



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: 28 August 2025

Appeal Ref: APP/N5660/C/25/3367477

Ground Floor, 13 Lansdowne Way, London SW8 1HL

- 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 Mr Vijay Patel against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The enforcement notice was issued on 15 May 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single-storey, ground floor, rear wrap-around extension ('the rear extension') and installation of a metal-framed replacement shopfront with integral roller shutter ('the shopfront').
 - The requirements of the notice are to:
 - a) Remove the rear extension and reinstate the rear of the property as existed prior to the breach of planning control; and
 - b) Remove the shopfront and reinstate the shopfront as existed prior to the breach of planning control; and
 - c) Remove all associated waste and debris resulting from compliance with the above steps, from the premises.
 - The period for compliance is four months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Formal decision

1. It is directed that the enforcement notice be varied by increasing the compliance period from four to six months. Subject to this variation the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

Procedural Matters

2. An application (ref 24/03916/FUL) seeking retrospective planning permission for the single-storey rear extension, was refused on 4 April 2025. However, this decision was not appealed and the enforcement notice was subsequently issued on 15 May. By way of the provisions of the Levelling Up and Regeneration Act (LURA), 2023 the absence of any s78 appeal means that this element of the development is barred now from any ground (a) appeal.
3. In other words I am not able to include the rear extension in my assessment of the application for planning permission, deemed to have been made.
4. Accordingly, the ground (a) appeal here is limited only to the new shopfront installed and, given that the ground (d) does not succeed for legal reasons, the

requirement of the enforcement notice relating to the removal of the rear extension is already in effect. Given, though, that appeals have also been lodged under grounds (f) and (g) this decision letter will still address the merits, or otherwise, of such.

The appeal on ground (d)

5. An appeal made under ground (d) is the claim that it was too late for the Council to issue an enforcement notice against the breach of planning control due to the passage of time. In other words the appellant acknowledges the breach but considers it immune from planning control.
6. The burden of proof in such instances is on the balance of probabilities, and the onus for such is on the appellant. To this end, the general requirement in support of the claim, is that the evidence submitted should be precise and unambiguous.
7. The LURA discontinued the four year immunity bar for operational development and, unless any unauthorised development can be shown as having been substantially complete by 25 April 2024, the breach will be subject to the ten year bar now in effect.
8. In this instance the enforcement notice was issued on 15 May 2025, and the material date in this particular instance is 15 May 2015 (exactly ten years before). As such, for the ground (d) appeal to be successful – either in part, or full - the appellant must satisfactorily demonstrate that either, or both, the rear extension and the shopfront were in place on or before the material date.
9. To indicate otherwise, however, the application form completed by the appellant says that the works commenced for the construction of the rear extension on 1 October 2024, and were completed on 4 November 2024. The Council also holds an aerial photograph, dated 13 April 2024, which shows that extension was not then in place.
10. As regards the replacement shopfront the Council has submitted two photographs. The first, from June 2022, shows the shop unit and associated frontage prior to the appellant taking over the premises, and the second photograph is dated April 2025, and shows the new shopfront in situ.
11. The evidence is, therefore, incontrovertible, that neither of the operational development elements can be considered immune from enforcement action. Accordingly, the appeal on ground (d) must fail.

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

12. The main issue is the effect of the shopfront on the character and appearance of both the host building and surrounding area, having particular regard to the conservation area location.

Reasons

13. Lansdowne Way falls within the locally designated South Lambeth Road Conservation Area. Under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to pay regard to whether the development carried out can be seen to preserve or enhance the character or appearance of the Conservation Area.

14. The character of this conservation area is predominantly that of nineteenth century residential buildings but there are also some pockets of retail/commercial uses present, as here. Regarding the latter, it is acknowledged by the Council that there has been much harm done to this conservation area through unsympathetic shopfronts and signage.
15. Policy Q16 of the Lambeth Local Plan (LLP) says that shopfronts should integrate well into the host building, respecting the scale and general building style with good proportions and detailing used. This reflects the advice on replacement shopfronts found within the Lambeth Design Guide, Part 2, 'Advice for All Development', Supplementary Planning Document. Obviously, this takes on an extra importance in properties within conservation areas, and new development therein should accord with the requirements of LLP policy Q22 which follows relevant advice on Heritage matters set out in the National Planning Policy Framework.
16. The shop frontage which existed prior to the latest installation was considerably more modest, as was the related fascia positioned above. The Council says that the replacement shopfront is poorly designed, overbearing and featureless, and has covered up the building's original cornices, pilasters and stallriser. I agree that this is the case and that the installation's appearance is significantly out of character and incongruous with the terrace.
17. Further, the absence of any sympathetic profiling, the materials used, the deep fascia and the roller shutter all compound to detract from, and cause harm to, the host building. Accordingly, there has been a complete disregard for local distinctiveness, and the development is also contrary to the objectives of LLP policies Q5, Q8, Q11, and conflicts with the development plan, as a whole.
18. The appellant says that he was given incorrect advice by his builder and, at the time the new shopfront was installed, he was not aware that this necessitated a grant of planning permission. It is, though, the appellant's responsibility to be aware of the implications of carrying out new development, and whether or not it is authorised.
19. I must therefore conclude that the development is unacceptable as it fails to preserve both the character and appearance of the South Lambeth Road Conservation Area and is harmful thereto.
20. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the notice and refuse to grant planning permission on the deemed application.

The appeal on ground (f)

21. An appeal on ground (f) is that the steps stated in the enforcement notice in order to comply with its requirements go beyond what is necessary to remedy any harm caused.
22. The purpose of the notice here is to remedy the breach of control and there are no lesser steps that can realistically be taken other than removing the shopfront and the extension to achieve its objectives.
23. The appeal under ground (f) cannot, therefore, succeed.

The appeal on ground (g)

24. A ground (g) appeal is on the basis that the Inspector considers that the stipulated time period for compliance – in this case four months – is unreasonably short. Given that the notice requires for both the removal of the extension and the shopfront, and that temporary measures will then need to be taken to protect the business, and a new planning application might be submitted to the Council in an attempt to gain planning permission for related replacement development, I shall increase the compliance period to six months, running from the date of this decision.
25. The appeal succeeds to this extent, and the enforcement notice is varied, accordingly.

Timothy C King

INSPECTOR