



Appeal Decision

Site visit made on 19 August 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/H5960/W/25/3367016

Flat A, 117 Upper Tooting Road, Wandsworth, London SW17 7TJ

- 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 Mr Abdul Karim against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref is 2024/4345.
 - The application sought planning permission for alterations including erection of roof extension to create additional storey of habitable accommodation and first floor rear extension in connection with conversion into 2 x 1-bedroom, and 1 x studio flats, without complying with a condition attached to planning permission Ref 2021/0199, dated 23 April 2021.
 - The condition in dispute is Condition 2 which states that: The development shall be carried out in accordance with the reports, specifications and drawings detailed 18/573/001, 18/573/003 RevC and 18/573/004 RevC and 18/573/005 Rev A.
 - 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.
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Decision

1. The appeal is allowed and planning permission is granted for alterations including erection of roof extension to create additional storey of habitable accommodation and first floor rear extension in connection with conversion into 2 x 1-bedroom, and 1 x studio flats at Flat A, 117 Upper Tooting Road, Wandsworth, London SW17 7TJ, in accordance with the application Ref 2024/4345, without compliance with condition 2 previously imposed on planning permission Ref 2021/0199, dated 23 April 2021 and subject to the Schedule of Conditions attached to this Decision.

Background and Main Issue

2. The appeal property is a three storey, mid-terrace building. This is divided into three flats with a ground floor commercial unit. The flats are located at first and second floor levels. The appeal relates to the second-floor studio flat contained within a recent roof extension.
3. On the original permission Ref 2021/0199, the roof extension incorporated a set back from the front elevation of the wider building. The extension featured a sloping and tiled front elevation to replicate a mansard roof with a terrace fronting this to provide external amenity space and cycle storage. This terrace would have been secured with railings.
4. The roof extension 'as built' is different in design and form to that approved under the original permission. However, as part of the application before me, the appellants are proposing to alter the 'as built' roof extension and are therefore

seeking a revised proposed scheme and are proposing to secure this by changing Condition 2 of the original permission to incorporate the proposed drawings.

5. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. Upper Tooting Road forms part of a busy thoroughfare, characterised by ground floor commercial frontages with upper floors in mixed use, including residential. The appeal property sits within a block of predominantly two-storey buildings, although some, such as 121 and 111–113 Upper Tooting Road have been extended vertically. These roof additions vary in design but are generally recessed from the main façades. Within this context, the appeal site already benefits from an extant planning permission for a roof extension.
7. The Council's Housing Supplementary Planning Document 2016 ('the SPD') is noted. While this encourages mansard-style roofs, particularly in conservation areas, the appeal site is not located within such a designation. Moreover, the SPD allows for alternative roof forms where appropriate to the surrounding context. Given the flat-roofed nature of the appeal property and its location outside a conservation area, a rigid application of mansard design principles would be unnecessarily restrictive.
8. I acknowledge that the extension at 111–113 Upper Tooting Road is a mansard-style roof that aligns with the SPDs guidance. However, the roof extension at 121 Upper Tooting Road, though approved under earlier policy, remains a visible and established part of the streetscape. Together, these examples reflect an evolving character along the terrace, where varied roof forms are increasingly present.
9. The proposed roof extension would be recessed from the front elevation in a manner consistent with the previously approved scheme. It would also replicate the scale of the approved extension. Although the front elevation would not slope back, it would incorporate a stepped profile that softens its appearance.
10. The proposal also includes a balustrade around the perimeter of the roof terrace, consistent with the approved scheme. French doors would replace one of the existing casement windows, and slate tiles would be installed along the front elevation. Cycle racks are also proposed within the terrace area. These elements, along with the balustrade, could be secured by condition.
11. While the proposed elevation differs from the approved design, it would visually resemble the mansard-style extension at 111–113 Upper Tooting Road when viewed from street level. The revised design acts as a transitional element between the mansard extension at one end of the terrace and the staggered, flat-roofed extension at 121 Upper Tooting Road.
12. Overall, the proposed changes in materials and fenestration refine the existing structure and enhance its architectural coherence. The stepped elevation and improved detailing reduce the visual massing of the roof extension and improve its integration with both the appeal property and the wider street scene.
13. For the above reasons, the proposal is of an acceptable design and scale and would not harm the character and appearance of the area.

14. As such, the proposal accords with the design aims of Policies LP1 and LP5 of the Wandsworth Local Plan (2023). Together, these policies seek to secure developments of a high quality design which enhance the character of the area to optimise the potential of sites so that the layout and arrangement of buildings ensure a high level of physical integration with their surroundings and consideration of broader placemaking. Ensure that the scale, massing and appearance of the development provide a high-quality, sustainable design and layout that enhance and relate positively to the prevailing local character and the emerging character (where the context is changing).

Conditions

15. The Planning Practice Guidance clearly states that decision notices granting planning permission under Section 73 of the Act should repeat relevant conditions from the original permission unless those conditions have already been discharged. Section 73 is drafted broadly and, in addition to reviewing the disputed condition, provides the authority to impose new conditions, omit previously imposed ones, or modify existing conditions.
16. As the development has already commenced, it is not necessary to include the standard implementation condition. However, to ensure the development proceeds in accordance with the approved plans, a condition referencing those plans is required.
17. Since it is unclear whether conditions 4, 5, and 6 of the original permission have been discharged, I have reimposed them for the same reasons as previously stated. If they have already been discharged, this is a matter for the main parties to clarify. I have also reimposed condition 8 from the original permission, based on the original reason.
18. Condition 7 of the original permission required the provision of refuse and recycling storage as indicated on the approved drawings. However, the current drawings do not show these details, and it appears that the relevant flats are already occupied. Given that the development is in use and no evidence has been provided to suggest inadequate waste storage provision, it is considered that reimposing this condition is unnecessary and would not serve a meaningful planning purpose.
19. Given that the proposed scheme introduces new materials, I have imposed a condition requiring details of these to ensure the development harmonises with the appeal property and its surroundings. Additionally, to support the proper functioning of the development, I have included conditions to secure the provision of the balustrade for the terrace and cycle storage facilities.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location and Block Plan – Drawing No. 18/573/013 and Proposed Plans and Elevations – Drawing no. 18/573/016.
- 2) Prior to their installation details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and thereafter so retained.
- 3) The development hereby approved shall achieve a maximum water use of 105 litres per person per day (plus 5 litres for outside use) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. Measures integrated shall be retained for the lifetime of the development.
- 4) The development hereby approved shall achieve a minimum of a 19% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. Prior to first occupation of the development, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP) shall be submitted to and approved in writing by the local planning authority, to demonstrate that the development has achieved at least a 19% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. The installed measures shall be retained in accordance with the approved details unless otherwise agreed by the local planning authority.
- 5) Within three months of the date of this permission, the balustrade for the terrace, shall be provided as shown on the approved Proposed Plans and Elevations – Drawing no. 18/573/016, and shall thereafter be maintained for the life of the development.
- 6) Within three months of the date of this permission, two cycle storage racks, shall be provided as shown on the approved Proposed Plans and Elevations – Drawing no. 18/573/016, and shall thereafter be maintained for the life of the development.
- 7) The roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area and furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area.