



Appeal Decisions

Site visit made on 18 March 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 03 June 2025

Appeal A Ref: APP/P1940/C/23/3327298

Land at Sandalwood, 7A Wolsey Road, Northwood HA6 2HN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Shiv Dhillon against an enforcement notice issued by Three Rivers District Council.
 - The notice was issued on 25 July 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of an enclosed plant room and raised rear patio including associated concrete steps (x2) and concrete base ("the Works").
 - The requirements of the notice are to:
Option 1:
 1. Remove the enclosed plant room, raised rear patio including associated concrete steps (x2) and concrete base (as shaded in blue on the attached photographs).
 2. Following compliance with the above Step, remove from the Land all debris and waste materials resulting from the above requirements.Or:
Option 2:
 1. Remove the plant room, concrete steps (x2) and concrete base (as shaded in blue on the attached photographs).
 2. Following compliance with Step 1 above, construct a raised patio so it fully accords with the approved plans that form part of the Planning Permission: drawing reference 1360/P/2 M (Proposed Floor Plans & Elevations) & 1360/P/3 H (Proposed Site Layout and Location Plan).
 3. Following compliance with the above Steps, erect a 1.8m high timber privacy screen for the length of the patio and planters as shown by the solid red line on the attached drawing reference 1360/P/3 H (Proposed Site Layout and Location Plan).
 4. Following compliance with the above Steps, remove from the Land all debris and waste materials resulting from the above requirements.
 - The period for compliance with the requirements for either option is 4 (four) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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.
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Appeal B Ref: APP/P1940/D/23/3320782

Sandalwood, 7A Wolsey Road, Moor Park, Herts HA6 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Shiv Dhillon against the decision of Three Rivers District Council.
 - The application Ref is 22/1309/RSP.
 - The development proposed is Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens.
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Decisions

Appeal A

1. 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.

Appeal B

2. The appeal is dismissed

Preliminary Matters

3. The appeal property is within the Moor Park Conservation Area (CA) and I am therefore required to pay special attention to the desirability of preserving or enhancing the CA, in accordance with the statutory duty as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development that is the subject of both appeals has not generated concerns from the Council with regards to it being within the CA. At my visit I observed that the views of the development were confined to those within proximity and only from the rear of those neighbours' properties. Consequently, I do not dispute the Council's findings that the development has an overall neutral effect on the CA whereby its character and appearance are preserved.

Relevant Planning History

4. Planning permission (ref 20/2292/FUL) was granted by notice dated 30 December 2020 for 'Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway' (the "original Planning Permission"). The approved plans condition of the original permission was subsequently varied by application 21/1370/FUL and most recently application 21/2425/FUL.

Appeal A – Ground (a) and the deemed planning application and

Appeal B – the s78 appeal

5. The planning application refusal and the enforcement notice relate to the same development. As such, I shall deal with them together in one decision.

Main Issue

6. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No. 9 Wolsey Road (No. 9), with particular reference to privacy and outlook.

Reasons

7. The appeal site consists of a two-storey detached dwelling located on Wolsey Road within the Moor Park Conservation Area. Wolsey Road is characterised by detached dwellings of varied architectural design, mostly located on large plots. The development is to the rear of the property where the gardens of the properties within the vicinity are mostly screened with mature vegetation.
8. The s78 appeal relates to alterations to the raised rear patio and rear garden levels including the addition of a plant room, boundary treatment and installation of privacy screens. The enforcement appeal seeks planning permission for the unauthorised works as alleged in the notice, that is the construction of an enclosed plant room and raised rear patio including two sets of concrete steps and a concrete base.

9. As part of the original planning permission to extend the property in 2020, a new raised patio was approved which would have been higher than the pre-existing patio for the original house. The patio, as approved, would have had a limited depth and extended to the width of the rear wall with a step down to a lower patio level closest to No. 9. What has been constructed is materially different. The patio is raised at the same height across the entire width of the dwelling, incorporating a flat roofed plant room to one side.
10. The patio as built includes two sets of six wide steps which lead down to a concrete base that forms a patio on a lower level. The grassed lawn sits just below the level of the concrete base and extends at a gradual gradient down towards the rear boundary of the property. The main patio is said to be 1.8m above the garden level. It is purportedly 0.4m higher than previously approved and the section to the rear of the two-storey projection 0.63m higher than previously approved. In addition to the disparity with the height, the patio is recorded as being 1.4m deeper and 2.5m wider than permitted by the original permission. The plant room is situated on the lower patio level, close to the common boundary with No. 9. It is said to project some 5m beyond the rear elevation of the two-storey side projection and 0.5m above the raised patio.
11. Having viewed the development and its surroundings from the raised patio and having viewed the development from the indoor and outdoor space to the rear of the neighbouring property, No. 9, I consider that the significant height of the raised rear patio provides those who use it the opportunity to overlook the neighbouring property. Furthermore, being flat roofed, the plant room provides an elevated platform on which to stand or sit and this would further exacerbate situation. While there is natural screening in place, this does not alleviate the issue particularly when the distance between the appeal development and the neighbouring property is limited.
12. Overall, I find that the appeal development erodes the neighbouring occupiers' personal space and is harmful to their privacy, particularly as both the conservatory and patio are positioned close to the common boundary with the appeal site. While, as suggested by the appellant, the use of the plant room roof could cease by the installation of a privacy screen, and use of screening may well mitigate the loss of privacy to a degree, this would likely have a negative impact on the amount and quality of natural light to No. 9. Furthermore, the proposed introduction of 1.8m high privacy screens, by virtue of their positioning atop the raised patio and their collective height, would result in an unneighbourly and overbearing form of development which would have a harmful impact on the outlook of the neighbouring occupiers, particularly those at No. 9.
13. While I consider that the increase in the height of the garden levels between 0.3m and 0.6m does not facilitate overlooking, due to the identified adverse impact on the living conditions of the neighbours, the development as a whole is contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013). These seek, among other things, a high standard of design, including outlook, and require the need for privacy to be considered to prevent overlooking.

Conclusion on Appeal A

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

Conclusion on Appeal B

15. The proposal conflicts with the development plan and there are no other considerations advanced to indicate that the appeal should be decided other than in accordance with it. For the reasons outlined above, I conclude that the appeal should be dismissed.

S A Hanson

INSPECTOR