



Appeal Decisions

Site visit made on 5 August 2025

by **R Curnow MA(TCP), BSC(Hons), CMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal A Ref: APP/A5840/C/23/3322107

Appeal B Ref: APP/A5840/C/23/3322108

74 Allendale Close, London SE5 8SG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Dr Zainab Kassim against an enforcement notice issued by the Council of the London Borough of Southwark ('the Notice').
 - Appeal B is made by Dr Burhanudin Busu against an enforcement notice issued by the Council of the London Borough of Southwark.
 - The notice was issued on 26 April 2023.
 - The breach of planning control as alleged in the notice is Without planning permission the erection of a single storey extension to the rear and side of the property, adjacent to Daneville Road.
 - The requirements of the notice are to: Demolish the single storey extension to the rear and side of the property, adjacent to Daneville Road, and remove any resulting materials and debris from the land.
 - The period for compliance with the requirement is: 6 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(f), (a), (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.
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Decision

1. The appeals are allowed and planning permission is granted in part on the application deemed to have been made under s177(5) of the 1990 Act as amended, insofar as it relates to the erection of a side extension as shown on Drawing Number 'A 01- Proposed Plan' produced by DCSK and dated 2023/05/12, where it is described as a 'garden shed' with a 'conservatory type roof', on land at 74 Allendale Close, London SE5 8SG.
2. The appeals on ground (a) are dismissed and the enforcement notice is upheld and planning permission is refused under s177(5) of the 1990 Act as amended, in so far as it relates to the side extension that was the subject of the Notice (for the purpose of clarification, this is shown in the photograph on page 3 of the Council's Statement of Case, and in the right hand photograph on page 2 of the Appellant's 'Note on Side extension to make compliant', dated May 2023).

Procedural Matters

3. The appeal submissions showed that the Council had received a planning application (its reference 23/AP/1361) for a variety of extensions and alterations to the property. Amongst the matters that the application sought permission for was the raising of the roof level and the construction of a single storey side extension.
4. At my site visit, it was apparent that the roof of the property had been raised and the extension to the side of the property was not that which the Notice referred to, as evidenced in the parties' submissions.

5. In the light of this, I wrote to the parties, on 1 and 11 August, asking whether that application had been approved and, if so, whether this might have any effect on the appeal. I did not receive any response to these requests, so I shall determine the appeal on the basis of the submissions and the evidence of my site visit.

Ground (a) and the Deemed Application

6. An appeal made under Ground (a) is that the development alleged in the Notice should be granted planning permission. Although the Appellants did not make a Ground (a) case when they initially made their appeal, they added this within the statutory timeframe.

Main Issues

7. The main issues are the effect of the development on the character and appearance of the area, and fire safety.

Reasons

Character and appearance

8. 74 Allendale Close is a detached, two-storey dwelling with a rear garden. It is constructed from a dark red brick and has a red clay tile roof. It is sited at the edge of a small estate of dwellings and flats that are mostly finished with a similar palette of materials. The front of the property is visible from a lane that links the estate with Daneville Road, whilst its side elevation is clearly seen from that road with a good part of its rear elevation being visible from there between street trees, over its side boundary wall.
9. The side extension against which the Notice was directed was shown in photographs in the Parties' submissions. From this and the Council's description of the development, which the Appellants did not contest, it appears that the extension was connected to the rear corner of the property's side elevation and ran back into the garden. It is unclear whether it actually used part of the garden wall in its construction or was built inside its line. Approximately one-third of the extension rose above the wall, it was finished with grey painted concrete walls and a grey flat felt roof. It appeared to have windows in its rear elevation, looking down the garden.
10. No case for the retention of the extension was made by the Appellants. In their appeal form which, at that time, did not include a Ground (a) appeal, they said they were ill-advised by a builder and that they would like to "restructure the side extension to harmonise and match the original house". To my mind, this reads as their acceptance that the extension was not in harmony with the house.
11. The extension's box-like design and inappropriate finishes, allied to its prominent position, meant that it appeared as a disharmonious and unsympathetic addition. It was not in-keeping with the host dwelling, nor the wider estate. As such, it was contrary to the terms of Policy D4 of the London Plan ('LP') that, amongst other things, requires high quality design. Its aims are mirrored in Policy P14 of the Southwark Plan 2022 ('SLP') and section 3.4 of the Council's 2015 Technical Update to the Residential Design Standards 2011 (the Technical Guide') and, therefore, the extension that was in place when the Notice was issued did not accord with their terms either.

12. Part of the Appellants' Ground (f) appeal was the submission of an alternative scheme, as shown in the drawings contained in the 'Note on Side extension to make compliant', dated May 2023, produced by DCSK. This is a matter that I can address under the Ground (a) appeal.
13. What is proposed is a side extension to be erected in much the same position, if not precisely so, to the side of the building. For its most part, it would be positioned behind the property's side boundary wall, with its glazed conservatory type roof being visible above. The drawings also show that the side garden wall would be extended along most of the side of the house to enclose a small, planted area where, I am told, rubbish is dumped.
14. What has been erected on site differs from both the development that is the subject of the Notice and what is shown in the alternative scheme. I am not aware as to whether planning permission was granted for those works, and my assessment is based on the drawings in the alternative scheme. The side extension clearly forms part of the matters referred to in the Notice, but this is not the case with the extension to the side wall to enclose the planted area. I cannot correct the Notice to extend its scope, so my decision does not relate to this element.
15. The form, design, scale and materials of the proposal that would be visible from the public realm would sit comfortably within the street scene and cause no ill-effects to the host dwelling. Despite being described as a 'Garden shed' in the drawings, from public vantage points it would simply have the appearance of the type of conservatory that is commonplace in residential properties. It represents the high-quality design required by LP Policy D4, SLP Policy P14 and section 3.4 of the Technical Guide.

Fire safety

16. LP Policy D12 sets out that all development proposals must achieve the highest standards of fire safety. It acknowledges that fire safety compliance is covered by Part B of the Building Regulations, and the principal role of the policy is to make people think about fire safety issues before submitting a planning application and undertaking a development.
17. Given the principal role of the policy, that consent under the Building Regulations would be required, that what is proposed is a small domestic extension, and, although there is no specific requirement for it to do so, that the Council has not identified any shortcomings in fire safety terms in either scheme, I do not dismiss the appeal on these grounds.

Conclusion on Ground (a)

18. For the above reasons, the Notice is upheld inasmuch as it relates to the extension that was initially erected. However, the proposed alternative scheme represents the high-quality design required by LP Policy D4, SLP Policy P14 and section 3.4 of the Technical Guide. Therefore, I allow the side extension element of the alternative scheme, though no other development on the drawing I refer to in my formal decision.
19. Given my reasoning, above, and having regard to the Government's advice, there is no need to attach conditions to the permission.

Ground (f)

20. As I have allowed the Ground (a), there is no need to take the appeal made under Ground (f) further.

Ground (g)

21. As I am unsure whether the works that have been carried out have addressed all the requirements of the Notice, I need to address the Ground (g) appeal. This is made on the basis that the time allowed for compliance with the requirements of the Notice is not reasonable and should be extended.
22. The Appellants' case is limited to a request for a longer period than the 6 months given to comply with the Notice, set out in an email dated 18 May 2023. They provide no evidence to show that the period is not reasonable, nor can I see one. I find the period for compliance to be reasonable and, therefore, the Ground (g) case fails.

Conclusion

23. For the reasons given above I conclude that the appeal should succeed in part, and I will grant planning permission for the extension proposed in the Appellant's Grounds (a) and (f) case. I shall, however, uphold the Notice inasmuch as it relates to the extension that was in-situ when the Notice was issued. 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 s180 of the Act.

R Curnow

INSPECTOR