



Appeal Decisions

Site visit made on 30 March 2026

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2026

Appeal A Ref: APP/K2230/D/25/3359120

135 Astra Drive, Gravesend, Kent DA12 4QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr A Khayer against the decision of Gravesend Borough Council.
 - The application Ref is 20241013.
 - The development proposed is described in the application form as 'retention of existing single storey rear extension and demolition of existing garage to form additional amenity space'.
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Appeal B Ref: APP/K2230/C/25/3361079

Land at 135 Astra Drive, Gravesend, Kent DA12 4QF

- The appeal is made under section 174 of the Act.
 - The appeal is made by Mr Abul Khayer against an enforcement notice issued by Gravesend Borough Council.
 - The notice was issued on 12 February 2025.
 - The breach of planning control as alleged in the notice is Without the benefit of planning permission, the construction of a single storey rear extension to the dwellinghouse.
 - The requirements of the notice are: (i) Demolish in its entirety the unauthorised single storey rear extension to the dwelling; (ii) Remove all resultant rubble and debris from the Land upon compliance with the above step, utilising an authorised waste carrier.
 - 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)(f) and (g) of the Act.
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Decisions

1. Appeal A is dismissed.
2. 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 '6 months'. Subject to the variation, Appeal B is dismissed and the enforcement notice is upheld.

Appeal A

Main issues

3. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of occupiers of the site, with particular regard to their private garden space.

Character and appearance

4. The site is one half of a pair of semi-detached houses with parking to the front/side and a garden area to the rear, within a large housing estate characterised by residential properties of similar styles, scales, and arrangements.
5. Large extensions have been made to the appeal building, including a single storey extension to its front/side, a 2-storey extension to the rear, and a dormer extension

to the rear roof slope. The information before me indicates those were carried out some time before the single storey rear extension the subject of the appeal was carried out. A pair of flat-roofed semi-detached garages are located between the appeal dwelling and the neighbouring dwelling at No 137, set back from the positions of the original rear elevations of those dwellings.

6. The single storey rear extension protrudes beyond the front elevation of the pair of garages and creates a building of significant depth in the context of the modest housing estate surroundings. The resulting building is a substantial feature when viewed from the rear, disproportionate to and at odds with neighbouring properties, and cramped in its plot. However, the single storey rear extension can only be seen from limited viewpoints on account of its low sloping roof, and it is the 2-storey rear extension and rear dormer which add much of the unattractive bulk to the appeal building.
7. Therefore, while the depth of the single storey rear extension adds to the cramped form of development within the site and is unsympathetic to its surroundings, it only causes a low level of harm to the character and appearance of the area. This would not be addressed by the proposed demolition of the garage.
8. Although the level of harm caused to the character and appearance of the area is low, this is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (LPCS), which seeks to achieve visually attractive development which integrates well with the surrounding area, amongst other things. The single storey rear extension would remain in conflict with Policy CS19 even if the garage were to be demolished.

Garden space

9. The single storey rear extension projects a significant distance beyond the original rear elevation of the appeal dwelling, to such an extent that private garden space has become notably small, especially for a 4-bedroom dwelling. Demolishing the garage would increase private garden space, which could be secured by condition.
10. It is not in dispute that if the garage were to be demolished, the private garden space would measure approximately 53 square metres (sqm) and have a maximum depth of 7.1 metres (m). This would remain small for a dwelling of such size, and far short of the recommended minimum of 100sqm and 10m depth set out in the Council's Supplementary Planning Guidance 2, Residential layout guidelines (2020) (SPG) for a 4-bedroom house. 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.
11. Policy CS19 of the LPCS requires new development to be fit for purpose, to incorporate sustainable construction standards, to be adaptable to reflect changing lifestyles, and designed to safeguard amenity, 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.

12. The garden would be a broadly rectangular shape and not unusual or impractical in that regard, but it would not be notably larger than other gardens serving dwellings of similar sizes in the local area. It would also provide a space where occupants could, in theory at least, hang washing, sit outside, and place residential paraphernalia. However, there would not be 'ample' space for such activities for the number of occupants who would be expected to live at the site. Instead, the private garden space would be constrained and fall below the expected standard, especially if that household were to include children who may want to play outside. There are good options for public open space and play space short walking distances away¹, but these do not compensate for what would remain a small and substandard private garden space for a 4-bedroom dwelling in this location.
13. I therefore find that even if the garage were to be demolished to create additional private garden space as proposed, the single storey rear extension reduces the private garden space to an unacceptable extent, considering the likely number of people who would occupy the 4-bedroom appeal dwelling in the future, if not now. There are no exceptional circumstances or other considerations which indicate the proposed garden space would be acceptable. On this basis the development fails to provide acceptable living conditions for occupiers of the site, contrary to Policy CS19 of the LPCS, the aims of which in respect of private amenity space and living conditions are set out above.

Other matters

14. The National Planning Policy Framework outlines a presumption in favour of sustainable development and explains that development should be well-designed and respect local character, and that significant weight should be placed on the need to support economic growth and productivity. In the absence of sufficient information to show how the development would support economic growth and productivity, I very much doubt the appellant's claims that granting planning permission for the development would create a number of jobs or lead to increased local expenditure. As such, I assign limited weight to the claimed economic benefits of the development.
15. I have been referred to other properties in the local area which are said to have small gardens and/or been heavily extended, and another appeal decision² where this is said to have been recognised as a feature of the area. Be that as it may, this does not lessen or justify the harms I have identified. I have not been provided with a copy of the appeal decision referred to and I do not consider the surrounding area to be characterised by development such as that proposed.
16. It is claimed that a Council Enforcement Officer previously indicated that the single storey rear extension would be acceptable if the garage were to be demolished, and that the appellant was under the impression that the extension comprised 'permitted development' under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). These do not weigh in favour of the development or change my views on the main issues.
17. I have been referred to a claimed fallback position where the appellant could erect a 6m deep rear extension as permitted development, subject to prior approval

¹ Accessed from Cirrus Crescent and Michael Gardens

² Appeal ref: APP/K2230/A/08/2086192

being obtained, and in the absence of the 2-storey rear extension. No plans have been provided to fully explain what the appellant is suggesting, and the submissions indicate the claimed fallback position would rely on the demolition of the 2-storey extension. However, I very much doubt this would likely be demolished to erect a 6m deep single storey rear extension, if that is the fallback position suggested by the appellant. Moreover, there is nothing to show such an extension benefits from any necessary prior approval or that obtaining such consent would be likely. I therefore find that there is less than a theoretical possibility that a single storey rear extension of comparable size to that which has been constructed would be carried out, and I assign limited weight to the claimed fallback position.

18. A planning condition could remove permitted development rights for further extensions or outbuildings at the site, but this would not address the harm caused by the development.

Conclusion on Appeal A

19. The single storey rear extension causes a low level of harm to the character and appearance of the area and reduces private garden space to an unacceptable extent such that it fails to provide acceptable living conditions for occupiers of the site. These harms would not be sufficiently reduced by the proposed demolition of the garage. For the above reasons, the proposal conflicts with the development plan taken as a whole and there are no other considerations which indicate planning permission should be granted.

Appeal B

Ground (f)

20. To succeed under this ground of appeal the appellant needs to show that the steps required to be taken by the notice 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.
21. The notice requires the demolition of the extension and the removal of resultant waste. The purpose of the notice is therefore to remedy the breach rather than any injury to amenity, and it is necessary for me to consider whether this could be achieved with less cost or disruption.
22. As referred to above, it has been suggested that a single storey rear extension of similar size could be constructed without the need for express planning permission. I have already found that there is less than a theoretical possibility that such works would be carried out, but the appellant has suggested that the requirements of the notice could be varied to require a reduction in the depth of the single storey rear extension to match a 6m deep extension claimed to comprise permitted development.
23. Even if the appellant could erect a 6m deep single storey rear extension as permitted development, subject to obtaining prior approval, varying the requirements of the notice as suggested would not remedy the breach, as the planning permissions granted by the GPDO do not apply retrospectively. Varying the requirements as suggested would instead effectively grant planning permission for such development under the provisions of section 173(11) of the Act, which would not achieve the purpose of the notice.

24. There are no obvious alternatives or lesser steps which would achieve the purpose of the notice with less cost or disruption, and the requirements are proportionate to remedy the breach.
25. The appeal under ground (f) therefore fails.

Ground (g)

26. 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. The appellant has requested that this is varied to 12 months.
27. Compliance would require appropriate persons to be appointed and care taken to avoid harm to highway safety and to minimise disruption to neighbours. There is, however, little to show this could not be achieved within 3 months.
28. It is claimed there are backlogs of programmed works for tradespeople as a result of the pandemic and economic downturn, but no evidence is provided to show the extent of any such backlog.
29. Assuming such backlogs exist and additional time would be required to address highway safety concerns and minimise disruption, I see no reason why up to 6 months would not be reasonable to comply with the notice. In these circumstances, I shall vary the notice to allow 6 months for compliance.
30. The appeal under ground (g) succeeds to the extent that I shall extend the compliance period to 6 months.

Conclusion on Appeal B

31. For the reasons given above, I conclude that the appeal should not succeed, except to the extent outlined under ground (g). I shall uphold the enforcement notice with a variation.

L Douglas

INSPECTOR