



Appeal Decision

Site visit made on 29 April 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/W1905/C/23/3324627

3 Cheshunt Folly, Brookfield Lane West, Cheshunt, Hertfordshire EN8 0QY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mentis Mustafa against an enforcement notice issued by Broxbourne Borough Council.
 - The notice was issued on 24 May 2023.
 - The breach of planning control as alleged in the notice is the erection of a dormer, application of render and erection of rear extension.
 - The requirements of the notice are:
 - (i) (a) Reduce the height of the dormer to be 0.2m set back from the eaves of the roof OR (b) Remove, in its entirety, the dormer and reinstate the original roof line AND;
 - (ii) Remove the render application and reinstate the original brick;
 - (iii) Reduce the depth of the extension to no more than 3m from the original dwellinghouse;
 - (iv) Remove any resultant debris from the land.
 - The periods for compliance with the requirements are:
 - Step (i) Two months from the date this notice takes effect
 - Step (ii) Two months from the date this notice takes effect
 - Step (iii) Three months from the date this notice takes effect
 - Step (iv) Four months from the date this notice takes effect
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) 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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Decision

1. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development carried out, namely the erection of a dormer, application of render, and erection of a rear extension at 3 Cheshunt Folly, Brookfield Lane West, Cheshunt, Hertfordshire EN8 0QY, subject to the following condition:
 - 1) Within two months of the date of this decision, the external rendered surface of the single storey rear extension shall be painted white to match the white painted render on the front and rear elevations of the property.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework ("the Framework") was published in December 2024. I have considered the changes and as they are not material to the appeal development, further comments were not sought. I have, however, determined the appeal having regard to the revised Framework.
3. There is disagreement between the parties as to whether the enforcement notice was issued with an accompanying plan to identify the appeal site. The Council

state that the notice was issued with a plan, whereas the appellant contends that it was not.

4. Part 2, Regulation 4(c) of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 states that an enforcement notice issued under section 172 of the Act shall specify the precise boundaries of the land to which the notice relates, whether by reference to a plan **or otherwise** [emphasis added].
5. In the case of *Coventry Scaffolding*¹ an enforcement notice did not give a building number or include a plan, but it did name the street, and the building number had been given in correspondence. It was held in that case that the appellants were fully aware of which land the enforcement notice related to, and the notice was not a nullity.
6. With regard to this appeal, the notice identifies the land to which the notice relates as 3 Cheshunt Folly, Brookfield Lane West. The reasons for issuing the notice include a description of the appeal property and its location, and the appellant has provided copies of existing and proposed plans in his appeal submissions. I am satisfied therefore that, even in the event that the notice did not include a plan, that the appellant was fully aware of which land the enforcement notice related to. The enforcement notice is not a nullity or invalid.

Ground (a) and the deemed planning application

Background and Main Issue

7. Planning permission² was granted on 1 June 2021 for a “*Single storey side extension and loft conversion with rear dormer*” (“the 2021 permission”) at the appeal property. The approved plans show a loft conversion comprising an L-shaped rear roof dormer, set back from the eaves by approximately 0.2m, and a single storey extension on the side of the existing rear outrigger measuring approximately 3m in depth.
8. It is accepted that the works carried out on site do not accord with the approved plans. In particular, the roof dormer extension has not been set back from the eaves and the rear outrigger roof, the single storey side extension has been built larger to amalgamate with another rear extension, and render has been applied to all walls of the building. The Council consider that these works cause undue harm to the appearance of the host property and wider area.
9. The main issue is therefore the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

10. 3 Cheshunt Folly is a two-storey mid-terrace dwelling located on the north side of Brookfield Lane West. The terrace of which No 3 forms a part lacks any real sense of uniformity, with it apparent that alterations have been carried out. These include new porches, rear extensions, and the application of paint or render. Notwithstanding the Tesco Supermarket located directly opposite the appeal site, the surrounding area is predominantly residential with a wide variety in the type

¹ *Coventry Scaffolding Co (London) Ltd v Parker* [1987] JPL 127

² Council Ref: 07/21/0280/HF

and design of dwellings. Many of the houses in the vicinity retain their original brick facades, however there are several dwellings where the brick frontage has been painted or rendered with a white finish or other pale colours.

Rear Dormer Extension

11. There are very few views into the rear of the appeal property from the public realm. Private views from neighbouring properties and gardens are possible, albeit views from ground level are limited because of existing outriggers which mask visibility. The context here of the rear dormer extension is that it may be visible to a limited number of neighbours, as a secondary elevation within a terrace, but the rear of the property has no effect on the street scene.
12. The dormer has a flat roof to just below the height of the main ridge, spans virtually the full width of the main dwelling and rear outrigger roofs and is not set back from the eaves. While it is undoubtedly a large dormer, given that it is not visible in the street scene it causes no material harm to the character and appearance of the surrounding area.
13. Although rear roof dormers do not appear to be a common feature of the roofscape in the immediately surrounding area, the existence of the 2021 permission and the ability to retain a dormer of practically the same size and bulk is a material consideration in this case. In respect of the dormer, the enforcement notice could be complied with by slightly reducing its size and re-instating the 0.2m set back from the eaves.
14. It is important to note that the enforcement regime seeks to be remedial rather than punitive. The differences between the dormer permitted under the 2021 permission, and the dormer before me, are minor. Indeed, the rear dormer is not visible in the wider street scene and any 0.2m set back would be barely noticeable from the rear of neighbouring properties. It therefore follows that the development does not cause any significant additional harm to the character and appearance of the host building or surrounding area.
15. The Council also refer to the use of part render and part hung tiles in the external finish of the development. However, particularly given the variety of external finishes of properties in the vicinity of the appeal site, I do not find the materials result in any undue harm to either the host building or surrounding area.

Single Storey Rear Extension

16. The single storey rear extension extends across the full width of the dwelling with glazed doors on the rear facing elevation. Whilst the extension is substantially completed, it is proposed that it would be finished with a white painted render in the same manner as the front and rear elevations of the main dwelling. As already set out above there are instances of render being used on the walls of dwellings in the immediate surrounding area.
17. The rear elevations of other properties in this terrace include extensions and outriggers of varying appearance and size, including single storey rear additions. The single storey extension has a straightforward flat roof appearance, and given its height and overall size I do not consider that the extension appears overly dominant. Views of the extension are largely limited to upper floor windows of neighbouring properties, and it is not visible in wider public views. Accordingly,

when viewed in this context the extension causes no material harm to the character and appearance of the host dwelling or surrounding area.

External Render

18. As I have set out above, there are several properties in the vicinity of the appeal site which have had various coloured external finishes, including render and paint, applied. Notably, this includes other dwellings that are situated within the same terrace of houses as the appeal property. From my visit I consider that the white painted render applied to the appeal dwelling does not draw the eye as being incongruous, having regard to the similar colours of paint and render that can be seen on properties in the surrounding area. Accordingly, the render does not result in harm to the character and appearance of either the host building or surrounding area.

Conclusion on ground (a)

19. For the reasons given above, I find that the development does not cause harm to the character and appearance of the host building or surrounding area. Accordingly, I find no conflict with Policies DSC1 and DSC2 of the Broxbourne Local Plan 2018-2033 (June 2020). Those policies seek, amongst other things, a high standard of design, and that extensions and alterations to existing dwellings do not unduly impact upon the parent building and wider setting.

Other Matters

20. An interested party has raised concerns regarding the quality of the build due to poor workmanship, and party wall regulations. Such matters though do not fall within the remit of this appeal decision.

Conditions

21. I have considered the imposition of appropriate planning conditions, having regard to the six tests set out in the Framework. The Council suggested a condition regarding the use of appropriate external materials, including amendments to the current render. At the time of my site visit all render on the property had been painted white, except for that on the single storey rear extension. For the reasons set out above I have found that the white painted render is appropriate and does not cause any visual harm. I shall therefore impose a condition requiring the render on the rear extension to be painted to match the remainder of the property.
22. No other suggested conditions have been put forward and given that the works have already been undertaken on site, and that I have found the development does not cause harm to the character and appearance of the host property and surrounding area, I see no reason why any further conditions would be necessary in this instance.

Conclusion

23. The development does not cause harm to the character and appearance of the host property and surrounding area and there is no conflict with the development plan as a whole. There are no material considerations that indicate the ground (a) appeal should be determined other than in accordance with the development plan.

24. For the reasons given above, I conclude that the appeal succeeds on ground (a) and planning permission is granted in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended. In these circumstances the appeal on ground (f) does not fall to be considered.

David Jones

INSPECTOR