



Appeal Decision

Site visit made on 12 August 2025

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/N5660/C/23/3332781
255 Sternhold Avenue, London SW2 4PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Miss Paris Petgrave on behalf of Abacus Group against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The enforcement notice was issued on 28 September 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a wooden buggy store in the front garden of the premises ('the unauthorised buggy store').
 - The requirements of the notice are to:
Remove the unauthorised buggy store from the premises.
 - The period for compliance is one month after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Formal decision

1. The appeal is allowed, 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 erection of a wooden buggy store in the front garden of the premises, subject to the following condition:
 - 1) The development hereby permitted shall be for a limited period only, being that of twelve months from the date of this decision, and the building hereby permitted shall be removed on or before this expiry date, with the land then restored to its former condition.

Background

2. No 255 Sternhold Avenue is a recently built, three-storey building in use as a children's nursery. It was an integral part of a planning permission granted for four new dwellings and an end-of-terrace Class D1 unit, which the nursery occupies. This building, unlike the pitched roof arrangements of the said residential terrace, has a flat-roofed, recessed second floor. Its front building line is also slightly set back from the rest of the terrace. Accordingly, it has a distinct identity with a markedly different appearance from the terrace's residential section, and also a slightly larger front curtilage.
3. The site plan drawing no MDS 1451/203, approved in the original planning permission, shows bin-store facilities outside the properties, and close to the back-edge of the footway. The plan shows that the appeal site was to have a similar arrangement, but this has been changed without the benefit of planning

permission to include an open fronted timber buggy-store which extends almost to the building's front elevation. The box-like structure is taller than the adjoining bin store but, although obtrusive, it is largely set behind vegetative planting within the curtilage of the adjoining dwelling.

4. Following the buggy-store being erected, the Council saw fit to issue an enforcement notice requiring for its removal.

The appeal on ground (a) – the deemed planning application (DPA)

5. The main issues are:

- 1) the effect of the development on the character and appearance of the surrounding area; and
- 2) the development's effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

6. Save for the modern design of the new dwellings described the prevailing character of Sternhold Avenue is that of an Edwardian residential street. Immediately beyond the appeal site, westwards, is an area of parkland and, at this point, Sternhold Avenue turns northwards, as a dog leg. Given its end-of-terrace location, though, no 255 is not isolated and the incongruous structure at issue is visible from certain vantage points on the street.
7. I sympathise with the appellant as to the need for the buggy store due to the fact that babies from six months old are accommodated at the nursery. However, she is incorrect in her view that the structure does not constitute a breach of planning control. It does, and the Council was quite entitled to issue an enforcement notice in an attempt to remedy the matter.
8. I agree with the Council that, due to its poor design and prominence, the development is contrary to the aims and requirements of policies Q2, Q5, Q8 and Q14 of the Lambeth Local Plan (LLP) and also relevant advice within the Lambeth Design Guide, Part 4 Supplementary Planning Document as to development within front garden areas. Accordingly, it is not unreasonable to expect that the timber structure in situ can only be a short term measure to meet the need for an external storage facility.
9. In the circumstances, I consider that the buggy store is harmful to the character and appearance of the surrounding area and a new structure, to a more appropriate design, and which can perhaps be satisfactorily positioned externally, will need to be devised.

Living conditions

10. The representations from interested parties, apart from describing the buggy store as an unsightly, shoddily made structure, also make reference to a large bin which stands within the property's front curtilage, as it is too large to fit inside the bin store area built for the property close to the front gate. This appears to be a particular matter of concern. However, this bin is not targeted by the enforcement notice and, as such, it would be beyond my remit to comment on this matter save for the fact that it can likely be addressed by other legislative controls.

11. Part of the buggy store sits behind the adjoining dwelling's brick-built two-storey front projection and, as mentioned, the main part is obscured from the neighbouring dwelling by vegetative planting. As such, I am not convinced with the Council's assertion that the structure is overbearing, and I do not agree that it has given rise to a sense of enclosure to the detriment of the adjacent residential dwelling.
12. I thereby consider that the development is not harmful to the living conditions or residential amenities of neighbouring occupiers and, in this particular regard, LLP policy Q2 is not contravened.

Conclusions

13. Despite my finding that the buggy store's appearance is less than satisfactory I am mindful of the nursery's needs and consider it unreasonable to ask for the store to be removed within one month, as the notice stipulates. The appellant has not, though, made an appeal under ground (g) which would relate to a claim that the said time period was unreasonably short.
14. In the circumstances, therefore, and in order not to cause the nursery undue inconvenience and functional difficulties, I shall quash the enforcement notice and grant planning permission but only for a temporary period, not exceeding twelve months. Should the development remain after this period, with no attempt by the appellant to find an alternative, then the Council still holds remedial powers to seek the existing store's removal.
15. The above approach should allow for a more visually acceptable and long term solution to be found for storage within the front curtilage, for illustrative plans to be drawn up, an application for planning permission made to the Council to this end, and its implementation should permission be granted. This would be a minor proposal and the twelve month period stipulated should allow for the process to run its full course.
16. I make no prescriptive recommendations as to the above, and an intended solution will be a matter for discussion between the two main parties. For the reasons given above I conclude that the appeal should succeed on ground (a) and a planning permission subject to a time limitation condition is hereby granted.

Timothy C King

INSPECTOR