

**PLANNING ENFORCEMENT APPEAL DECISIONS RECEIVED BETWEEN 01/06/2019 AND 30/06/2019**

| Council ref.  | Address   | Breach of planning control  | Notice type                  | Decision date | Appeal decision  |
|---------------|---|---|------------------------------|---------------|------------------|
| 16/00688/3DEV | 89 - 93 Clapham Common<br>South Side<br>London<br>SW4 9DJ | Without planning permission the erection of;<br>a) an unauthorised blue and white single storey extension with glass canopy to the rear of 91 Clapham Common South Side and an unauthorised single storey L-shaped extension to the rear of 89 Clapham Common South Side;<br>b) an unauthorised green wooden porch on the front of number 91 and 92 Clapham Common South Side and replacement of ground floor window with a wooden door at 91 Clapham Common Southside ('the unauthorised porch and door');<br>c) unauthorised wooden trellising atop and around the edge of the single storey extensions to the rear of 89-91 Clapham Common South Side ('the unauthorised wooden trellising') | EN (Operational Development) | 10.06.2019    | Appeal Dismissed |

The appeal concerned the unauthorised construction of two rear extensions (a blue and white extension and an L-shaped extension), the unauthorised construction of a front porch, the unauthorised replacement of a ground floor window with a door, and the unauthorised installation of trellising around the roof of a rear extension. Whilst the appeal was initially made under grounds (a), (b), (c), (d), (f) and (g), following ongoing discussions it eventually proceeded under grounds (a) that planning permission should be granted and (d) that it was too late to take action.

The Inspector found that the main issues were the impact of the development on the character and appearance of the area and the effect on the living conditions at neighbouring properties, with particular regard to visual impact. She found that the blue and white extension, the covered walkway and the additional trellis did not preserve or enhance the character or appearance of the appeal site and the Conservation Area as a result of their poor design, detailing and finish.

She found that neither the blue and white extension nor the covered walkway cause significant harm to living conditions at neighbouring properties. However, she concluded that the trellis had an unacceptable impact on the outlook from adjoining properties on Lessar Avenue and Lynette Avenue as a result of its height, extent, location at first-floor level and incongruous appearance.

The Inspector also found that, despite the unauthorised extension providing two hotel rooms to help meet the GLAs target, she did not consider it anywhere close to outweighing the considerable harm caused by this extension to the character and appearance of the area.

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| 17/00580/3CND | 11 Garrad's Road<br>London<br>SW16 1JU | Without planning permission, the erection of a part single storey, part 2 storey, flat roofed extension on the southern flank elevation of the premises ('the unauthorised side extension'). | EN (Operational Development) | 10.06.2019 | Mixed Appeal Result |
|---------------|--|--|------------------------------|------------|---------------------|

The appeal concerned the erection of a part single storey, part 2-storey, flat roofed extension on the southern flank elevation of the premises – and proceeded on grounds (c), (f) and (g) as summarised below:

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Ground (c): That the alleged breach of planning control does not constitute a breach of planning control. The appeal failed as the Inspector considered that the building as constructed was a substantially completed development that did not accord with previous planning permissions granted in respect to the premises. It was decided that the Council was correct to consider that it was a breach of planning control.

Ground (f): The steps required by the notice to be taken or the activities required by the notice to cease, exceed what is necessary. The appeal succeeded in part as the Inspector considered that compliance with the notice would not prevent the appellant from subsequently carrying out an extant planning permission. The Inspector stated that after all, the enforcement regime is not meant to be punitive. The Inspector varied the notice by adding a new requirement, in the alternative, to alter the extension to conform to the plans and conditions of planning permission 17/02389/FUL.

Ground (g): That the period to comply specified in the notice falls short of what should reasonably be allowed. The Inspector decided that it was reasonable to allow for substantial further time for the requirements to be implemented (taking into account the partial success of the ground F appeal) and allowed a 12 month period - which they considered would strike a more proportionate balance in these circumstances.

The notice was upheld as varied. An application for costs against the council was dismissed.

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| 17/00017/3S215 | 339 Norwood Road<br>London<br>SE24 9AH | Without planning permission the unauthorised use of the premises as a (sui generis) car wash ('the unauthorised car wash'). | EN (Material Change of Use) | 10.06.2019 | Appeal Dismissed |
|----------------|--|---|-----------------------------|------------|------------------|

The appeal concerned the unauthorised use of the premises as a car wash – and proceeded on ground (a) that planning permission should be granted. The Inspector considered the main issues to be the effect the use had on the safety of road users and pedestrians and upon living conditions at nearby residential properties.

On the first issue the Inspector noted that the existing entrance/exits on this busy junction were unsafe and could not accommodate such use. On the second issue the Inspector noted that whilst the area was already noisy due to traffic etc the sounds from pressure washers, voices of operatives as well as car engines etc would have a harmful impact upon living conditions at nearby and the Inspector went on to dismiss the appeal.

|                        | Allowed | Dismissed | Mixed |
|------------------------|---------|-----------|-------|
| Month total            | 0       | 2         | 1     |
| Financial year to date | 0       | 2         | 1     |