



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: 17 JUNE 2025

Appeal Ref: APP/J1915/D/25/3359512

9 Woolmers Lane, Letty Green, Hertfordshire SG14 2NU

- 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 D Pitcher against the decision of East Herts Council.
 - The application Ref is 3/24/2093/HH.
 - The development proposed is demolition of front extensions and alterations to front and side elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property has a complex planning history and has previously been extended. On my site visit, I observed that the building broadly reflects the details shown on the 'as-built' plans and elevations submitted with the appeal.
3. It is common ground that the as-built property comprises some extensions and alterations that do not have the benefit of planning permission. The appeal scheme seeks permission for the extensions that have been constructed to the side, rear, and roof of the property. It is also proposed to remove the existing part single, part two-storey front extension, and to make some other alterations to the building. The proposal is therefore submitted part-retrospectively, and I have based my assessment on the submitted plans as well as my own observations of the site and surroundings.
4. I have been provided with a plan which shows the elevations and floorplans of the property as it stood before the unauthorised works were undertaken. This includes the aforementioned front extensions and other additions to the rear and side of the building which have since been demolished. The plan is referred to in the evidence as showing the 'pre-existing development' and I shall use the same terminology throughout this decision.

Main Issues

5. 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; 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

6. 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, which include c) 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.
7. Unlike some other exceptions set out in paragraph 154 of the Framework, paragraph 154c) does not include a requirement to consider effects on openness when establishing whether or not a proposal would be inappropriate development in the Green Belt. I shall therefore consider the effect of the proposal on openness and the purposes of the Green Belt later in this decision.
8. As set out above, permitted extensions have previously been carried out at the property, resulting in the pre-existing development. However, paragraph 154 c) of the Framework refers to the original building, which is defined in the Framework as: 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally'. I do not have a plan showing the original building. However, the Council has stated that the original building had a floorspace of 85.5 square metres and a volume of 291.77 cubic metres, and this has not been disputed by the appellant. Therefore, in the absence of substantive evidence to the contrary, I have taken these figures as the baseline for assessing the proposal against paragraph 154 c) of the Framework.
9. The Framework does not define "disproportionate". Therefore, it is ultimately a matter of planning judgement as to whether the proposal would result in disproportionate additions over and above the size of the original building.
10. The proposal has and would demolish several previous extensions and additions. However, the scheme overall would nonetheless result in a property that is significantly wider, deeper, and taller than the original building. Indeed, the dwelling as proposed would have a floorspace that is more than 200% greater than the original building, and its volume would be increased by over 194%. Consequently, even accounting for the pre-existing elements that have been and would be removed, the proposal would create a property that is substantially larger than the original building. This leads me to conclude that the proposal would be disproportionate to the size of the original building. It follows that the proposal would not fall within the exception listed in paragraph 154 c) of the Framework.
11. I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and Policy GBR1 of the DP. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

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 also states that an essential characteristic of the Green Belt is its openness, which can be perceived visually and spatially.
13. The removal of the pre-existing front extensions and canopy would restore the original building line and would increase the amount of frontage space that is devoid of buildings. A larger side gap at ground floor level would also be provided between the host dwelling and 9a Woolmers Lane than was present with the pre-existing development. When considered alone, these elements would have a small but beneficial effect on openness in both spatial and visual terms.
14. However, it is necessary for me to consider the proposal as a whole when assessing its effect on openness. Set against the benefits that would and have arisen through the removal of the pre-existing extensions and canopy would be the side, loft, and rear extensions, which collectively have added built mass to areas of ground and air space that were previously devoid of built form. Notably, the side and roof additions have added volume and height to the upper levels of the building, creating a boxy form that is bulkier than the pre-existing development. These elements have also precluded views of the sky that would previously have been available over the dwelling and the sloping garage roof, thus causing a loss of visual openness when observed from Woolmers Lane. It follows that there has been a deterioration of openness from these elements of the proposal in both spatial and visual terms, albeit at a modest and localised level.
15. Overall, whilst I recognise that the scheme seeks to address the Council's concerns raised in respect of the size of the 'as-built' scheme, I find it would have a neutral effect on openness when considered holistically.

Other Considerations

16. Planning permission was granted for an alternative development in November 2020. However, the evidence indicates that the permission was not implemented and has since expired. The 2020 application proposed a dwelling of a smaller size than the pre-existing development and, therefore, it is not directly comparable to the appeal scheme. On this basis, the November 2020 permission does not represent a viable fallback position that carries weight in favour of the scheme.
17. The size and design of the dwelling would not be out of character in the locality given the presence of other large properties with a mix of designs on the street. Indeed, the property as proposed would have an attractive appearance that would contribute positively to local character, whilst also benefitting the occupants of the dwelling by enlarging the living accommodation. However, there is no substantive evidence to indicate the pre-existing dwelling was harmful to local character or that it was lacking in terms of the standard of its accommodation. Therefore, these matters carry limited positive weight.
18. No harm has been identified by the Council in respect of the living conditions of neighbours or highway issues including parking. Based on the evidence I have no reason to take a different view on these issues. The absence of harm weighs neither for nor against the proposal.

Green Belt Balance

19. I have found the proposal would have a neutral, preserving effect on openness and that it would not conflict with the five purposes of the Green Belt. However, it would nonetheless be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I attach substantial weight to this Green Belt harm, as is required by the Framework.
20. The Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
21. The absence of harm to openness and the Green Belt purposes is a neutral matter that does not carry positive or negative weight. There would also be some benefits arising from the proposal, as I have set out above. However, the cumulative weight of the other considerations in this case does not outweigh the substantial negative weight that I have necessarily ascribed to the Green Belt harm. Consequently, the very special circumstances that are required to justify this inappropriate development in the Green Belt do not exist.
22. The proposal would therefore be contrary to Policy GBR1 of the DP and the Framework insofar as they seek to resist inappropriate development in the Green Belt except in very special circumstances.

Conclusion

23. 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 the appeal should be dismissed.

E Catchside

INSPECTOR