



Appeal Decisions

Site visit made on 26 May 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 2 June 2026

Appeal A Ref: APP/N5660/C/24/3355709

Appeal B Ref: APP/N5660/C/24/3355710

4A Templar Street, London, SE5 9JB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mrs Denise Beal (Appeal A) and Mr Robert Beal (Appeal B) against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The notice was issued on 8 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a flat-roofed outbuilding in the rear garden of the premises ("the unauthorised outbuilding").
 - The requirements of the notice are to:
 - 1) Remove the unauthorised outbuilding and reinstate the rear garden as existed prior to the breach of planning control; and
 - 2) Remove all associated waste and debris resulting from compliance with the above steps, from the premises
 - The period for compliance with the requirements is 4 months.
 - Appeal A is proceeding on the grounds 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.
 - Appeal B is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the notice be corrected in Section 2 to accord with the notice plan by substituting the word "bold" with "orange". The notice is varied in Section 6 by deleting "four months" and substituting instead "five months".
2. Subject to this correction and variation, the appeals are dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Appeal A on ground (a) and the deemed planning application

Preliminary Matters

3. As the proposal is located within a conservation area, I have had regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Minet Estate Conservation Area (the 'CA').

Main issue

4. The main planning issue is whether the development preserves or enhances the character or appearance of the CA.

Reasons

Character and Appearance of the Conservation Area

5. The Minet Conservation Area Character Appraisal describes Templar Street as an area which is comprised of a mixture of late 19th Century houses, unified through a consistent palette of materials and architectural detailing. While London stock brick and gault brick are present within the CA, red brick is the predominant construction material used in Templar Street. This is particularly evident in properties such as Nos. 2–4, which are constructed in red brick with stock brick dressings and features elements of gauged brickwork. Many properties are characterised by pitched gable roofs, typically finished in slate or red clay tiles. Decorative features such as gables, turrets, finials and other high-quality detailing, contribute to a rich and visually distinctive roofscape. Double-hung vertical timber sliding sash windows are the predominant window type throughout the CA. The Appraisal also notes that outbuildings are not a historic feature of the conservation area. Overall, I found this document to be accurate in its description of the character and appearance of the CA.
6. From my observations and the available evidence, I am satisfied that the significance of the CA derives largely from the strong sense of uniformity and visual coherence. This is created through the consistent use of brick, particularly along Templar Street, combined with a coordinated approach to roofscape materials, notably slate and red clay tiles. The character of the area is reinforced by the relative absence of modern interventions, such as outbuildings, which might otherwise detract from this cohesive character.
7. The appeal site is located within a three-storey semi-detached house with broad proportions and canted bays. The house has been divided into a top and bottom flat, known as 4 and 4a Templar Street respectively. The appeal relates to 4A Templar Street, the bottom flat, which benefits from independent access via the side of the building, and exclusive access to the rear private garden of approximately 80sqm. By virtue of its use of traditional brick materials and coherent roofscape design, the building presents a prominent and legible example of the original architectural composition of the CA. Although some of the windows may no longer be traditional timber sliding sash units, I am nevertheless satisfied that the appeal property makes a substantial positive contribution to the significance of the CA.
8. The principal issue concerns the acceptability of the outbuilding itself, located within the rear private garden of the appeal site. The structure has a footprint of approximately 25 sqm, equating to just under one-third of the garden area. It comprises a single-storey form with a flat roof. Given that the CA is characterised by the relative absence of such outbuildings, the form, size and height of the structure would conflict with the established character and appearance of the area.
9. The appellant has referred to other purportedly comparable outbuildings within the surrounding area; however, there is very limited evidence before me regarding their precise location, scale, or number. In any event, the limited evidence before

me does not demonstrate that they are a common feature, nor that their prevalence is sufficient to undermine the character of the CA. Furthermore, the existence of such examples does not justify any further deviation from the established character and appearance of the CA. Rather, they serve to demonstrate how incremental and uncoordinated alterations can cumulatively erode the significance of heritage assets. To permit the development would reinforce this pattern of erosion.

10. The appellant has submitted a set of plans to clarify the intended finished appearance of the outbuilding, which could be secured by a planning condition if permission were to be granted. These indicate that the front elevation is to be clad in grey composite wood panels and would incorporate white UPVC doors and a window. The roof would be finished in black felt and include four rooflights to provide additional natural light. The side elevations would be rendered with a white finish.
11. Notably, the proposed materials would depart from the established palette of the CA. In particular, the use of uPVC components, together with composite wood panelling, fails to reflect the traditional materials used in the locality, namely timber windows, red brick, London stock brick, gault brick, slate and red clay tiles. The surrounding buildings are characterised by high-quality brickwork and carefully articulated detailing, whereas the materials used in the outbuilding would appear utilitarian and would lack the visual detailing which characterises the host building and its context. Moreover, the flat-roofed form of the outbuilding would be at odds with the prevailing pattern of pitched gabled roofs finished in traditional materials.
12. Whilst the appellant suggests that replicating traditional features, such as timber sash windows, within a contemporary flat-roofed structure would appear incongruous, this does not overcome the more fundamental issue that the outbuilding itself would be unacceptable in principle. In this regard, the divergence from traditional materials and forms serves to reinforce, rather than mitigate, the harm identified.
13. The appellant contends that the use of uPVC is typical and appropriate for structures of this nature. However, given the sensitivity of the CA and the absence of convincing evidence that such features are characteristic of its established appearance, I am not persuaded that the use of modern materials lessens the harm. Instead, it would serve to emphasise the incongruous presence of the structure. Accordingly, I am not satisfied that the imposition of a condition to secure the submitted plans and materials would sufficiently address these concerns. Taken as a whole, the design, form, and materiality of the development would appear discordant and would detract from the character and appearance of the CA.
14. The appellant refers to the availability of permitted development rights as a fallback position, suggesting that the outbuilding represents only a minimal increase in built form beyond what would be permitted under such rights. However, the Town and Country Planning (General Permitted Development) (England) Order 2015, Class E makes clear that such rights do not apply to flats. Accordingly, there is no realistic fallback position in this case. The correct baseline for assessment is therefore that no rear outbuilding could be erected without express planning permission.

15. Given such, the proposal fails to preserve or enhance the character and appearance of the CA. The level of harm is less than substantial. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Harm should have a clear and convincing justification.
16. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge that the outbuilding would provide more residential space for occupiers of the appeal site, which may assist in maintaining a viable home-working environment. However, I find that these benefits are primarily private in nature and do not amount to public benefits, whether considered individually or cumulatively. In any event, they carry limited weight and do not outweigh the great weight I afford to the harm to the designated heritage asset.
17. Drawing my findings together, I conclude that the development fails to preserve or enhance the character or appearance of the CA. It therefore fails to satisfy the statutory duty under the Act and the relevant provisions of the Framework. The development would harm visual amenity, lack visual attractiveness, and fail to reflect the established architectural form, roofscape and detailing that positively contribute to the character of the area. Consequently, it would neither preserve nor enhance the character or appearance of the CA. As such, it would conflict with Policies Q2, Q5, Q8, Q11 and Q22 of the Lambeth Local Plan 2021.

Other Matters

18. I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Act sets out the relevant protected characteristics, which for this appeal, includes disability and age. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act. I acknowledge the negative impacts of dismissing the appeal, insofar as it would result in the removal of the outbuilding, which would otherwise provide a place of retreat and relaxation for a family member, with a medical condition. Having due regard to this consideration and my findings of harm, my decision to dismiss the appeal is proportionate and necessary having regard to the well-established policy aims in the development plan to protect character and appearance. Taken alongside the other considerations forwarded by the appellant, the PSED considerations would not outweigh the harm I have identified.
19. I have considered the proposal in the context of Article 8 of the Human Rights Act 1998, which protects the right to respect for private and family life. I recognise that the outbuilding allows the appellants to continue to work effectively while still providing the necessary specialist support for a family member at home. However, Article 8 is a qualified right, and interference may be justified where it is in the public interest and proportionate. In this case, any interference arising from my decision is necessary and proportionate in the pursuit of the legitimate planning objectives reflected in the development plan and national policy. I am satisfied that these objectives could not be achieved by less intrusive means without undermining the public interest. Consequently, the dismissal of this appeal would not amount to a breach of Article 8.

Conclusion on ground (a) and the Deemed Planning Application

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

Appeals A and B on ground (g)

21. The ground of appeal is that the period of time for compliance with the notice requirements falls short of what should reasonably be allowed. The appellant seeks a period of 6 months. The notice requires compliance within 4 months.
22. I am mindful that the harm resulting from the breach of planning control should now be remedied as soon as possible. The outbuilding is not integrated into the main property and is located adjacent to the boundary, such that the demolition of the structure and removal of materials should be a relatively straightforward task for a builder. Nonetheless, I accept that securing and scheduling suitable contractors and completion of works may take longer than 4 months.
23. However, 6 months seems an unduly long period of time considering the nature and scale of remedial works to be undertaken. This extended duration has not been justified with any detailed information. In light of all the circumstances, I consider on balance that 5 months would be more reasonable.
24. The appeal on ground (g) succeeds to this limited extent and I have varied the notice accordingly.

Conclusion on ground (g)

25. It is directed that the enforcement notice is varied by the deletion of four months and the substitution of five months as the period for compliance. Subject to the variation, the enforcement notice is upheld.

S Lo

INSPECTOR