
Appeal Decisions

Site visit made on 3 October 2016

by J Flack BA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 October 2016

Appeal A: APP/J1535/W/16/3153714

Loughton Hall, Rectory Lane, Loughton, Essex IG10 3RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Baldev Sohal against the decision of Epping Forest District Council.
 - The application Ref EPF/2674/15, dated 25 October 2015, was refused by notice dated 21 March 2016.
 - The development proposed is 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding located in the area of the extension.
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Appeal B: APP/J1535/Y/16/3153729

Loughton Hall, Rectory Lane, Loughton, Essex IG10 3RU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Baldev Sohal against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2673/15 LB, dated 25 October 2015, was refused by notice dated 21 March 2016.
 - The works proposed are 2 storey extension (with a further floor contained in the roof space), partial demolition of existing single storey building adjoining proposed extension, and demolition of existing outbuilding located in the area of the extension.
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Decisions

1. **Appeal A:** the appeal is dismissed.
2. **Appeal B:** the appeal is dismissed.

Main Issue

1. The main issue is whether the proposed development and works would preserve the Grade II listed building known as Loughton Hall, and whether they would preserve the setting of adjacent listed buildings.

Reasons

3. Loughton Hall dates from 1878 and is an important example of the work of W Eden Nesfield. It is an impressive and extravagantly detailed house, employing an eclectic design language which is broadly inspired by the Jacobean period but also incorporates some classical elements. Attached to the west side of the house are modest and unobtrusive single storey extensions; there is also a

recent two storey side element housing a lift, but this has a very small footprint and its design integrates successfully with the house. To the east side of the house, are two single storey projections with a landscaped courtyard between them. I understand that these are latter additions, but they appear to be of considerable age, and despite some alterations they read as functional but attractive service wings, the northern wing incorporating a colonnade. To the north of this is a block of three modern flat roofed garages, currently used as a laundry.

4. The Hall replaced an earlier building which had been destroyed by fire, and was commissioned by the then rector of Loughton, John Whitaker Maitland. The Maitland family also commissioned the Grade II listed St Nicholas' Church, which also replaced an earlier building and is by W Eden Nesfield, dating from 1877. One side of the church directly adjoins the rear garden of the Hall, and the other three sides are surrounded by the large and attractive churchyard. The boundary between the Churchyard and the Hall is marked by a high brick wall, which is Grade II listed. This is not only an impressive structure in its own right, but as it considerably predates the Hall and the present Church, it and the churchyard also provide an important reminder of the previous buildings. The connections between the listed buildings and their settings are thus very close and conspicuous.
5. The proposed extension would connect with the southern service wing, projecting past the northern service wing and terminating a considerable distance forward of it. Demolition of the garage block would be required to accommodate the extension. The Council raises no objection to this aspect of the proposals, and I see no reason to disagree. However, as it is a low and modest structure which is concealed in views of the front of the Hall by an older wall and shrubs, its removal would not be substantially beneficial to the Hall.
6. The extension would take some inspiration from the northern service wing, incorporating its use of recessed panels. However, other elements of the design, including the use of clay tiles, render panels and the incorporation of gables and flat roofs, are clearly drawn from the principal Hall building. It follows that the extension would invite comparison with the Hall rather than attempting to read as an ancillary building. In that context, its three storeys of accommodation would, whilst appreciably lower than the Hall, read as awkwardly compressed and squat. Moreover, the deployment of elements of the design language of the Hall would not be altogether successful; whereas flat roofs are generally confined to dormer windows and other subordinate features within the Hall, they would be given greater prominence in the extension. So too would the gable ends, and the extension's roof form overlooks the hipped design of the Hall's main roof.
7. Moreover, the proposed extension would have a very large footprint and in consequence possess a very substantial bulk. This would be most apparent at the front of the extension, where it would take on a complex cross-shaped form, and at this point the extension would project considerably forward of the front elevation of the Hall. The extension would thus have an excessively dominant appearance, harmfully competing with and detracting from the Hall's principal elevation.
8. At present the southern service wing extends up to the boundary with the listed churchyard wall, but the northern wing stops some way short of it, and

the intervening area and the space between the two wings forms a courtyard. The proposed extension would fill much of this space, dominating and enclosing the service wings, and considerably diminishing the spacious character of the courtyard. The very small gap between the extension and the northern wing would do little to mitigate these effects. Nor would the concealment of amendments to fenestration and other alterations to the southern wing at the point where the extension would connect with it, as these are modest and do not detract significantly from the character of the wing.

9. Moreover, the courtyard currently provides an open setting for the listed churchyard wall, complementing that provided by the churchyard on the opposite side and allowing appreciation of the wall. The extension would lie extremely close to the wall, particularly at its southern end. Its location, together with its height and bulk, would dominate the wall, and would form a substantial physical barrier between the Hall, the wall, and the churchyard beyond it, eroding the relationships and perceptible sense of historically close connections between these. The proposal would therefore be harmful to the setting of the listed churchyard wall and church.
10. The appellant draws attention to the presence of other modern buildings in the vicinity of the appeal listed building. Whilst some of these are not sympathetic to the appeal building in terms of their design and bulk, they are generally situated some distance away. The exception is a new care home to the west of the Hall, as there is only a modest separation between the flank walls, but the front elevation of the care home projects only slightly in front of that of the Hall. Moreover, the proposed extension would be constructed on the east side of the appeal building's curtilage; this is a more sensitive location given its proximity to the listed church and churchyard wall, and there are no adjacent modern buildings here, the churchyard adjoining the entire length of the eastern boundary.
11. Whilst I acknowledge that the appellant has made some effort to produce a design which would be sympathetic to the listed building, this would not overcome the harmful effects of the location, scale and bulk of the proposed extension that I have identified. I conclude therefore that the proposal would not preserve the special architectural and historic interest of the listed Loughton Hall, and that it would not preserve the setting of the adjacent listed church and wall. The proposal would therefore be contrary to Policies HC 10 and HC 12 of the Local Plan¹, whose overall objective is the preservation of listed buildings and their settings.
12. For the purposes of the National Planning Policy Framework (The Framework), the listed buildings are designated heritage assets, and records (paragraph 132) that significance can be harmed through alteration of an asset and by development within its setting. The Framework distinguishes between substantial and less than substantial harm. The Government's Planning Practice Guidance indicates² that the former is a high test which will not arise in many cases, and I consider that the proposal here would lead to less than substantial harm to the significance of the listed buildings. Paragraph 134 of the Framework requires that such harm be weighed against the public benefits of the proposal. However, that is to be undertaken in the context of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990,

¹ Epping Forest District Local Plan, adopted January 1998

² Reference ID: 18a-017-20140306

which requires me to have special regard to the desirability of preserving listed buildings and their settings. Moreover, paragraph 132 of the Framework requires that great weight should be given to the conservation of heritage assets.

13. It is important to the preservation of listed buildings that they be maintained in active use, and I understand that the appellant undertook substantial restoration works following a period of some years during which the Hall had been left vacant. The appellant contends that care homes need to provide more facilities and bedrooms in order to remain competitive. However, no detailed information is provided to explain or justify this, and the evidence before me does not demonstrate that the expansion of the appellant's business by way of the present appeal proposal is necessary to its continued viability. Similarly, while the provision of additional care home places would provide social benefits and consequent additional employment opportunities would provide economic benefits, I am not convinced that such benefits could not also be gained from a less harmful scheme, albeit perhaps to lesser extent. Overall, I am not persuaded that the public benefits of the proposal would be such as to outweigh the material harm I have identified to the significance of the designated heritage assets. It follows that the proposal would be contrary to the historic environment policies of the Framework.
14. I have taken into account all other matters raised in the evidence before me. However, nothing arises which disturbs my conclusions on the main issue. The appeals are therefore dismissed.

J Flack

INSPECTOR