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# Appeal Decision

Site visit made on 2 February 2023

**by L Hughes BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 March 2023**

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**Appeal Ref: APP/J1915/D/22/3296361**

**6 Henderson Place, Epping Green, Hertford SG13 8GA**

- 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 Mr Dave Andrews against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/2945/HH, dated 24 November 2021, was refused by notice dated 20 January 2022.
  - The development proposed is a first-floor rear extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal was refused by the Council at the same time as a very similar extension to the neighbouring property at No. 7 Henderson Place. Both applications were submitted for appeal using some of the same documentation in evidence. I have considered the appeal at No. 7 separately<sup>1</sup>, while addressing that the schemes have been purposely designed as mirror copies.
3. The parties refer to the Listed Building of Epping House. Although it is no longer a school, the official list entry describes it as Epping House School, and so I have referred to it as such throughout my decision.

## Main Issues

4. The main issues are:
  - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') (2021) and any relevant development plan policies;
  - The effect of the development on the openness of the Green Belt;
  - The effect of the development on the character and appearance of the area, including on the setting of the Listed Building Epping House School; and
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

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<sup>1</sup> APP/J1915/D/22/3296362

## Reasons

### *Inappropriate development in the Green Belt*

5. The appeal site falls within land defined as Green Belt, within a small grouping of properties developed within the former grounds of the grade II Listed Building Epping House School. Policy GBR1 of the East Herts District Plan (2018) requires planning applications in the Green Belt to be considered in line with the provisions of the Framework.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
7. One such exception identified in paragraph 149 is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. An assessment of whether a proposal would amount to a disproportionate addition is a matter of planning judgement, as the Framework does not provide a specific definition.
8. The proposal would not increase the dwelling's footprint, but would increase its floorspace and volume. The main parties have offered slightly different figures for this floorspace percentage increase. However, even using the appellant's figures as the most conservative, this would add 29sqm of new floorspace and result in a dwelling approximately 73% larger than the original. In consideration of the associated massing of the extension including its continuation of the main ridge height, this increase would amount to a substantial addition to the property, and one which I find to be disproportionate over and above the size of the original building.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. I give substantial weight to any harm to the Green Belt. The proposal would therefore conflict with policy GBR1 of the East Herts District Plan, and the associated policies of the Framework.

### *Openness*

10. A fundamental aim of Green Belt policy is to keep land permanently open, as set out in the Framework paragraph 137. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Spatially, the erection of a first floor extension would result in built development where there is presently none. The appeal proposal would thus increase the volume, height, and massing of the existing dwelling.
11. Visually, the appeal property is visible from the adjacent road and from other nearby vantage points. Notwithstanding the neighbouring dwellings or the much larger scale of Epping House School, the openness of the Green Belt is clearly evident around the property and the wider area. The proposal would result in considerable harm to openness, to which I give substantial weight as set out in the Framework.

*Character and appearance and Listed Building*

12. No. 6 Henderson Place is a detached 2-storey dwelling, with single storey rear and side extensions plus a detached garage. It is one of several constructed in the early 2000s as part of the conversion and redevelopment of the grounds of the listed building Epping House School. It sits to the right of a driveway and courtyard facing towards Epping House School, with No. 7 being a near mirror copy to the left-hand side. The appeal proposal would be above the ground floor rear extension.
13. Although the proposed roof would reflect the host's roof pitch, its ridgeline height would be the same. As such it would not present subservience, and would create a bulky roof form which would unbalance the appearance of the original dwelling. Notwithstanding the built form of the set of dwellings, the area's character is predominantly rural and very open because of their spacious plots, plus the surrounding vegetation and countryside. Introducing such significant and disproportionate higher level massing to the relatively modest size of original dwelling would therefore be harmful.
14. Although the resulting massing would be a lesser scale than that of Epping House School and some of the other dwellings, this would not mitigate the individual impact of the proposal on its host. Its dominance would not be outweighed by the use of matching materials. That the mirror extensions have been designed in order to maintain symmetry and balance overall would similarly not mitigate this impact on the area's overall character and appearance.
15. Policy HOU11 of the East Herts District Plan specifically requires dwelling extensions to generally appear as subservient additions. It also identifies that they should be of a size, scale, mass, form, and design that are appropriate to the character, appearance, and setting of the existing dwelling and the surrounding area. Similarly, the District Plan policy DES4 requires all developments to display a high standard of design and layout, and to respect the character of the site and the surrounding area, in terms of scale, height, and massing through volume and shape. As outlined above, the proposal would not meet these aspects.
16. I also have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the impact of the proposal on the special architectural and historic interest of listed buildings and their settings. The significance of the statutorily listed building of Epping House School lies in its historic origin as a country house within its wider grounds, alongside some of its structural features. Its setting includes the various dwellings constructed within its former grounds. While not a historic layout, the appeal site now acts along with No. 7 as entrance lodge style features to the flank of the listed building. The symmetry of these 2 dwellings and their courtyard arrangement are therefore now key characteristics of this aspect of the listed building's setting.
17. While acknowledging the mirror proposal for No. 7, no mechanism has been suggested which would ensure that both schemes would be built, or would be built concurrently. I have considered the imposition of a suitable condition, but do not find that any such condition would meet the required tests having regard to paragraph 56 of the Framework and the Planning Practice Guidance.

Therefore, I cannot be confident that this symmetry would remain even if I were to allow both appeals.

18. However, I am considering the appeal on its own merits. I accept that Epping House School is of a greater scale, sits within recent development, and would not be blocked by any key direct views. The flank courtyard setting would also be retained. However, the proposal would disproportionately increase the dwelling's overall massing. This would be to an extent which would unbalance the pair's symmetry, and thus would cause less than substantial harm to the setting of the Listed Building, with no public benefits which would outweigh this harm. This would conflict with policy HA7 of the District Plan, which requires proposals to preserve the setting of Listed Buildings.
19. In conclusion therefore, I have found that the proposed development would result in moderate harm to the character and appearance of the area, and less than substantial harm to the setting of the Listed Building Epping House School. I give this harm significant weight. It would therefore be contrary to policies DES4, HOU11, and HA7 of the East Herts District Plan, and Section 16 of the Framework.

#### *Other Considerations*

20. The proposal would provide the dwelling's occupiers with additional accommodation. However, this is a private benefit and therefore attracts only minor weight. I have not seen any substantive evidence that the conversion to a 3-bed dwelling would be a particular benefit to the area's housing stock, such that I have not taken this into account. The efficient use of the existing ground floor footprint is a neutral matter in my determination.
21. I note the appellant's examples of other Henderson Place dwellings with planning permission for extensions. However, I do not have detailed information to allow comparisons such as those extensions' size relative to their hosts, or their positioning. Even if I did, the assessment of Green Belt impact is necessarily a matter of planning judgement depending on the specific site circumstances. Similarly, the recent appeal decision example from another local authority area does not direct me to reach its same conclusion. Therefore, these examples have had no direct bearing on my decision.

#### **Green Belt Balance**

22. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt. Moreover, the scheme would harm the character and appearance of the area and to the setting of Epping House School which is a designated heritage asset. I attach significant weight to this harm. For the reasons set out above, the harm to the Green Belt and to the character and appearance of the area and to the setting of Epping House School, would not be clearly outweighed by any other considerations, and therefore, the very special circumstances required to justify a grant of planning permission have not been demonstrated.

## **Conclusion**

23. In conclusion, the proposed development would conflict with the development plan as a whole. With no other material considerations indicating otherwise, including the Framework, for the reasons given above, I conclude that the appeal is dismissed.

*L Hughes*

INSPECTOR