



Appeal Decision

Site visit made on 21 October 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal Ref: APP/G5180/C/23/3332163

11 Bell Gardens, Orpington BR5 4DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeal is made by Mr Azriel Jakab on behalf of J J UK Estate Ltd against an enforcement notice issued by the Council of the London Borough of Bromley.
- The notice was issued on 6 October 2023.
- The breach of planning control as alleged in the notice is *without the required planning permission, the erection of a single storey rear extension, a first floor side extension, a hip to gable extension and a rear dormer to the dwellinghouse on the land.*
- The requirements of the notice are:
 - (a) *Demolish the single storey rear extension, first floor side extension, hip to gable extension and rear dormer*
 - (b) *Restore the land to its condition before the breach of planning control took place.*
- The period for compliance with the requirement is: *6 months after the notice takes effect*
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act (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.

Formal Decision

1. It is directed that the enforcement notice (EN) is corrected and varied by:
 - Deleting the text “*6 months after the notice takes effect*” from the time for compliance paragraph, at section 6 of the EN, and substituting with the text “*Nine months (9) from the date on which the notice takes effect*”.
2. Subject to these corrections and variations, the appeal is dismissed, and the EN is upheld.

Appeal on ground (a), the deemed planning application

3. The deemed planning application is for the erection of a single storey rear extension, a first floor side extension, a hip to gable extension and a rear dormer to the dwellinghouse.

Main issue

4. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Character and appearance

5. The appeal site is located on a prominent corner at the junction of Bell Gardens and Beren Road in Orpington. The surrounding area is residential and characterised by mainly two storey semi-detached and terrace properties with a consistent rhythm and style. The end of the terrace properties exhibit a distinctive

cat-slide roof feature which is repeated within the locality. The appeal property is a relatively recent addition¹ within the area and sits within a small cluster of similar dwellings located around a modest green space. All of the other end of terrace properties around the green exhibit the distinctive cat-slide roof, whilst the appeal property is the only one that consists of a squared flank wall with a gabled roof to support the large rear dormer.

6. The development subject to this appeal seeks to retain the single storey rear extension, the first floor side extension, the hip to gable extension and the rear roof dormer extension at the host property. The provision of these developments has significantly increased the bulk and mass of the existing property. When the host property was granted planning permission in 2012, it included a restrictive condition which removed 'permitted development' (PD) rights at the property, specifically to prevent an over development occurring at the site.
7. Individually, the various elements of the scheme could be considered relatively small scale, however holistically the extensions are extremely visible in the area due to the appeal sites prominent position. The extensions result in a bulky appearance which dominates the host property to its detriment. Furthermore, the increase in the scale of the development, particularly on the flank elevation and at roof level on the rear, appear visually dominant and out of keeping in the surrounding area.
8. Whilst the proposed roof height has not been increased, it is the substantial increase to the side and rear roof profiles which contribute to a bulkier development. Whilst I acknowledge that the single storey side extension has permission, the remaining unauthorised works including the single storey rear extension, all combine to negatively impact on the proportions of the host property. The changes have detrimentally altered the property and have provided a significant visual change to the appearance and rhythm of this terrace and the area in general. The resulting development is too large in relation to the adjoining dwelling and the surrounding area, and causes harm to the local character, building proportions and form.
9. The appellant draws my attention to potential PD rights afforded by the relevant sections of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), by way of a potential fallback position. However, as the appellant also confirms the existence of the restrictive condition attached to the permission 12/02161/FULL1, removing PD rights at the host property, any fallback position is unlikely. Furthermore, despite the Council issuing a prior approval² at the site for a single storey rear extension, I have been presented with no lawful development certificate that would confirm that any part of the appeal scheme would benefit as PD under the GPDO. Consequently, I afford the fallback position only limited weight in the overall planning balance.
10. For the reasons above, the development does not respect or complement the scale and form of the host dwelling, nor is it compatible with development in the surrounding area. Accordingly, it is contrary to policies 6 and 37 of the Bromley Local Plan, adopted January 2019. The proposal also conflicts with paragraph 135(c) of the National Planning Policy Framework which advises that new development should be sympathetic to local character.

¹ Planning permission granted in 2012 London Borough of Bromley Planning Ref: 12/02161/FULL1

² London Borough of Bromley Planning Ref: 21/02634/HHPA

Conclusion on ground (a)

11. The development subject to this appeal causes unacceptable harm to the character and appearance of the host property and the surrounding area, in conflict with the Development Plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan.
12. Consequently, the ground (a) appeal does not succeed.

Appeal on ground (g)

13. For an appeal on ground (g) to succeed, it is to be demonstrated that the period specified in the notice for compliance in accordance with s173(9) of the 1990 Act falls short of what should reasonably be allowed.
14. The appellant argues that a longer period than six months is required to relocate the existing tenants, and as the works to remove the unauthorised structures are extensive, thus could take time to source a contractor and complete. Consequently, a longer compliance period is requested.
15. I am unaware of any constraints about the availability of contractors who would be able to undertake the necessary works. Nevertheless, given the existing tenants would need to relocate, in my view an increase of three months from six to nine for compliance, would give ample time for the appellant to make the arrangements and carry out the necessary works.
16. To that extent, the appeal succeeds on ground (g).

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with corrections and variations and refuse to grant planning permission on the application deemed to have been made under s177(5) of the 1990 Act (as amended).

Robert Naylor

INSPECTOR