



Appeal Decision

Site visit made on 22 October 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/N1920/D/25/3372651

59 Wroxham Gardens, Potters Bar, Hertfordshire EN6 3DJ

- 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 Onur Karaman against the decision of Hertsmere Borough Council.
 - The application Ref. is 25/0924/HSE
 - The development proposed is described as 'Retention of outbuilding in the rear garden'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application refers to the 'retention' of the outbuilding, but this is not within the definition of 'development' in planning legislation. The Council has correctly described the appeal proposal as '*Erection of two storey outbuilding in rear garden (Part retrospective)*' and I have made my decision on this basis.

Main Issues

3. The main issues are (i) the effect of the outbuilding on the character and appearance of the host dwelling and its surroundings, and (ii) the effect on the living conditions for adjoining occupiers as regards privacy.

Reasons

4. On the first issue I saw on my visit that the appeal dwelling is a semi-detached bungalow forming a pair with No. 57. As a result of alterations and additions the original appearance of the building has been significantly altered from its traditional design of red brick and hipped roof to a rendered contemporary form and side gable. This overtly modern theme is carried through to the design of a rear extension; the garden with its hard landscaping; slatted wooden boundary fences between rendered pillars, and finally the outbuilding - the subject of this appeal.
5. The Notice of Refusal includes a reference to the outbuilding having a detrimental effect on '*the character and appearance ofthe host dwelling.....*'. However, whilst this may have been the position as regards the original appearance of No. 59, with the changes that have since been made to the bungalow the harmful effect on the dwelling is for the most part nullified.
6. An exception to this is the mezzanine floor which is tantamount to a two-storey form of the structure, with its eaves set at 3.9m and ridge at 4.8m and a part pitched and part crown roof. This height is just under a metre higher than the building approved

under Certificate of Lawful Development and which is the appellant's fallback position.

7. However, when combined with the design the additional height does not enable the outbuilding to be read comfortably with the dwelling itself, given that in a medium density suburban location with relatively modestly sized curtilage sizes, outbuildings would normally be single storey. They are also less likely to be built with the same materials as the main building. Furthermore, in this instance with a gym on the ground floor and a home office above, the labelling of the building on the plans as a 'Summerhouse' is misleading.
8. As regards the remainder of the first refusal reason, the outbuilding is demonstrably out of keeping with the character and appearance of the area and neighbouring properties. At my visit I did not have the opportunity to visit these dwellings, but with its height, overall size, and unconventional appearance I am satisfied that the outbuilding draws the eye and is perceived negatively from vantage points in dwellings and their gardens located in both Wroxham Gardens and Deepdene to the northeast. The objections to the application provide some confirmation of this adverse effect.
9. For this reason, the outbuilding is in harmful conflict with policies of the Local Plan - Policy CS22 of the Hertsmere Core Strategy 2013; Policy SADM30 of the Hertsmere Site Allocations and Development Management Policies Plan 2016. The development is also contrary to Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework, revised December 2024 ('the Framework').
10. Turning to issue (ii), the effect on the privacy of neighbours, the outbuilding includes two window openings and four skylights at the mezzanine level. The narrowness of the windows significantly limits the opportunities for overlooking and the likelihood is of only a slight perception of being overlooked by the immediate neighbours to each side. The Council has also referred to a loss of privacy because of the ground floor double glazed doors, but I am satisfied that the boundary treatment of the rear garden precludes this, and in any case, they are part of the fallback mentioned in paragraph 6 above.
11. On balance on this issue and having had regard to the recommended exclusion zone of 28m to the windows of Nos, 57 and 61, I find that the outbuilding does not significantly compromise the living conditions for adjoining occupiers as regards privacy in conflict with Local Plan Policies referred to in issue (i) above or with paragraph 135f) of the Framework. However, my favourable finding for the appellant on issue (ii) does not outweigh the harm caused under issue (i).

Other Matter

12. There is a third reason for refusal relating to the lack of any arboricultural information in support of the application. There is a tree in the northwest corner of the garden and trees close to the boundary but in neighbouring gardens. However, the Council has made no mention of a tree preservation order and with the building already constructed I do not regard this as a matter which merits further scrutiny in this appeal.

Conclusion

13. For the reasons explained above and having had regard to all other matters raised in the grounds of appeal, the appeal fails.

Martin Andrews

INSPECTOR