



Appeal Decision

Site visit made on 1 May 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/J1535/W/23/3331829

King Harolds Head Ph, Nazeing Common, Nazeing, Waltham Abbey, Essex EN9 2RY

- 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 Alan Leverett against the decision of Epping Forest District Council.
 - The application Ref is EPF/2447/22.
 - The development proposed is described as Retrospective Consent for Side Extension to Restaurant
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Decision

1. The appeal is allowed and planning permission is granted for Retrospective Consent for Side Extension to Restaurant at King Harolds Head Ph, Nazeing Common, Nazeing, Waltham Abbey, Essex EN9 2RY in accordance with the terms of the application Ref EPF/2447/22 dated 24 October 2022 and the plans submitted with it.

Preliminary Matters

2. I observed at my site visit that the extension appears to have been constructed in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has already taken place.
3. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The National Planning Policy Framework (2023) (Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building, the surrounding conservation area and the setting of the adjacent locally listed buildings.

Reasons

6. The appeal site is a public house located within the Nazeing and South Roydon Conservation Area (NSRCA). It is located close to the highway, on the main road running through the small settlement of Bumbles Green. The public house is set back behind a car parking area which also wraps around the property's western side elevation. A driveway runs along the public house's other side elevation which leads to a pair of semi-detached houses called 1 and 2 Ivy Cottages, which are locally listed buildings, and a third detached house.
7. While no formal appraisal has been produced, the NSRCA covers a large area of countryside as well as a number of settlements within its boundary. Settlements appear to originally date from medieval times and the landscape surroundings comprise of distinctive field patterns and open commons. Its significance stems from, amongst other aspects, the well preserved medieval settlements, which include Bumbles Green, and 'closed field' patterns which form a fundamental part of the character and appearance of the area.
8. From the submitted evidence, the appeal building has retained its original footprint, but has had various extensions including outhouses and a garage throughout the years. As a historic public house, within a prominent location on the main thoroughfare through this small settlement, the appeal site contributes to the significance of the CA, which rests in its rural character.
9. As a result of its extensions and alterations over the years, the appeal property has a variety of roof forms of different heights, including pitched roofs and mono-pitched roofs. Whilst not matching the existing roof forms, the flat roof design adds to this varied 'family' of roofs at the appeal property. Furthermore, its height is clearly subservient to the host building and the extension's location towards the rear of the side elevation, combined with its relatively small footprint ensures that it does not appear prominent in the context of the public house and the surrounding area.
10. Overall, the extension is of a fairly simple design, in keeping with the style of the property, and the cement boarding matches the materials used to clad the building's principal elevations. The design of the proposal is neither an awkward, discordant or contrived form of development, nor is it disproportionate to the host property. With this reasoning in mind, I am of the view that the addition successfully integrates with the rest of the built form on the site.
11. The Council confirm that 1 and 2 Ivy Cottages are locally listed buildings. As a result, I have had regard to paragraph 209 of the Framework which explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
12. 1 and 2 Ivy Cottages are 19th century yellow brick cottages with hipped roofs and large chimney stacks. The significance of the locally listed buildings is due to their architectural quality and their attractive setting within the NSRCA.
13. 1 and 2 Ivy Cottages' front elevations are positioned perpendicular to the rear of the appeal building. An open grassed area in front of the properties ensures that they are visible in views from the public highway, particularly when

approaching from the north. The extension projects a small distance forward of their front elevations. However, due to its low height, flat roof form and relatively shallow projection, the extension only restricts views of the locally listed buildings from oblique angles, directly adjacent to the public house. The form and architectural quality of the buildings can still be appreciated in the vast majority of viewpoints along the public highway. Consequently, the proposal sustains the significance of the locally listed buildings and the contribution they make to the local townscape.

14. Accordingly, I conclude that the proposal does not harm the character and appearance of the host building. It also preserves the character and appearance of the NSRCA, as a whole, and does not harm the setting of the adjacent locally listed properties. As a result, the proposal complies with Policy DM7 of the Epping Forest District Local Plan Part One (2023) which requires that the settings of both designated and non-designated heritage assets are preserved or enhanced. The appeal scheme would also accord with the heritage aims of the Framework.

Other Matters

15. Concerns relating to land ownership are not material planning considerations, as they relate to private rather than public interests. The appellant has completed the appropriate certificate of ownership and I have no substantive evidence to the contrary on such ownership matters that weigh against the proposals.

Conditions

16. The appeal development is allowed in accordance with the terms of the application and the drawings submitted with it. As the development has been completed no conditions need be applied to the permission stemming from my decision.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the development accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR