



Appeal Decisions

Site visit made on 5 May 2026

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal A Ref: APP/G5180/C/24/3349886

Appeal B Ref: APP/G5180/C/24/3349887

7 Sherborne Road, Petts Wood, Orpington BR5 1GX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended.
- The appeals made by Mrs Fatma Yussuf and J Yussuf against an enforcement notice issued by the Council of the London Borough of Bromley.
- The enforcement notice was issued on 12 July 2024.
- The breach of planning control as alleged in the notice is failure to comply with condition 2 imposed on a planning permission ref 18/01104/FULL6 granted on 12 October 2018.
- The development to which the permission relates is: *Under planning reference 18/01104/FULL6 dated 10 March 2018, permission was refused and subsequently allowed on the appeal, for the creation of basement, roof alterations to include partial hip to gable and rear dormer, demolition of garage and erection of two storey front/side extension, elevation alterations and terrace with steps to rear (amendment to permitted ref. 16/03526/FULL6), subject to conditions.*
- The condition in question is no. 2 which states:
The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing no.
 - 606/SAA/01: Existing Site Location/Block Plans – scales 1:1250 and 1:500.*
 - 606/SAA/02 Rev E: Existing Ground and First Floor Plans – scale 1:100.*
 - 606/SAA/02/3 Rev D: Existing Loft Floor and Roof Plans – scale 1:100.*
 - 606/SAA/03 Rev A: Existing Elevations – scale 1:100.*
 - 606/SAA/11: Proposed Site Location/Block Plans – scales 1:1250 and 1:500.*
- The notice alleges that the condition has not been complied with in that: *the development deviates from the approved plans as follows:*
 - Drawing No. SAA.13.2 (north elevation – rear) – design of roof and scale of dormer are inconsistent with approved plans.*
 - Drawing No. SAA.13.1 (west flank) – configuration and design of windows on ground and first floor – not as approved plan.*
 - Drawing No. SAA.13.3 (east flank) – windows at first floor missing, velux windows missing, chimney has been removed – not as approved plan.*
 - Drawing No. SAA.13.B (south elevation – front) – roof design, position of velux and left gable not as approved plan.*
- The requirements of the notice are: *Reconstruct the development in accordance with the plans submitted with planning application reference 18/01104/FULL6 as approved at appeal on 12.10.2018, as shown in paragraph 4 above.*
- The period for compliance with the requirement is: *within 6 months after this notice takes effect.*
- The appeal is proceeding on the ground set out in section 174(2)(f) and (g) of the 1990 Act (as amended).

Formal Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.
2. Appeal B is dismissed and the enforcement notice is upheld.

Preliminary Matters

3. An appeal was made on ground (a), that planning permission should be granted for the development. However, where an enforcement notice is issued on or after 25 April 2024, no appeal on ground (a) may be made if the enforcement notice was issued after the making of a related retrospective planning application and within 2 years of the date on which the related application ceased to be under consideration.
4. In this case, planning permission was refused by the Council in October 2022 for *“roof alterations to include two partial hip to gable loft conversion with rear dormer and three front rooflights, demolition of garage and erection of two storey front/side extension, elevational alterations and terrace with steps to rear (amendment to permitted ref 18/01104/FULL6) RETROSPECTIVE.”* The scheme was appealed and dismissed on 31 May 2023. The application has therefore ceased to be under consideration, and consequently as the notice has been issued within 2 years of 31 May 2023 the appellants are barred from appealing under ground a).
5. Therefore, the appeals are proceeding under grounds (f) and (g) only.

Appeals A and B under ground (f)

6. An appeal on ground (f) is made on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act (as amended) sets out the purposes which an enforcement notice may seek to achieve. They are either (a) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach. From the requirements of the enforcement notice, it is clear that the purpose of the notice is to remedy the breach of planning control.
7. The appellants have suggested that modifications could be undertaken to the roof extension that would mitigate the harm caused by the development in situ. Specifically, the appellants propose that the roof coverings are replaced from the current grey colour with a colour and size similar to neighbouring properties. The appellants have also suggested that vertical painted timbers are reintroduced to the gable at the front, again to be more in keeping with the neighbouring properties.
8. I appreciate that the alterations proposed would provide alternative steps with less cost and disruption to the appellants. However, these alterations would not remedy the breach required by the notice, namely providing an extension in accordance with the approved drawings. Moreover, these alterations would seek to retain the roof extension as existing but change the materials. Whilst this may remedy any injury to amenity, it would not achieve the purpose of the notice under section 173(4)(a). Indeed, there may be many alternative lesser steps that could be proposed to alleviate the injury to amenity, which may appear as common sense to the appellants, but these do not remedy the breach of planning control. Furthermore, these would involve the planning merits of the case, which as ground (a) is barred, are matters that I cannot consider under these ground (f) appeals.
9. Even if, these amendments could be considered, the current extension has been found by a previous Inspector¹ to cause significant harm to the character and

¹ PINS Ref: APP/G5180/D/22/3311147

appearance of the appeal property and the wider area. Specifically, the Inspector found the most significant harm has mostly arisen because of the form of the half-hipped eastern end, which overwhelms and dominates the principal bay. This would be retained by the amendments proposed, thus the breach of planning control would not be remedied.

10. Consequently, I find that the requirements of the enforcement notice, as stipulated, would be appropriate to remedy the breach of planning control, and as such the requirements of the enforcement notice are not excessive. Given that the lesser steps identified would not achieve the aims of the notice, the appeals on ground (f) therefore fail.

Appeals A and B under ground (g)

11. 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 section 173(9) of the 1990 Act (as amended) falls short of what should reasonably be allowed.
12. The appellant claims that a period of 12 months is the minimum necessary to undertake the requirements of the enforcement notice, given that works to alter the roof would require the provision of a suitable contractor in order for the family to remain in residence whilst the works are undertaken. Whilst I appreciate that the works to dismantle, remove and replace the roof would be disruptive, I have been presented with little evidence that would lead me to otherwise conclude that the period of 6 months is reasonable and proportionate to remedy the breach of planning control.
13. Furthermore, the 6 month timeframe would strike an appropriate balance between the remedial rather than punitive requirements of the enforcement notice whilst also maintaining public confidence in the planning system.
14. I therefore conclude that the ground (g) appeals fail.

Overall Conclusions

15. For the reasons given above, I conclude that the appeal A and B should not succeed. I shall uphold the enforcement notice accordingly.

Robert Naylor

INSPECTOR