



Appeal Decision

Site visit made on 3 February 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 26 February 2026

Appeal Ref: APP/D5120/C/25/3359474

1 Garden Avenue, Bexleyheath, Kent DA7 4LH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Dan Thorne against an enforcement notice issued by the Council of the London Borough of Bexley.
 - The enforcement notice was issued on 16 December 2024.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref 23/00723/FUL granted on 25 May 2023.
 - The development to which the permission relates is: 'A proposed 2 storey side and rear extension to an existing Chalet Bungalow'.
 - The condition in question is no 2 which states that: 'The development hereby permitted shall only be carried out in accordance with the following approved plans and documents:
Plans: Site location plan; existing block plan; proposed block plan; and existing and proposed floor plans and elevations received 30.03.2023.'
 - The notice alleges that the condition has not been complied with in that: 'Without Planning Permission, Non-compliance with Condition 2 of planning permission 23/00723/FUL by a deviation to the approved plans by the increase in height of the part one/part two storey extension.'
 - The requirements of the notice are:
 - 1) Complete the development in accordance with the approved plans associated with Planning Permission 23/00723/FUL; and minor amendment application 23/00723/FULMIN;
 - OR
 - 2) Remove the part one, part two storey extension from the Land;
 - AND
 - 3) Remove all resultant demolition materials from the Land.
 - The period for compliance with the requirements is Six (6) months from the date this 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) (the 1990 Act). 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 1990 Act as amended.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Matter Concerning the Notice

2. Section 1 of the enforcement notice states that there has been a breach of planning control, within paragraph (a) of section 171A (1) of the 1990 Act as amended. However, it is clear from section 3 of the enforcement notice that the breach of planning control is the failure to comply with any condition or limitation subject to which planning permission has been granted. This falls under paragraph (b) of section 171A (1) of the 1990 Act as amended. As this is a typographical error, I am

satisfied that the appellant has not been prejudiced by the inclusion of the wrong criterion.

Preliminary Matter

3. An email has been submitted to confirm that Mr Dan Thorne is the appellant. I have therefore used this name in the banner heading above.

Appeal on Ground (a) and the Deemed Planning Permission

4. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issue** is the effect of the development on the character and appearance of the dwelling and the surrounding area.

Reasons

5. The appeal relates to one half of a pair of semi-detached dwellings. The surrounding area is residential, comprising an estate of similar sized semi-detached properties of various styles and design, although many have been modified by extensions.
6. Several houses in the locality have flat roof extensions and I appreciate that the Council, in granting the previous permissions on the site, accept the principle of a two storey flat roof rear extension. However, the eaves level and parapet features of the first-floor element of the development do not align with the eaves of the main dwelling and are at a raised height to it. Whilst the Council measure this to be only approximately 0.5 metres taller than approved, this increase in height alters and visually interrupts the hipped roof form of the dwelling.
7. Its scale and box-like profile, along with the single storey element's height increase, has thereby introduced a dominant and conspicuous form of development. As a result, its raised, bulky form and design appear disjointed and creates an awkward juxtaposition that fails to integrate satisfactorily with the existing property and its local context. The discordant effect of the development, despite the presence of some vegetation, is readily apparent from several public vantage points, including along Garden Avenue and Woolwich Road.
8. Although reference has been made to other flat roof extensions in the area, I have not been provided with any details or specific examples of these, and none that I saw on my site visit shared the same characteristics as the appeal development. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the development before me.
9. As such, I find that the development causes unacceptable harm to the character and appearance of the dwelling and the surrounding area. It therefore conflicts with Policies D3, SP5 and DP11 of the Bexley Local Plan 2023 (Local Plan). These seek, amongst other matters, to achieve high quality design and to ensure that the layout, height, scale, massing, and materials are complimentary to the surrounding area and contribute positively to the street scene.

Other Matters

10. The Council's evidence refers to the first-floor element of the development having a harmful effect on the living conditions of the occupiers of 3 Garden Avenue. Nonetheless, it is offset from the shared boundary with this neighbouring property,

and I am satisfied that there is sufficient space between it and the habitable windows and rear garden area of No 3 to ensure that the development is not unduly overbearing. Accordingly, I am satisfied that the residents of No 3 do not experience an unacceptable loss of outlook or light, and that no conflict with Local Plan Policy DP11 in this respect has occurred.

11. The Council has found the effects of the development in respect of privacy, light, noise and disturbance to be acceptable. Nevertheless, the absence of harm in these respects, and that to the living conditions of the residents of No 3, does not weigh in favour of the development.
12. It has been put forward that the development provides additional space and a safe and secure high-quality home. However, there is little before me to suggest that this would not be achieved by the developments permitted under 23/00723/FUL and 23/00723/FULMIN. In addition, I have been informed that the divergence from the approved plans was due to the 'chalet style' of the dwelling and to meet Building Regulations requirements, and that the sustainability benefits of that regime have been satisfied. Nonetheless, it is unclear whether any other means of complying with these Building Regulations requirements have been investigated that may be less harmful to the character and appearance of the dwelling and the area.
13. In reaching my findings I have also had regard to the other sections of the National Planning Policy Framework (the Framework) that the appellant has referred to, including its support for development that makes efficient use of land. However, the Framework advises that good design is a key aspect of sustainable development and places an emphasis on ensuring that developments are sympathetic to local character and history, including the surrounding built environment. For the reasons provided above the development does not satisfactorily address these requirements. Nor is there any evidence that the Council has not been clear about its design expectations or has been ineffective in its engagement.
14. Accordingly, the other matters above do not overcome or outweigh the unacceptable harm that I have identified to be caused to the character and appearance of the dwelling and surrounding area. As such, the appeal development does not achieve sustainable development for which the presumption in favour applies.

Conclusion

15. The development conflicts with the development plan and there are no other considerations to warrant taking a decision otherwise than in accordance with it. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended

Mark Caine

INSPECTOR