



Appeal Decision

Site visit made on 6 January 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 January 2023

Appeal Ref: APP/J1535/D/22/3312027

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 A. Lawson (DLCS Ltd) against the decision of Epping Forest District Council.
 - The application Ref EPF/2033/22, dated 6 September 2022, was refused by notice dated 10 November 2022.
 - The development proposed is an extension with a pitched roof and dormers.
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Decision

1. The appeal is allowed, and planning permission is granted for an extension with a pitched roof and dormers at Meadow View, High Street, Roydon, Harlow, Essex, CM19 5EA in accordance with the terms of application EPF/2033/22, dated 6 September 2022, and subject to the following conditions: -
 - i. The development hereby permitted shall not begin later than three years from the date of this permission.
 - ii. The development hereby permitted shall not be carried out except in accordance with the following approved plans: -
22/100/10 C; 22/100/15C; 22/100/11C; 22/100/09C; 22/100/14C and 22/100/07C.

Procedural Matter

2. The local planning authority (LPA) in its decision notice has referred to policies in the Epping Forest emerging local plan. However, as the plan has yet to be adopted, I can only give such policies limited weight in the decision-making process.

Main Issues

3. The main issues are (i) whether the proposal preserves or enhances the character or appearance of the Roydon Conservation Area (CA) and (ii) the effect of the development upon protected trees.

Reasons

Effect on the CA

4. Meadow View is a residential property located to the rear of No 54 High Street and appears to be a single storey dwelling with rooms in the roof space. It has a 2-storey high brick wall facing the boundary with the adjacent public house and from which a mono-pitch roof springs.

5. The appeal property is within the CA which contains statutorily listed buildings and locally designated heritage assets, though the appeal property is not one of them. The CA is characterised by a wide range and styles of buildings, but where buildings are generally no more than two storeys high. The limited palette of building materials and colours combined with double pitched roofs and generally simple building styles interspersed with trees add positively to the significance of the CA as a whole.
6. As the site is within the CA, 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 upon the character or appearance of the area.
7. The proposed development is an extension to the eastern (rear) and southern sides to the existing property. It would project somewhat beyond the existing southern, high wall elevation of the dwelling, though it would not be as tall. In addition, the proposal is for the inclusion of flat roofed dormers which would reflect the design and appearance of existing dormers facing in the same direction.
8. I have been made aware of a recent appeal dismissal for a similar proposal for the dwelling¹, and where the Inspector concluded that *'the design and juxtaposition of the flat roof two storey extension on the existing built form would add unsympathetic bulk to the property'*. I have not been provided with the detailed plans relating to that appeal and I have determined the current appeal based on the submitted plans now currently proposed.
9. The existing dwelling by its design, including its high wall and monopitch roof, is untypical in its setting within the CA. The proposed extension would project, in front of the high wall elevation of the existing dwelling, but it would be visible only limited points along the main road. Furthermore, by its limited extent, its distance from High Street and its visual compatibility with the existing high wall, it would not detract from the character and appearance of the CA. The rest of the extension, including two flat roofed dormers, would be largely hidden from the public domain. In addition, the proposed dormers would reflect the character and appearance of the existing dormers on the same elevation.

For the above reasons I conclude that the proposal would preserve the character and appearance of the CA and therefore it would accord with the adopted Local Plan and Alterations 1998 (LP) policies CP7, DBE3, DBE10 and HC7, all of which require high quality design which reflects the character and appearance of the area. For the same reasons, the proposed development would accord with Chapter 12 of the National Planning Policy Framework 2021 (the Framework) which requires well designed spaces and with Chapter 16 concerned with the conservation and enhancement of the historic environment. I do not consider that policy DBE9, which is concerned with the protection of the amenities of adjoining occupiers in terms of overlooking, daylighting, odour or other disturbances, to be relevant in this instance.

¹ APP/J1535/D/22/3305086

Protected trees

10. The LPA has referred to the District of Epping Forest Tree Preservation Order No 4/83 and states that tree No T5 is shown to be within the garden area of the appeal building. However, it has subsequently stated in writing that *'the tree died/was removed several years ago and the Trees Team are not actively chasing a replacement, they have advised that the TPO order did not need to be supplied to the Inspectorate'*. Furthermore, the appellant states that tree No T5 is not within the appeal site.
11. However, the appeal site is located within the CA, where there is legislation relating to the protection of trees. Such trees form part of the character and appearance of the area.
12. An arboricultural report dated August 2022, accompanies the proposal which confirms that trees which it labels T1 and T2 (protected because of the CA) on site are close to the existing building when consideration is given to their potential growth. Nevertheless, the arboriculturalist concludes that *'it would be possible to retain and protect these trees'*. The proposed development includes their retention.
13. Tree T2, noted in the arboricultural report, has limited visibility within the street scene. Tree T1 is not readily visible from public vantage points and its value to the area is therefore more limited.
14. The LPA considers that the proposed extension, being nearer to trees T1 and T2, would lead to future requests for their removal. That may or may not be the case and would have to be assessed as a separate matter in the future should such a proposal arise.
15. I have given careful consideration to the conclusions of the Plannig Inspector when determining the earlier appeal that the trees might have to be cut back hard and that such works would be excessive, contrary to their health. Tree No T2 would be nearest to the proposed extension; tree T1 already abuts the existing dwelling at a part further away from the proposed extension.
16. On my site visit I was able to see that tree T2 in the arboricultural report is a conical shaped evergreen specimen. The plans before me show it to be separated from the proposed extension by a distance greater than its canopy and, while the arboricultural report expresses a cautionary note regarding its future growth, it does conclude that it would be possible to retain the tree.
17. Therefore, on balance, I conclude that the proposal would accord with Policy LL11 of the LP which seeks to retain and protect trees.

Other Matters

18. The LPA considers that the proposed development is sufficiently far away as to not affect the setting of listed buildings or other heritage assets. I have no reason to disagree with this conclusion although this is a matter of neutral consequence in decision making terms.

Conditions

19. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. As the submitted plans indicate that the proposed external walls and

roofing materials will match those of the host building, I see no necessity to impose a materials condition.

20. There are two trees within the appeal site boundary. However, there is legislation relating to the protection of trees in the CA, and the submitted arboricultural report concludes that they can be retained. The appeal proposal is for their retention. While the LPA considers that a condition should be included to provide for the retention or replacement of trees, shrubs and hedging, given the above factors I am not persuaded that such a condition is necessary in this instance.

Conclusion.

21. For the above reasons, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR