
Appeal Decision

Site visit made on 26 February 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th March 2026

Appeal Ref: APP/N1920/C/24/3352268

Land at 24 Hill Rise, Potters Bar, Hertfordshire EN6 2RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Richard Botham against an enforcement notice issued by Hertsmere Borough Council.
 - The notice was issued on 22 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, erection of a single storey rear extension at ground floor level and erection of rear patio.
 - The requirements of the notice are:
 - Remove the unauthorised single storey rear extension from the property.
 - Remove the unauthorised rear patio or reduce to a height on no more than 0.3m from the natural ground level.
 - Remove all fittings and fixtures associated with the unauthorised extension.
 - Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
 - The period for compliance with the requirements is Six (6) months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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, the enforcement notice (EN) is quashed and 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 already carried out, namely the erection of a single storey rear extension at ground floor level and erection of rear patio as shown on the plan attached to the EN at Land at 24 Hill Rise, Potters Bar, Hertfordshire EN6 2RR.

Background

2. Prior approval for a single-storey rear extension (20/1179/PD42) and planning permission for a replacement outbuilding (25/0145/CLP) were granted in September 2020. An L-shaped single storey rear extension was subsequently constructed, and this forms the subject of this appeal.

Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged. The **main issues** are:
 - the effect of the single storey rear extension on the character and appearance of the host dwelling and the surrounding area; and

- the effect of the rear patio on the living conditions of the occupiers of 26 Hill Rise, with reference to privacy.

Reasons

Character and Appearance

4. Hill Rise is characterised by semi-detached dwellings set within long, narrow plots that incorporate generous rear gardens. Along this section of Hill Rise, a number of properties feature ground-floor rear extensions, as well as large, linear outbuildings positioned close to the rear elevation of the dwellings. These outbuildings typically run along the shared boundaries between neighbouring plots, creating a consistent pattern of extended built form to the rear.
5. The Council raises concerns regarding the depth, bulk, and massing of the single storey rear extension, suggesting that it detracts from the established architectural vernacular of the area. While the single storey rear extension projects further than other rear additions along Hill Rise, it does not extend as far as either the neighbouring outbuilding or the now-demolished outbuilding previously on site. Within this context, where outbuildings are positioned close to the rear elevations of dwellings and extended built form to the rear is characteristic along Hill Rise, the single-storey rear extension is not out of keeping or harmful to the architectural vernacular of the area.
6. For the above reasons, the single storey rear extension has an acceptable effect on the character and appearance of the host dwelling and the surrounding area. It is therefore compliant with Policies SP1 and CS22 of the Hertsmere Core Strategy and Policy SADM30 of the Site Allocations and Development Management Policies Plan (SADMPP), which amongst other matters seek high-quality design of an appropriate scale.

Living Conditions

7. The rear patio infills the L shape formed by the single storey rear extension and the boundary with 26 Hill Rise. This boundary is demarcated by a close boarded fence with trellis and dense evergreen planting above.
8. It is alleged that the rear patio is at least 20cm higher than the height limit for raised platforms set out under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst this may be the case, when standing on the patio, the combination of the covered trellis and the dense, mature vegetation along the boundary significantly obstructs any views into the adjoining rear garden of No. 26.
9. Given that the rear patio is likely to be used as a transitional space between the dwelling and the garden, or for sitting out, and noting that the dense planting and trellis significantly restrict sightlines at normal eye level, visibility toward the adjoining garden at No. 26 is extremely limited, even when an individual is standing on the patio.
10. For the above reasons, the rear patio does not unacceptably affect the living conditions of the occupiers of 26 Hill Rise, with reference to privacy. It is therefore compliant with Policy SADM30 of the SADMPP, which requires that development

will be permitted provided it has no more than a limited impact on the privacy of adjoining occupiers.

Other Matters

11. It is asserted that the single storey rear extension is contrary to the Hertsmere Design Guide Supplementary Planning Documents (SPDs), specifically the Planning and Design Guide Part E: Guidelines for Residential Extensions and Alterations¹ and the Planning and Design Guide Part D: Guidelines for High Quality Sustainable Development². However, the provisions within these SPDs that the extension is said to conflict with have not been identified. Nor is there an explanation as to how the single storey rear extension is alleged to breach any element of the stated guidance.

Conclusion

13. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the erection of a single storey rear extension at ground floor level and erection of rear patio as described in the notice. The EN will be quashed.

V Goldberg

INSPECTOR

¹ Adopted November 2006

² Draft for DM use and Public Consultation October 2016 V3 (post-Executive)