



Appeal Decision

Site visit made on 1 July 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/Y1945/C/24/3340866

Land at 21 Langley Road, Watford WD17 4PS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Sheikh Mushtaq Ahmed against an enforcement notice ("EN") issued by Watford Borough Council.
 - The EN was issued on 20 February 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission: The erection of an outbuilding at the rear of the commercial property (as indicated by the red arrows on the photograph attached to this notice) and the erection of a fence adjoining the outbuilding also indicated on the photograph.
 - The requirements of the EN are to:
 - (1) Remove the outbuilding and fence sited on the rear elevation of the commercial property (as shown indicated by two red arrows on the photograph attached to this notice).
 - (2) Repair the existing brickwork to the front elevation wall of the dwelling house in the matching materials as prior to the unauthorised development.
 - (3) Remove from the land and dispose of all rubble, waste materials and debris in relation to compliance with Step (1) above.
 - The period for compliance with the requirements is: Three months from the date this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the 1990 Act. 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 1990 Act.
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Decision

1. It is directed that the EN is corrected by:

- *the deletion of the words "Without planning permission: The erection of an outbuilding at the rear of the commercial property (as indicated by the red arrows on the photograph attached to this notice) and the erection of a fence adjoining the outbuilding also indicated on the photograph" and their substitution with the words "Without planning permission: The erection of an extension at the rear of the commercial property (as indicated by the red arrow on the photograph attached to this notice) and the erection of wooden cladding (also indicated by a red arrow on the photograph attached to this notice)" in 3;*

and varied by:

- *the deletion of the words "(1) Remove the outbuilding and fence sited on the rear elevation of the commercial property (as shown indicated by two red arrows on the photograph attached to this notice)" and their substitution with the words "(1) Remove the extension at the rear of the commercial property*

and the wooden cladding (as shown indicated by two red arrows on the photograph attached to this notice)” in 5.

Subject to the correction and variation, the appeal is allowed insofar as it relates to the extension at the rear of the commercial property and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act in respect of this part of the development at 21 Langley Road, Watford WD17 4PS and subject to the following condition:

- 1) Unless within one month of the date of this decision, details/samples of the materials to be used in the construction of the external surfaces of the extension to the rear of the commercial property shall be submitted in writing to the local planning authority for approval, and unless the approved materials are used in the construction of the external surfaces of the extension to the rear of the commercial property within three months of the local planning authority’s approval, the extension shall be removed and all materials brought onto the land for the purposes of the development shall be removed until such time as a scheme is approved and implemented.

If no details/samples of the materials in accordance with this condition are approved within one month of the date of this decision, the extension to the rear of the commercial property shall be removed and all materials brought onto the land for the purposes of the development shall be removed until such time as a scheme is approved and implemented.

Upon implementation of the approved materials specified in this condition, the materials shall thereafter be maintained and retained for the lifetime of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

The appeal is dismissed and the EN is upheld as corrected insofar as it relates to the erection of wooden cladding and planning permission is refused in respect of this part of the development at 21 Langley Road, Watford WD17 4PS on the application deemed to have been made under section 177(5) of the 1990 Act.

Preliminary Matters

2. The address in the EN excludes a town/city. Therefore, for completeness, I have included the town stated in the appeal form within the banner heading above.
3. A revised National Planning Policy Framework (“the Framework”) has been published since the EN was issued. However, it does not raise any new issues that are determinative to the purposes of the appeal and therefore injustice to the parties does not arise.
4. The appellant did not attend the site visit. However, they gave their tenant permission to provide access to myself and the Council’s representative. As such, I was able to see everything I needed to enable me to reach a decision.
5. The plan attached to the EN included land to the front of 2G Nascot Street and at the time of my site visit, it did not appear to form part of the appeal property’s planning unit. However, Land Registry details have been provided by the Council

that demonstrate that the plan attached to the EN was correct at the time the EN was issued.

Appeal on Ground (b)

6. An appeal under ground (b) is that those matters stated in the EN have not occurred. To succeed on ground (b) it is incumbent on the appellant to demonstrate that, on the balance of probability, the matter(s) alleged have not occurred, as a matter of fact.
7. The alleged breach of planning control refers to the construction of an outbuilding and a fence. The appellant asserts that the outbuilding is an extension to the host building and a fence had not been erected. Instead, wooden cladding was erected that has since been removed. Consequently, the appellant alleges that the matters stated in the EN had not occurred.
8. The Council clarified, at my request, that at the time the EN was issued, the building abutted the storeroom of No 21 and may have been secured to it by fixings. I was able to confirm during my site visit that the building was attached to the storeroom. As such, I am satisfied that the building comprises an extension rather than an outbuilding, as described in the EN.
9. In reference to the fence described in the EN, the photographic evidence shows what appears to be flimsy wood, such as plywood, that is separating and lifting. It does not appear to have the strength to be self-supporting and it looks to wrap around an existing structure. Consequently, the evidence before me indicates that the breach constitutes wooden cladding rather than a fence.
10. Although the alleged breaches of planning control are described incorrectly within the EN, I can correct any misdescription under 176(1)(a) of the 1990 Act provided I am satisfied that the correction would not cause injustice to either party.
11. Section 3 of the EN refers to an attached photograph which clearly identifies the alleged breaches. As such, although the alleged breaches were misdescribed, it is clear from the EN what they constituted. Furthermore, the appellant submitted an appeal under ground (a) requesting planning permission for the alleged breaches. Therefore, the allegations described in the EN were not hopelessly ambiguous or uncertain as the appellant was able to clearly identify the operations that amounted to the alleged breaches of planning control. Consequently, I am satisfied that correcting the misdescription of the alleged breaches within the EN would not cause injustice to either party.
12. It is clear from the evidence before me, that the alleged breaches (as corrected) had occurred at the time the EN was served. I acknowledge that the wooden cladding has since been removed. However, s174(2)(b) of the 1990 Act is worded in the past tense. Therefore, the question is whether the matter alleged in the breach had occurred by the date of issue of the EN (my emphasis), and the evidence before me proves that it had. An appeal on ground (b) cannot succeed simply because the development has been removed.
13. As such, on the balance of probability, the matters alleged in the EN as corrected had occurred as a matter of fact. The appeal on ground (b) therefore fails.

Appeal on Ground (a) and the Deemed Planning Permission

14. An appeal under ground (a) is that planning permission should be granted for the matters alleged.
15. The **main issue** is the effect of the development on the character and appearance of the surrounding area, including the significance of the Nascot Conservation Area ("CA").

Reasons

16. The appeal site comprises a two-storey building that is occupied by a convenience store to the ground floor and a flat above. The property is located on the corner of Langley Road and Nascot Street. To the rear of the property is a single storey flat roofed extension and a small yard bounded by a brick wall (which at the time the EN was served, had been partially clad with wood). Within the yard, a single storey flat roofed extension has been constructed. The photographic evidence indicates that at the time the EN was served, the walls of the extension consisted of wood.
17. Nascot Street consists of two-storey semi-detached and terraced dwellings that are set a similar distance from the road behind a small front garden. Langley Road is a mixed commercial and residential street consisting of two-storey properties sited varying distances from the road. The predominant building material is brick.
18. The appeal site forms part of the CA. Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The CA encompasses an extensive area which is predominantly residential but also includes the original Watford railway station and St Andrew's church (both of which are listed). Several attractive Victorian villas and terraced cottages are locally listed. The significance of the CA derives from its aesthetic and historic values.

Rear Extension

19. Only the upper portion of the rear extension is visible from Nascot Street due to the height of the boundary wall. It is also largely screened from Langley Road by the side elevation of No 21. Due to its limited scale, the rear extension is subservient to the existing property, and the flat roof complements the flat roof of the existing extension. Consequently, I am satisfied that the rear extension's scale, siting and design is acceptable.
20. At the time the EN was served, the extension's appearance detracted from the character and appearance of the surrounding area and the significance of the CA as it was constructed of wood that had a makeshift appearance. In the intervening period, the rear extension has been largely clad in brick. The brick exterior has significantly improved the appearance of the rear extension and as such, it does not harm the character and appearance of the surrounding area, or the significance of the CA. However, as I am unaware whether the brick is acceptable to the Council, a condition requiring the submission of details for approval is necessary.
21. As the rear extension does not harm to the character, appearance or significance of the CA, I am not obliged to undertake an assessment of its public benefits as required by paragraph 215 of the Framework.

22. For these reasons, the rear extension, subject to a condition regarding materials, complies with Policies QD6.1, QD6.2, QD6.4, HE7.1 and HE7.2 of A Sustainable Town, Watford Local Plan 2021-2038, adopted 2022 ("LP") which, amongst other things, seek to ensure development avoids causing harm to the significance of heritage assets; makes a positive contribution to high-quality design and placemaking; and ensures materials are high quality, robust, durable, age well, and sit comfortably with buildings in the area, adding to local distinctiveness.

Wooden Cladding

23. The photographic evidence indicates that wooden cladding was placed on the southern side and top of the boundary structure closest to 2G Nascot Street. It did not reflect the other boundary treatments in the surrounding area that predominantly consist of brick walls. The wooden cladding was in a dilapidated condition with the layers of wood separating. Consequently, its appearance detracted from the character and appearance of the surrounding area and harmed the significance of the CA.
24. The wooden cladding therefore caused less than substantial harm to the CA. However, due to its limited expanse, the level of harm to the CA is low. In accordance with paragraph 215 of the Framework, I must weigh the less than substantial harm against the public benefits of the development. In doing so, paragraph 212 of the Framework explains that great weight should be given to the conservation of the heritage asset.
25. The appellant has not advanced any public benefits associated with the wooden cladding to be weighed against the harm I have identified to the CA. Consequently, the harm I have found in respect of the effect of the wooden cladding on the significance of the CA is not outweighed by any public benefits.
26. For these reasons, the wooden cladding harms the character and appearance of the surrounding area, including the significance of the CA. Therefore, it conflicts with Policies QD6.1, QD6.2, QD6.4, HE7.1 and HE7.2 of the LP, the content of which is described above.

Conditions – Rear Extension

27. At the time of my site visit, the majority of the rear extension had been clad with brick. However, a small section needed to be completed. I am unaware whether the brick is acceptable to the Council, and even if it is, the Council do not hold any details of the brick. Consequently, a condition requiring the submission and approval of details/samples to the local planning authority is necessary to ensure the external appearance of the rear extension is acceptable. The condition should include sanctions to allow for the enforcement of any subsequent breach of the condition.

Conclusion on Ground (a) and the Deemed Planning Permission

28. For the reasons given above, I conclude that the appeal should succeed in part under ground (a) in respect of the rear extension, but fail under ground (a) in respect of the wooden cladding.

Appeal on Ground (f)

29. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
30. Due to the partial success on ground (a) for the rear extension, the requirements of the EN will cease to have an effect so far as they are inconsistent with the planning permission that will be granted. The appeal on ground (f) would therefore only fall to be considered in respect of the wood cladding. However, the appellant's argument on this ground only relates to the extension.
31. The EN, as amended, requires the removal of the wooden cladding, the making good of the wall it is attached to, and for all associated materials to be removed from the land. The purpose of the EN is to remedy the breach of planning control. There are no lesser steps that would achieve the EN's purpose. Consequently, the steps required by the EN are not excessive.
32. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

33. An appeal under ground (g) is that the period specified for compliance with the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is 3 months. The appellant requests a period of 18 months.
34. Due to the partial success on ground (a), the rear extension will benefit from planning permission and the compliance period of 3 months will only affect the wooden cladding. At the time of my site visit, the wooden cladding had been removed, and it appeared to have been disposed of. Consequently, the three month compliance period would not have been unreasonable.
35. The appeal on ground (g) therefore fails.

Overall Conclusion

36. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for the extension to the rear of the commercial property as identified on the plan and photograph attached to the EN. Otherwise, I will uphold the EN with a correction and variation and refuse to grant planning permission in respect of the wooden cladding. The requirements of the EN will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of s180 of the 1990 Act.

A Berry

INSPECTOR