



Appeal Decision

Site visit made on 3 January 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/J1535/D/24/3353814

24 Church Lane, Loughton, Essex IG10 1PD

- 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 Sarah Goodchild against the decision of Epping Forest District Council.
 - The application reference is EPF/1515/24.
 - The development proposed is the erection of new boundary gates.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Just beyond the site is a Funeral Chapel, which stands at the entrance to the Loughton Burial Ground. The Funeral Chapel is a listed building and is, therefore, a designated heritage asset. I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. The Framework 2024 does not raise any new matters that are determinative to the outcome of this appeal.

Main issues

4. The main issues are the effect of the proposal firstly, on the character and appearance of the local area; secondly, whether sufficient information has been provided in relation to a designated heritage asset and green infrastructure; and thirdly, the effect of the proposal on highway safety for users of Church Lane.

Reasons

Character and appearance

5. The appeal property is a semi-detached house that fronts Church Lane within a predominantly residential area. It stands at the end of a row of dwellings that are set back from the road mostly behind gardens and driveways with highway frontages that are largely marked by tall hedgerows. No 24 is one such example. Consequently, there is an informal feel and a verdant quality to the local street scene of which the site forms part, which is distinctive.

6. The proposal is to install metal railings across the highway frontage of the site with an automated gate for vehicles and a separate gate for pedestrians. The new railings would be placed just back from the footway and comprise a line of evenly spaced vertical rods to a height of about 1.8-metres. The gaps between the individual rods would allow some intervisibility between the house and the road.
7. When closed, the new gates would enhance a sense of safety and security from within the site compared to the existing open driveway. However, the proposal would introduce a new physical feature that would be highly conspicuous in the street scene given its considerable length and position close to the road. While modest in height, the proposal would still draw the eye from vantage points along Church Lane as a relatively formal metal barrier that encloses the front of the site. The presence of the new railings would markedly contrast with the soft landscaping features that predominate along the same side of Church Lane, including the frontage hedgerow of No 24 that is to be replaced, that positively contribute to the character of the streetscape. In that context, the proposal would be a discordant, obtrusive and an unsympathetic addition to the street scene and the local area.
8. During the site visit, I saw a wide range of boundary treatments to the front of properties on the opposite side of Church Lane to the site and further along this road, including entrance gates, fences and boundary walls. Examples of properties with boundary railings along Church Lane have been referred to with photographs provided. However, it is within a short group of properties along the same side of the highway that the proposal would be visually 'read'.
9. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it is contrary to Policy DM9 of the Epping Forest District Council Local Plan 2011 - 2033 Part One (LP). This policy promotes high quality design and seeks to ensure that all development proposals relate positively to their context. It is also at odds with the Framework 2024, which, like its predecessor, states that developments should be sympathetic to local character and add to the overall quality of the area.

Whether sufficient information has been provided

10. From Church Lane, the proposed railings and gates would be seen together with the nearby Funeral Chapel in the foreground or just beyond this listed building depending on the direction of view. On that basis, the proposal clearly forms part of and therefore may affect the setting to this listed building and its significance as a designated heritage asset.
11. In those circumstances, the Framework 2024 requires applicants to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. It goes on to advise that this assessment should be proportionate to the asset's importance and sufficient to understand the potential impact of a proposal on its significance. LP Policy DM7 echoes this requirement and notes that any application that could affect a designated heritage asset should be accompanied by a Heritage Statement.
12. From the information provided, no such assessment was undertaken at the application stage with only a brief cursory evaluation provided in the appellant's evidence. On that basis, I share the Council's concern that insufficient information has been provided to determine the potential harm to a designated heritage asset.

13. The proposal would also necessitate the removal of the existing hedgerow that runs along part of the frontage to the site. To my mind, this existing hedgerow positively contributes to the greenery and sense of informality within the streetscape. Given the considerable expanse of the existing hedgerow and its visual presence in the street scene, the impact of the loss, as proposed, could not reasonably be described as diminutive as the appellant suggests. While the appellant states that the hedgerow would be replanted within the site behind the new railings, few details have been provided and this arrangement is not shown on the plans before me.
14. On that basis, the proposal fails to comply with LP Policy DM5. This policy states that development proposals should be accompanied by evidence to demonstrate that green infrastructure, which includes hedgerows, will be retained and protected, or new landscaping introduced, in accordance with best practice. That requirement equally applies irrespective of the scale of the proposal.
15. I have considered whether conditions could be imposed to require heritage and green infrastructure assessments to be submitted to and approved by the Council before work starts. However, the acceptability of the proposal depends on the outcome of those exercises. Therefore, it would be inappropriate to do so.
16. On the second main issue, I therefore conclude that insufficient evidence has been provided in relation to a designated heritage asset and green infrastructure. Therefore, the proposal conflicts with LP Policies DM5 and DM7.

Highway safety

17. From my mid-morning site visit, I saw that Church Lane was well used with vehicles traveling generally at low to moderate speed and a few pedestrians using the footways. I saw no examples of footways near to the site being obstructed due to parked vehicles or because vehicles were turning into or out of a driveway, including those properties within the wider area that have access gates.
18. The driveway of No 24 is modest in length and the new gates would not be positioned 6-metres back from the edge of the road. As such, a driver seeking to enter the driveway may need to wait within the carriageway whilst the gates open. In doing so the waiting vehicle might form an obstruction to other road users.
19. Even so, a vehicle entering or leaving the existing driveway of No 24 must slow down and turn into or out of the carriageway, to which other road users already must react. Forward visibility along Church Lane is reasonably good even with the sloping ground beyond the Burial Ground entrance. The additional amount of time that a vehicle would be standing on the highway while the new gates are operated is also likely to be short. In those circumstances, I find that the proposed siting of the new gates would not result in undue highway danger. Furthermore, I note that the removal of the existing frontage hedgerow would also improve the visibility to the left of a driver exiting the site that would be a safety benefit.
20. On the third main issue, I conclude that the proposal would not pose a significant risk to the highway safety of users of Church Lane. As such, the appeal scheme complies with LP Policy T1 and the Framework 2024 insofar as they aim to ensure that development does not compromise highway safety. My finding on this issue does not outweigh the harm that I have identified above.

Other matters

21. That the new railings would enhance a sense of security and safety for the appellant is not in doubt. I appreciate that the recent trespass incident would be unsettling and understand the desire to physically enclose the front of the property. The Framework 2024 makes clear that developments should create places that are safe. While I have some sympathy for the appellant's circumstances, these matters do not outweigh the significant harm that I have identified in relation to the first and second main issues.

Conclusion

22. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
23. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR