
Appeal Decision

Site visit made on 19 August 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2025

Appeal Ref: APP/N5660/C/23/3323825

73 Landor Road, London SW9 9RT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Jakob Ollech of West Green Investments Limited against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The notice was issued on 28 April 2023.
 - The breach of planning control as alleged in the notice is Without planning permission, the unauthorised removal of all the wooden-sash windows from the front elevation and their replacement with UPVC windows; and the unauthorised removal from the rear elevation (excluding the rear addition) of all the wooden sash windows and their replacement with UPVC windows and a door.
 - The requirements of the notice are: a) Remove the unauthorised UPVC windows and door and reinstate wooden-sash windows to match those which existed prior to the breach of planning control; and b) Remove all associated waste and debris resulting from compliance with the above steps, from the premises.
 - The period for compliance with the requirements is six months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. 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.
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Summary of Decision

1. The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Ground (a) and the deemed application for planning permission

2. The main issues are the effect of the windows and door on the character and appearance of the area, and the effect of the door on the living conditions of neighbouring residents, with particular regard to privacy.

Character and appearance

3. The site is a mid-terrace three-storey building with basement. The terrace, of which it forms part, has an attractive and consistent front elevation. Timber sliding sash windows of similar designs, including frame layouts and thicknesses, are a distinctive and consistent feature across the front elevation of the terrace which make a significant contribution to its attractiveness and that of the character and appearance of the area.
4. There are a few examples of non-timber sliding sash windows on the front elevation of the terrace, including plastic framed top-hung windows, but these are very much in the minority, and they are notable by their clumsy and unsympathetic arrangement within the terrace. They do not define the character of the terrace or

the area. In short, timber sliding sash windows are an important feature of the front elevation of the terrace, whereas the other non-timber framed windows on this elevation have a harmful effect on the character and appearance of the terrace and the wider area.

5. The front elevation windows the subject of the notice have uncharacteristic thick plastic frames and top-hung casements. They are conspicuous and unattractive additions to the appeal building. The presence of other non-timber framed windows on the front elevation of the terrace does not justify further erosion of the composition of the terrace, to the detriment of its character and appearance, and that of the area.
6. The rear elevation of the appeal building is quite different. It is seen and experienced alongside various other windows of different designs and materials. I saw many windows either side of the appeal building, within the terrace, which appeared to be either plastic or metal framed, with a range of opening methods, including those with side and top-hung casements. The layout of the rear elevation of the terrace is also much less consistent and more informally arranged than the front. In this context, the windows on the rear elevation of the appeal building do not look out of place and do not harm the character or appearance of the building or the area.
7. There are a few examples of doors on the rear elevation of the terrace at upper floor levels. Notably, there is one at upper-ground floor level at 75 Landor Road (No.75) and one between upper-ground and first floor levels at 71 Landor Road (No.71), either side of the appeal building. However, these are not common features across the terrace and the door with fanlight on the rear elevation of the appeal building between first and second floor levels is an odd, poor quality, and particularly unattractive addition to the building and terrace.
8. I have not been provided with evidence to support the appellant's claim that most buildings within the terrace benefit from 'permitted development rights' to change their front elevation windows to other non-timber framed windows. I consider this unlikely on account of the Council's claim that many of these properties comprise flats. In the absence of detailed evidence to support the appellant's claims, I assign limited weight to the argument that more front elevation windows will likely be changed to other non-timber framed windows in the future.
9. The windows on the front elevation of the appeal building and the door located between first and second floor levels on the rear elevation of the appeal building therefore harm the character and appearance of the area, contrary to Policies Q2, Q5, Q8, and Q11 of the Lambeth Local Plan 2020-2035 (2021) (LLP). These require, amongst other things, alterations to buildings to not unacceptably compromise visual amenity and to positively respond to architectural quality and detailing.
10. The windows on the rear elevation of the appeal building do not harm the character or appearance of the appeal building or the area, and do not therefore conflict with the above policies.

Living conditions

11. The door opens onto a flat roof located between first and second floor levels. There are no visible balustrades in place around that flat roof, but I can see how

the door could easily facilitate the use of that area for sitting or standing out on. When people are standing or sitting out on that flat roof, they would be able to see more clearly into a number of private rear gardens compared to views from windows.

12. There are other, formalised elevated terraces on the rear elevations of neighbouring properties, especially west of the appeal building. A degree of overlooking into neighbouring gardens is therefore normalised in this area, even if some of those terraces are unlawful. However, the flat roof which becomes accessible from the door is very close to a first floor level window at No.71, and I note claims from the occupier of that neighbouring property that a bedroom is directly next to the flat roof, where a higher degree of privacy would be reasonably expected. Furthermore, intrusive views into neighbouring gardens serving No. 75 and others to the east would be more freely available than from existing rear elevation windows.
13. I therefore find that the door significantly reduces the privacy currently enjoyed by neighbouring residents, particularly those residing at Nos. 71 and 75, causing unacceptable harm to their living conditions. This is contrary to Policy Q2 of the LLP, which requires development to provide acceptable standards of privacy, amongst other things.

Conclusion on ground (a) and the deemed application for planning permission

14. I have found that the windows on the front elevation of the appeal building and the door between first and second floor levels on the rear elevation of the building are unacceptable and contrary to the development plan as a whole. There are no other considerations which indicate planning permission should be granted for these parts of the development. I have, however, found the windows on the rear elevation to be acceptable and broadly in accordance with the development plan as a whole, and there are no other considerations which indicate planning permission should not be granted for these parts of the development.
15. I can make a split decision on ground (a) and grant planning permission for the rear elevation windows and refuse planning permission in respect of the front elevation windows and rear elevation door. In doing so, I will allow the appeal under ground (a) insofar as it relates to the rear elevation windows and dismiss the appeal under ground (a) and uphold the notice insofar as it relates to the front elevation windows and rear elevation door. The requirements of the notice relating to the rear windows will cease to have effect so far as inconsistent with the planning permission granted under the provisions of section 180(1) of the Act.
16. The appeal under ground (a) therefore fails in respect of the front elevation windows and rear elevation door, but succeeds in respect of the rear elevation windows and planning permission for that part of the breach of planning control only is granted.

Ground (f)

17. To succeed under this ground of appeal the appellant needs to show that the steps required to be taken exceed what is necessary to remedy the breach or, as the case may be, to remedy any injury to amenity caused by the breach.

18. The notice requires the unauthorised development to be removed and the front and rear elevations to be restored to their former conditions. Its purpose is therefore to remedy the breach, rather than any injury to amenity. I am not aware of any other means by which the purpose of the notice could be achieved with less cost and disruption.
19. The appeal under ground (f) therefore fails.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the rear elevation windows, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the front elevation windows and the rear elevation door. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180(1) of the Act.

Formal Decision

21. The appeal is allowed insofar as it relates to the rear elevation windows and planning permission is granted on the application deemed to have been made under section 177(5) of the Act, for the removal from the rear elevation (excluding the rear addition) of all the wooden sash windows (apart from that located between first and second floor levels which has been replaced with a door) and their replacement with UPVC windows at 73 Landor Road, London SW9 9RT.
22. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to the front elevation windows and rear elevation door and planning permission is refused in respect of the removal of all the wooden sash windows from the front elevation and their replacement with UPVC windows, and the removal of a wooden sash window located between first and second floor levels on the rear elevation and its replacement with a door at 73 Landor Road, London SW9 9RT on the application deemed to have been made under section 177(5) of the Act.

L Douglas

INSPECTOR