



Appeal Decision

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 Ref: APP/N5660/C/25/3366298

The Clapham Tap, 128 Clapham Manor Street, London SW4 6ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Tristan Angel against an enforcement notice issued by the Council of the London Borough of Lambeth.
 - The notice was issued on 14 May 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a brick, flat-roofed, first-floor rear extension infilling the two-storey rear returns ('the first-floor rear extension')
 - The requirements of the notice are to:
 - a) Remove the first-floor rear extension from the premises and reinstate the roof and two-storey rear returns as existed prior to the breach of planning control; and
 - b) Remove all associated waste and debris resulting from compliance with the above step, from the premises
 - The period for compliance with the requirements is: 3 months
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matters

2. Two planning applications have been submitted, one for a first-floor rear extension with a flat roof (25/00094/FUL), and another for the same extension with a hipped roof (25/01234/FUL). Both applications were refused by the Council. On appeal, the proposals were considered together (APP/N5660/W/25/3366331 and APP/N5660/W/25/3369342). The Inspector dismissed both appeals, concluding that the proposed developments would fail to preserve the character and appearance of the Rectory Grove Conservation Area.
3. Caselaw indicates that an Inspector has broad discretion to determine whether a remedy short of complete removal of the development would satisfactorily address the breach in planning and amenity terms. Accordingly, there may be circumstances where grounds (a) and (f) can be pursued concurrently to secure a more proportionate solution than could be achieved under ground (f) alone.
4. Although the appellant has referred to ground (a) in their submissions, the prescribed fee was not paid within the specified period, and the relevant section of the appeal form was not completed. Consequently, no valid appeal on ground (a), nor any deemed application for planning permission under section 177(5) of the Act, has been made. For the purposes of this appeal, there is no ground (a) for consideration.

Appeal on ground (f)

5. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
6. The notice seeks the removal of the first-floor rear extension and the reinstatement of the roof and two-storey rear returns as existed prior to the breach of planning control, alongside the removal of all associated waste and debris. Hence, the purpose of the notice is to remedy the breach of planning control, s173(4)(a).
7. Therefore, this ground (f) appeal is concerned only with whether the notice requirements exceed what is necessary in order to remedy the breach of planning control.
8. In this case, the requirements do not go beyond securing the reversal of the unauthorised works, namely the removal of the unlawful extension and the restoration of the building to its former state. As such, they cannot be regarded as excessive in terms of remedying the breach of planning control. There is no substantive evidence before me to demonstrate that any lesser steps would fully remedy the breach.
9. The appeal on ground (f) therefore fails.

Conclusion

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

S Lo

INSPECTOR