

PLANNING ENFORCEMENT APPEAL DECISIONS RECEIVED BETWEEN 01/10/2018 AND 31/10/2018

Council ref.	Address	Breach of planning control	Notice type	Decision date	Appeal decision
16/00494/3CNS	31 Leigham Court Road London SW16 2ND	Without planning permission, the material change of use of the ground floor unit at the premises from a shop (Use Class A1) to a restaurant/cafe (Use Class A3) ('the unauthorised A3 use') and the installation of an air conditioning unit on the rear elevation of the single storey rear extension ('the unauthorised air conditioning unit')	EN (Operational Development and Change Of Use)	31.10.2018	Appeal Dismissed

The appeal concerned the unauthorised material change of use from a shop to a restaurant/cafe and the unauthorised installation of an air conditioning unit. The appeal was joined to two other appeals relating to planning applications – which are commented upon in the planning appeals update.

The appeal was made under ground (f); that the steps required to comply with the notice are excessive and lesser steps would overcome the objections.

Under Ground (f), the Inspector opined that the steps required by the notice were not excessive as they had the sole purpose of remedying the breaches of planning control. As a result this ground of appeal was dismissed.

16/00153/3DEV	Business 242 Gipsy Road London SE27 9RB	Without planning permission, a) The erection of a metal framed single storey extension to the front elevation of the premises comprising of roller shutters on the front and side elevations and topped with a glazed roof ('the unauthorised front extension') and, b) The installation of two air conditioning units with associated fixtures, fitting and pipework to the rear of the premises, one (double unit) on the rear first floor elevation and the second under the window on the rear first floor flank elevation with associated wooden boxed structure ('the two unauthorised air-conditioning units and wooden boxed structure').	EN (Operational Development)	23.10.2018	Appeal Dismissed
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The appeal concerned the unauthorised erection of a metal framed extension with roller shutters to the front of the premises and the installation of 2 air conditioning units with associated fixtures on rear elevation.

The appeal was made under ground (a) that planning permission should be granted; ground (f) that the steps required to comply with the notice are excessive and lesser steps would overcome the objections; and (g) that more time should be given to comply.

Under ground (a), the Inspector opined that the front extension and roller shutters: dominates the front of the building, is incongruous in the commercial area; fails to contribute positively to the public realm; and has a harmful effect upon the character and appearance of the appeal site and surrounding street scene. The Inspector opined that the structure, due to its location close to the shared access to the residential development at Bon Marche Terrace Mews, puts pedestrians at increased risk from vehicles emerging through the access. As a result this ground of appeal was dismissed.

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Under ground (f), the Inspector opined that the breach of planning control could not be remedied by the addition of planters and screening as suggested by the appellant, considering that such suggested alterations would add to the harm caused by the development and that no alternatives would overcome the planning objections. As a result this ground of appeal was dismissed.

Under Ground (g), the Inspector opined that the appellant had not demonstrated that they would suffer financial hardship without the canopy being in place or by having to pay for the remaining requirements of the notice to be undertaken, and they found 2 months for the requirements to be met as adequate. As a result this ground of appeal was dismissed.

15/00237/3CND	95 Heybridge Avenue London SW16 3DS	Without planning permission, the erection of a dormer roof extension across the rear roof slope of the premises ('the unauthorised dormer roof extension').	EN (Operational Development)	15.10.2018	Appeal Dismissed
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The appeal concerned an unauthorised full width rear dormer roof extension.

The appeal was made under ground (a) that planning permission should be granted.

Under ground (a) the Inspector considered the main issue is the effect of the development on the character and appearance of the host building and the wider area, in particular, the Streatham Lodge Estate Conservation Area. The Inspector opined that the dormer extension was large and dominating, covering the majority of the roof slope. They considered that it altered the appearance of the property so that, from the rear, it has the form of a three storey house, significantly impacting on the host property. They considered that it does not reflect the form and vernacular style of the original house and its effect is detrimental.

The Inspector commented that they observed a number of dormer roof extensions in the area which are visible from public viewpoints, stating that such extensions are relatively commonplace, forming part of the area's character and appearance. However, they indicated that there were few examples of dormer extensions with dimensions comparable to that enforced against and those that did exist were equally dominant - and such additions cannot be considered complementary to the form and composition of the historic development.

The Inspector found that the unauthorised dormer roof extension failed to preserve the significance of the Conservation Area as it did not complement the form and composition of the existing development. They found that the impact of the development is relatively localised and therefore found the harm to be less than substantial, but nevertheless of considerable importance and weight. As a result this ground of appeal was dismissed.

	Allowed	Dismissed	Mixed
Month total	0	3	0
Financial year to date	0	6	0