



Appeal Decision

Site visit made on 16 June 2026

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 8 July 2026

Appeal Ref: APP/G5180/C/25/3364322

Land known as 8 Nightingale Road, Petts Wood BR5 1BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Vilajete Ismail against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The notice was issued on 31 March 2025.
 - The breach of planning control as alleged in the notice is: Without the required planning permission:
 - the construction of a two storey rear extension with Juliet balconies;
 - a roof extension comprising of the raising of the roof ridge and hip to gable end;
 - alteration of front roof pitch, and
 - addition of rear dormer.
 - The requirements of the notice are to:
 - a) Remove the two-storey rear extension including the Juliet balconies;
 - b) Remove the roof extension which shall include:
 - i. Ensuring the roof ridge is lowered to the height it was previously; and
 - ii. The removal of the hip to the gable end extension.
 - c) Revert the pitch of the front roof to its previous angle and slope;
 - d) Remove the rear dormer;
 - e) Restore the Property to its condition before the breach of planning control took place
 - The period for compliance with the requirements is: 4 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(b), (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the notice is varied in Section 5 by deleting requirement e) to “Restore the Property to its condition before the breach of planning control took place”. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The requirements set out in Section 5(a) to (d) already specify, in sufficient detail, the steps necessary to remedy the breach of planning control. As such, the additional requirement at paragraph (e) is unnecessary and duplicative, as compliance with the preceding requirements would remove this breach of planning control. Accordingly, paragraph (e) should be deleted. This variation does not alter the substance or effect of the notice. Accordingly, this variation can be made without causing injustice to the main parties. I have therefore proceeded on this basis.
3. The appellant has referred to matters which relate to ground (a) in their submissions, with specific reference to similar extensions and loft conversions at nearby properties. They have also indicated on the appeal form an intention to pursue ground (a). However, the enforcement notice was issued within a two-year

period after the making of a related application that is no longer under consideration. Consequently, no valid appeal on ground (a), nor any deemed application for planning permission under section 177(5) of the Act, has been made. For the purposes of this appeal, there is no ground (a) for consideration.

4. Caselaw has established that the onus of proof on ground (b) and (c) falls on the appellant with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case. Also, an appellant's evidence should not be rejected simply because it is uncorroborated. If there is no evidence to contradict their version of events, or make it less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted. The advice in the national Planning Practice Guidance (PPG) also reflects these Court judgments.

The ground (b) appeal

5. An appeal on ground (b) is a claim that the alleged matters (i.e. those matters stated in the notice which may give rise to the breach of planning control) have not occurred as a matter of fact. In this case, the appellant must demonstrate that the extension works alleged in the notice have not in fact occurred.
6. The appellant's written submissions confirm that alterations have been made to the property. Moreover, the appellant indicates a willingness to amend certain elements, such as the Juliet balconies, in response to the Council's concerns. This correspondence suggests that the works described in the notice have, in substance, been undertaken.
7. In any event, the works were plainly evident during my site visit and are clearly depicted in the photographic evidence submitted by the Council. I have been provided with no substantive evidence to indicate that the alleged operational development has not occurred.
8. Drawing these matters together, and in the absence of any evidence to the contrary, I am satisfied on the balance of probability that the operational development described in the notice has occurred as a matter of fact.
9. The appeal on ground (b) therefore fails.

The ground (c) appeal

10. For an appeal on ground (c) to succeed an appellant must show that the matters alleged in the notice do not constitute a breach of planning control.
11. A breach of planning control is defined at s171A(1)(a) of the Act as including the carrying out of "development" without the required planning permission. Following on, "development" is defined to include the carrying out of "building operations" (s55(1)). Building operations includes the "demolition of buildings; rebuilding; and structural alterations of or additions to buildings" (s55(1A)).
12. In this case, it is not disputed that works have been undertaken. There is no substantive evidence before me to suggest that those works benefit from planning permission granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (permitted development rights) or from any other planning permission.

13. Having regard to the nature and extent of the works, I find on the balance of probabilities that they constitute operational development requiring planning permission. Since no planning permission has been granted they constitute a breach of planning control.
14. The appeal on ground (c) therefore fails.

Other matters

15. The appellant raises a number of concerns regarding the Council's handling of the planning process. These include allegations of inconsistent procedures, which are said to have resulted in significant financial and emotional impacts. The appellant also refers to a lack of effective communication, attributed to changes in case officers and administrative delays within the Council. In addition, the appellant explains that the statutory 28-day period for lodging an appeal was not met due to extenuating personal circumstances, including matters arising from the COVID-19 pandemic and family-related commitments. The appellant further emphasises that there was no intention to undertake unlawful development.
16. Overall, whilst I have carefully considered the appellant's submissions, these matters provide context to the circumstances surrounding the appeal but do not amount to substantive evidence that materially affects the determination of the grounds of appeal before me.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

S Lo

INSPECTOR