
Appeal Decision

Site visit made on 3 November 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/N1920/D/25/3373305

1 Gables Avenue, Borehamwood, Hertfordshire WD6 4SP

- 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 Mrs Chehre Choroomi against the decision of Hertsmere Borough Council.
 - The application Ref is 25/0588/HSE.
 - The development proposed is retention of single storey rear conservatory (Retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading has been taken from the decision notice as this more accurately describes the development. I note that this description has also been used on the appeal form.
3. Whilst the appellant has suggested that the height of the conservatory could be reduced from 2.6 metres to 2.3 metres, that is not the development that was applied for or considered by the Council. Moreover, no plans have been submitted illustrating this change. I am mindful that it is not the purpose of the appeal process to evolve a scheme to overcome the Local Planning Authority's (LPA) reasons for refusal and instead a fresh planning application should usually be made¹. It is important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the neighbouring occupiers at 1a Gables Avenue with particular regard to light and outlook; and,
 - the character and appearance of the host property and area.

Reasons

Living conditions

5. The conservatory, at approximately 5.8 metres in length, spans a significant length of the shared boundary with the adjoining property at No 1a Gables Avenue. The cumulative effect of the conservatory, combined with the rear outbuilding at the

¹ Annex M of the *Procedural Guide Planning Appeals – England*

appeal property, is built development close to and along all but a small section of the shared boundary.

6. Whilst the conservatory frame connecting the glazing panels is slender, the roof structure is noticeably thicker and bulkier in appearance. With a maximum roof height of 2.6 metres, tapering to 2.2 metres, the conservatory's significant length and close proximity to the shared boundary results in it being highly prominent above the boundary fence when viewed from the rear ground floor windows of the neighbouring property. The use of obscure glazing panels does not substantially reduce its prominence.
7. Consequently, the conservatory has an overbearing and enclosing presence for the occupiers of the neighbouring property when utilising their rear ground floor habitable rooms, thereby adversely affecting their outlook.
8. Notwithstanding my findings above, considering it is located to the north of the neighbouring property, I do not find that the proposal would result in any harmful loss of light.
9. In conclusion, although the conservatory would not be materially harmful to the living conditions of the neighbouring occupiers with regard to light, it would in relation to outlook. Accordingly, the development is in conflict with Policy SADM30 of the Site Allocations and Development Management Policies Plan (2016) insofar as it seeks to ensure new development does not adversely impact the residential amenity of neighbours.
10. Policy CS22 of the Hertsmere Borough Council Core Strategy (2013) has been cited on the decision notice in relation to this issue. However, this policy makes no reference to living conditions, it has therefore not been determinative on this main issue.

Character and appearance

11. The appeal property is a two-storey, end-terraced property. It is set in a large plot compared to the other properties within the terrace and includes a large outbuilding at the rear of the garden. Due to its end-terrace location close to the corner of Gables Avenue and Red Road, the rear of the appeal property is highly visible from public vantage points, particularly from Red Road.
12. The appeal property has recently undergone a rear part single/part two-storey extension with a large roof dormer. Visually, the appeal property already appears markedly different from the other properties in the terrace, where modifications typically consist of small, single-storey extensions.
13. At 5.8 metres in length, the conservatory is significantly longer than extensions on other properties within the terrace. However, its design is predominantly light-weight, featuring extensive glazing, limited in width and with the colour of the frame matching the host property. Given the appeal property's larger plot size, even with the existing extensions and the outbuilding, a sufficient proportion of the garden remains free of development. It does not, therefore, appear cramped in its environs nor does it represent an incongruous addition to the host property.
14. Furthermore, as the conservatory is set significantly away from the boundary that faces the corner of Gables Avenue and Red Road, only glimpsed views of the

conservatory roof are possible. Consequently, it is not visually prominent in the streetscene.

15. In conclusion, for the reasons above, the conservatory does not have a materially harmful effect on the character and appearance of the host property and area. It therefore accords with Policy CS22 of the Hertsmere Local Plan Core Strategy (2013) and Policy SADM30 of the Site Allocations and Development Management Policies Plan (2016) insofar as these seek development that respects, enhances or improves the visual amenity of the area.

Other Matters

16. I note the appellant has constructed the conservatory to provide a means of shelter from the rain, but I am not persuaded that the current development is the only way in which these aims could be achieved and as such this personal benefit does not outweigh the harm caused.
17. The appellant has suggested that if the conservatory was not attached to the main dwelling it would be permitted development under Class E of Part 1 of Schedule 2 of the GPDO and that this fallback position should be afforded significant weight. However, it is not for me to determine under a s78 appeal whether something would constitute permitted development. I have little substantive evidence before me to support this claim and therefore cannot be certain that it would be permitted development. It is open for the appellant to apply to have the matter determined under Sections 191 or 192 of the Town and Country Planning Act 1990. Any such determination would be unaffected by the outcome of this appeal. Consequently, and having had regard to the Mansell Court Case², I afford this matter limited weight.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR

² *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314