



Appeal Decisions

Site visit made on 30 January 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal A - Ref: APP/J1535/W/23/3319859

Crown House, The Street, Sheering, Essex CM22 7LT

- 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 Esterbrook against the decision of Epping Forest District Council.
 - The application Ref EPF/2458/22, dated 25 October 2022, was refused by notice dated 25 January 2023.
 - The development proposed is a timber orangery to replace an existing conservatory.
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Appeal B - Ref: APP/J1535/Y/23/3319862

Crown House, The Street, Sheering, Essex CM22 7LT

- 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 Mr Esterbrook against the decision of Epping Forest District Council.
 - The application Ref EPF/2459/22, dated 25 October 2022, was refused by notice dated 25 January 2023.
 - The works proposed are a timber orangery to replace an existing conservatory.
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Decisions

1. Appeal A is allowed, and planning permission is granted for a timber orangery to replace an existing conservatory at Crown House, The Street, Sheering, Essex CM22 7LT, in accordance with the terms of the application Ref EPF/2458/22, dated 25 October 2022, subject to the conditions in Annex A.
2. Appeal B is allowed, and listed building consent is granted for a timber orangery to replace an existing conservatory at Crown House, The Street, Sheering, Essex CM22 7LT, in accordance with the terms of the application Ref EPF/2459/22, dated 25 October 2022, subject to the conditions in Annex B.

Preliminary Matters

3. Revised drawings were submitted with the appeal¹. These change the design of the proposed orangery by removing window detailing and roof lanterns, and by altering the design of the structure and eaves. The footprint of the proposed orangery and the use of lead for the roof remains as previously proposed. The changes are relatively minor, particularly when compared to an interim revised design² that has been seen by and commented upon by the Council. The Council has not commented on the latest revisions but the relatively minor

¹ Refs 12540/02 Rev C and 02a Rev C

² See drawing Refs 12540/02 Rev B and 02a Rev B

nature of the proposed changes, coupled with the fact that its comments on the original drawings are detailed, mean it would not be prejudiced by consideration of the revised drawings as part of this appeal. I therefore accept the revised drawings and my Decision is made on that basis.

4. There are four drawings³ related to the detailed design of the proposal. It is not clear if these remain accurate. I do not, therefore, take account of these drawings. Such matters of detail could be controlled by condition.
5. On 6 March 2023, the Council adopted the Epping Forest District Local Plan 2011-2033 (the LP). The LP is therefore now part of the Development Plan and replaces the Epping Forest Local Plan (1998) and Alterations (2006), which has been revoked. I reflect the relevant policies from the LP throughout my Decision as appropriate. In addition, because Appeal B relates to a listed building consent, I have had special regard to s16 and s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The National Planning Policy Framework (the Framework) was revised in late 2023. None of the changes were material to the appeals. I therefore did not need to go back to the parties for comment and have referred to the revised Framework as appropriate throughout my Decision.

Main Issue

7. The main issue is the effect of the proposal on the special architectural or historic interest of the Grade II listed building, 'Crown House'⁴.

Reasons

Significance

8. Crown House is a substantial detached house. It was constructed in the 17th Century and has significant 19th and 20th Century extensions. It is timber framed and rendered. Whilst much extended, the historic layering of the extensions is legible. The combination of a gable ended rear extension, a lean-to extension to its side and the irregular placing of windows creates an attractive and pleasing character and appearance. The primary significance of the building lies in this successful historic layering and significant retained historic fabric, as expressed in a vernacular style that is in-keeping with the character and appearance of the area.
9. There is also a large, modern existing conservatory to the rear. Its footprint protrudes beyond not only the main rear building line but also the gable roofed extension. Part of the roof slopes away from the main rear elevation, meeting the elevation uncomfortably close to a window in that elevation. The materials are relatively low quality, particularly the glazing to the roof. There is also a bay element, with a hipped roof. The slope of this roof meets an existing one storey side extension to the main building, below its eaves line and largely respecting the roof form of the main building in this location. Despite this, the conservatory's scale, materials and roof form detract from the significance of the listed building. It has also established the principle of a relatively large modern intervention at ground floor level on this part of the building.

³ Refs 12540/05 Rev A; 06 Rev A; 07 Rev A; 08 Rev A

⁴ List entry number 1147156

Proposal

10. It is proposed to demolish the existing conservatory and to replace it with an orangery. The orangery would have a lead roof. It would have timber framed doors and windows to all elevations. Internally, there would be minimal changes to the fabric of the building, which would retain its existing internal doors and windows. A small area of internal wall to an existing toilet would potentially need to be replaced.

Assessment

11. Crown House is a former farmhouse and a large, modern conservatory-style extension is not typical of such buildings. However, the proposed orangery would be in the same location as the existing conservatory. Although larger in footprint, it would be of the same order of magnitude as the existing conservatory when considered in relation to the substantially larger footprint of the host property. The size of the host property, both in footprint and bulk, means that the scale of the proposed orangery would remain subservient to the main building.
12. The proposed orangery would use high quality and appropriate materials, including a lead roof and timber fenestration. The quality of the materials and the detailing of the fenestration and roof could be secured by condition. It would better respect the existing rear elevation of the host building than the existing conservatory because the roof would be lower on the rear elevation, providing breathing space to the historic window above at first floor level. This counterbalances the slight harm caused by the proposed use of a flat roof which, in isolation, would be discordant with the sloped and pitched roofs to the building. In addition, its modern design would mean it would be clearly legible as a modern addition to the house.
13. The existing building has a one storey side extension with a sloped roof that juts out from the main side elevation, and then a lower and smaller roof slope above a small rear element to this side extension, which contains a toilet. This has created a distinctive Z-shaped roof profile. The proposed orangery would respect this because the eaves of the roof would sit directly on top of the lower part of the roof slope on the horizontal part of the Z-shape. This would also help the orangery to visually tie-in to the building.
14. Internally, no new openings are proposed and the principle of a fairly large living area in this location has been established by the existing conservatory. That the extension is a modern addition would be clearly legible because it could only be accessed from the small existing doorways in the main house. The detail of this could be controlled by condition.
15. There would be minimal loss of historic fabric because the current openings would be maintained. Given that a lightweight structure is proposed, it is unlikely that any meaningful structural interventions would be required to the existing building. Nevertheless, any effects on the external walls either from demolition of the existing conservatory or construction of the orangery could be minimised and controlled by condition. It is possible that the wall to the toilet within the side extension would need to be demolished. However, even if this is required, this wall is within a relatively modern extension to the building and this wall is of low importance to the plan form of the building and does not contain historic fabric.

Overall

16. The proposal would not, therefore, harm the special architectural or historic interest of the listed building. It therefore complies with Policy DM7 of the LP, which requires proposals to preserve and, wherever possible, enhance the significance of heritage assets. It also complies with Paragraph 203 of the Framework, which highlights the desirability of sustaining and enhancing the significance of heritage assets.

Conditions

17. The Council suggested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions.
18. With regard to the planning permission, in addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. Restricting access to the flat roof is necessary to safeguard the privacy of the occupiers of adjacent properties.
19. With regard to the listed building consent, the time limit condition provides certainty. The survey, detailed drawings, external finishes, fabric, technical details and rectifying damage conditions are necessary to protect the special architectural and historic significance of the listed building. They are in accordance with s17 of the Act.
20. The Council recommended a drawings condition for Appeal B. However, this is not necessary because, unlike with a planning permission, such a condition is not required to allow for future applications for minor material amendments. I have clarified the relevant drawings in my Decision above. The Council also recommended conditions granting it the right of access to the property prior to the works commencing and a programme of historic building recording. However, the survey condition achieves the required protection of the building's historic fabric so these conditions are therefore unnecessary. The Council recommended a condition protecting historic timbers. However, the survey and timber framing conditions, in combination, provide suitable protection against unacceptable works to historic timbers. This condition is therefore unnecessary.

Conclusions

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

O S Woodward
INSPECTOR

ANNEX A: CONDITIONS SCHEDULE FOR APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12540/04 Rev A; 01 Rev A; 01a Rev A; 02 Rev C; 02a Rev C.
- 3) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

===== END OF SCHEDULE =====

ANNEX B: CONDITIONS SCHEDULE FOR APPEAL B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.

Pre-commencement

- 2) No works to which this consent relates shall commence until a full survey has been submitted to, and approved by, the local planning authority. The survey is to show the extent of historic fabric and the extent of repairs and alterations required to be carried out. Thereafter, the development shall be completed in accordance with the approved details.
- 3) No works to which this consent relates shall commence until drawings that show details of proposed new windows, doors, eaves, verges, fascias, cills, structural openings and junctions with the existing building by section and elevation at scales between 1:20 and 1:1 as appropriate, have been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Pre-specific part of the works

- 4) Prior to their installation, full specification of the external finishes of the works authorised by this consent shall have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- 5) No part of the fabric of the building, including any timber framing, infill panels and external brickwork shall be removed, cut cleaned or coated without the prior written approval of the local planning authority, unless specified on the approved plans.

For observation

- 6) No meter boxes, vent pipes, flues, ducts, or grills shall be fixed to the fabric of the building. Paint colours shall match those used on the existing building. All new rainwater goods and soil and vent pipes shall be of black painted metal.
- 7) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within 12 months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

===== END OF SCHEDULE =====