



Appeal Decision

Site visit made on 24 April 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2025

Appeal Ref: APP/N1920/D/25/3361246

3 London Road, Shenley, Hertfordshire WD7 9EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vigan Bakija against the decision of Hertsmere Borough Council.
 - The application Ref is 24/1294/HSE.
 - The development proposed is erection of two-storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two-storey side and rear extension at 3 London Road, Shenley, Hertfordshire WD7 9EW in accordance with the terms of the application, Ref 24/1294/HSE, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 01, 02, 05 and 06.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. Since the Council determined the application, an updated National Planning Policy Framework (the Framework) has been published. While this contained substantial revisions in relation to the Green Belt, it did not significantly amend those parts related to extensions and alterations to buildings. I am therefore satisfied there would be no prejudice to any party from this proposal being determined using the Householder Appeals procedure.
3. At my site visit, I noted that the rear elevation of the property was not the same as shown on the existing elevation plans submitted with the appeal. I have assessed the proposal on the basis of the proposed scheme.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

- the effect of the proposed development on the character and appearance of the area, with particular regard to the Shenley Conservation Area (CA).

Reasons

Whether Inappropriate Development

5. Hertsmere Core Strategy (adopted 2013) (CS) Policy CS13 confirms that development proposals will be assessed in relation to the Framework. This identifies at paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, a point reiterated by CS Policy CS13. Paragraph 154 of the Framework confirms that development in the Green Belt is inappropriate, subject to exceptions. One such exception is for 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. The Framework does not define 'disproportionate additions', however the glossary defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. Site Allocations and Development Management Policies Plan (adopted 2016) (DMP) Policy SADM26 also requires that additions must be subordinate to the original.
6. The floorspace of the dwelling would be increased by 55m² (or 64%) over two floors. Taken on its own, this is a notable increase in floorspace. While the representation from Shenley Parish Council were concerned that the 50% rule was not being adhered to, I have not been directed to any planning policy which requires this. The design of the proposal makes it subordinate to the main dwelling due to its set back position from the front elevation of the property, the consequent lower ridge height and limited width of the proposed extension. It would also project only a short distance beyond the existing rear elevation of the property. Taking these factors together, the proposed extension would not be a disproportionate addition to the property.
7. At my site visit, I observed an outbuilding at the property. It has not been put to me that I should consider this an extension to the existing building, and from my observations at my site visit, I have no reason to consider it as such. I have been referred to a previous decision¹ of the Council to refuse permission for an extension to the property. I do not have full details of this before me but was for a different proposal. Other extensions along London Road were granted permission under the provisions of previously policy and may not comply with current design guidance. However, these considerations would not alter my assessment of the proposal against the policy currently in force.
8. I therefore conclude the proposal would not be inappropriate development in the Green Belt. It would be in accordance with CS Policy CS13 and DMP Policy SADM26 and the exception set out in paragraph 154c) of the Framework.

Character and Appearance

9. The appeal site lies within the Shenley Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special

¹ 21/1950/HSE refused 21 December 2021

attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic interest as a hamlet that has gradually expanded but still retains its rural setting. London Road is the spine of the village.

10. The appeal property is one of a pair of semi-detached properties and forms the first dwelling on the approach into Shenley. There are further pairs of semi-detached properties moving from the site towards the core of the settlement. The spacious gaps between these properties, and the fact development lies to only one side of the road means the site makes a positive contribution by providing a gentle transition from the rural setting of Shenley into its historic core.
11. Many of the semi-detached properties have been subject to some form of extension and alteration. This has not detracted from the generous width of the plots or the contribution they make to the character and appearance of the CA in providing that transition. A considerable gap would remain between the extended dwelling and the side boundary of the property. The rural aspect of London Road would therefore not be undermined as a result.
12. The design of the extension means that it is subordinate to the main dwelling. It is set back from the front elevation, has a lower ridge height and is lesser in width than the host dwelling. The pitch of the hipped roof would be consistent and the pattern of fenestration would reflect that of the main body of the dwelling. The proposal therefore would not conflict with the advice in the Hertsmere Planning and Design Guide.
13. The pair of dwellings has already lost a notable element of its symmetry due to the considerable single storey side extension to number one, the differing porches and its use of a different colour of render. It is also not readily apparent due to the landscaping in the garden of 1 London Road. However, even if this were removed, the lack of symmetry would not be unduly discordant given the lack of symmetry in the other pairs of properties along London Road.
14. The proposed extension would therefore have a neutral effect and so would preserve the character and appearance of the CA. Accordingly, paragraph 215 of the Framework is not engaged.
15. The proposal would have an acceptable effect on the character and appearance of the area, with particular regard to the CA. It would therefore be in accordance with CS Policy CS14 and SADM Policies SADM29 and SADM30 which require development to preserve the historic environment and respect the visual amenity of the area by virtue of its scale, mass, bulk and height.
16. Although not referred to by the Council in its reason for refusal, its officer report refers to the Shenley Neighbourhood Plan (made May 2021) (NP). For the reasons given above, I am satisfied the proposal would be in accordance with NP Policy SH1 which concerns the design of development within the Green Belt.

Conditions

17. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within paragraph 57 of the Framework and the Planning Practice Guidance (PPG). I have imposed standard conditions relating to the commencement of development and approved

plans to define the terms of the permission. The materials should match the existing dwelling to ensure the development complements the existing dwelling.

18. The Council has also suggested a condition be imposed removing a number of permitted development rights for the dwelling. The PPG states that “Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.” I have not been presented with compelling reasons why permitted development rights should be withdrawn in this case, as the area is not typified by development with a consistent appearance.

Conclusion

19. For the reasons given above, the appeal is allowed.

Jennifer Wallace

INSPECTOR