



Appeal Decision

Site visit made on 29 October 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/J1915/D/25/3370471

34 Brickendon Green, Brickendon, Herts SG13 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mick O'Regan against the decision of East Herts District Council.
 - The application Ref. is 3/25/0428/HH.
 - The development proposed is the erection of a two-storey rear extension, single storey extension with roof lights and fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 relevant development plan policies.
 - The effect on Green Belt openness
 - The effect on the Brickendon Conservation Area
 - Whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the development

Reasons

Whether inappropriate development in the Green Belt

3. Policy GBR1 of the East Herts District Plan (2018) (EHDP) states that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the Framework which states at paragraph 154 that development in the Green Belt is inappropriate unless one of the listed exceptions apply. These include 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. Neither the Framework nor EHDP Policy GBR1 define what is to be considered as a 'disproportionate' addition. A two-storey side extension was added to the original dwelling by virtue of a permission granted in 2020¹ amounting to an

¹ 3/19/2442/HH granted 29 January 2020

increase of around 88%. The current proposal would add further to the size of the original dwelling, resulting in a 133% increase in floorspace compared to the original dwelling, taking account of this previous extension.

4. This would be a significant increase in terms of floorspace alone. There is no information regarding the increase in volume which can also be a useful guide in assessing whether or not a proposal amounts to a disproportionate increase. However, in terms of its scale, the proposal would add a large wing to the rear gable end of the same height as the existing, adding significantly to the bulk of the dwelling. When taking account of the previous extensions, this would result in extensions that would considerably increase its size compared to the original dwelling.
5. I find that the proposal would result in disproportionate additions over and above the size of the original building. It would thus not satisfy Framework paragraph 154(c) and would thus be inappropriate development in the Green Belt.
6. The appellant has referred to case law (*Heath and Hampstead Society v Camden LBC* [2007]). However, this case went on to be heard at the Court of Appeal² at which stage it was found that in considering the meaning of 'proportionate', relative size is relevant and, on this basis, the proposed extension would be disproportionate for the reasons set out above. Whilst this case also found that a small increase in size may be significant or insignificant depending on such matters as design, massing and disposition on the site, this was in relation to the question of whether a proposed dwelling was materially larger than the dwelling it replaced, the principal matter of concern in that case. It is thus not of direct relevance.

The effect on Green Belt openness

7. The Framework states that the essential characteristics of the Green Belts are their openness and permanence. The National Planning Practice Guidance clarifies that openness is capable of having both spatial and visual aspects where the visual impact as well as volume may be relevant. Given the size and siting of the proposed extension and having regard to the additional bulk that would be introduced, I consider that it would detract both spatially and visually from the openness of the Green Belt. There would be a consequent failure to preserve Green Belt openness resulting in a moderate level of harm.

The effect on the Brickendon Conservation Area (CA)

8. Brickendon is essentially a linear village with street scenes generally open in character where historic buildings, extensive open spaces, trees and hedgerows are important elements. The Brickendon Conservation Area Appraisal and Management Plan 2014 (CAAMP) notes that there are a number of listed buildings and other buildings principally dating from the 19th Century of high quality that contribute to its built form and historical evolution. An interesting feature of the built environment are the 'estate type' groups of dwellings. There are also open spaces of considerable visual and/or historic quality, including Brickendon Green to the front (north) of the appeal site to the south of the main road through the village.
9. The CAAMP also identifies 'other non-listed buildings that make an important architectural or historic contribution', or non-designated heritage assets. In addition,

² R (On the Application of *Heath and Hampstead Society*) v Camden LBC [2008] EWCA Civ 193

it also identifies 'unlisted buildings to be protected from demolition' (Plan 2). These include the dwelling on the appeal site and its attached semi-detached neighbour (no. 33), a wall to the east that fronts the adjoining properties and other semi-detached pairs comprising nos. 28 and 29 Brickendon Green which lie to the north-west of the appeal site, which also front the green, and nos. 20 and 21 on the opposite side of the main village road some distance to the north of the appeal site.

10. Overall, the significance of the conservation area within the vicinity of the appeal site is derived from its dispersed collection of historically important buildings, many of which are 'estate type' semi-detached pairs, set in an open setting around the central green which itself is an important element.
11. The dwelling is one of these semi-detached pairs set within a relatively spacious setting characterised by a number of mature trees located within the gaps between and around the buildings. The dwelling on the appeal site with its attached neighbour occupy a prominent position fronting the lane which runs along the edge of the green. They appear as a balanced pair the original semi-detached cottages having been extended with similar two storey side extensions incorporating gable elements to the front and rear to match the original design. As described in the appellant's Heritage Statement, the extensions are thoughtfully designed.
12. Whilst the proposed extensions would be to the rear and would not directly affect the principal front elevation of the semi-detached pair, they would nevertheless be visible in various views from within the conservation area both close to and further from the appeal site, including from and across the open green. In these views the proposed extensions, particularly at first floor, would appear as unduly large additions, elongating the rear projecting gable element such as to unbalance the symmetry to the rear of the semi-detached pair.
13. In addition, the first-floor element would detract from the open setting within which the appeal site is located, adding considerable bulk at first floor level and due to its height and depth would not comprise a subservient addition. Whilst I would not describe it as an overly dominating addition, it would nevertheless 'compete' with the main built form of the existing dwelling. As such, and notwithstanding that it would reflect the detailing and materials of the existing dwelling, it would be an unsympathetic addition that would detract from the character and appearance of the host property and the semi-detached pair.
14. Consequently, it would fail to preserve or enhance the character and appearance of the CA. In terms of the Framework, it would result in less than substantial harm to the significance of this heritage asset, albeit at the lower end of the spectrum. In accordance with Framework paragraph 211 great weight is to be given to the asset's conservation. Framework paragraph 215 also states that where a development proposal will lead to less than substantial harm, this should be weighed against the public benefits of the proposal. Such public benefits would appear to be limited to the enhanced accommodation that would be provided. This would be insufficient to outweigh the harm arising.
15. The proposal would thus fail to comply with the Framework and with EHDP policies HA4, DES4 and HOU11 which seek a high standard of design that reflects local distinctiveness, residential extensions that are appropriate to the character, appearance and setting of the existing dwelling and that generally appear as a

subservient addition and development that preserves or enhances the character or appearance of the conservation area.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to demonstrate very special circumstances to justify the proposal.

16. The proposal comprises inappropriate development, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. There would also be harm to Green Belt openness. Substantial harm is to be given to any Green Belt harm in accordance with Framework paragraph 153. In addition, the proposal would fail to preserve the character or appearance of the CA and thus would result in further harm.
17. The appellant has referred to various appeal decisions. These clarify that whether an extension is 'disproportionate' in relation to the size of the original dwelling is the main consideration in the determination of whether it is inappropriate development or not. The question of effect on openness follows separately if such an extension is found to be inappropriate, as was the case in some of the appeals referred to³. In those cases, the effect on openness was found to amount to a minor / modest level of harm in addition to the harm by reason of inappropriateness. I have followed this approach in this appeal.
18. The appellant refers to potential fall-back positions by reference to recent applications that have been made for the property⁴ the earlier of which is the subject of a separate appeal. Full details of those applications and appeal have not been provided but I note that they relate to single-storey extensions and a detached outbuilding. As noted in other appeal decisions referred to, such fall-back positions can be relevant material considerations if there is a realistic prospect that they could be implemented. However, in this case whilst it may be that they could result in a greater 'spread' of buildings across the site, their impact is likely to be different to the scheme before me which includes a two-storey addition. As such it is not possible to conclude that they would have a more harmful impact. Thus, only limited weight can be given to such fall-back positions.
19. The appellant also suggests that the proposal would provide 'much needed' additional accommodation for the appellant and his family. However, no specific details are provided and whilst I agree that the proposal would provide an enhanced family dwelling, I consider that this factor attracts limited weight.
20. Overall, taking into account all 'other considerations', they do not clearly outweigh the substantial harm to the Green Belt and harm to the conservation area arising therefore very special circumstances have not been demonstrated. As a result, the proposal conflicts with EHDP Policy GBR1 and with the Framework.

Conclusion

21. I therefore conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR

³ APP/B1930/D/24/3356266 and APP/A1910/D/24/3351890

⁴ 3/25/0956/CLPO