development over the rear of the outrigger that was originally issued under a Certificate of Lawfulness application⁴. This would provide an obvious alternative to the complete removal of the development.
20. The appellant has suggested modifications to the existing development that would require lesser steps than those stated in the enforcement notice. These modifications seek to remove the brickwork at the end of the extension above the outrigger and replace with hanging roof tiles to match the rest of the roof extension. The works would also remove the parapet wall between Nos 207 and 209 Wimbledon Park Road, which has been shown on a drawing submitted with the appeal⁵. Alternatively, the appellant has also requested that the existing brickwork is altered to a London stock brick to match the brickwork of the original dwelling.
21. Nevertheless, neither of these alternatives would remove the section of the extension that has been found harmful to the character and appearance of the host property, thus it would remain in situ. These measures would not achieve the purpose of the notice, which is to remedy the breach of planning control that has occurred. As a result, the lesser steps proposed by the appellant are not an obvious alternative to the notice requirements.
22. Therefore, the steps set out in the notice are not excessive; they are proportionate and commensurate to the breach of planning control, being the minimum that is required to restore the property to its condition prior to the breach taking place. Consequently, the ground (f) appeals fail.

Appeal on ground (g)

23. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.
24. The appellant argues that a period of 6 months is the minimum required to undertake the necessary works as stated in the enforcement notice. The appellant also highlights that the changes required to remedy the breach, would necessitate additional contractor works involving plumbing, electrical and demolition operations at additional cost to the appellant. In response to these concerns, I am unaware of any financial constraints of the appellant and the availability of any suitable contractors in order to undertake the necessary works. Nevertheless, in my view

³ London Borough of Wandsworth Planning Ref: 2019/3150

⁴ London Borough of Wandsworth Planning Ref: 2019/2677

⁵ Drawing number 1606/02/-8C submitted with the appellant's statement

an increase of three months from three to six for compliance, would give ample time for the appellant to make the arrangements and carry out the works.

25. To that extent, the appeal succeeds on ground (g).

Overall Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed, and the enforcement notice is upheld with a variation.

Robert Naylor

INSPECTOR