



Appeal Decision

Site visit made on 20 May 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th May 2025

Appeal Ref: APP/J1535/W/24/3349226

Brook Lodge, High Street, Ongar, Essex CM5 9JX

- 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 I Leith against the decision of Epping Forest District Council.
 - The application Ref is EPF/0370/24.
 - The development proposed is the conversion of the existing garden summerhouse into a one-person studio unit as additional accommodation in connection with the existing assisted living accommodation on the site. The proposal also includes the provision of a new access ramp to provide level access between the proposed studio, Brook Lodge and High Street.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether the proposed development would be a high-quality design having particular regard to the living conditions of the future occupants, and
 - 2) the effect the effect of the proposal on the integrity of the Epping Forest Special Area of Conservation (EFSAC).

Reasons

Living conditions

3. The existing building comprises a detached outbuilding set in the rear garden grounds to Brook Lodge. It is an ornamental style structure with an octagonal footprint and a multi-sided hipped roof leading to a central peak. The building is off-set from the rear of Brook Lodge but sits roughly in the centre of the grounds which dog-leg to the rear of the main building.
4. The proposal would comprise the building being converted to additional accommodation to provide an extra unit in addition to the other assisted living homes within Brook Lodge itself. The building would be altered with upgraded fenestrations and feature windows in some form to all eight aspects. Most notably the living room and bedroom would both have windows to at least two sides. In cumulation the windows around the building would allow vantage in to and out of it from almost 360 degrees.
5. The setting of the building within the communal grounds means that the residents of the other homes in Brook Lodge would be able to walk freely around the entirety of the building giving the future occupants negligible to no privacy. This would offer

the future occupants a substandard level of accommodation to the detriment of their living conditions. The development therefore does not represent an example of high quality design and thus fails to comply with policy DM9 of the Epping Forest District Local Plan 2011-2033 (EFLP) insofar as it does not avoid overlooking and a lack of privacy for the occupiers of the proposed development.

6. This having been noted, I do not find that the presence of Brook Lodge would result in an overbearing effect to the future occupants. This building is set a reasonable distance away from the proposed additional accommodation and in any case would only be readily visible from the kitchen window. I have also noted reference to policy DM11 in the Council's reason for refusal. This policy, however, relates to waste and recycling facilities in new development which does not feature as an issue in the Council's reason for refusal.

Effect on the EFSAC

7. The proposal has the potential to result in a net increase in traffic using roads through the EFSAC. The EFSAC is notable for its beech trees, heaths and for its population of insects. The conservation objectives include ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.
8. The Conservation of Habitats and Species Regulations 2017 (as amended) requires that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an Appropriate Assessment (AA) of the project's implications in view of the relevant conservation objectives.
9. As such, I cannot rule out, in the first instance, that the proposed development would cause likely significant effects on the integrity of the EFSAC through increased traffic. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate AA. As the appeal is being dismissed for other reasons, I have not done so.

Other Matters

10. The Chipping Ongar Conservation Area (CA) is drafted around High Street and Castle Street linking into the motte and bailey remains with High Street setting the main street scene in the CA. The CA derives its significance from the intimate layout of the historic High Street and its connection and relationship with the medieval ruins. The proposal would not comprise any significant external alterations and it is set to the rear of the Brook Lodge with no vantage from the areas from which the CA derives its significance. As such, the proposal would preserve the character or appearance of the CA.

Conclusion

11. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR