



Appeal Decision

Site visit made on 8 July 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 November 2025

Appeal Ref: APP/H5960/C/23/3334709

106 Girdwood Road, London SW18 5QT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Ghazanfar Ismail Noor Shaikh against an enforcement notice issued by the Council of the London Borough of Wandsworth.
- The notice was issued on 25 October 2023.
- The breach of planning control as alleged in the notice is: *without planning permission and within the last four years, the unauthorised erection of a raised patio, timber fence and boundary wall in the rear garden of the Property (the "Unauthorised Works")*.
- The requirements of the notice are:
 1. *Remove the unauthorised rear garden raised patio and associated timber fence adjacent to no. 104 Girdwood Road and remove the breezeblock boundary wall adjacent to no. 76 Skeena Hill;*
Or
 2. *Reduce the size of the raised patio so that it accords with the approved plans and conditions of the planning permission dated 2 April 2013 under the Council's reference 2012/5116 and remove the breezeblock boundary wall adjacent to no. 76 Skeena Hill;*
And
 3. *Remove from the Property all debris arising from compliance with either step 1 or 2 above.*
- The period for compliance with the requirements are: *Four months after the date on which this notice takes effect.*
- The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (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.

Formal Decision

1. It is directed that the enforcement notice (EN) is corrected by:
 - Deleting the word "*breezeblock*" in section 5.1 of the notice.
 - Deleting the word "*breezeblock*" in section 5.2 of the notice.
2. Subject to the corrections, the appeal is allowed insofar as it relates to the associated timber fence adjacent to no. 104 Girdwood Road and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for this timber fence at 106 Girdwood Road, London SW18 5QT.
3. The appeal is dismissed and the EN is upheld as corrected insofar as it relates to the unauthorised rear garden raised patio and boundary wall adjacent to no. 76 Skeena Hill and planning permission is refused in respect of this part of the development at 106 Girdwood Road, London SW18 5QT on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Preliminary Matters

4. Since the EN has been served, the appellant has made alterations to matters alleged in the notice. At the time of my visit, the boundary wall between the appeal site and the adjoining property at 76 Skeena Hill has had a rendered finish applied to the external surface. Whilst this gives the wall a different appearance to the unrendered boundary enclosure alleged in the notice, I have based my decision on the development that existed at the time the EN was served.

Appeal on ground (a), the deemed planning application

5. The Council's EN has an alternative step set out at section 5.2 of the notice, providing the appellant the opportunity to adhere to the granted planning permission ref: 2012/5116 which was found acceptable. Compliance with the permission would provide the appellant with an alternative modest raised deck and set of steps leading to the garden level with a low level boundary treatment adjoining 76 Skeena Hill.

Main issues

6. Consequently, the main issues are the effect of the development as built on i) the character and appearance of the Sutherland Grove conservation area (SGCA); ii) the living conditions of the basement flat at the host property; and iii) the living conditions of the adjoining properties.

Reasons

Character and appearance and impact on the SGCA

7. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the SGCA.
8. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
9. The significance of the SGCA is derived from the homely domestic suburban housing from the 1920's–30's, with generous front gardens set within a dramatic hilly streetscape which formed part of the sophisticated and refined architecture of the former Whitelands College. The predominant building type within the SGCA is made up of large detached and semi-detached residential properties with generous and mature front gardens. This provides the principal characteristic of the townscape.
10. The appeal site is a detached dwellinghouse located at the junction of Girdwood Road and Skeena Hill. Girdwood Road is characterised by several building styles and materials which add richness to its character. The appeal property has a rendered finish to the external walls with green tile roofs, which is a feature found exclusively in Girdwood Road. The property has been subdivided with a separate

flat¹ at the basement level, although I understand it is currently occupied by a member of the existing household. The development subject to this appeal consists of a raised patio, timber fence and boundary wall at the rear of the property.

11. In respect of the raised patio, there are several other examples of this type of development in the vicinity, notably at 104 Girdwood Road and Nos 76 and 78 Skeena Hill which also exhibit large, raised platforms at the rear. These are generally higher than the existing ground level, given the steep topography within the area. Whilst deep, the raised patio subject to this appeal does not look out of proportion in relation to the host dwelling or other examples in the surrounding area. These features add to the variation within the SGCA without detracting from its architectural interest as they are modest additions at the rear of the properties. Consequently, the raised patio does not appear as an incongruous feature within the area.
12. In regard to the provision of the timber fence along the boundary with No 104 Girdwood Road, the treatment is of a traditional design consisting of a timber banister, timber railings and a timber latticed trellis. The materiality is appropriate in the vicinity given the prevalence of domestic demarcation features such as closed board fences, hedges and established vegetation providing proportionate responses within the area. Visually the fencing is lightweight and relatively diaphanous, thus does not appear dominant or out of keeping. As with the raised patio, the timber fence would not harm the character or appearance of the SGCA, and thus these features would at the very least preserve its significance.
13. However, in regard to the boundary wall between the appeal site and the neighbouring property at No 76 Skeena Hill, the provision of a large, solid boundary feature is not in accordance with the character and appearance of the surrounding area, nor does it enhance or preserve the SGCA. Whilst it is acknowledged that there is variation within the area, as stated the demarcation features are generally domestic in nature, height and appearance. The existing boundary wall provides an overtly high and overly large, bulky and stark treatment significantly different in proportions to other boundary treatments in the area.
14. I would acknowledge that given its rear location the wall is only glimpsed from public vantage points outside the property. I would also acknowledge that since the EN has been served the appellants have incorporated a rendered finish over the exterior of the wall to provide a consistent treatment with the host property. Nevertheless, the wall itself appears visually disruptive to the character and rhythm of the buildings in the SGCA. Consequently, this results in a noticeable and harmful change to the host property and the SGCA in general.
15. There would be some harm to the SGCA arising from this part of the development. As such, the boundary wall would fail to preserve or enhance the character or appearance of the SGCA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with Section 72(1) of the Act.
16. The harm the development causes to the significance of the SGCA is relatively localised and thus is less than substantial. Paragraph 215 of the Framework advises where a development proposal will lead to less than substantial harm to

¹ London Borough of Wandsworth Planning Ref: 2012/5116

the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

17. I have had regard to the public benefits of the appeal scheme, which make modest improvements to the building including improved accessibility for outdoor use for the appellant and future occupiers, providing a limited public benefit. Given my findings as to the impact of the boundary wall adjoining No. 76 Skeena Hill the public benefits would not outweigh the less than substantial harm caused to the significance of the heritage asset identified above.
18. Overall, whilst I find that the raised patio and timber fence adjoining No. 104 would be appropriate, the boundary wall on the opposite side harms the character and appearance of the host property and fails to preserve or enhance the SGCA harming its significance. This part of the development is therefore contrary to the relevant sections of policies LP1, LP2, LP3 and LP5 of the Wandsworth Local Plan 2023-2038 (WLP) adopted July 2023; and policies D3 and HC1 of the London Plan (LP), adopted March 2021 and the Framework. Collectively, these require development to enhance the significance, appearance, character, function and setting of any heritage asset, whilst having a high level of physical integration with their surroundings, relating positively to the prevailing local character through complementary form, setting, detailing and use of matching or complementary materials, and to be visually subservient, amongst other things.

Living conditions of the basement flat at the host property

19. The existing basement relies on the lightwells to the front and the rear of the property to provide natural light for the residential unit. The planning permission granted for its use as a separate residential flat, included only a modest set of stairs from the garden to the upper ground floor level thus avoiding impacting on the light received by the lightwells.
20. The existing raised patio sits over the top of the rear lightwells significantly reducing the light to the habitable rooms² at the rear of the basement flat, with a northwest facing aspect. I have no details before me in respect to any sunlight/daylight analysis to demonstrate whether acceptable levels of daylight are achieved. Nevertheless, given its northern aspect the amount of natural light that can enter the habitable rooms is significantly restricted by the raised patio, thus leading to poor living conditions for occupiers.
21. Furthermore, given the depth of the raised patio above, this limits any outlook from the flat to oblique views of the garden and limited views of the sky. The provision of the raised patio therefore has an overbearing impact on, and poor outlook for, current and future occupiers at the flat.

Living conditions of the adjoining properties

22. The provision of a stark solid wall on the boundary with No. 76 Skeena Hill, provides an overly tall and large expanse of blank wall, which appears visually oppressive and overpowering for these occupants. The close proximity to the neighbouring windows and garden provides a development with considerable height and bulk which has been foisted upon them. This provides a significantly

² Kitchen and living room, shown on the approved plan 200/B attached to permission 2015/5116

more detrimental impact than the previously approved scheme (ref: 2015/5116) which had a more modest treatment at the boundary and significantly smaller patio footprint.

23. Unlike the approved scheme, the resultant development provides a looming presence dominating the outlook from the rear facing rooms and the raise deck at No 76. As such, it constitutes an oppressive development to the detriment of the living conditions of these occupants. However, I find no harm on the living conditions of the adjoining residents at No. 104 Girdwood Road, given the more traditional timber and less solid boundary treatment adopted here.
24. The development therefore has an unacceptably harmful effect upon the living conditions of the occupiers of the basement flat at the host property, with particular reference to sunlight/daylight and outlook. The development also negatively impacts on the visual amenity of the adjoining property at No. 76 Skeena Hill. As such, the scheme is contrary to the relevant provisions of WLP policies LP2, LP5 and LP27 and LP policy D3 which amongst other things, seek to provide high quality design and living conditions for residential occupiers. It is also contrary to the Framework which, amongst other things, seeks a good standard of amenity for all existing and future occupants of buildings.

Conclusion on ground (a)

25. I have found that the timber fence adjacent to No. 104 Girdwood Road would be appropriate, and I shall grant planning permission for this development and correct the notice accordingly. However, the boundary wall adjacent to no. 76 Skeena Hill causes unacceptable harm to the character and appearance of the SGCA. The combination of this wall and the raised patio also have a negative impact on the living conditions of the occupier of the basement flat and this neighbour. This part of the development is therefore in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan.
26. Consequently, the ground (a) appeal only partially succeeds.

Appeal on ground (g)

27. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with section 173(9) of the 1990 Act falls short of what should reasonably be allowed.
28. The appellant argues that a period of nine months is the minimum required to undertake the requirements should this appeal be unsuccessful. The development subject to this appeal consists of a rendered wall, timber framed and timber clad structures. The works required by the corrected notice would be within the capabilities of a competent person within the building trade and could be undertaken within four months of the date of this decision.
29. With respect to the appeal under ground (a) I have determined that the structure is harmful, and it is necessary to ensure the development is removed in order to overcome that harm. As such, a four month period would achieve a reasonable and proportionate balance between securing compliance and the appellant's ability to carry out the work.
30. Therefore, the appeal on ground (g) fails.

Conclusion

31. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the timber fence adjacent to No. 104 Girdwood Road. Whilst the raised patio would be acceptable in terms of the effect on the character and appearance of the SGCA, it nevertheless has a negative impact on the living conditions of the occupier of the basement flat. Similarly, the boundary wall adjacent to No. 76 Skeena Hill, has a negative impact on the living conditions of this adjoining property but also causes unacceptable harm to the character and appearance of the SGCA. As such, these aspects are in conflict with the Development Plan taken as a whole. Therefore, I will uphold the notice with corrections and refuse to grant planning permission in respect to the raised patio and boundary wall with No. 76. The requirements of the notice will cease to have effect insofar as they are inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

Robert Naylor

INSPECTOR