



Appeal Decision

Site visit made on 22 May 2026

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2026

Appeal Ref: APP/N1920/C/25/3359782

1 Gables Avenue, Borehamwood, Hertfordshire, WD6 4SP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Ms Chehreh Dashti against an enforcement notice issued by Hertsmere Borough Council.
- The notice was issued on 19 December 2024.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of part single, part two storey side and rear extension, dormer roof extension and erection of front boundary treatment adjacent to the highway exceeding one (1) metre in height.
- The requirements of the notice are:

Part single, part two storey side and rear extension

1. Demolish the part single, part two storey side and rear extension (approximate position indicated purple on the attached plan);
OR
2. Construct the development to accord with the approved plans submitted with planning permission reference 23/0209/HSE namely drawing labelled 06 – Proposed first floor plan and roof plan and drawing labelled 07- Proposed Elevations and Section.

Dormer Roof Extension

3. Remove the dormer roof extension;
4. Reinstate the pre-existing roof to resemble drawing labelled 003 - Existing elevations submitted with application reference 22/1251/CLP;
OR
5. Carry out remedial work to ensure full compliance with Class B Schedule 2 Part 1 Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) -
You must carry out the following action but not limited to:
 - Tile the flank elevations and rear elevation of dormer roof extension using materials which has a similar appearance to that of the existing roof as depicted in the approved drawing labelled 005 - Proposed Elevations submitted with application 22/1251/CLP.

Front Boundary Treatment

6. Remove the front boundary treatment (approximate position indicated blue on the attached plan)
OR
 7. Lower the front boundary treatment (approximate position indicated blue on the attached plan) to no more than one (1) metre in height from the natural ground level.
 8. Remove from the land the debris, items, fixtures and fittings, building materials, plant and machinery resulting from compliance with all above steps.
- The period for compliance with the requirements is: 5 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) 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.

Summary of decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal Decision.

The appeal on ground (c)

1. Appeals on ground (c) are made on the basis that the matters (if they occurred) do not constitute a breach of planning control.

2. Neither party have claimed that the works alleged do not amount to development under Section 55 of the Act, or that planning permission is not required for them under Section 57.
3. The appellants' case is that the extensions constructed are not materially different to that for which planning permission has been granted, and that the dormer roof extension and parts of the boundary treatment are 'permitted development'.

The extensions:

4. On 3rd August 2023 planning permission (ref: 23/0209/HSE) was granted for, "Part demolition of existing ground floor areas and rear conservatory. Construction of a part single, part two storey side and rear extension with alterations to fenestration, new front porch canopy and erection of a single storey detached outbuilding to rear garden."
5. The development which has occurred comprises the same substantive elements as that approved (roof, side and rear extensions), but with some differences.
6. The dormer roof extension constructed is finished in painted render to match the gable end of the dwelling, rather than tiled to match its roof. At my site visit I also noted that it was higher, extending from the ridge of the dwelling rather than set down below it, and wider, extending across the full width of the dwelling rather than being set in from each side.
7. As constructed, the eaves of the upper part of the side extension are higher than those of the original dwelling, the roofs of the side and rear first floor extensions are higher and the fenestration details across the development differ from those approved. At my site visit I also noted the rear first floor extension was wider than approved and the rearmost wall extended higher than the roof of the side extension it adjoined. The extensions were also finished in white painted render, as opposed to the facing brick and white cladding depicted and specified on the approved drawings.
8. These differences are notable when the development is seen as a whole from the street. The dormer roof element appears more as a rear extension and an extension to the gable end of the dwelling than a dormer roof extension, and the cumulative effect of all the differences results in a larger development. Overall, these changes result in a materially different development to that for which planning permission was granted.
9. The appellant also considers the dormer roof extension to be 'permitted development' under Part 1 Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"), such that planning permission has been granted for it under Article 3 of the GPDO.
10. Part 1 Class B of the GPDO describes the enlargement of a dwellinghouse consisting of an addition or alteration to its roof as 'permitted development', subject to conditions and limitations.
11. Condition B.2.(a) requires the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwelling. The Permitted development rights for householders Technical Guidance ("the Technical Guidance") states that the condition is intended to ensure that any

addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house.

12. In an example, the Technical Guidance states that, “the face and sides of a dormer window should be finished using materials that give a similar visual appearance to the existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level”.
13. I note that both the dormer roof extension and the dwelling, as it currently is, have been finished in painted render. But the planning permission indicates that, prior to the development, the dwelling had a brick finish with white cladding and was not rendered.
14. There is no evidence before me that the development took place other than as a single development and, in particular, I saw no indication at my site visit that the render was applied on the house prior to the construction of the roof extension.
15. Therefore, with the evidence before me, the materials used in the exterior work of the dormer roof extension were not of a similar appearance to those used in the construction of the exterior of the existing dwelling. The dormer roof extension was therefore not ‘permitted development’, and planning permission was not granted for it by Article 3 of the GPDO. Neither has planning permission been granted for the other extensions.

The boundary treatment:

16. Although parts of the boundary wall structures around the frontage are below 1m in height, the six pillars are higher. The boundary walls with pillars either side of the frontage are each single structures comprising lower and higher elements. The pillars are part of the boundary wall treatment constructed.
17. As parts of each front boundary structure exceed 1m in height adjacent to a highway used by vehicular traffic, they are therefore not ‘permitted development’ under Part 2 Class A of the GPDO, and planning permission was not granted for them by Article 3 of the GPDO.

Conclusion on ground (c):

18. For the reasons given above, the appeal on ground (c) fails.

The appeal on ground (a) / the DPA

19. Appeals on ground (a) are made on the basis that planning permission ought to be granted for the matters stated in the Notice as constituting the breach of planning control.

Main Issue

20. The main issue is the effect of the development on the character and appearance of the dwelling and the area.

Character and appearance

The extensions

21. 1 Gables Avenue (“No.1”) is an end-of-terrace dwelling on a residential estate. It stands in a prominent position at a fork in the road behind a small green, at the junction of Red Road and Gables Avenue.
22. Prior to the development No.1 was part of a terrace of uniform design, characterised by brick construction with white cladding on the first floor, white fenestration and a concrete tiled roof.
23. Much of the remainder of Gables Avenue comprises detached and semi-detached dormer bungalows, some of which have been modernised, resulting in some variation of styles.
24. Red Road is of a different character, with large street trees and houses set back behind hedges and other vegetation. The extended side elevation of 1 Gables Avenue stands prominently in views down Red Road from the north-west.
25. One of the Council’s main concerns is that the eaves of the first-floor element of the side extension exceed the height of the eaves of the main house. Although the Council demonstrate that in some views in their photographic evidence, the building is seen from a variety of perspectives and, moving through the street on foot and in a vehicle, the eaves height did not appear to be unduly apparent or incongruous at my site visit.
26. As seen from Red Road, the side boundary fence provides an element of mitigation to some extent, but the complexity of the extensions gives it a jumbled appearance. From the north-west, the lower side extension roof is seen together with the upper side extension roof, the rear upper extension roof, the 3 walls of the first-floor extensions and the extended gable wall with roof extension.
27. Similarly, the views through the trees from Red Road in the vicinity of Theobald Street is not an attractive one, with the different designs of four different elements of the extensions jarring in the view.
28. The Hertsmere Planning and Design Guide Supplementary Planning Document Part E: Guidelines for Residential Extensions and Alterations (2006) (the “SPD”) advises that roof extensions as wide as the house and which create the appearance of a large box will be refused. It states that dormers should be set at least 30 cm from the main roof ridge and eaves to remain a subservient feature of the roof and should be set in from the boundary walls by at least 50 cm to avoid being highly visible from the street scene. It also states that dormers that take up more than 60% of the roof face will be resisted. The dormer roof extension constructed meets none of these guidelines.
29. In respect of the extensions, the development is harmful to the character and appearance of the dwelling and the area. It conflicts with Hertsmere Local Plan Core Strategy (2013) (“LP”) Policy CS22 and Hertsmere Local Plan Site Allocations and Development Management Policies Plan (2016) (“SADMPP”) Policy SADM30. Together these policies require high quality design which makes a positive contribution to the built and natural environment and recognises and complements local character.

The boundary treatments

30. The front boundary treatment comprises two painted render boundary walls with pillars either side of the frontage. All the dwellings on this part of Gables Avenue

have open frontages, and the appellant acknowledges the front boundary treatments are uncharacteristic in the area. The walls are also harmful, with their pillars standing a significant height in an area of open frontages.

31. The front boundary treatment is therefore harmful to the character and appearance of the area. It conflicts with LP Policy CS22 and SADMPP Policy SADM30, which are described above.

Other Matters

32. In relation to the extensions, the appellant's fallback position is planning permission 22/1251/CLP. The permitted development meets some but not all of the guidance in the SPD, but although the detailing is different on the development constructed, the core elements of the development are similar.
33. As seen from Red Road, the planning permission granted would result in a similarly complex development in visual terms. Although overall the permitted development would be smaller in size, it is not dissimilar in general form to the development before me. The permitted multiplicity of external materials, with elements of brick, white cladding and vertical tiling would be more harmful to the character and appearance of the area than that constructed, with its uniformity of materials, clean lines and grey tiled roofs.
34. I note the grey roof tiles differ from those on the adjoining properties, but their appearance is not so significantly different that it harms the character or appearance of the area.
35. Overall, the extensions constructed are no more harmful than the extensions for which planning permission has been granted, and the fallback position therefore carries significant weight in the planning balance in relation to the extensions.
36. In relation to the front boundary treatment, the appellant's fallback position is that parts of the walls and pillars were erected as permitted development. But that is not the case, as the pillars are integral parts of the boundary structures. The appellant also considers walls with pillars could be constructed as 'permitted development' up to 1m in height, and up to 2m in height away from the road.
37. There is no agreement between the parties on whether any part of the frontage may be deemed not to be adjacent to a highway used by vehicular traffic, but the appellant considers two pillars adjacent to the neighbouring dwelling would not be, and that without the other pillars the walls would be below 1m in height and could be constructed as permitted development. However, even if the appellant were able to construct pillars in one or both of those two locations, with walls up to 1m in height, it would not be justification for retention of the walls with the remaining pillars which I have found to be harmful to the character and appearance of the area.

Conclusion on ground (a)/the DPA

38. The development is separable into two elements: the extensions, and the front boundary treatments.
39. The front boundary treatments are harmful to the character and appearance of the area, and I attribute significant weight to that harm and the corresponding conflict with development plan policies. I attach only limited weight to the ability of the appellant to construct a similar development but without pillars for the most part,

and there are therefore no material considerations that require a decision to be made other than in accordance with the development plan. The appeal on ground (a) therefore fails in this respect, and I will refuse to grant planning permission for the front boundary treatments in my formal decision.

40. The extensions are harmful to the character and appearance of the dwelling and the area, and therefore conflict with development plan policies. However, planning permission has been granted for a similar development, and the development constructed is no more harmful than that for which permission has been given. I therefore attach substantial weight to the alternative development for which planning permission has been granted, and which outweighs the harm I have identified including the conflict with the development plan. The appeal on ground (a) therefore succeeds to that extent, and I will grant planning permission for the extensions in my formal decision.
41. The appeal on ground (f) relates to alterations required to be made to the ground and first floor extensions. In these circumstances, it does not fall to be considered.

The appeal on ground (g)

42. Appeals on ground (g) are made on the basis that the time period for compliance falls short of what should reasonably be allowed.
43. The appellant's case is that he would need around seven months to find contractors and carry out the works. But having allowed the extensions, a period of five months would be sufficient to remove the front boundary walls.

Conclusion

44. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the erection of part single, part two storey side and rear extension and dormer roof extension, but otherwise I will uphold the notice and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

Decision

45. The appeal is allowed insofar as it relates to the erection of part single, part two storey side and rear extension and dormer roof extension 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 erection of part single, part two storey side and rear extension and dormer roof extension at 1 Gables Avenue, Borehamwood, Hertfordshire, WD6 4SP.
46. The appeal is dismissed and the enforcement notice is upheld insofar as it relates to front boundary treatment and planning permission is refused in respect of front boundary treatment at 1 Gables Avenue, Borehamwood, Hertfordshire, WD6 4SP on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Peter White

INSPECTOR