



Appeal Decision

Site visit made on 21 July 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/J1915/D/25/3365358

29 Bishops Road, Tewin Wood, Tewin, Hertfordshire AL6 0NP

- 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 S Eden against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0189/HH.
 - The development proposed is double storey side extension and storm porch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A Preliminary Roost Assessment dated April 2025 has been submitted in support of the appeal, which was not before the Council at the time of their decision. The Council has been given the opportunity to comment and confirm that, given its findings, bats are no longer considered a constraint to development. This has overcome the Council's second reason for refusal. Therefore, it is not necessary for me to consider the matter further.

Main Issue

3. In light of the above, 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) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, would be clearly outweighed by other considerations, so as to amount to very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. Policy GBR1 of the East Herts District Plan (2018) (DP) sets out that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework (the Framework).
5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of several exceptions apply. One such exception to this

position includes (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.

6. The Framework defines original building as it existed on 1 July 1948 or, if constructed after this date, as it was built originally. The appellant suggests the appeal property was constructed following its approval in 1962. Drawing no. 20930-P003 suggests the original floor area amounted to 132.8m² comprising a broadly rectangular footprint. The Council provide an image from a 1948-1961 plotting sheet indicating the presence of a building on this plot with a rectangular footprint and an adjacent outbuilding, which closely resembles the layout I observed on site. The Council assert the original floor space was 142.4m² according to planning permission 3/61/2245. Regardless of the dispute over the exact floor space, the parties agree that the original building constitutes the two-storey dwelling and its integral side garage with its sloping roof.
7. Disproportionate is not defined by the Framework and I have not been guided to any development plan policy or indeed any supplementary planning guidance that would help to define or guide the decision-making process. Therefore, this requires an assessment of the size of the additions (existing and proposed) compared to the original building.
8. The appellants annotated plan suggests that, taking into account the existing rear extension together with the proposed extensions, the development would amount to a 39.72% percentage increase of floor space over the original building. However, the Council use a different figure in their calculations and have taken into account a number of existing outbuildings plus an approved extension¹ that has not yet been constructed. The evidence indicates that the approved extension remains extant and is to the rear, whilst the appeal proposal is for a side extension. They do not intersect and could therefore both be built out, a matter not disputed by the appellant. Therefore, it is necessary to take the extant rear extension into account in my considerations.
9. Even taking the higher floor space figure that is most favourable to the appellant in a quantitative assessment, when factoring in the proposed floor space (17.75m²) taken in combination with previous extension (35m²) and the extant permission (63m²) it would equate to an increase of around 87% over and above the original building. This also sets aside any consideration as to whether it is reasonable to consider the outbuildings as true extensions. Volume calculations from both parties would have provided a more rounded assessment. However, in their absence, the increase in floor space does indicate that the extensions, when taken cumulatively, would be disproportionate over and above the size of the original building.
10. For the reasons set out, the proposal, in combination with existing and extant extensions to the dwelling, would result in disproportionate additions over and above the size of the original building. The proposal is therefore inappropriate development in the Green Belt and brings it into conflict with the Framework and Policy GBR1 of the DP.

¹ 3/24/2086/PNHH

Openness

11. Paragraph 142 of the Framework sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
12. The proposed first floor side extension would increase the massing of the building over what currently exists, which would by its very nature diminish the openness of the Green Belt at the side of the dwelling, reducing the gap between dwellings. The extension would also have a permanent spatial and visual presence from the public realm, undermining an essential characteristic of the Green Belt.
13. Having regard to the bulk and massing of the proposal, in combination with the existing extension and the extant addition, it would undermine a fundamental aim of the Green Belt, which is to keep land permanently open as set out in paragraph 142 of the Framework, and conflict with Policy GBR1 of the DP for the same reason. Substantial weight is to be given to any harm to the Green Belt, including harm to its openness in accordance with the Framework.

Other considerations

14. In support of their case, the appellant has drawn to my attention to a proposed extension said to be identical to those shown on an approved drawing in 1962 and a significant first floor extension permitted in 1976 that was never implemented. Limited details have been provided. However, given the significant passage of time and the changes to the planning regime and the Framework during this time, I can attribute this only very limited weight.
15. A previous appeal decision has been cited in evidence, though I have not been furnished with a copy of it. Whilst it is appreciated that the scheme subject of this appeal has sought to address the harm previously identified, particularly with regard to its design, I understand the Inspector also found harm to the Green Belt. The lack of harm from the design of the extension proposed as part this appeal is neutral to my considerations. Furthermore, I must determine this appeal on its merits and as such only give this very limited weight.

Conclusion

16. I have found that the scheme constitutes inappropriate development. The Framework requires that substantial weight should be given to any harm to the Green Belt. This weighs heavily against the proposal. Paragraph 153 of the Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). VSC 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.
17. I have given very limited and neutral weight to the other considerations in favour of the proposal. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the VSC necessary to justify the proposal do not therefore exist.

18. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. I therefore dismiss the appeal.

C Walker

INSPECTOR