



Appeal Decision

Site visit made on 26 March 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2024

Appeal Ref: APP/J1535/W/23/3328621

Essex House, 118 High Street, Ongar, Essex CM5 9EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Davis (Renewal Homes Ltd) against the decision of Epping Forest District Council.
 - The application Ref is EPF/1192/23.
 - The development proposed is the installation of 6 no. conservation style roof lights and 2 no. conservation style flat rooflights.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of 6 no. conservation style roof lights and 2 no. conservation style flat rooflights at Essex House, 118 High Street, Ongar, Essex CM5 9EB in accordance with the terms of the application, Ref EPF/1192/23, and the plans submitted with it, subject to the following conditions:
 - 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: PL; 01, 02/A, 03, 04/B.
 - 3) The proposed new roof lights shall be of the conservation type and shall be installed so that they are not any higher than the surrounding roof tiles.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the significance of the non-designated heritage asset, Essex House, the setting of the nearby listed buildings and whether it would preserve or enhance the character or appearance of the Chipping Ongar Conservation Area; and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings with regard to privacy.

Reasons

Heritage Assets

3. The appeal site is occupied by an ornate, red brick, two-storey building of late 19th century origins, known as Essex House. It has previously been used for commercial purposes but is currently unoccupied and is located on a corner

plot between High Street and Castle Street. The building is a locally listed non-designated heritage asset for both its aesthetic and historic value, and its character and appearance makes a positive contribution to the area.

4. The appeal site is also located within the Chipping Ongar Conservation Area, a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. From my observations on site, it would appear that the significance of the Conservation Area relates, in part, to its historic nature centred around the High Street and the number of individually listed buildings within it. Essex House forms part of the historic environment of the area and, as a highly prominent feature in the streetscene, makes a positive contribution to the significance of the Conservation Area as a whole.
5. Due to the location of the proposed rooflights on the rear roof slopes, the proposed development would not be visible from either High Street or Castle Street, with only some visibility from the surrounding neighbouring properties. The number of rooflights would be easily accommodated on the large roof slope and would not appear excessive. The appellant has confirmed that the rooflights would be flush with the existing roof tiles and the information submitted details a high quality rooflight which would be in keeping with the historic nature of the appeal building and the surrounding area. A condition can be included to ensure the style and positioning of the rooflights would not harm the significance of the non-designated heritage asset. Therefore, the proposed development would have a neutral impact on the character and appearance of the Conservation Area and the significance of the non-designated heritage asset.
6. There are a number of grade II listed buildings within the Conservation Area and in close proximity to the appeal site. These listed buildings outlined within the Heritage Statement include 114 High Street, adjoining the appeal building, 108 High Street, 107 and 109 High Street, 113 High Street, 117 High Street, 121-127 High Street and Alliance Building Society and Messrs Rogett. It appears that their significance is derived, at least in part, from the antiquity of their structures and from their status as well-preserved examples of vernacular buildings of their age and type. Their historic setting on the High Street and Castle Street and within Chipping Ongar Conservation Area contributes to how these assets are appreciated and this setting makes a positive contribution to the significance of these listed buildings.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest. The Council have not raised any concerns in relation to the impact of the proposed development on any of the listed buildings in the surrounding area. As the proposed development would have minimal visibility from the surrounding area and would be visually separate from these listed buildings, it would not detract from their individual setting and would therefore have a neutral impact on the setting of the surrounding listed buildings.

8. Therefore, for the reasons above, the proposed development would not harm the significance of the non-designated heritage asset, Essex House, the character or appearance of the Conservation Area or the setting of the nearby listed buildings. It would therefore comply with Policies DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (the LP). These policies seek to ensure that heritage assets (both designated and non-designated) and their settings are preserved in a manner appropriate to their significance, relating positively to their context, drawing on the local character and historic environment. It would also accord with the historic environment objectives of the National Planning Policy Framework.

Living Conditions

9. Whilst no proposed floor plans of the roof space have been provided, the submitted plans do show that the proposed development includes 5 rooflights on the south facing roofslope and 1 rooflight on the east facing roofslope. These two roof slopes face the rear gardens of 114 High Street and the adjacent properties on Castle Street. The number and position of the rooflights proposed may result in a perception of overlooking to occupiers of these neighbouring properties. However, the proposed rooflights would be positioned facing skywards and would offer limited views into these private amenity spaces. Furthermore, any views would not be significantly worse than the views currently possible from the existing first floor windows of the appeal building.
10. As such, the proposed development would not harm the living conditions of the occupiers of the neighbouring properties and would not conflict with Policy DM9 of the LP. This policy seeks to ensure proposals avoid overlooking and a loss of privacy detrimental to the living conditions of neighbouring occupiers. It would also comply with the general objectives of the National Planning Policy Framework relating to a high standard of amenity for existing users.

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the rooflights to be a conservation style and not higher than the surrounding roof tiles is also necessary to ensure an appropriate appearance for the development in relation to the historic nature of the host building.
12. Paragraph 54 of the Framework advises conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Although there are concerns regarding the conversion of the building to a residential use, the proposed development does not relate to residential accommodation and therefore a condition restricting the use of the building would not be necessary or related to the development permitted. Therefore, there is not clear justification for restricting permitted development rights.

Conclusion

13. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR