Planning Inspectorate

# Appeal Decision

Site visit made on 1 October 2026


**by V Goldberg BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**



**Decision date: 13th October 2026**


## Appeal Ref: APP/E2205/C/24/3336596
## Rosecroft, Selling Road, Old Wives Lees, Canterbury, Kent CT4 8BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Richard Lickman against an enforcement notice issued by Ashford Borough Council.
- The notice was issued on 11 December 2023.
- The breach of planning control as alleged in the notice is: The erection of a two storey extension.
- The requirements of the notice are to:
  (i) Demolish and remove permanently from the Land the two storey extension (shown located in the approximate position on the attached Plan B)
  (ii) Remove permanently from the Land all materials, waste and debris resulting from compliance with Step 5(i) (above).
- The periods for compliance with the requirements are six months after the notice takes effect in respect of requirement (i), and seven months after the notice takes effect in respect of requirement (ii).
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). 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.
- **Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.**

## Preliminary Matter

1. On 17 August 2026, the Government published a revised National Planning Policy Framework (Framework). Although the appellant referred to paragraphs of the former Framework that are no longer included, the changes do not materially affect the issues in this appeal. In these circumstances, I did not consider it necessary to invite further comments from the parties on the revised Framework.

## The Enforcement Notice

2. The requirements of the Enforcement Notice (EN) seek the demolition and removal of the two-storey extension and the associated materials, waste and debris. Both include the word “permanently”.

3. The word “permanently” is unnecessary in both requirements. Demolition and removal of the extension and the resulting materials, waste and debris would remedy the breach. Furthermore, section 181(1) of the Act provides that compliance with an EN does not discharge it. Any subsequent rebuilding of the extension or return of those items to the land would therefore constitute a further breach, whether or not the word “permanently” is included.

4. I shall therefore correct requirements (i) and (ii) by deleting the word “permanently”. This would not alter their substance or cause injustice to either party.

## Appeal on Ground (a) and the Deemed Application for Planning Permission

5. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issue** is the effect of the two-storey extension on the appearance of the host property and the character and appearance of the area including the Kent Downs National Landscape.

### Reasons

6. Rosecroft is a two-storey, semi-detached property within a row of dwellings on the western side of Selling Road within the Kent Downs National Landscape. Rosecroft and the adjoining property, Whittingtons, each have a two-storey side extension. The extensions are set back from the front elevation and have hipped roofs, which give the pair a distinctive form and balanced proportions. The two-storey extension that is the subject of the EN projects from the rear of Rosecroft's side extension and adjoins an existing two-storey, flat-roofed rear extension.

7. The appellant points out that planning permission has previously been granted for additions to the property and asserts that the appeal development merely infills the corner between the existing rear and side elevations and does not extend beyond the building line of the dwelling. However, those earlier permissions do not establish that this further addition is acceptable. Together, the appeal extension and the adjoining two-storey rear extension extend across the full width of the original rear elevation. Their combined scale and bulk overwhelm the host dwelling, resulting in a disproportionate and visually dominant addition that detracts from its balanced proportions.

8. I acknowledge that the Inspector in the previous appeal found that the infilling and linking of the earlier extensions would result in an extension of a scale and depth proportionate to the existing property. I have had regard to that finding. However, while the appeal extension may appear subordinate when viewed in isolation, I do not find it to be so when considered cumulatively with the existing extensions. For the reasons given above, their combined scale and bulk are harmful to the proportions and appearance of the host dwelling.

9. The appellant asserts that the extension is well integrated, uses materials that are in keeping with the property and would function well and relate appropriately to the existing built environment. It is also claimed that the flat-roof design assists in achieving subordination to the existing extensions. I acknowledge that the external materials are generally consistent with those of the dwelling and that both rear extensions have flat roofs. However, the eaves of the unauthorised extension are noticeably higher than those of the adjoining rear extension. Although the appellant considers the difference to be only slight, the misaligned eaves create an awkward and discordant junction between the additions. Consequently, neither the matching materials nor the flat-roof design make the extension subordinate or well-integrated. Instead, it detracts from the coherence and appearance of the host dwelling and does not demonstrate good design principles.

10. The appellant contends that the extension complies with Policy HOU8 because it is suitably sited, uses matching materials, infills an existing gap and appears subordinate to the host dwelling. However, for the reasons given above, it is neither subordinate nor successfully integrated and harms the character and appearance of the host dwelling. It therefore conflicts with Policy HOU8 of the Local Plan.

11. It is further claimed that views of the unauthorised extension from Selling Road are fleeting and confined to a single viewpoint. However, I observed that it is visible from directly in front of the property, while the appellant's photographic evidence also shows that it can be seen from further along Selling Road. The extent of these views varies with the height of the boundary vegetation at the neighbouring property. Although the extension is not unduly prominent in the street scene, its bulk and form remain apparent in public views and reinforce its disproportionate relationship with the host dwelling.

12. Policy ENV3b of the Ashford Local Plan[1] (Local Plan) requires the location, form, scale, materials and design of development within the Kent Downs National Landscape to conserve and, where appropriate, enhance or restore the character of the landscape. Although the extension has no discernible effect on the wider Challock Local Character Area or the special qualities of the National Landscape, its disproportionate scale, bulk and discordant form fail to conserve the established residential character of this part of the landscape. It therefore conflicts with Policy ENV3b of the Local Plan.

13. For the reasons above, the two-storey extension causes unacceptable harm to the appearance of the host property and to the established residential character of this part of the Kent Downs National Landscape. It is therefore contrary to Policies SP1, SP6, ENV3b and HOU8 of the Local Plan insofar as these policies seek high-quality design and all development to enhance or restore the character of the landscape.

**Conclusion on Ground (a)**

14. Policy S3 of the Framework states that decisions on development proposals should apply a presumption in favour of sustainable development. As the site lies within a settlement, Policy S4 indicates that development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the Framework's national decision-making policies.

15. The two-storey extension provides additional accommodation for the occupants and no harm to the living conditions of neighbouring occupiers has been identified. It also generated some employment for local builders and tradespeople during construction, although that benefit was short-lived. I attach limited weight to these considerations. Against this, the extension causes significant harm to the appearance of the host property and to the established residential character of this part of the Kent Downs National Landscape. Although it has no discernible effect on the wider character area or the special qualities of the National Landscape, it fails to conserve the local landscape character. It therefore conflicts with the Framework's objective of creating well-designed places and with the development plan policies identified above. I attach substantial weight to that harm.

16. Taking these matters together, the benefits of granting planning permission are substantially outweighed by the adverse effects when assessed against the national decision-making policies of the Framework. Consequently, the development conflicts with the development plan taken as a whole, and there are no material considerations which indicate that a decision should be taken otherwise than in accordance with it. The appeal on ground (a) therefore fails and the deemed planning application is refused.

[1] Adopted February 2019

## Appeal on Ground (g)

17. The appeal under ground (g) is made on the basis that the periods for compliance are unreasonably short. The appellant contends that 12 months is required to comply with both requirements because local contractors would need to be engaged to undertake the works and reputable tradespeople have significant waiting lists.

18. I appreciate that suitable contractors may not be immediately available. However, no substantive evidence, such as enquiries with contractors or indicative waiting times, has been provided to demonstrate that the works could not reasonably be completed within the periods specified in the EN. The works are limited to the demolition and removal of the extension and the clearance of the resulting materials, waste and debris. In these circumstances, the periods of six months for requirement (i) and seven months for requirement (ii) strike a reasonable balance between the appellant's circumstances and the need to remedy the breach without undue delay. The appeal on ground (g) therefore fails.

## Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

## Formal Decision

20. It is directed that the enforcement notice is corrected by:

    - the deletion of the word "permanently" in requirements (i) and (ii) in section 5 of the enforcement notice.

21. Subject to the corrections, 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 1990 Act as amended.

*V Goldberg*

INSPECTOR