



Appeal Decision

Site visit made on 20 May 2026

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 June 2026

Appeal Ref: APP/N1920/X/24/3352016

11 Finch Lane, Bushey, Hertfordshire WD23 3AH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Dr Edward Hiller against the decision of Hertsmere Borough Council.
 - The application ref 24/0819/CLP, dated 24 June 2024, was refused by notice dated 24 July 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is described as "Permitted development, bilateral single storey side extensions and double storey rear extension."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am obliged to use the description of the development on the application form which is as set out above. The Council re-described this on their decision notice as "*Construction of single storey side extensions. Partial demolition of rear extension to facilitate construction of two storey rear extension to include associated roof works. Alterations to fenestration. Certificate of Lawful Development (Proposed).*"

Main Issue

3. The main issue is whether the Council's decision to refuse the LDC was well founded. The onus of proof is upon the appellant and the standard of proof is on the balance of probabilities. Planning merits are not relevant.

Reasons

4. Consideration of the main issue involves an assessment of whether or not the development as proposed would be permitted development under the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Specifically, I need to consider whether the limitations and condition in Schedule 2, Part 1 Class A would be complied with.
5. The proposals include a single storey element to the southern side elevation of the dwelling along with a 2 storey element at the rear of the property. Whilst looking on the elevation drawings these parts of the proposal look distinct from one another, when looking at the floor plans, it is clear that the proposal would involve internal interconnection of the side element and the rear element. Furthermore, the "1980's" extension that the appellant considers is limited to that in the north-

eastern corner would also be integrally linked. The proposals are not separate extensions and cannot be disaggregated from one-another for the purposes of the GPDO. The original dwellinghouse for those purposes is designed as what existed on 1 July 1948.

6. The appellant's evidence regarding the historic development of the dwelling helps to demonstrate that the footprint of the building as at 1912 (1912 Ordnance Survey extract) approximates to that of the current dwelling minus the 1980's extension in the north-eastern corner. It is reasonable to consider the current rear-wall of the "original dwellinghouse" as being the current rear wall. That appears to have probably existed on 1 July 1948 according to that evidence.
7. The rearmost part of the proposed extension would be no more than 3m rearward of the original dwelling and in that respect, the 2 storey element would not breach the limitations of Class A.1.(h). However, it is necessary to consider the proposal for the side extension together with the rearward extension. When looked at together, this would be more than single-storey and would have a greater width than half the width of the original dwellinghouse. As such, the development does not comply with Class A(j)(ii) and (iii). It would not be permitted development.
8. The side extension is also within 2m of the side boundary. Even though none of the extension would be above 3m in height within that 2m zone, the height of the eaves of the enlarged part would exceed 3 metres. That would not therefore comply with Class A.1.(i).
9. Given the above, it is not decisive to consider whether or not the proposals would exceed the limitations Class B "the enlargement of a dwellinghouse consisting of an addition or alteration to its roof."

Conclusion

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of bilateral single storey side extensions and double storey rear extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Andy Harwood

INSPECTOR