



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: 23 July 2026

Appeal Ref: APP/G5180/C/26/3377792

Land at 16 Whitecroft Way, Beckenham BR3 3AG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Iain George Dove against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice was issued on 13 January 2026.
 - The breach of planning control as alleged in the notice is failure to comply with a condition imposed on a planning permission ref DC/22/01138/FULL6 granted on 1 July 2022.
 - The development to which the permission relates is: Two storey side and rear extensions with raised roof height, flank dormer window/roof lights with elevational alterations, demolition of garage.
 - The condition in question is no 2 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
 - The notice alleges that the condition has not been complied with in that: the operational development at the Land is not in accordance with the approved plans WW-992-PD-R-03, Rev B and WW-992-PD-R-02, Rev B of planning permission reference number DC/22/01138/FULL6 issued 1 July 2022 comprising the erection of a first floor side extension along the southern side of the dwelling incorporating tile hanging, contrary to condition 2 of that planning permission.
 - The requirements of the notice are to:
 - a) Remove from the Land the first floor side extension along the southern side of the dwelling which has been erected contrary to approved plans WW-992-PD-R 03, Rev B and WW-992-PD-R-02, Rev B of planning permission reference number DC/22/01138/FULL6 issued 1 July 2022, and
 - b) Remove from the Land all resultant debris.
 - The period for compliance with the requirements is: 6 months
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the notice be corrected in Section 5 by inserting the following words immediately before requirement (a): “Comply with Condition 2 of planning permission ref. DC/22/01138/FULL6 as follows:”
2. The notice is varied in Section 6 by deleting “6 months” and substituting “9 months”.
3. Subject to this correction and variation, the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

4. The requirements in Section 5 are directed at the removal of the first-floor side extension identified in the allegation as having been erected contrary to the approved plans. For the avoidance of doubt, I have corrected the notice to make explicit the link between the remedial steps and planning permission ref.

DC/22/01138/FULL6. This correction does not alter the substance or effect of the notice and can be made without causing injustice to either main party.

5. In January 2026, a further Section 73 application (ref. 22/01138/S73A2) was submitted seeking minor material amendments to regularise the development as carried out and to address the matters identified in the enforcement notice. At the time of my determination, that application remains pending consideration by the Council and has not been determined. Nevertheless, the existence of an undetermined application does not affect the assessment of the appeal before me. The appeal must be determined on the basis of the development as it currently exists and against the relevant extant permissions. Consequently, the pending application does not alter my findings in respect of whether a breach of planning control has occurred.
6. The appellant states that they have not been provided with a copy of the Council's report setting out the reasons why it was considered expedient to initiate enforcement action. Notwithstanding this, the Council has clearly explained the basis upon which the Enforcement Notice was issued and the reasons why it was considered expedient to do so. These reasons are set out in full in Sections 1 and 4 of the Notice. In any event, the question of whether the Council's decision to issue the Notice was proportionate or expedient falls outside the scope of this appeal

The ground (c) appeal

7. For an appeal on ground (c) to succeed, an appellant must demonstrate that the matters alleged in the notice do not constitute a breach of planning control, which includes a failure to comply with a condition attached to an extant planning permission.
8. Caselaw has established that the onus of proof on this ground falls to an 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.
9. In July 2022, planning permission (ref. DC/22/01138/FULL6) was granted for two-storey side and rear extensions, including a raised roof height and associated elevational alterations. In July 2024, an application made under section 73 of the Act (ref. DC/22/01138/RECON) was approved to amend the scheme. This revised the extensions to part single-/part two-storey and removed the requirement to raise the main roof ridge. Condition 3 attached to this permission required the development to be completed within six months.
10. It is common ground between the parties that the development does not accord with the 2022 permission. The appellant acknowledges that the two-storey side extension has been constructed with a flat roof, whereas the 2022 permission required a pitched roof. They also confirm that the front mansard overhang on the side extension projects approximately 600mm further forward than shown on the approved 2022 plans. Furthermore, the rear extension has been implemented as a single-storey structure with a flat roof, contrary to the approved two-storey form.

11. The development as built also fails to accord with the plans approved under the 2024 section 73 permission. That permission required the existing flat roof to the side extension to be replaced with a pitched roof; however, the side extension remains flat-roofed. In addition, the rear extension has been constructed as a single-storey, flat-roofed structure, whereas the approved plans allowed for a part single-/part two-storey extension. Additionally, condition 3 of the 2024 permission required the development to be completed within six months. It is common ground that the appellant failed to replace the flat roof and complete the works within that timeframe.
12. The appellant considers that Condition 3 of the 2024 permission, which requires the development to be completed in its entirety within six months, is unreasonable and contrary to national policy and guidance. However, the condition forms part of a valid planning permission and was not challenged within the relevant statutory period.
13. In any event, notwithstanding the appellant's concerns regarding Condition 3, it is common ground between the parties that the development has not been carried out in accordance with the plans which were approved in either the 2022 or the 2024 permission. Indeed, there is no evidence before me to indicate otherwise. The appellant also describes the flat roof as a temporary arrangement, arising from a phased approach to construction, and that it is their intention to install a pitched roof in due course. While that may be the case, there is very limited convincing evidence before me regarding the implementation of this phased approach. Furthermore, I observed during my site visit that rooflights have been installed within the roof of the first-floor extension. This indicates that the flat roof has taken on a degree of permanence, rather than representing a genuinely temporary measure. As a matter of fact and degree, I find that the development carried out has not been undertaken in accordance with any express planning permission.
14. Overall, I find that the appellant has failed to provide sufficiently precise and unambiguous evidence, tested on the balance of probabilities, that the matters alleged do not constitute a breach of planning control. Consequently, the appeal on this ground must fail.
15. The appeal on ground (c) therefore fails.

The ground (f) appeal

16. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
17. The notice seeks the removal of the side extension which was erected contrary to the approved plans and the removal of all resultant debris. Hence, the primary purpose of the notice is to remedy the breach of planning control, s173(4)(a). It does not principally seek to remedy any injury to amenity.
18. The appellant considers that the requirement to remove the entire first-floor side extension is disproportionate, given that the Council's concerns relate principally to the roof design. Whilst I recognise that the breach arises, in part, from the form of the roof, the unauthorised development must be considered as a whole. Although both permissions approved differing roof designs, each required a pitched form

rather than the flat roof that has been constructed. As such, it does not accord with either the 2022 or the 2024 planning permission.

19. The first-floor extension appears as a single, integrated form of development, such that the internal room configuration could not readily be altered without substantial demolition of the structure as a whole. During my site visit, I observed that the extension was in active use for habitable accommodation, with rooms laid out and occupied in a manner consistent with permanent residential use. From my observations, there was no obvious or practicable means of remedying the breach of planning control without undertaking significant works that would effectively require the removal of the first-floor side extension in its entirety. No evidence has been provided to demonstrate that alternative or less intrusive options are available that would satisfactorily remedy the breach. In the absence of a credible fall-back position or a lesser scheme capable of remedying the breach, I am not persuaded that the requirement is excessive.
20. I am satisfied that the requirements do not go beyond securing the reversal of the unauthorised works and do not exceed what is necessary to remedy the breach of planning control.
21. The appeal on ground (f) therefore fails.

The ground (g) appeal

22. An appeal on ground (g) is that the period of time for compliance with the notice requirements falls short of what should reasonably be allowed. The Council has set a compliance period of 6 months, whereas the appellant seeks an extended compliance period of 12 months.
23. While I accept that there may be some delay associated with securing structural calculations and contractors, no substantive evidence, such as quotes from contractors or details of the works, have been provided to justify the need for a longer compliance period. Contrary to the appellant's view, there is no provision for a minimum 12-month period for compliance.
24. Nonetheless, given the nature and scale of the works involved I accept that securing and scheduling suitable contractors and completion of works may take longer than 6 months. In light of all the circumstances, I consider on balance that 9 months would be more reasonable.
25. The appeal on ground (g) succeeds to this limited extent and I have varied the notice accordingly.

S Lo

INSPECTOR