



Appeal Decisions

Site visit made on 24 November 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal A: Ref APP/C1950/C/24/3353784

2 Wych Elm Lane, Welwyn, Hertfordshire AL6 9TG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Gemma Raval against an enforcement notice issued by Welwyn Hatfield Borough Council.
 - The enforcement notice was issued on 26 September 2024.
 - The breach of planning control as alleged in the notice is the erection of a tree house.
 - The requirements of the notice are to: i. Fully demolish the treehouse (approximate location shown in purple on the attached plan).
ii. Remove all materials, debris, waste and equipment resulting from compliance with this notice from the property and its premises.
 - The period for compliance with the requirements is 2 months
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal B: Ref APP/C1950/D/24/3351164

2 Wych Elm Lane, Welwyn, Hertfordshire AL6 9TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Gemma Raval against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2024/0849/HOUSE, dated 3 May 2024, was refused by notice dated 31 July 2024.
 - The development is a tree house.
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Decisions

1. Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B is dismissed.

Procedural Matters

3. On my site visit, I viewed the development from both the appeal site and from the neighbouring premises at 4 Wych Elm Lane.
 4. While the development is described in the notice and in the refused planning application as a 'tree house', it should be noted that the structure in both appeals is neither built in a tree or supported by one. Rather, it is a significant self-supported building (incorporating play equipment) some 6.5m high.
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Appeal A Ground (a) and the deemed planning application; Appeal B

Main Issues

5. The main issues in both appeals are the effect of the development upon the living conditions of neighbouring occupiers at 4 Wych Elm Lane (No 4), particularly as regards overlooking and outlook.

Reasons

Overlooking

6. Windows on the eastern elevation of the structure facing the boundary with No 4 had been boarded up prior to the issue of the enforcement notice, and none were proposed upon that elevation in the refused planning application.
7. Whilst outside elevated parts of appeal structure may afford some limited views over No 4, I consider that this would occur only briefly and occasionally by children playing and whose attention (by the nature of play) would be more focused on those activities rather than looking outside the boundary.
8. For these reasons, I do not find that the development in both appeals causes (or would cause) any significant harm to the living conditions of the neighbouring occupiers at No 4 through overlooking.

Outlook

9. Notwithstanding its purpose (and timber construction), the appeal development is in effect a substantial building of some bulk and significant height erected close to the boundary with No 4. While I acknowledge a degree of mitigation afforded by existing trees and vegetation, which might be strengthened by the placement of potted trees (and extra fencing) proposed in Appeal B¹, that does not in my judgement satisfactorily address the oppressive presence of this overbearing built form built close to, and looming high over, the rear garden of No 4.
10. While the development is some distance from the house at No 4 (notwithstanding that parts of its considerable form can be seen from rear windows of the dwelling), the external amenity spaces of homes promote health and well-being and the overbearing presence of the appeal development unacceptably undermines the benefits of the amenity space in these regards.
11. For these reasons, the development in both appeals causes (or would cause) significant harm to the living conditions of the neighbouring occupiers at No 4 through reduced outlook. As such it is in conflict with Policy SADM11 of the Welwyn Hatfield Borough Council Local Plan 2016-2036 which seeks to protect amenity. It is also in conflict, for the same reasons, with the design principles of the National Planning Policy Framework (such as those contained in paragraph 135).
12. I have considered the development on its own merits, as did the Inspectors as regards the matters before them in the appeal decisions which have been submitted by the appellant.

¹ Though I have some doubt about the degree of effective mitigation that could be achieved through extra vegetative screening in the limited gap between the structure and the boundary. The 2m high fencing also proposed would have limited effect due to the height of the appeal structure.

Planning Conclusions

13. The appeal developments (Appeals A and B) do not accord with the development plan as a whole and there are no other considerations which outweigh those findings.
14. There are no conditions which would make the development acceptable. Accordingly, I will not grant planning permission in either appeal and ground (a) does not succeed in respect to Appeal A.

Appeal A ground (g)

15. For success on this ground, I must be satisfied that the 2 month compliance period of the notice falls short of reasonable.
16. The appellant requires 6 months for compliance as it is said that demolition would be a relatively difficult project involving professional assistance due to the complexities of the structure. However, I am not persuaded in the absence of any further supporting information or evidence that demolition would be particularly time-intensive over and above the time that has been allowed in the notice.
17. It seems to me that the work (both steps of the notice) can reasonably be completed within 2 months.
18. Accordingly, ground (g) does not succeed.

Conclusions

19. For the reasons given above, Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
20. For the reasons given above, Appeal B is dismissed.

Andrew Walker

INSPECTOR