



Appeal Decision

Site visit made on 31 January 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2023

Appeal Ref: APP/J1535/D/22/3307040

1 Hermitage Cottages, High Street, Ongar CM5 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission. The appeal is made by Martin Brown against the decision of Epping Forest District Council.
 - The application Ref EPF/0970/22, dated 25 April 2022, was refused by notice dated 20 July 2022.
 - The development proposed is vehicle access, driveway and parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal and officer delegated report refer to the retention of an existing boundary fence. The appellant has confirmed that this is a temporary fence and does not form part of the development proposed. The fence does not form part of the appeal description and is not included for retention within the submitted appeal documents. On this basis, I have not taken it into account in coming to my decision.
3. Within the context of this appeal, it is not for me to determine whether the grasscrete driveway and parking area require planning permission or constitute development. If the appellant wishes to ascertain whether this element of the appeal would be lawful, they may make an application under section 192 of the Act. In any case, the grasscrete driveway and parking area have been applied for and included within the description of development. On this basis, I have taken them into account in coming to my decision.
4. In determining this appeal involving the setting of a listed building located within a Conservation Area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Policy DM7 of the Epping Forest District Local Plan Submission Version 2017 (draft LP) is referred to in the Council's decision. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I note that the Local Plan Submission Version has been submitted for Independent Examination and the Inspector has submitted their interim advice. Policy DM7 is not wholly in accordance with the Framework and, as requested as part of the interim advice, amendments to Policy DM7 are required. For these reasons, I have attached limited weight to this policy within my decision.

Main Issues

6. The main issues are whether the development would preserve the setting of the Grade II listed Hermitage Cottages and whether the development would preserve or enhance the character or appearance of Chipping Ongar Conservation Area.

Reasons

7. 1 Hermitage Cottage comprises one of a pair of two storey semi-detached late 18th Century cottages, known as Hermitage Cottages. The cottages are prominently located along High Street, with modest front gardens laid to grass. A hedgerow runs across the frontage of both cottages, immediately adjacent to High Street, which reinforces their prominence.
8. The cottages are located within Chipping Ongar Conservation Area and immediately adjacent to Ongar Castle scheduled ancient monument.
9. Hermitage Cottages, together with Central House, a grade II listed building opposite, create a 'pinch-point' marking the historic northern entrance to the conservation area.
10. The significance of the listed building is derived from its 'pinch-point' gateway location into the conservation area, their dominant position and their soft, green frontage.
11. The conservation area encompasses the historic town centre of Ongar, through which High Street runs broadly north to south, and the Chipping Ongar Castle scheduled ancient monument.
12. The scheduled ancient monument comprises the remains of the former motte and bailey castle and its associated moat, which adjoins the appeal site. The section of the scheduled ancient monument that adjoins the appeal site and High Street formed the historic northern boundary of the town enclosure. This section is still visible and covered by mature trees.
13. The significance of the conservation area is derived from its historic town centre core, including the scheduled ancient monument, its strong building lines, which enclose High Street, and 'pinch-points' which mark the historic northern and southern entrance and exit to the historic core of the town.
14. The development proposes the removal and replanting of the existing hedgerow further into the appeal site, away from its current boundary with High Street. This arrangement would erode the dominant frontage of Hermitage Cottages and weaken the 'pinch point' gateway into the conservation area, causing harm to both the setting of the listed buildings and character and appearance of the conservation area.
15. The development would also result in the loss of a section of green frontage, through the permanent removal of a section of hedgerow and introduction of a reclaimed brick surface. This would create a hard and formalised sub-urban feature, at odds with the appeal site's historic location and green frontage. This would not preserve or enhance the setting of the listed building, or the character and appearance of the conservation area.
16. Additional planting and a post and rail fence are proposed along the appeal site boundary that adjoins the scheduled ancient monument. Whilst the planting

would not affect the scheduled ancient monument, it would erode the current historic boundary between the two heritage assets and further weaken the entry point into the historic core of the town. This would cause harm to both the setting of the listed buildings and character and appearance of the conservation area.

17. The use of grasscrete would not fully replicate the soft, green appearance of the existing surface and would primarily be located to the side and rear of 1 Hermitage Cottage. The use of grasscrete would therefore result in harm to the designated heritage assets.
18. Other development within close proximity of the appeal site has been brought to my attention to demonstrate that the heritage assets are not set in isolation and are close to other modern development. I noted the wider setting and other nearby development during my site visit. I have however dealt with the proposal on its own merits and in the context of its surroundings.
19. I conclude that the proposal would harm the setting of the listed building and fail to preserve or enhance the character or appearance of the Chipping Ongar Conservation Area. As a result, the development would result in harm to the significance of these designated heritage assets.
20. As required by paragraph 199 of the Framework, great weight should be given to the conservation of designated heritage assets, irrespective of the amount of harm identified.
21. Nevertheless, that harm to the setting of the listed building and the character and appearance of the conservation area would be less than substantial.
22. Paragraph 202 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The proposal would provide benefits for the current occupiers of 1 Hermitage Cottages, through the provision of off-street parking. This would reduce the reliance on public car parks and costs associated with using them. It would also provide a greater level of convenience for the occupiers to park within the grounds of their property.
24. The benefits before me are primarily private rather than public. As a result, they would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
25. For these reasons, the vehicle access, driveway and parking area would conflict with saved Policies HC6, HC7 and HC12 of the Epping Forest District Local Plan 1998 (LP), Policy DM7 of the draft LP and the Framework. Collectively, these policies seek, amongst other things, to ensure development does not adversely affect the setting of listed buildings and is not detrimental to the character, appearance or setting of the conservation area. The Framework seeks to protect and enhance the historic environment.

Conclusion

26. For the above reasons, having considered all the policies drawn to my attention, the conflict with Policies HC6, HC7 and HC12 of the LP lead me to

conclude that there is conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR