



Appeal Decision

Site visit made on 30 March 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 APRIL 2026

Appeal Ref: APP/K2230/C/24/3352027

Land at 5 Alanbrooke, Gravesend DA12 1NA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
- The appeal is made by Mr Madan Pal Sidhu against an enforcement notice issued by Gravesham Borough Council.
- The notice was issued on 22 August 2024.
- The breach of planning control as alleged in the notice is Without the benefit of planning permission, the erection of a single storey rear extension.
- The requirements of the notice are: (i) Demolish the single storey extension which is the subject of this notice in its entirety; (ii) Remove all resultant rubble and debris from the Property upon compliance with step (i).
- The period for compliance with the requirements is within three calendar months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 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 Act.

Decision

1. It is directed that the enforcement notice is varied by the deletion of the text 'three calendar months' at paragraph 6 of the enforcement notice and the substitution of the text '12 months'. Subject to the variation, 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 Act.

The appeal on ground (a) and the deemed application for planning permission

2. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the development would provide acceptable living conditions for future occupiers, with particular regard to private garden space; and
 - the personal circumstances of the occupants of the site.

Character and appearance

3. The site is a mid-terrace four-bedroom house with off-road parking to the front and a private garden and outbuilding to the rear. A 2-storey rear extension was constructed some time ago, with the benefit of planning permission, and a single storey rear extension has since been added to that, in place of a pre-existing extension of similar size.
4. The area is characterised by a mix of terraced and semi-detached houses of varying scales, set within plots of similar sizes, although some have smaller gardens than others. Frontages have largely been hard-surfaced to create off-street

- parking areas, but the surroundings have retained a sense of spaciousness on account of the gaps between buildings and planting to the rear of the appeal site.
5. Extensions to the appeal building have made it significantly larger than other dwellings within the terrace. Seen alongside the substantial outbuilding, development within the plot appears somewhat cramped for the otherwise spacious residential surroundings.
 6. The single storey extension has not resulted in the dwelling appearing dominant, but the building is visually obtrusive on account of its resulting scale and the spread of development across the plot. On this basis, the development is out of keeping with the character and appearance of neighbouring properties and the wider area. This is appreciable from a small number of viewpoints, and as such, the level of harm caused to the character and appearance of the area is modest.
 7. The development therefore conflicts with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (LPCS) which seeks to achieve, amongst other things, visually attractive development which integrates well with the surrounding area.

Garden space

8. The private garden space to the rear comprises a small paved and lawned area between the rear extension and an outbuilding. It is claimed that the garden area measures 54 square metres (sqm) in area and approximately 5.6 metres (m) in depth.
9. A much larger private garden would ordinarily be expected to serve a 4-bedroom house with substantial outbuilding of the sizes in this particular case. However, the garden is claimed to be of sufficient size for the appellant's personal circumstances on account of his and his wife's ages and their difficulties maintaining a larger garden. I note that the sunroom within the extension has a roof lantern and glazed doors which open into the garden, and that this provides a comfortable area for the appellant and his wife to relax without going outside.
10. However, the garden is insufficient in size to meet the reasonable needs of future occupants of a dwelling of such size, even when the small area under the roof overhang of the outbuilding is taken into consideration. With 4 bedrooms and an outbuilding of substantial size, the site is likely to be occupied by a larger family in future, where private garden space would make a significant contribution towards the quality of the living space.
11. Strictly speaking, the garden space would be of sufficient size for future occupants to sit out in and for children to play in, but it would not offer a meaningful or enjoyable outside space for such purposes on account of its size. Although the current occupants of the site may have no desire to use or maintain a larger garden area, the current size of the garden is not conducive to acceptable living conditions for future occupants of the dwelling. These issues would be addressed through the demolition of the single storey extension.
12. The Council's Supplementary Planning Guidance 2, Residential layout guidelines (2020) (SPG) recommends that accommodation with 4 bedrooms or more should be served by a minimum garden area of 100sqm, with a minimum depth from the rear wall of the house of 10m. The SPG sets out that existing dwellings when extended should have this minimum garden space, and that each scheme will be

considered on its individual merits, with regard to any exceptional circumstances and other considerations. This is a reasonable and flexible approach, which seeks to ensure dwellings of different sizes are served by appropriate private amenity space.

13. Policy CS19 of the LPCS requires new development to be fit for purpose, incorporate sustainable construction standards, and to be adaptable to reflect changing lifestyles, amongst other things. The supporting text sets out that this will be achieved through various criteria being met, such as by new residential development according with the SPG and providing appropriate levels of private amenity space. Therefore, although the SPG does not form part of the development plan, it is an important consideration specifically referred to by the LPCS.
14. It has been claimed that the rear extension has replaced a previous extension, which reduced the garden area by the same amount. However, minimal evidence has been provided to show the previous extension was of similar construction and size, and lawful. Furthermore, that extension has since been demolished. I also note that the 2-storey extension and the outbuilding at the site were granted planning permission by the Council, despite these reducing the garden space to less than that recommended by the SPG. This does not justify a further reduction in the garden area in this instance, where demolition of the extension would offer significantly improved living conditions for occupants through the much-increased garden space.
15. Based on everything I have read and seen, I find that the rear garden space is insufficiently sized to provide acceptable living conditions for the occupants of a dwelling of such size, even though only 2 people currently live there and have no desire for a larger garden. The rear extension therefore fails to provide acceptable living conditions for future occupants on account of the resulting substandard private amenity space, contrary to Policy CS19 of the LPCS and the SPG. The aims of these are outlined above.

Personal circumstances

16. Reference has been made to the age and health of the appellant and his wife, with the suggestion being that they have no need for a larger garden which would be difficult for them to maintain. I also note the benefits of the extension to them as current occupants, providing a place to sit in the sun without going outside, and increased internal space.
17. My decision therefore has the potential to affect persons of a particular age group with potential disabilities. Age and disability are protected characteristics under the Equality Act 2010 (the EA), and I must have regard to the Public Sector Equality Duty (PSED). The aims of the PSED are to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; 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.
18. I should also add that under the Human Rights Act 1998 (HRA), Article 8 affords the right to respect for private and family life, home and correspondence. Article 1 of the First Protocol 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.

19. The benefits of the development to the appellant and his wife are meaningful, but their magnitude is limited, and it remains unclear whether they could not be easily achieved by more appropriate alternative means. Considering much of the existing garden is currently hard-surfaced, there is little to show an enlarged garden space would be particularly difficult for the appellant and his wife to maintain. Moreover, with a house of such size, the benefits of further internal space are limited.

Planning balance and conclusion on ground (a)

20. The development causes a modest level of harm to the character and appearance of the area, to which I assign modest weight against the development. It also fails to provide acceptable living conditions for future occupants on account of the resulting substandard private amenity space, to which I assign moderate weight against the development. The development provides limited benefits to the appellant and his wife, and having considered their personal circumstances, I assign modest weight to those benefits weighing in favour of the development. Cumulatively, the harms associated with the development outweigh its benefits.
21. Dismissing the appeal under ground (a) and refusing the deemed application for planning permission would interfere with the rights of the appellant and his wife under Article 8 and Article 1 of the First Protocol of the HRA. There is public interest in the planning policy aims of protecting the character and appearance of the area and ensuring acceptable living conditions are provided for future occupants of dwellings. Having regard to the public interest of pursuing these planning policy aims, I find that dismissing the ground (a) appeal and refusing the deemed application for planning permission would be proportionate and necessary and would not unacceptably violate the rights of the appellant and his wife under Article 8 or Article 1 of the First Protocol. The protection of the public interest cannot be achieved by means that are less interfering with their rights.
22. I have had due regard to the PSED, but the harm caused by the development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics mentioned above, advancing equality of opportunity for those persons, and fostering good relations between them and others.
23. Dismissal of the appeal on ground (a) and the refusal of the deemed application for planning permission is therefore necessary and proportionate and there are no other considerations that would lead me to a decision other than in accordance with the development plan in this case.
24. The appeal on ground (a) therefore fails and the deemed application for planning permission should be refused.

The appeal on ground (g)

25. To succeed under this ground of appeal the appellant needs to show that 3 months falls short of what should reasonably be allowed for the notice to be complied with.
26. The appellant has requested a period of 12 months to comply with the notice on account of the time it will take to appoint a builder to undertake the demolition of the extension, which is integrated to the main house, with building firms being unlikely

to start works within 6 months. Reference has also been made to the age and health of the appellant and his wife, which could affect compliance with the notice within a shorter period.

27. In these circumstances, where the harm caused to the character and appearance of the area is modest and the personal circumstances of the appellant and his wife mean there is no immediate desire for larger garden space, it would be reasonable to allow a 12-month compliance period.

28. The appeal on ground (g) therefore succeeds.

Overall Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed and that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent. 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 Act

L Douglas

INSPECTOR