



Appeal Decision

Site visit made on 14 March 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2026

Appeal Ref: APP/A2280/C/24/3338738

382 Canterbury Street, Gillingham Kent ME7 5LD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
- The appeal is made by Mr Tanvir Singh Boora against an enforcement notice issued by the Medway Borough Council.
- The enforcement notice was issued on 11 January 2024.
- The breach of planning control as alleged is the construction of a second-floor rear extension to facilitate the conversion of the loft/roof space into habitable rooms.
- The requirements of the enforcement notice are to: (1) Demolish the second-floor extension to the rear elevation of the property in its entirety, for the avoidance of doubt this includes both the dormer and the flat roof extension (2) Reinstall the roof of the rear projection to its original shape and pitch, and reinstall the eaves of the main roof, and (3) Remove all resultant debris and associated materials arising from compliance with the above requirements from the land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely, the construction of a second-floor rear extension to facilitate the conversion of the loft/roof space into habitable rooms.

Ground (a)

2. The **main issue** is the effect of the development on the host dwelling and street scene.
3. No. 382 is a terraced property situated in a compact residential area characterised by rows of similarly designed properties. The roof extension gives an impression of a 3-storey flat roofed property and the extension's overhang accentuates the development's top-heavy appearance thus drawing the naked eye. That said, flat roof dormer style extensions are not that uncommon in the locality. In this case, the materials used on the outer surfaces combined with the sympathetic fenestration detail reflect the external appearance of the host dwelling.
4. The overall design, size and scale of the extension do not have an over-dominant visual effect, and the development does not materially harm the simple architectural style of dwellings in the street scene. Contrary to the Council's arguments, I find the development does not have a materially harmful visual effect on the host dwelling and street scene. Accordingly, it complies with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the Framework 2024¹.

¹ The Council has not suggested any conditions and there is no need to impose any.

Overall conclusion

5. For the above reasons and having regard to all other matters raised, I conclude that the deemed application on ground (a) should be allowed. As the notice will be quashed, ground (f) and (g) do not need to be considered.

A U Ghafoor

INSPECTOR