



Appeal Decision

Site visit made on 24 October 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2022

Appeal Ref: APP/J1535/D/22/3305086

Meadow View, High Street, Roydon, Harlow, Essex CM19 5EA

- 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 David Lawson of DLCS Ltd against the decision of Epping Forest District Council.
The application Ref EPF/1020/22, dated 4 May 2022, was refused by notice dated 12 August 2022.
 - The development proposed is described as Removal of old shed and construction of small two storey extension to rear of Meadow View.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I consider that the Council's amended description accurately describes the appeal scheme which is also used by the Appellant on the Appeal Form. Accordingly, I have adopted an amended description in the heading above rather than the Appellants description of development.

Main Issues

3. The main issues in this case are the effect of the proposed development on (i) the character and appearance of the Roydon Conservation Area and the existing property; and (ii) the trees on the site.

Reasons

4. The appeal site is a detached property adjacent a public house and is set behind a residential property, 54 High Street, which fronts the highway. The property appears to be a single storey dwelling with first floor accommodation within the roofspace. A mono-pitched roof extends from a two storey high brick wall comprising the shared boundary with the adjacent public house. Due to the location and design of the appeal site the property is screened to a degree from public views however there is a clear view of the high brick wall with its small windows at ridge level from High Street.
5. The site is within the Roydon Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the

- effect of the proposed development on the character or appearance of the area.
6. This duty is echoed in Policy HC6 of the Epping Forest District Local Plan, including the Local Plan Alterations (1998 and 2006) (the Local Plan). Listed Building are within the vicinity of the appeal site however the Council has not assessed that the proposed development would conflict with the statutory duty to have special regard to the desirability of preserving its setting. There are no reasons to depart from the Council's assessment.
 7. The Conservation Area in the vicinity of the appeal site is characterised by predominantly two storey buildings which vary in design and scale fronting the highway. The irregularity of form provides interest and rhythm to the streetscene.
 8. The proposed development would be visible in the streetscene. The design and juxtaposition of the flat roof two storey extension on the existing built form would add unsympathetic bulk to the property. The proposed development would not be subservient and would be a discordant feature to the building and the streetscene in general.
 9. Whilst there are flat roof styles within the immediate area the proposed development would be at odds with the mono pitch design of the high boundary wall and the additional mass would unbalance the building. I find that the proposed development would harm the character and appearance of the Roydon Conservation Area and the existing property.
 10. Paragraph 197 of the National Planning Policy Framework 2021 (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area, the harm caused would nevertheless be material.
 11. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
 12. In accordance with the Framework it is necessary that this identified harm is weighed against the public benefits of the proposal. I find that there are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan.
 13. I conclude that the proposal would fail to preserve or enhance the character and appearance of the Roydon Conservation Area and the existing property. There is conflict with Policies HC6, HC7, DBE3, DBE10, CP7 of the Local Plan and Policies DM7, DM9 and DM10 of the Epping Forest District Council, Submission Version Local Plan (2017) (the Submission Local Plan) which amongst other things seek to promote local distinctiveness, achieve good design appropriate to the local context which preserve and enhance Conservation Areas.

14. The proposed development would be contrary to the Framework which seeks to secure good design which adds to the overall quality of an area and which preserve or enhance Conservation Areas.
15. The Council in reason for refusal No. 1 contend that the proposed development is contrary to Policy DBE9 of the Local Plan. I disagree. Policy DBE9 relates to the effect of the development on the amenity of neighbouring properties. The Council confirm in their Planning Officer's Report that the proposed extension in relation to the neighbouring properties would ensure that their amenity is maintained to an acceptable level, I do not disagree.

Trees

16. The appeal site is located within the Roydon Conservation Area, as such trees are protected automatically.
17. An Arboricultural Report accompanies the proposed development which confirms that the trees (T1 and T2) on site are in a healthy condition and are early mature trees in terms of age. The report considers that the trees would be required to be constantly reduced back hard if they were to be retained and advises that removal is more practical.
18. Tree T2 is visible within the streetscene and adds value to the setting of the conservation area. Tree T1 is not readily visible from public vantage points and its value to the area is limited.
19. There are inconsistencies in terms of the plans, report and details submitted, nonetheless a planning condition could be attached to any approval to retain the T2 which has amenity value. However, the works required to retain the trees would be excessive and would not be in the interest of health of the trees on the site. The amenity value currently provided by T2 would therefore be diminished. On this basis I am not persuaded that the proposed development would not harm the trees on the site.
20. There is conflict with Policy LL11 of the Local Plan and Policy DM5 of the Submission Local Plan which seeks to retain and protect trees. There is also conflict with the Framework which seeks to protect the natural environment.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR