

Appeal Decision

Site Visit made on 7 January 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/H5390/C/23/3333795

7 Ellaline Road, London W6 9NZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Nicola Scott-Knight against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
 - The notice was issued on 19 October 2023.
 - The breach of planning control as alleged in the notice is, without planning permission, the removal of the original 1m stone and brick front wall replaced with a refuse bin and cycle store constructed of timber with a sedum planted roof.
 - The requirements of the notice are, removal of refuse bin and cycle store structure constructed of timber with a sedum planted roof and replace with the original stone and brick front wall.
 - The period for compliance with the requirements is 4 weeks.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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. It is directed that the enforcement notice is varied by:
 - the deletion of the words “4 weeks” in Section 6 of the notice and their substitution with the words “6 months” as the time for compliance.
2. Subject to the 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.

Preliminary Matters

3. The appeal has been brought on grounds (a), (f) and (g) of S174(2) of the Act. However, in the appellant’s submissions on ground (f), it is said that the removal of the wall does not require planning permission and thus no breach of planning control has occurred. Such arguments amount to an appeal on ground (c) and thus I have considered them accordingly.
4. The appellant states that, “the removal of the stone wall was not development that required permission from the LPA”. No further evidence is proffered to support that.
5. S55(1) of the Act defines development as, inter alia, building operations on land. S55(1A) of the Act sets out that building operations includes, the demolition of buildings. S55(2)(g) excludes from the definition the demolition of any description of building specified in a direction given by the Secretary of State. The Town and Country Planning (Demolition - Description of Buildings) Direction 2021 provides that the demolition of the whole or any part of any gate, fence, wall or means of enclosure is not development, except in a conservation area. The Land is located

in the Crabtree Conservation Area. Thus, the demolition of the stone wall constitutes development for which planning permission is required. No evidence of any such planning permission is before me. Thus, the appeal on ground (c) fails.

Appeal on ground (a)

6. An appeal on ground (a) is brought on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. Since an appeal has been duly brought on ground (a), an application for planning permission has deemed to have been made.

Main Issue

7. The main issue is whether the development will preserve or enhance the character or appearance of the Crabtree Conservation Area.

Reasons

8. The Crabtree Conservation Area (the CA) is characterised by Edwardian and Victoria era residential development, with a distinct linear street pattern of mainly terraced housing on the west side of Fulham Palace Road. The significance of the CA derives from the architectural and historic quality of the streets and the character and coherence of the buildings.
9. I was able to see from my site visit that Ellaline Road is a tree lined street, characterised by terraced properties set behind shallow front gardens with low brick walls. The brick walls are of historic appearance, in keeping with the architectural origins of the buildings and generally sit below the piers at either end. This also allows views into front gardens which are typically free from bulky development and are occupied by a combination of hard surfacing and sporadic planting. The low nature of the brick walls also allows appreciable views of the front facades of the buildings and the attractive pattern of double height, squared bay windows with hanging tiles which characterise the street scene. The appeal property is one such building and it exhibits all of the architectural features which are prevalent along Ellaline Road, including a shallow front garden behind a low boundary wall. As such it makes a positive contribution to the significance of the CA.
10. The development comprises the construction of a bin and cycle store in the front garden of the appeal property. To facilitate the store, the front wall has been removed, aside from the piers at either side. The loss of the front wall appears wholly out of keeping with the coherent pattern of front brick walls which are prevalent on Ellaline Road.
11. Moreover, the bin and cycle store covers a considerable proportion of the front garden area, extending as it does the entirety of the frontage between the boundary wall with No 5 and the gate into the appeal property. Additionally, the height of the store sits above the retained piers. As a consequence, the development has impacted on the sense of space the front garden affords to the street scene, whilst it has also impinged on the appreciable views of the architectural characteristics of the building's façade.
12. I note the presence of other structures in front gardens on Ellaline Road as cited by the appellant. However, these are sporadic and where they do appear, they

appear at odds to, rather than in keeping with, the street scene. Overall, I find the development has resulted in the provision of a discordant and incongruous element of built form in the front garden in stark contrast to the character of the street scene.

13. I conclude, therefore, that the development will not preserve or enhance the character or appearance of the CA, in conflict with policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan February 2018 which seek to ensure high quality urban environments, a high standard of design and the conservation the significance of heritage assets. In addition, there would be conflict with the key principles CAG2 and CAG3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document February 2018.
14. Given the scale of the development, the harm that arises to the heritage asset will be less than substantial. Paragraph 215 of the National Planning Policy Framework states that, where a development proposal will lead to less than substantial harm to 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.
15. The development would provide cycle storage in a convenient location and that could increase cycle use with consequent health and environmental benefits. However, such benefits would not outweigh the harm identified above.

Other Matters

16. The appellant argues that a 1m high fence could be erected under the rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 and thus a fallback position exists. Likewise, it is said that a mobile bin and cycle store would not require planning permission. However, a 1m high fence would not have the height, depth or bulk of the development before me here. In any event, there is no evidence before me that this is a reasonable prospect of occurring in the event the appeal fails, particularly as a fence would not serve the same purposes as the bin and cycle store.
17. Moreover, there is no details of any proposed mobile and cycle store before me. It seems to me to simply be a theoretical proposition with no evidence of any possibility of being implemented. As such, neither proposition comprise a fallback position which outweighs the harm identified above.

Conclusion

18. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal on ground (f)

19. An appeal on ground (f) is brought on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

20. The notice requires the bin and cycle store structure which comprises the breach to be removed and replaced with the original stone and brick front wall. As such, it seems to me the purpose of the enforcement notice is to remedy the breach of planning control by restoring the Land to its condition before the breach took place.
21. The appellant argues that the removal of the stone wall does not constitute planning permission therefore the appellant cannot be required to reconstruct it. However, as I have set out above, the appellant has not demonstrated that is the case. To that end, the breach comprises the removal of the wall. The rebuilding of the wall is the minimum necessary to remedy the breach.
22. The appellant also argues that the existing structure could be modified to create two mobile structures. However, doing so would not remedy the breach of planning control. Moreover, no details of such a proposal are before me and such I cannot ascertain whether that would overcome the planning harm, even if it was at less cost and disruption to the appellant.
23. To that end, I find there are no lesser steps than those set out in the notice that would remedy the breach of planning control.
24. The appeal on ground (f) therefore fails.

Appeal on ground (g)

25. An appeal on ground (g) is brought on the basis that the time for compliance in the notice falls short of what should reasonably be allowed.
26. The notice provides a compliance period of 4 weeks for the removal of the cycle and bin store and the reinstatement of the previous front wall. The appellant argues that is unreasonably short and the time period should be 6 months to account for the sourcing of a builder to undertake the works.
27. I agree that 4 weeks is unreasonably short and its unlikely compliance with the requirements of the notice could be achieved in that timescale. It seems to me that 6 months is a more reasonable period of time to undertake the works.
28. The appeal on ground (g) therefore succeeds.

Overall Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

J Whitfield

INSPECTOR