



Appeal Decisions

Site visit made on 30 March 2026

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2026

Appeal A Ref: APP/U2235/C/25/3364740

5 Bower Place, Maidstone, Kent ME16 8BG

Appeal B Ref: APP/U2235/C/25/3364738

3 Bower Place, Maidstone, Kent ME16 8BG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeals are made by Mr Tunji Salami against enforcement notices issued by Maidstone Borough Council.
 - The notices were issued on 1 April 2025.
 - The breach of planning control as alleged in each notice is 'Without planning permission, the increased height of a hip to gable, roof alteration including the insertion of a crown roof and the installation of a rear dormer'.
 - The requirements of each notice are: I. Revert the roof (Gable) to its previous pitch (Hip). II. Permanently remove the crown ridge when correcting the roof. III. Permanently remove the rear dormer window and reinstate the roof slope. IV. Remove all resultant waste materials generated from carrying out actions 1-3 above.
 - The periods for compliance with the requirements are 6 months for Steps I to III and 1 month for Step IV, after the notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2)(g) of the Act.
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Appeal C Ref: APP/U2235/W/25/3363025

3-5 Bower Place, Maidstone ME16 8BG

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Mr T Salami against the decision of Maidstone Borough Council.
 - The application Ref is 24/505022/FULL.
 - The development proposed is described in the application form as 'Roof alterations, including rear dormer (retrospective)'.
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Decisions

Appeals A and B

1. It is directed that the enforcement notices are varied by:
 - The deletion of the text 'Six (6) months' at Steps I, II and III of the enforcement notices and the substitution of the text 'Twelve months' in each; and
 - The deletion of the text 'One (1) months after this notice takes effect' at Step IV of the notices and the substitution of the text 'Within one month of Steps I, II, and III being complied with' in each.
2. Subject to the variations, the enforcement notices are upheld.

Appeal C

3. The appeal is dismissed.

Application for costs

4. An application for costs has been made by Mr T Salami against Maidstone Borough Council in respect of Appeal C. This forms the subject of a separate decision.

Preliminary Matters

5. Appeal C seeks planning permission for the development the subject of the notices in Appeals A and B. Therefore, if Appeal C succeeds and planning permission is granted for the development, those notices will cease to have effect so far as inconsistent with such permission¹. I shall therefore consider Appeal C first.
6. The planning application was recommended for approval by the Council's Officers before being refused by elected members of the Planning Committee. It is alleged that improper processes were followed by those members, who were not impartial, and that as such the Council's decision to refuse planning permission was a breach of natural justice. There are separate legal processes to challenge the Council's decision on those grounds, and these claims have no bearing on my decisions in these appeals. I have considered the appeals on their merits.
7. It is claimed that the notices are fundamentally unsound as there has been a violation of natural justice in the processes followed by the Council. There is no evidence before me that the notices are null, invalid, or have not been appropriately issued or served. I therefore see no reason to quash the notices or confirm them as null on this basis.

Appeal C

Main Issues

8. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of neighbouring residents, with particular regard to outlook and privacy.

Reasons

Character and appearance

9. Bower Place is an intimate one-way road, mainly lined with terraced houses, but also a few large detached and semi-detached houses. These are set back short distances from the road behind modest front gardens, and occasional parking areas. There is some variation in the render, brickwork and ragstone finishes to these houses, and they range from 2 to 3 storeys in height. Large detached houses on the northern side of Bower Place have hipped and part-hipped roofs, and the end of the Bower Place terrace nearest the appeal site (No 7), has a hipped roof. A row of terraced houses with rear roof slopes and outriggers back onto the appeal site, to the east, forming Orchard Place, while a detached house with pitched roof and side-facing gables is located to the rear of the site (46 Reginald Road (No 46)).
10. The character and appearance of the area is therefore somewhat mixed and is defined by a range of tight-knit dwellings. Although some dwellings are much larger than others, there is consistency in the restrained scale and roof forms of the buildings, apart from the pair of 3-storey semi-detached dwellings at 14 and 16 Bower Place (Nos 14 and 16). Overall, the Victorian appearance of buildings on

¹ Section 180 of the Act

Bower Place, and their arrangement and finishes, creates a pleasant residential environment.

11. The appeal site is in a prominent position at one end of Bower Place, abutting an unmade road, which leads to Reginald Road. It is occupied by a large pair of semi-detached houses with rear two-storey outrigger and large single storey rear extensions. It was therefore already an atypical building for the area before the development was carried out, although its overall scale, finishes, and roof form were consistent with the attractive character and appearance of the area.
12. Previously, the appeal building had a hipped roof with its ridge running from front to back, meaning its larger roof slopes were on its sides. Those larger roof slopes have been replaced with side-facing gables while the front and rear roof slopes have been retained in the same or similar positions, with a dormer added to the rear. The dormer stretches almost the full width and height of the rear roof slope. These alterations have created what has been described as a crown roof, but it has the appearance of an uncharacteristic narrow flat roof where one would expect to see a ridge. To put it bluntly, the roof alterations carried out comprise an odd design.
13. The finishes of the roof alterations are in render and tiles consistent with others locally, but it is the scale of the roof alterations and their design which are unattractive and out of place with the pleasant surroundings. Seen from the sides, the flat-topped gable ends emphasise the bulk, width and uncharacteristic form of the roof, which is unsympathetic to the more traditional roof forms nearby. Although this is not appreciated from the rear where land levels fall, views of the property from Reginald Road are dominated by the vast size of the dormer spanning almost the whole rear roof slope. This gives an uncharacteristic top-heavy appearance to the building, high above the ridge to the rear outrigger roof.
14. Therefore, although the character and appearance of the area is somewhat mixed, the roof alterations are a particularly discordant and unattractive feature of low-quality design. They are disproportionate in size for the appeal building and are incongruous with the more modest and traditional roof forms of the area.
15. There are examples of more expansive roof forms and uncharacteristic building designs nearby, which inform the mixed character and appearance of the area, and I have been referred to Nos 14 and 16, and Old Church Court, in particular. However, with regard to Nos 14 and 16, these are seen and experienced as a pair of period houses of high-quality design with part-hipped roofs, sympathetic to their Victorian surroundings, rather than the unconventional and domineering design and form that the appeal building now displays. Old Church Court, in contrast, is a large multi-unit contemporary development at the junction of Bower Place with Tonbridge Road. Its size and style have minimal bearing on the more intimate character of the rest of Bower Place, and it is primarily seen as part of the more densely developed Tonbridge Road. These other examples do not therefore justify the poor design of the development.
16. For the above reasons the development harms the character and appearance of the area, contrary to Policies LPRSP15 and LPRHOU2 of the Council's Local Plan Review 2021 – 2308 (2024) (LPR). These require, amongst other things, residential extensions to comprise high-quality design which responds positively to local

character and fits unobtrusively with the existing building and its context in respect of scale, form, and appearance.

Living conditions

17. The Council's decision notice refers specifically to the living conditions of occupants of No 46 and properties on Orchard Place. It is not disputed that the rear dormer windows are approximately 18 metres from the rear elevation of No 46. The rear facing windows of the dormers are openable and have obscure panels fitted to the bottom halves. Side facing windows within the gables are obscure glazed and fixed shut.
18. Notwithstanding the orientation of the appeal building, there are views from the windows within the dormer into the rear windows and gardens of No.46 and properties on Orchard Place. The views into the gardens of properties on Orchard Place are restricted to some extent by planting, but this is a tight-knit residential environment where a degree of mutual overlooking is to be expected. Moreover, views from the rear dormer are only possible when standing directly next to the windows, intentionally looking out, above the obscure glazed panels. This is unlikely to be a common occurrence, even though occupants of the House in Multiple Occupation (HMO) will likely spend much of their time within bedrooms.
19. In this context, on account of the distances and angles involved, while there has been a moderate reduction in privacy, there is no unacceptable loss of privacy to neighbouring residents. The level of overlooking from the dormer windows is insufficient to cause unacceptable harm to the living conditions of any neighbouring residents, considering the close pre-existing arrangement of dwellings.
20. Likewise, although the roof alterations are a visually domineering form of development close to neighbouring residential properties and on elevated land, they are not so overbearing as to significantly affect the outlook enjoyed by neighbouring residents. There has been a modest reduction to the outlook enjoyed by those residents on account of the bulk and mass of the development, and I have already explained why the development is an unattractive feature of the area, but this has not caused unacceptable harm to the living conditions of neighbouring residents.
21. The development is not therefore in conflict with Policies LPRSP15 and LPRHOU2 of the LPR in so far as they relate to the living conditions of residents. In these particular regards, those policies seek to prevent the unacceptable loss of privacy and outlook and the protection of residents' amenities.

Other matters

22. The Council's decision notice refers to hardstanding to the front of the site and the failure to demonstrate adequate parking for the dwellings. Although the dwellings have been enlarged by the roof alterations, to allow an additional bedroom to be formed within the roof space in connection with the use of each dwelling as an HMO, the hardstanding does not form part of the application for planning permission. Furthermore, the addition of one bedroom to each dwelling by the roof alterations has not brought about a fundamental change in the use of the site such that parking considerations are relevant to whether planning permission should be granted for those roof alterations. I do not therefore find any conflict with the development plan or the Kent Parking Standard 2024 in respect of parking.

23. It is claimed that the bulk and massing of the roof alterations are necessary to maximise the HMO use, which is in a sustainable location, and facilitates the effective use of previously developed land supported by the National Planning Policy Framework. I have also been referred to the valuable contribution the site makes towards affordable housing for University of Kent and National Health Service key workers. However, there is very little to show that these benefits of the development are only possible through the works carried out, or that they could not be achieved by more appropriate means. I am also unconvinced, on the information provided, that any improvements made to the state of the site as part of the wider works carried out by the appellant are reliant on the roof alterations.
24. I note that the appellant is an upstanding citizen who contributes much of his time to worthy causes and is not a property developer, and that he was under the impression that the roof alterations did not require express planning permission. I also note the financial and psychological pressures he and his family have been under when trying to resolve planning issues at the site, and that he claims the livelihood and wellbeing of his family is at risk if planning permission is refused for the development. However, these personal matters do not weigh significantly in favour of planning permission being granted, not least because there is little to support the claims made or to show that granting planning permission would resolve any such issues.
25. Amongst the representations it has been stated that at least some occupants of the building are foreign, disabled and/or of black race, and I have been provided with evidence which suggests the appellant and/or those occupants have been subject to racial abuse following the development. As such, my decision has the potential to affect people who may be disabled and/or of a particular racial group.
26. Disability and race are protected characteristics under the Equality Act 2010 (EA), and I must have due regard to the Public Sector Equality Duty (PSED) set out therein. The aims of the PSED are to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EA; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. Article 8 of the Human Rights Act 1998 (HRA) affords the right to respect for private and family life, home and correspondence. Article 1 of the First Protocol of the HRA states that every person is entitled to the peaceful enjoyment of their possessions and no one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. These are qualified rights, and interference may be justified where it is in the public interest.
28. Refusing to grant planning permission would likely result in 2 people with protected characteristics having to find alternative accommodation, as it has been stated that the bedrooms in the roof space are occupied by single tenants. The appeal site provides a more affordable type of accommodation compared to most other types of housing, but there is minimal evidence to show those occupants would find it particularly difficult to find appropriate alternative accommodation within a commutable distance of their place of work, as key workers.

29. There are modest benefits associated with the accommodation provided by the roof alterations, but those works are not the only way to achieve those benefits, and it has not been shown that similar benefits could not be achieved by less harmful development at this site or elsewhere. I therefore assign only modest weight to the benefits in favour of the roof alterations.
30. It has been claimed that while the entirety of the roof alterations cannot benefit from being 'permitted development'², the rear dormer could. No plans or detailed explanation have been provided to show how the rear dormer, or any similarly harmful roof alterations, could benefit from being permitted development. On the information provided, I am unconvinced that a similar level of harm could be caused to the character and appearance of the area if roof alterations providing accommodation and constituting permitted development were to be carried out as an alternative.

Planning balance and conclusion on Appeal A

31. I have found that the development causes a high level of harm to the character and appearance of the area, in conflict with the development plan. I assign significant weight to that harm on account of its magnitude. I have found no unacceptable harm in respect of the effect of the development on the living conditions of neighbouring residents and parking provision, but this lack of harm is not a benefit weighing in favour of the development. Some form of roof alterations could likely be carried out to the building as permitted development, but there is a lack of information before me to show it is likely that anything nearly as harmful as that which has been constructed could be carried out without the benefit of express planning permission. The appellant's potential permitted development fallback position does not therefore justify the harm caused by the development.
32. People with protected characteristics would be affected by a refusal of planning permission. Avoiding any such harm would be a benefit of the development. However, I only assign modest cumulative weight to the benefits of the development on account of their magnitude and the likelihood these could be achieved by more appropriate means. The benefits of the development do not outweigh the significant weight I assign to the harm caused to the character and appearance of the area.
33. Refusing to grant planning permission will interfere with the rights of the appellant and occupants of the appeal site under Article 8 and Article 1 of the First Protocol of the HRA. As qualified rights, that interference may be justified in the public interest, where proportionate. There is public interest inherent in the legitimate and well-established planning policy aims of protecting the character and appearance of the area. Having regard to the public interest of protecting local character, I find that refusing to grant planning permission would be proportionate and necessary and would not unacceptably violate the rights of the appellant or the occupants under Article 8 or Article 1 of the First Protocol. This protection of the public interest cannot be achieved by means that are less interfering with their rights.
34. I have had due regard to the PSED, but the harm caused by the roof alterations outweighs its benefits in terms of eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons, and fostering good relations between them and others.

² Under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

35. The development is therefore contrary to the development plan taken as a whole and there are no other considerations which indicate planning permission should be granted. For these reasons, Appeal C should be dismissed.

Appeals A and B

Ground (g)

36. For the appeals to succeed under ground (g) the appellant needs to show that 6 months falls short of what should reasonably be allowed for the notices to be complied with. The appellant has requested 18 to 24 months to comply with the notices.
37. There is an obvious error in the compliance period specified for Step IV of each notice, which requires all waste material generated by compliance with Steps I to III to be removed within 1 month of the notice coming into effect. The Council has not disputed the appellant's claim that the intention appears to have been for the compliance period for Step IV to refer to 1 month after Steps I to III have been complied with. The appeals are therefore bound to succeed in part under ground (g) insofar as I shall extend the compliance period for Step IV of each notice to 1 month after the other steps need to be complied with.
38. In addition to some of the matters outlined above in my consideration of Appeal C, the appellant has referred to the financial hardship that he is suffering as a result of the development and compliance with the notices, the effect this is having on him and his family, the fact that key workers will be displaced, and that he would like to explore the possibility of obtaining planning permission for amendments to the development.
39. Occupants of at least 2 bedrooms would need to find alternative accommodation while compliance works are carried out. No evidence has been provided to show it would be particularly difficult for any affected occupants to find alternative accommodation, except to the extent that the housing market has been described by the appellant as being under intense pressure. The appellant would also need to obtain finances to complete the remedial works.
40. Although the remedial works would be extensive, I see no reason why the carrying out of those works in their entirety would take any longer than 6 months, plus an additional month to remove all associated waste. The appellant was entitled to rely on an expectation that Appeal C would succeed, and may not have explored any alternative remedial works which may be appropriate at the site, subject to planning permission being granted. However, no examples of what any alternative solution may comprise have been provided, and it remains unclear whether there may be any realistic expectations in this regard.
41. Having regard to all points made, and the lack of detail as to whether acceptable alternative solutions may exist, I consider an additional 6 months would be reasonable to allow affected occupants to find alternative accommodation and the appellant to secure the necessary funding to commence remedial works. If an appropriate alternative solution can be found and planning permission obtained for those works in the meantime, section 180 of the Act may remove the need to comply with the notice fully.

42. I shall therefore vary the period for compliance with Steps I to III of each notice to 12 months from when the notices come into effect (the date of these decisions), and the period for compliance with Step IV of each notice to 1 month after that.

43. The appeals under ground (g) therefore succeed to the extent outlined above.

Conclusion on Appeals A and B

44. For the reasons given above, I conclude that the period for compliance with the notices falls short of what is reasonable. I shall vary the enforcement notices prior to upholding them. The appeals on ground (g) succeed to that extent.

L Douglas

INSPECTOR