
Appeal Decisions

Site visit made on 14 November 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal A - Ref: APP/J1535/W/23/3320310 **122 High Street, Roydon, Harlow CM19 5EF**

- 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 James Phillips against the decision of Epping Forest District Council.
 - The application Ref EPF/2705/22, dated 28 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is the removal of an existing lead canopy and the erection of a single storey, oak-framed orangery to the rear.
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Appeal B - Ref: APP/J1535/Y/23/3320313 **122 High Street, Roydon, Harlow CM19 5EF**

- 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 James Phillips against the decision of Epping Forest District Council.
 - The application Ref EPF/2707/22, dated 28 November 2022, was refused by notice dated 19 January 2023.
 - The works proposed are the removal of an existing lead canopy and the erection of a single storey, oak-framed orangery to the rear.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. At the time of the original decisions into the planning application and the application for listed building consent, the Epping Forest Local Plan and Alterations 1998 and 2006 was part of the Development Plan. However, this document has since been superseded by the Epping Forest District Local Plan 2011 to 2033 Part One, adopted March 2023 (the LP). The main parties have had the opportunity to comment on the LP. I have reflected this throughout my Decisions.
4. The building the subject of the appeals is a grade II Listed building. In the official listing its address is given as 118 and 120 High Street. However, it has since been merged into one dwelling and the address has changed to 122 High Street, as reflected in my Decision.

Main Issues

5. The main issues are:

- the effect of the proposed works on the special architectural or historic interest of the grade II Listed building, 118 and 120, High Street¹ (s20); and,
- whether or not the proposal would preserve or enhance the character or appearance of the Roydon Conservation Area (s78).

Reasons

Listed building

Significance

6. The building is a former tenement house built in the 17th Century. The building remains largely unaltered to the front elevation. The grey gault bricks to the front and side elevations appear to be original. The fenestration is timber sash with glazing bars. The front elevation is particularly architecturally attractive and has retained its original fabric and appearance. This is a key part of the significance of the building as is the fact that the building retains a lot of the internal historic fabric, in particular the windows, the internal timber structural frame and ceiling joists.
7. There are currently two rear extensions, much more modern and built in the 1980's. It is unclear how much of the remaining parts of the rear elevation are original, in contrast to the grey gault brick to the other historic facades. However, the fenestration and the brick are historic, if not original. The two rear extensions are two storeys to one side and one storey to the other. Both use more modern yellow bricks that jar with the original grey gault brick and the historic rear facing red brick. They have modern, metal windows with large panes of glass that clash with the windows to the rest of the building which are historic, timber sash windows with glazing bars.
8. However, both extensions respect existing eaves heights and, due primarily to their relatively narrow width which introduces a verticality to the massing which disrupts the evident bulk, do not unduly dominate the host building. The approach of providing a sloped, tiled roof of the same style as the original main roof, albeit with gable ends, is also successful in knitting in the extensions to the main building. These factors limit the harm caused, nevertheless the two extensions do detract from the significance of the building.
9. A few years after the rear extensions, in the early 1990s, a further rear extension and feature was built – the lead canopy. This sits partly over a rear extension beyond the original rear wall across the middle of the rear elevation (herein 'the canopy extension' so as to distinguish from the two rear extensions described above) and partly as an overhang over an external patio area. It is therefore part-roof, part-canopy. There are timber, single-glazed doors to the rear elevation and two supporting posts to the overhang element of the canopy.
10. The canopy extension and canopy overhang retain the legibility of the building because it visually reads as a modern addition. It is relatively lightweight and small scale, sitting neatly between the rear extensions and of substantially

¹ List number 1111116.

smaller scale and footprint to either of them. The doors are timber framed and have a similar glazing pattern to the historic windows. The canopy respects the existing eaves height of the lower rear extension. It also relates well to the historic 1st floor rear windows by finishing below their cills and by flaring outwards and downwards from the main rear elevation, therefore projecting the bulkier part of the extension away from the windows. The materials are high quality and the detailing is well executed. Obviously, it does not constitute historic fabric. However, it is a successful, unassuming and subservient addition to the building and it contributes positively to the significance of the building.

11. The building was constructed as two houses but they were amalgamated into one dwelling, likely at the same time as the two rear extensions were built. Internally, there is some legibility of the original plan form from historic timber ceiling joists and also a large timber column at the former intersection of the original rear wall and dividing wall between the two houses. The internal element of the canopy extension is clearly legible because it sits behind the column and joists, one historic and one more modern, denoting the original rear building line. The ceiling is also lower in this section. Therefore, the original plan form has already been partially lost, but can still be discerned through the exposed and historic fabric, in particular the ceiling joists. The plan form therefore also forms part of the significance of the building.

The proposal

12. It is proposed to demolish the existing canopy and overhang, but the existing internal element of the canopy extension would be retained, including the doors and wall. These would become internal and lead into a proposed much larger rear extension. This would be at ground floor level and would include a flat roof with a large roof lantern. The rearmost element of the extension would be largely glazed, floor to ceiling, with a relatively thick parapet above. The glazing would be timber framed. It is unclear from the submitted information what the internal ceiling heights would be and whether or not the existing lower ceiling would be carried through into the new extension and/or whether or not the existing lower ceiling would be raised.
13. The proposed extension would have a significantly larger footprint than the existing canopy extension. It would protrude beyond the two rear extensions to either side and by a combination of this and its overall scale, it would introduce a horizontal emphasis where at present there is a vertical emphasis and greater articulation. The roof would be discordant by being flat as opposed to the sloped existing roofs, particularly given its surprising bulkiness from the thickness of the parapet. In addition, it would not reflect the existing eaves height of the lower existing rear extension, instead being slightly higher, and would create an awkward visual relationship where it meets this extension.
14. The extensive glazing would be at odds with the relatively small scale glazing, further articulated by glazing bars, to the existing building. Despite being slightly lower than the cills to the existing rear windows, the rooflight's relatively large size and location close to the rear elevation would make it a dominant feature set against these windows.
15. With regard to plan form, the extension would clearly read as a modern addition because the existing features delineating the original rear elevation, and the canopy extension rear elevation, would be retained. Even though it is

unclear what the approach would be to the ceiling heights, this could be controlled by condition to ensure that this legibility was achieved. However, the proposal would add significant floorspace to the lounge, out of proportion with that retained. I acknowledge that the plan form of the building has already been partially eroded by the amalgamation of the two houses. However, this does not mean that it is acceptable to further erode the plan form of the property and to introduce additions that do not successfully integrate into the original building.

16. The appellant sets out that the existing canopy allows leaks into the building. On my site visit, I could see water staining to both the historic and more modern timber joists as well as to the floor. The leaking is, therefore, damaging historic fabric in the building. However, no evidence has been provided to me as to why the existing canopy cannot be repaired as an alternative means to stop the leaks. This does not, therefore, weigh in favour of the appeal.

Overall

17. I acknowledge that the primary significance of the building is its front elevation and the internal historic fabric. However, the plan form and rear canopy and extension also contribute positively to the building's significance. The proposal would further erode the plan form and would remove the canopy and overwhelm the retained canopy extension by its excessive footprint and size. The proposed extension would be over-sized, unattractive, and architecturally incongruous in relation to the main building. It would therefore harm the special architectural and historic interest of the Listed building. I assess the level of harm to be less than substantial.

Conservation area

Significance

18. The site falls within the Roydon Conservation Area (the CA), within the 'Village Green' character area. The Roydon Conservation Area Character Appraisal 2006 finds the significance of the CA to primarily derive from the historic street pattern, the quality of the listed buildings, the rural setting, the domestic scale of most buildings, architectural features such as sash windows, and the quiet residential character of the CA. Identified key views within the CA include along the High Street and across the green looking towards the appeal property. I agree with this assessment.
19. The appeal property positively contributes to this significance because it is a listed building with a particularly attractive and original front elevation, as seen in the key view looking across the green. The primary contribution of the building towards the significance of the CA comes from the front elevation.

Proposal

20. The front façade of the appeal property would not be affected by the proposals. None of these key views would be infringed upon by the proposed rear extension. There would therefore be no harm to the CA in those regards. Therefore, despite the harm that would be caused to the listed building that I have identified above, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposed changes would not be visible from the public domain and only have limited prominence

from private views from the nearest neighbouring properties. Under such circumstances, Case law has established that proposals must be judged according to their effect on a CA as a whole.

Overall

21. Given the above, I find that the proposal would preserve the significance of the CA and would not harm its character or appearance.

Other Matters

22. A letter of support has been received from a neighbouring resident, highlighting the leaks through the canopy and supporting the design of the proposal.
23. My attention has been drawn to a planning permission and listed building consent for a rear extension to a nearby property called 'Sakins', which were granted permission in 2017. However, the host property is a different architectural style and the extension is of a different design, in particular being smaller as a proportion of the host property and less dominant to the rear elevation. This does not, therefore, provide a precedent for the proposed works the subject of this appeal.
24. The appellant has stated that alternative means of achieving more floorspace in relation to the appeal property could include outbuildings in the garden and that these would be more harmful to the significance of the listed building. No such proposals are before me to assess and, in any event, it is not for me to assess alternative proposals but to instead determine whether or not the appeal proposal is acceptable on its own merits.

Planning and Heritage Balance

25. Paragraph 202 of the National Planning Policy Framework (the Framework) states that, where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
26. The proposed extension would include double glazing in comparison to the existing single glazed doors, and would no doubt also have better insulation than the existing canopy extension. This would likely improve the heat retention of the property. The amount of reduction in energy demand has not been quantified, however it would be unlikely to be significant given that the extension only relates to one part of one elevation, and one glazed area, of the property. There is also nothing to prevent the property being upgraded to be more efficient in these regards within the context of the existing canopy extension, for example by the installation of insulation and/or timber framed double-glazed doors.
27. It is not clear whether or not the additional glazing and large rooflight would allow greater natural light into the existing lounge than the existing situation, because this needs to be balanced against the proposal to enclose the original lounge with a large, new extension. The extensive proposed glazing could also increase the likelihood of overheating and therefore increase the future demand for air conditioning. Overall, it has not been demonstrated that there would be any meaningful reduction in energy demand as a result of the proposal or that alternative approaches that would have a lesser effect on the

significance of the building could not be adopted. This is not, therefore, a public benefit.

28. The extension would increase the size of the lounge area which would improve the functionality of the dwelling. However, this is in the context of a home and lounge area that is already relatively large, having been created out of the amalgamation of two previous dwellings. There is no evidence before me, or reason to believe, that an extension is required to secure the ongoing viable use of the property as a dwelling. The additional floorspace itself is only of private benefit and is not a public benefit weighing in favour of the proposal.
29. In accordance with Paragraph 199 of the Framework, I place great weight on the harm I have identified to the architectural and historic interest of the building. I have not identified any public benefits that could not likely be achieved by other, less harmful, means. The proposal is therefore unacceptable and fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 199 of the Framework. With regard to the s78 appeal, the proposal also fails to comply with the Development Plan, in particular and Policy DM7 of the LP which reflects the Framework and requires the preservation or enhancement of heritage assets.

Conclusion

30. For the reasons above, the appeals are dismissed.

O S Woodward
INSPECTOR