
Appeal Decisions

Site visit made on 15 January 2020

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal A: APP/J1535/W/19/3232587 **263 High Street, Epping CM16 4BP**

- 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 Mrs Tracey Daniels against the decision of Epping Forest District Council.
 - The application Ref EPF/0190/19, dated 21 January 2019, was refused by notice dated 15 May 2019.
 - The development proposed is the removal of existing windows and the installation of replacement UPVC windows at the rear of the building in connection with the conversion of the rear parts into 2 flats.
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Appeal B: APP/J1535/Y/19/3232592 **263 High Street, Epping CM16 4BP**

- 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 Mrs Tracey Daniels against the decision of Epping Forest District Council.
 - The application Ref EPF/0199/19 LB, dated 21 January 2019, was refused by notice dated 15 May 2019.
 - The works proposed are the removal of existing windows and the installation of replacement UPVC windows at the rear of the building in connection with the conversion of the rear parts into 2 flats.
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Decisions

Appeal A: APP/J1535/W/19/3232587

1. The appeal is allowed and planning permission is granted for the removal of existing windows and the installation of replacement UPVC windows at the rear of the building in connection with the conversion of the rear parts into 2 flats at 263 High Street, Epping CM16 4BP in accordance with the terms of the application, Ref EPF/0190/19, dated 21 January 2019.

Appeal B: APP/J1535/Y/19/3232592

2. The appeal is allowed and listed building consent is granted for the removal of existing windows and the installation of replacement UPVC windows at the rear of the building in connection with the conversion of the rear parts into 2 flats at 263 High Street, Epping CM16 4BP in accordance with the terms of the application Ref EPF/0199/19 LB, dated 21 January 2019.

Procedural matters

3. I have considered the window arrangement as shown on the submitted plans, and, when I visited, most of the windows had been inserted in line with those plans. Consequently, my decision does not relate to other UPVC windows on the property. It also does not concern any doors as they are not mentioned in the description of works.

Main Issue

4. The main issue in this case is whether the insertion of the UPVC windows preserves the special architectural or historic interest of this Grade II listed building, preserves the character or appearance of the Epping Conservation Area in which it is sited and does not harm the significance of either of these designated heritage assets.

Reasons

5. I was told the front portion of 263 High Street dates originally from the 17th Century although it has been modified since. To my mind the significance of the property lies, in part, in the way this section still is apparent as a building of that period, and how it demonstrates its adaption over time. Elements that contribute to this significance are not only its form, scale and materials, but also features such as the 'lane' that runs to one side (albeit now blocked), the ornate shop window frame, the blind box and the window treatment.
6. To the rear of this is a Victorian addition, that contributes to the building's significance in a lesser way by demonstrating a further phase of its evolution and by the details of construction method from that era it still displays.
7. In turn, attached to the Victorian addition, and seemingly forming a first floor above part, is a lengthy 2-storey 20th Century addition. With its flat roof, brick type and window treatment this is very much of its time. Although this too makes some contribution to the significance by showing yet another phase of the building's development, overall it relates poorly to the older more significant parts of No 263 by reason of its form, design and materials. As a result, it does not integrate well into the property but appears as a distinctly different element.
8. The UPVC windows the appellant is seeking to retain are in the rearmost extension and accord with its modern appearance. Moreover, the length of this extension, the fact that some of the 20th Century element still lies between the windows and the Victorian addition, and the blocking of the 'lane' that would originally have run down the side of the property, all mean that the UPVC windows are physically and visually remote from the older parts of No 263. Taking these factors together, I find the windows before me do not harm the significance of this listed property. Indeed, even if they were to be replaced by timber windows with thinner frames as the Council appears to advocate, to my mind the impact on the significance would be no different given the separation involved and the fact that the effect on the property of the sizeable, discordant 20th Century extension would still be apparent.
9. In coming to this view, I have noted page 60 of the Historic England document called *Traditional Windows: Their Care, Repair and Upgrading* to which the Council referred. This gives advice on replacing windows that diminish the

significance of a building. To my mind though if the windows previously present were similar to those still in the remainder of the 20th Century element then they would not have diminished the significance of the building as a whole. This is because they would have been in keeping with the extension in which they were fitted and would have been separate from the older elements. Moreover, this advice says such windows should be replaced with ones '*designed to be in keeping with the period and architectural style of the building*'. While I accept that what is now before me would be unsuitable on the older parts of No 263, as stated they are visually remote from that and to my mind respect the section on which they are seen.

10. Turning to the effect on the Conservation Area, its significance lies partly in the way it reflects the historic growth of this town over the centuries. This is manifest in the range, age and quality of buildings it contains. In this regard the front portion of No 263 makes a positive contribution to the area.
11. However, with regard to the rearmost extension, I accept it can be said to show the adaption and evolution of a High Street property and it maintains a sense of the 'lane' running between No 263 and No 261. However, due to its form and design I consider that overall it contributes little to the Conservation Area's character or appearance. Given this, noting the great variety of window styles around the rear yard, mindful that the windows before me are separated from the older parts of the building and accepting they respect the 20th Century extension on which they are found, the development preserves the character and appearance of the Conservation Area and does not harm its significance. Indeed, as stated above, even if timber windows were to be installed instead of those before me, they would not allay the over-riding adverse impact on the Conservation Area caused by the design and form of the 20th Century extension of the property.
12. With regard to possible conditions, the only one suggested by the Council was for the agreement of samples and finishes of the windows. However, as I consider what is on site to be satisfactory then such a condition is unnecessary.

Conclusions

13. Accordingly, the works preserve the special architectural and historic interest of this Grade II listed building, preserve the character and appearance of the Epping Conservation Area, and do not harm the significance of either of these designated heritage assets. As such, they do not conflict with Policies HC6, HC7 and HC10 of the *Epping Forest District Local Plan*, or Policy DM2 of the emerging Local Plan, all of which seek to safeguard heritage assets. The works also do not conflict with the relevant parts of national guidance in the *National Planning Policy Framework*.

J P Sargent

INSPECTOR