



Appeal Decision

Site visit made on 26 May 2026 by E Street BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/P5870/C/24/3355090

Land at 13 Charminster Road, Worcester Park KT4 8PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hadi Naderi against an enforcement notice issued by the Council of the London Borough of Sutton.
 - The notice was issued on 8 October 2024.
 - The breach of planning control as alleged in the notice is “without planning permission a) The erection on the Land of a linking corridor structure between the extended rear of the property to an existing outbuilding in the rear garden and b) The erection of an outbuilding (shed) in the front garden of the Land.
 - The requirements of the notice are to:
 - (i) Demolish the extension that forms a linking corridor extension between the rear of the house and outbuilding on the Land
 - (ii) Demolish the detached outbuilding (shed) situated within the front garden of the Land
 - (iii) Remove from the Land all building materials, rubble and equipment arising from compliance with (i) and (ii) above.
 - The period for compliance with the requirements of the notice is within six months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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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Appeal Procedure, Preliminary Matters & Main Issue

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, and prior to the making of this recommendation, a revised National Planning Policy Framework was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
2. The detached outbuilding (shed) situated within the front garden of the land, as confirmed by the appellant and as viewed on site, has been removed and therefore has complied with section (ii) of the enforcement notice. The main issues are thus the effect of the link corridor on a) the character and appearance of the area and b) the living conditions of neighbouring occupiers with regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

3. The appeal site is a mid- terraced dwelling with a similar sized front and rear garden. Part of the front garden also provides parking. To the rear, dwellings are relatively uniform with some instances of single storey rear extensions. Where

there are outbuildings or garages, they are clearly to the rear and separated from the main dwelling. Resulting in a clear hierarchical structure of the main primary dwelling and the secondary, clearly subservient, detached building. These features in combination contribute to a pleasant consistency which, in part, defines the character and appearance of the area.

4. The linking corridor is significant in height, matching the outbuilding and single storey rear extension. In linking the two, it creates a large and imposing feature which is not typically seen locally. The corridor reduces the subservient and secondary nature of the outbuilding and creates an overriding dominant feature to the rear elevation of the building. Collectively, they eliminate any hierarchical structure. Whilst it is positioned to the rear of the building, due to its height and length, it is visible from Conrad Drive and from surrounding gardens.
5. As such, the development harms the character and appearance of the area, conflicting with Policies 28 and 29 of the Sutton Local Plan (SLP) 2018 and Design of Residential Extensions Supplementary Planning Document 2006 (SPD) which amongst other things, these seek to ensure high-quality design.

Living Conditions

6. The height and mass of the corridor abuts the side boundary of Number 15 Charminster Road (No 15). It presents a sheer blank elevation, flanking most of the garden. The corridor in and of itself does not harmfully affect the outlook and light to the occupiers within the property given the already existing single storey rear element and its proximity to associated windows. However, the users of the garden, given the height and imposing nature of the corridor, notwithstanding the existing greenery in their garden, exacerbates the already strong sense of enclosure. The reduction in the quality of the outlook therefore unacceptably effects the experience of the garden for sitting out. Resultantly, the development harms the living conditions of neighbouring occupiers, thereby conflicting with Policy 28 of the SLP and the SPD which amongst other things, seek to ensure that the living conditions of occupiers of properties are protected.

Other Matters

7. The evidence sets out that the house has been adapted with the linking corridor for a member of the appellant's family with specific needs to ensure that they remain safe and accessible at all times. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. I am aware that disability is a protected characteristic thereunder.
8. It is explained that space is needed for the family member's studies, but this relates mainly to the outbuilding. It is not sufficiently clear why the access to the outbuilding needs to be via an internal corridor besides getting to the outbuilding in the dry during poor weather. The garden is relatively short in depth and totally enclosed. Within which, it strikes me, a family member would be safe without the linking corridor. There is also limited detail on why the space could not be provided within the main property. Therefore, I am not sufficiently convinced that there is not an alternative way to achieve the aims of ensuring that the child is safe and accessible in a way which does not result in harm to the matters discussed above. Dismissal of the appeal on the above grounds in the public interest would therefore be fair and proportionate having regard to the aforementioned duties.

9. Whilst changes to the roof design may go some way to addressing the harms I have found, they would not be to the point to make the development acceptable.

Conclusion and Recommendation

10. For the reasons given above, the development conflicts with the development plan. I have been given no other compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal on ground (a) should fail and the deemed application for planning permission should be refused.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed. The effect of this is that the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under s177(5) of the Town and Country Planning Act 1990 (as amended).

John Morrison

INSPECTOR