



Appeal Decision

Site visit made on 15 May 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/J1915/W/24/3357626

5 Great Molewood, Hertford, Hertfordshire SG14 2PN

- 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 Louis Dupey and Ms Lucy Stewart against the decision of East Herts Council.
 - The application Ref is 3/24/1652/FUL.
 - The development proposed is replacement of existing dwelling and garage with new dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some works were being undertaken at the appeal site at the time of my site visit, and I saw that some structures shown on the existing plan, including the garage and lean-to, had been removed. I do not have sufficient information before me to establish the details of the works being undertaken, and I have based my assessment of the scheme on the submitted plans and evidence.
3. The National Planning Policy Framework (the Framework) was updated in December 2024, after the decision notice was issued. The parties have had the opportunity to comment on the revised Framework as part of the appeal process. Therefore, it has not been necessary for me to revert to the parties for additional comments.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - whether the proposal complies with relevant development plan policies in respect of climate change; 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 required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site lies within the Metropolitan Green Belt, where Policy GBR1 of the East Herts District Plan (October 2018) (DP) requires planning applications to be considered in line with the Framework. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate other than in a few exceptions, including d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The existing building is a modest, detached, 2-bedroom chalet bungalow with a garage, lean-to structure and outbuilding. The proposal would replace the existing building with a house with 3 bedrooms on the first floor and a fourth bedroom/study on the ground floor. The residential use would be retained.
7. The Framework does not define “materially larger”, and I have not been directed to any such definition in the DP. However, the assessment clearly requires a comparison to be made between the size of the existing and proposed dwellings, which would encompass considerations including the external dimensions of the buildings and their internal floorspaces. The appellant has not disputed the Council’s calculations of the height, width, depth, and floorspace of the existing and proposed buildings. Therefore, I have considered these figures in my assessment of the size difference between the existing and proposed dwellings.
8. The proposed building would be over 2 metres taller and significantly wider and deeper than the existing building; and it would have over double the floorspace of the chalet bungalow. Therefore, even if I were to accept the appellant’s position that the footprint would be increased by 48%, the proposed dwelling would be significantly larger than the existing building.
9. The proposed hipped roof would, to some extent, reduce the bulkiness of the dwelling; and its set back from the street could help to reduce the visual perception of its increased height. However, the proposal would nonetheless be materially larger than the existing dwelling due to the combined effect of its increased height, width, depth, footprint, and floorspace such that it would not fall within the exception in paragraph 154 d) of the Framework.
10. The appellant has referred me to paragraph 154 c) of the Framework, which states that the extension or alteration of a building would not be inappropriate provided it does not result in disproportionate additions over and above the size of the original building. The description of the development and the evidence is clear that the building on the site would be demolished and replaced. Therefore, the proposal does not have the character of extensions or additions to a building. Nonetheless, for the reasons set out above, the proposal would result in a property that would be significantly greater in size than the existing building and it would also be disproportionately larger than the original building. It follows that the exception set out in paragraph 154 c) of the Framework would not apply to the proposal.
11. Overall, the proposal would be inappropriate development in the Green Belt having regard to paragraphs 154 c) and d) of the Framework and Policy GBR1 of the DP.

Openness and purposes

12. Due to the scale, nature, and location of the proposal, there would be no conflict with the five purposes of the Green Belt set out in paragraph 143 of the Framework. However, the Framework states that an essential characteristic of the Green Belt is its openness, which can be perceived visually and spatially.
13. The existing property is situated on a large plot within a ribbon of homes on a short no-through lane. Due to the narrow width of Great Molewood, and the presence of properties on both of its sides, there are limited opportunities for longer public views towards the garden areas and land to the rear of the dwellings, and views from the main road and the nearby footpath are obscured by well-established vegetation or intervening buildings. However, due to the low profile of the existing building, and the wide side space between the bungalow and 7 Great Molewood, close views over and around the appeal property are available from the lane.
14. The proposed dwelling would be set back further from the road than the existing bungalow, and it would therefore increase the amount of space between the front elevation of the property and the dwelling opposite. However, in all reasonable likelihood, the frontage space would be occupied by hardstanding, parked vehicles, and other domestic paraphernalia which would reduce its contribution to openness along Great Molewood in visual terms. Moreover, whilst some side space would be re-provided, the dwelling would be taller and wider than the existing property, thus it would reduce existing views over and around the dwelling notwithstanding the proposed hipped roof. Furthermore, given that the new dwelling would be taller, wider, and deeper than the existing bungalow, it would occupy ground and air space that is currently devoid of built form.
15. Taking all of the above into account, there would be some reduction in openness in both visual and spatial terms, albeit at a modest and localised level.

Climate change

16. Taken together, Policies CC1 and CC2 of the DP seek to ensure developments adapt to and mitigate climate change, including through the regulation of internal temperatures, green infrastructure provision, and carbon reduction measures. Whilst Policy CC2 encourages development to achieve standards above and beyond the requirements of the Building Regulations, this is not a mandatory requirement.
17. I have not been provided with an Energy Statement that sets out the sustainability credentials of the proposal in a quantitative manner. However, given the evolution of the building regulations regime since the existing building was constructed, it is reasonably likely that the proposed dwelling would achieve a higher standard of insulation and ventilation than the bungalow. Indeed, there is anecdotal evidence that the existing property is expensive to heat and challenging to cool in summer. The submitted plans show large windows on the front and rear elevations, which would enable opportunities for solar gain and passive ventilation; and an air source heat pump is proposed which would reduce operational carbon emissions.
18. Given the small-scale of the proposal, it would be appropriate to secure other measures, including the details of construction methods and material types and sourcing, through suitably worded conditions. This would ensure the proposal effectively adapts to and mitigates climate change as is required by Policies CC1

and CC2 of the DP. Consequently, the proposal would accord with development plan policies in respect of climate change.

Other considerations

19. The proposal would be inappropriate development in the Green Belt. Therefore, by definition, it is harmful to the Green Belt and should not be approved except in very special circumstances.
20. There is evidence that the existing property is structurally defective, and that works are required to ensure it can provide safe accommodation in the long term. These works would undoubtedly be costly, and therefore there would be some benefit in undertaking the works in a manner that would also improve the size and layout of the dwelling to meet the appellants' existing and future needs. The replacement of the bungalow with a more modern building could also secure a higher standard of accommodation that would be more cost-effective to maintain and run. However, there is no substantive evidence to suggest these benefits could only be met by the development in the form proposed and not by other, potentially less harmful, means.
21. Given there is limited space for car parking and manoeuvring on Great Molewood, there would be a clear benefit in the provision of dedicated parking facilities on the appeal site.
22. The Council is currently unable to demonstrate a five-year housing land supply. However, whilst the proposal would deliver additional living accommodation, it would continue to house a single family and would not increase the number of homes overall, thus its contribution to housing land supply would be limited.
23. The evidence suggests that other dwellings near to the appeal site have been extended, enlarged, and replaced. I do not have sufficient information before me to be certain about the details of those developments or the circumstances that led to them being implemented. Therefore, I am unable to draw direct comparisons with the appeal scheme.
24. Nonetheless, the Council has not identified any harm in respect of the design and appearance of the proposed dwelling and its effect on the character of the locality. Indeed, I observed a mix of dwelling sizes and designs on Great Molewood, and the proposal would add to that mix. A large garden would be retained, and the proposed home would not be unduly large in comparison to the size of the plot or its neighbouring properties. Moreover, further environmental enhancements could be secured through additional landscaping. However, whilst I was unable to observe the condition of the garage and outbuilding which have been demolished, the existing bungalow is not an unattractive property, and its demolition is not necessary to secure a pleasant street scene.
25. The appeal site could benefit from permitted development rights. However, there is limited information before me to indicate any such rights would meet the needs of the appellants and are therefore likely to be implemented if the appeal fails. Moreover, it is not in dispute that planning permission is required for the proposal, and I have necessarily considered the appeal on this basis.

Green Belt and Planning Balance

26. The proposed development would cause harm to the Green Belt by way of its inappropriateness and loss of openness. This harm carries substantial weight in accordance with the Framework.
27. Whilst there would clearly be some benefits arising from the proposal, the cumulative weight of these other considerations is moderate and, therefore, does not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify this inappropriate development do not exist. It follows that the proposal would be contrary to Policy GBR1 of the DP and the Framework insofar as they seek to resist inappropriate development in the Green Belt.
28. I have found the proposal would accord with development plan policies in respect of climate change. This is a neutral factor in the overall planning balance. However, the conflict with Policy GBR1 is sufficient to bring the proposal into conflict with the development plan when read as a whole.
29. Whilst the Council does not currently have the required supply of deliverable housing sites, the harm I have identified to the Green Belt provides a strong reason for refusing the development proposed under the provisions of paragraph 11 (d) i. and Footnote 7 of the Framework. Consequently, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Catcheside

INSPECTOR