



Appeal Decision

Site visit made on 10 November 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/J1915/D/25/3374032

Brockwood, 47 Burnham Green Road, Burnham Green, Hertfordshire AL6 0NL

- 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 George Christou against the decision of East Hertfordshire District Council.
 - The application Ref is 3/25/0656/HH.
 - The development proposed is alterations to existing front porch and installation of front gates with walls.
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Decision

1. The appeal is dismissed insofar as it relates to the front gates with walls.
2. The appeal is allowed and planning permission is granted insofar as it relates to the alterations to existing front porch at Brockwood, 47 Burnham Green Road, Burnham Green, Hertfordshire AL6 0NL in accordance with the terms of the application Ref 3/25/0656/HH and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 47-BGR-010 rev P01 – Location Plan; Drawing No 47-BGR-004 rev P01 – Proposed Ground Floor Layout; Drawing No 47-BGR-005 rev P01 – Proposed Front and Side Elevation.
 - 3) No development shall take place above ground level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

3. The main issues are:
 - whether or not the proposed 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, and the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the protected trees; and

- whether or not harm by reason of inappropriateness, and any other identified harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposed development.

Reasons

4. The appeal property (Brockswood) is a large, detached dwelling that is set back from Burnham Green Road (BGR). Substantial mature intervening vegetation and trees, that are included within a blanket Tree Preservation Order (TPO), exist along the site's frontage, which are characteristic of the site's particularly verdant surroundings. The dwelling is served by two ungated vehicular access points that exist off BGR. They are largely devoid of built structures save for the existing driveway surface and the low concrete wall that stretches across most of the site's frontage.
5. The proposed development would include the provision of 1.6m high traditional style gates to both entrances, with brick piers either side. The gates would be set back from the highway by approximately 6m. Sloping sleeper walls are proposed either side of the gates that would reduce in height significantly towards the highway to a height broadly commensurate with the existing low concrete wall.

Whether inappropriate development, and openness

6. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy GBR1 of the East Herts District Plan (2018) (the Plan) states that planning applications within the Green Belt will be considered in-line with the provisions of the Framework and the policy therefore wholly aligns with national Green Belt policy.
7. In this case the main parties agree that the proposed gates and walls would constitute inappropriate development in the Green Belt. I find no reason to disagree.
8. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects. The proposed gates would be set back from the highway and despite being the tallest element, would only be fleetingly perceptible to passersby. They would also be screened from view by surrounding mature vegetation and trees.
9. However, the sloping sleeper walls would introduce additional built structures to the more immediate street scene, the lower parts of which would be visible from a distance in both directions when travelling along BGR. The proposed development would introduce new boundary treatments, which would not only enclose the site entrances but would be more substantial features than currently exist near the site frontage. Overall, the proposed front gates and walls would have a negative effect on the openness of the Green Belt but only to a very limited degree.
10. For the above reasons, the proposed front gates and walls would constitute inappropriate development in the Green Belt and cause harm to its openness. This element of the proposal would therefore be contrary to both the Framework and

Plan Policy GBR1. As per the Framework, any harm to the Green Belt, including harm to its openness, should be given substantial weight.

11. The Council states that the proposed alterations to the existing front porch would benefit from the exception to inappropriate development in the Green Belt at paragraph 154 c) of the Framework, which allows 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. Having had regard to the evidence before me and my own observations on site, I find no reason to disagree. Given that the proposed porch alterations would not be inappropriate development in the Green Belt, I am not required to consider the matter of openness in relation to this element.
12. Thus, the proposed alterations to the existing front porch would accord with the Framework and Plan Policy GBR1.

Trees

13. The on-site trees are subjected to a blanket TPO, which demonstrates their contribution towards the visual amenity of the area. During my site visit I observed that the trees along the site's front boundary contribute significantly to the verdant character of the surrounding area. The largest Oak tree, which is identified as being in good condition, is a particularly prominent landscape feature when viewed from BGR, contributing positively to the visual amenity of the area.
14. The submitted tree survey does not reflect the latest location of the proposed gates and walls, which, of note, would be closer to the trunk of the site's largest Oak tree than originally proposed. Without a substantive and up-to-date tree survey I cannot be certain that the proposed gates and walls would not harm the trees and their root systems. It would not be appropriate for me to impose a condition requiring the submission of a further survey as it would not in itself guarantee that the proposed development would be acceptable.
15. Therefore, for the above reasons, the proposed gates and walls are contrary to Plan Policy DES3, which, amongst other things, requires development proposals to demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure there is no net loss of such features.
16. The proposed alterations to the existing porch would be located a substantial distance from the trees subject to the TPO and I am therefore content that this element would not harm them accordingly. Thus, the proposed alterations to the existing front porch would accord with Plan Policy DES3.

Other considerations

17. The appellant has presented a fallback position relating to the implementation of permitted development rights at Article 3(1) and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which includes the erection of gates and walls, subject to limitations. As they would not exceed 2m above ground level they would comply with the general height limitations at paragraph A.1.(b) of Class A.
18. Paragraph A.1.(a)(ii) of Class A limits the height of any gate or wall constructed adjacent to a highway used by vehicular traffic to 1m above ground level where the

proposal does not relate to a school. The gates and some of the walls would exceed 1m in height. However, the gates would be set back by approximately 6m from BGR and so not adjacent to it. The plans demonstrate that the walls would be a maximum of 600mm in height for a length of 2.4m back from the highway. Therefore, the point at which the walls would exceed 1m in height would be sufficiently far from BGR as to not be adjacent to it. The gates and walls are therefore likely to comply with the limitations of Class A in terms of heights.

19. Class A does not require consideration of the effect of permitted development on trees. Nevertheless, given the presence of the protected trees, and the position of the large Oak in particular, there is a high probability that the Oak tree's root system would be damaged by any gates and walls in this position. I am therefore not convinced that the fallback position would have a clear prospect of being implemented given it would likely conflict with the provisions of the Town and Country Planning Act 1990, which prohibits the wilful damage of protected trees. Consequently, the fallback position is a material consideration but of limited positive weight in this instance.
20. The proposed gates and walls would provide enhanced property security and privacy and would provide a physical barrier to assist in keeping children safe from vehicles moving along BGR. However, I am mindful that the proposed walls would be low where they meet the highway and the resultant benefits would therefore be limited. Furthermore, there is no substantive evidence before me to demonstrate that the appellant has explored other potential ways of ensuring security and privacy is enhanced without the harm that I have identified. For these reasons, the benefits attract limited positive weight.

Planning Balance and Conclusions

21. The proposed development includes two distinct and separate elements.
22. The proposed gates and walls would constitute inappropriate development in the Green Belt and would harm its openness. As such, the Framework requires me to give this harm substantial weight. I also ascribe significant weight to the harm found to protected trees. For the reasons set out above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposed gates and walls do not exist.
23. For the reasons given, I have found conflict with the development plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed regarding the proposed gates and walls.
24. As set out above, there are no reasons why the appeal should not succeed in relation to the proposed alterations to the front porch. These works are in accordance with the development plan. Consequently, I have imposed the standard time limit condition and a condition listing the approved plans for certainty. I have also imposed a condition relating to the materials of the porch to safeguard the character and appearance of the dwelling. I therefore conclude that the appeal should be allowed in relation to the proposed alterations to the front porch.

L Fern INSPECTOR