



Appeal Decisions

Site visit made on 6 May 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal A Ref: APP/H5960/C/23/3322019

56 Wimbledon Park Road, London SW18 5SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Remi Smith against an enforcement notice issued by the Council of the London Borough of Wandsworth.
- The notice was issued on 20 April 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission and within the last 4 years, the unauthorised installation of side and rear roof extensions at the property.*
- The requirements of the notice are:
 1. *The roof level alterations, including front, rear and side dormer extensions, be removed and the roof be reinstated to its former condition;*
 - OR
 2. *Carry out to the roof level alterations so that the completed development matches the approved drawings of planning permission dated 16/06/2022 (ref. 2022/0743); 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 is: *Four (4) months after the date on which this notice takes effect.*

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.

Summary of Formal Decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B Ref: APP/H5960/W/23/3320036

56 Wimbledon Park Road, London SW18 5SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Remi Smith against the decision of the Council of the London Borough of Wandsworth.
- The application Ref is 2022/5282.
- The application sought planning permission for a variation of condition 2 (in accordance with approved drawings) pursuant to planning permission dated 01/07/2022 ref 2022/0743 (Alterations including erection of rear and side dormers) to allow retention of rear and side roof extensions.
- The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the reports, specifications and drawings detailed P001F.
- The reason given for the condition is: To ensure a satisfactory standard of development and to allow the local planning authority to review any potential changes to the scheme.

Summary of Formal Decision: The appeal is allowed, and planning permission is granted in the terms set out below in the Formal Decision.

Formal Decisions

Appeal A

1. The appeal is allowed, and 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 retention of rear and side roof extensions at 56 Wimbledon Park Road, London SW18 5SH.

Appeal B

2. The appeal is allowed, and planning permission is granted for the retention of rear and side roof extensions at 56 Wimbledon Park Road, London SW18 5SH in accordance with the application Ref 2022/5282, without compliance with condition number 2 previously imposed on planning permission Ref 2022/0743, dated 1 July 2022, subject to the following varied condition:
 - 2) The development hereby permitted shall be carried out in accordance with drawings P010 and P001 Rev G

Preliminary Matters

3. 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 A ground (a), the deemed planning application and Appeal B

Main Issue

4. The main issue is the effects of the retention of the rear and side roof extensions on the character and appearance of the host property and streetscene and whether it preserves or enhances the West Hill Road conservation area (WHCA).

Reasons

Character and appearance and impact on the WHCA

5. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the WHCA.
6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
7. The significance of the WHCA is principally derived from special architectural-artistic merit. The WHCA consists of many differing architectural styles, and housing types. It is almost exclusively residential with a high survival of single occupation houses, some conversions to smaller units and twentieth century blocks of flats. The consistency in residential use helps to define the area despite the variety in building types.
8. The appeal site is a semi-detached Victorian house, three to four storeys in height, composed of stock brick with an indicative nineteenth century style. Planning permission (Ref: 2022/0743) had been granted subject to condition, for alterations including the erection of rear and side dormers. However, during the construction

phase the development deviated from the approved plans, creating larger dormer extensions than those approved in order to comply with Building Regulations. The retention of these dormers as built, are the subject of Appeals A and B.

9. During my site visit I noted several dormer and other roof extensions (including the adjoining property at No 54), of varying sizes and forms in the WHCA and its vicinity which were highly visible from public vantage points. These examples add to the variation within the WHCA without detracting from its architectural interest as they are minor additions to the dwellings in the area. Whilst I acknowledge that the development at the appeal site is larger than that approved, the materials used, and design of the development are read within the context of the existing area. Consequently, the development does not appear as an incongruous feature.
10. Neither do the roof extensions as built, look out of proportion or overly large in relation to either the respective host dwelling or its surroundings. As a result, the alterations to the roof subject to this appeal cause no harm to the character, appearance or significance of the WHCA, and are compatible with the local character, building proportions, form, materials and detailing.
11. Overall, the development at the very least preserves the character and appearance of the host property, streetscene and the WHCA. The development therefore accords with the relevant provisions of WLP policies LP1, LP2, LP3 and LP5; policies D3 and HC1 of the London Plan, adopted March 2021; the aims and objectives of the Wandsworth Local Plan Housing Supplementary Planning Document (SPD), adopted January 2016 and the Framework. Collectively, these require development to enhance the significance, appearance, character, function and setting of any heritage asset, whilst having a high level of physical integration with their surroundings, relating positively to the prevailing local character and the emerging character through complementary form, setting, detailing and use of matching or complementary materials, and to be visually subservient, amongst other things.

Conclusion

12. For the reasons given above, I conclude that Appeal A should succeed on ground (a). Planning permission will be granted, and the enforcement notice will be quashed. The appeal on ground (f) does not therefore fall to be considered.
13. The Appeal B scheme accords with the development plan, when read as a whole and the Framework. Having considered all material considerations and other relevant matters raised, I therefore conclude that Appeal B is also allowed.
14. Given that the permission is being granted retrospectively on Appeal B it is not necessary to attach the standard time limit condition, materials or the conservation style rooflights conditions. However, I have attached a revised condition 2 to ensure the development is in accordance with the approved plans in the interests of certainty.

Robert Naylor

INSPECTOR