



Appeal Decision

Site visit made on 28 January 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/J1535/D/24/3345796

Pakes Farm, Poplar Row, Theydon Bois, Epping, Essex CM16 7NB

- 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 Ms S Cook against the decision of Epping Forest District Council.
 - The application Ref is EPF/1747/23.
 - The development proposed is a garden annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issue

2. The main issue is the effect of the proposed annexe on the setting of Pakes Farm, a Grade II listed building.

Reasons

3. Pakes Farm is a substantial detached dwelling comprising a late eighteenth century frontage with a timber framed earlier structure behind this, located on a large plot facing Theydon Village Green. The front elevation has a uniform layout of double hung sash windows with moulded surrounds and a central flat-roofed porch. I note that the building is one of the few surviving properties in Theydon Bois depicted on a 1777 map of Essex. For these reasons, Pakes Farm is both of architectural significance and makes a positive contribution to the historic record of the village.
4. The proposed annexe building would be located close to the garden boundary and parallel with the south-eastern side of the host dwelling. As such, it would be within the same residential curtilage relatively close to Pakes Farm and, therefore, this location forms part of the listed building's setting.
5. The garden currently includes a swimming pool, a garage building and a summerhouse behind the position of the annexe, which is to be removed. While these ancillary buildings are relatively large, they are subordinate to the listed building, not least because of their positions to the rear of the property.

6. By contrast, the annexe would be positioned forward of these ancillary buildings on the same front building line as Pakes Farm. It would also occupy a substantial footprint, running the full depth of the deepest part of the listed building. Consequently, despite its limited height, it would be a substantive building in an uncharacteristic and prominent position that would not be subordinate to the host dwelling. The materials for the building, comprising brick, timber and natural slate would not be unusual in the setting. However, the extent of the built form combined with its layout would result in the annexe being an incongruous addition in this location with regard to its relationship with Pakes Farm. As such, it would harmfully detract from the setting of the listed building.
7. The fact that the summerhouse would be removed does not overcome these effects, particularly given its different position in relation to the main house. Moreover, the existence of previous buildings on the site cannot have a direct bearing on the effects of the current proposal. I acknowledge that there is modern development near to the property, but this does not mitigate the effects of the proposed annexe in terms of its location and overall size within the same residential curtilage. The fact that Pakes Farm has altered over time is not sufficient reason to justify the current proposal, particularly as the later Georgian frontage is explicitly referred to in the list description and, therefore, contributes to the building's listed status.
8. Accordingly, for the reasons given, the proposed annexe would fail to preserve the setting of Pakes Farm. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
9. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal². I acknowledge that the annexe is intended to create ancillary family accommodation. However, the harm to the designated asset is of considerable weight and, therefore, the proposal would not provide sufficient public benefits that would outweigh the harm that has been found.
10. Therefore, for the above reasons, I conclude that the proposed annexe would not preserve the setting of Pakes Farm, a Grade II listed building. Consequently, the proposal is contrary to Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023), which concerns the effects of development on the historic environment; and to Policy DM9 of the Local Plan, which requires development proposals to achieve high quality design and relate positively to their context drawing on, amongst other matters, the historic environment.
11. In reaching this conclusion I am particularly mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building³.

¹ Paragraph 212.

² Paragraph 215.

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12. I have had regard to the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.

Other Matters

13. I acknowledge that the appellant may be frustrated with the process involved in pursuing this proposal, including matters relating to communication with the Council and the apparent lack of a site visit. However, any such concerns about procedural issues are properly for the Council to consider and are outside the scope of this appeal, which is only concerned with the planning merits of the proposal.

Conclusion

14. The proposal is contrary to the development plan and the Framework as it would not preserve the setting of Pakes Farm. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR