



Appeal Decision

Site visit made on 28 April 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 05 May 2026

Appeal Ref: APP/N5660/C/23/3334184

33 Holmewood Road, London SW2 3RP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr D Thompson against an enforcement notice issued by the Council of the London Borough of Lambeth.
- The notice was issued on 23 October 2023.
- The breach of planning control as alleged in the notice is: Without planning permission:
 1. the erection of a single-storey, ground floor L-shaped wrap around extension on the rear and side elevation of the original 3-storey return/outrigger at the premises ('the unauthorised single-storey rear wrap-around extension'); and
 2. the infill of the angled rear corner of the original 3-storey rear return/outrigger ('the unauthorised rear corner infill'); and
 3. the removal of all the wooden sash windows from the existing front, side and rear elevations of the premises and their replacement with uPVC windows ('the unauthorised uPVC windows'); and
 4. the unauthorised material change of use of the premises to two self-contained flats comprising of a flat at ground floor level and a flat at first and second floor level ('the two unauthorised flats').
- The requirements of the notice are to:
 - a) Remove the unauthorised single-storey rear wrap-around extension and reinstate the affected elevations of the premises as existed prior to the breach of planning control; and
 - b) Remove the unauthorised rear corner infill and re-instate the angled corner in brickwork to match the existing and as existed prior to the breach of planning control; and
 - c) Remove the unauthorised uPVC windows from the premises and reinstate white-painted timber-framed sash and casement windows to match those which existed prior to the breach of planning control in terms of materials, design, size, profile and opening style; and
 - d) Cease the use of the two unauthorised flats, and remove from the premises all internal doors/partitions, kitchen units/appliances, electric/water/gas metres and associated plumbing/wiring that facilitate the use of the two unauthorised flats, and
 - e) Remove all associated waste and debris resulting from compliance with above steps, from the premises.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

2. Two planning permissions were granted on appeal on 26 November 2013 (ref 13/01371/FUL and 13/01554/FUL). However, the appellant has confirmed that these permissions were not implemented, a position which the Council has confirmed during subsequent site visits. As this position is not disputed between the parties, I see no reason to reach a different conclusion.

The ground (c) appeal

3. For an appeal on ground (c) to succeed an appellant needs to show that the matters alleged in the notice does not constitute a breach of planning control.
4. Caselaw¹ has established that the onus of proof on this ground falls to an appellant with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case. Also, an appellant's evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. The advice in the national Planning Practice Guidance (PPG) also reflects these Court judgments.
5. The appellant has referred to the grant of planning permission on 8 October 2019 (ref 19/02834/FUL), for the change of use from House in Multiple Occupation (C4) to 2 self-contained flats (Use Class C3), involving the erection of a rear dormer window and the installation of three front roof lights, together with the erection of a single storey ground floor rear and side extensions.
6. During the site visit, I observed that the ground-floor extension has been constructed as a continuous 'wrap-around' form, rather than as two separate rear and side extensions as shown on the approved drawings. As a result, both the dimensions of this extension differ from those which have been permitted. Furthermore, the approved drawings show the rear return terminating in an angled corner, whereas the building has instead been constructed with a conventional infill. This has resulted in the loss of this design feature and is particularly evident due to the inconsistent use of different brick colours within this section of the extension. In addition, the windows on the rear, side and front elevations have all been replaced with uPVC units, rather than with timber windows.
7. The appellant has referred to a set of drawings² relating to the appeal site which are labelled as 'proposed' and which depict a form of development that differs from that shown on the approved drawings. From my observations during the site visit, I am satisfied that these drawings broadly correspond with the works that have been implemented on site. However, it is unclear why these drawings were used in place of those that were formally approved.
8. In any event, the appellant contends that the development does not represent a breach of planning control on the basis that it accords with the planning permission granted in 2019. However, the construction of a continuous wrap-around extension and the loss of the approved angled rear return, do not correspond in scale or form with those detailed in the approved drawings.
9. Given the extent of the divergence from the approved plans, I am satisfied that there has been a substantial departure from what was permitted. As a matter of fact and degree, I find that the development carried out has not been undertaken in accordance with planning permission 19/02834/FUL. As a result, the development has been carried out without the benefit of planning permission.
10. Overall, I find that the appellant has failed to provide sufficiently precise and unambiguous evidence, tested on the balance of probabilities, that the matters

¹ Gabbitts v SSE & Newham BC [1985] JPL 630 7

² Drawing no's: MS18/45/1, MS18/45/2, MS18/45/3, MS18/45/4 and MS18/45/5

alleged do not constitute a breach of planning control. Consequently, the appeal on this ground must fail.

11. The appeal on ground (c) therefore fails.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

S Lo

INSPECTOR