



Appeal Decision

Site visit made on 28 April 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th June 2025

Appeal Ref: APP/J1535/W/24/3353455

Forest Place, Roebuck Lane, Buckhurst Hill, Essex IG9 5QL

- 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 Jay Patel of Design and Construct LTD against the decision of Epping Forest District Council.
 - The application Ref is EPF/0447/24.
 - The development is described as alterations to the two approved chimney stacks which incorporated individual lift shafts adjacent to the western front elevation and rear northeastern elevation. approved under reference EPF 1957/15. Increases to the height of each lift tower and alterations to all elevations to apply materials to match the main elevations of the building.
-

Decision

1. The appeal is dismissed insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the western front elevation. The appeal is allowed insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation and planning permission is granted for alteration to the approved chimney stacks which incorporated individual lift shaft adjacent to the rear northeastern elevation approved under reference EPF 1957/15. Increase to the height of the lift tower and alterations to all elevations to apply materials to match the main elevations of the building at Forest Place Nursing Home, Buckhurst Hill, IG9 5QL in accordance with the terms of the application, Ref EPF/0447/24 so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted, insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers Location Plan, 2002, 2004 Rev A and 4905 except in respect of the chimney stack incorporating the individual lift shaft adjacent to the western front elevation shown on plan 2004 Rev A and 4905.
 - 3) The external surfaces of the development hereby permitted, insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, shall be constructed in the materials specified on the application form.
 - 4) Unless within six months of the date of this decision the cladding to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation is installed, the development hereby permitted,

insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, shall be demolished to roof level and all materials resulting from the demolition shall be removed. Upon installation, the cladding shall thereafter be retained for the lifetime of the development.

Preliminary Matter

2. The application form indicates that the proposal is to retain the increase in height of two lift towers, which have already been constructed. I have amended the description of development in the banner heading and my formal decision to remove reference to retention as this is not an act of development under Section 55 of the Town and Country Planning Act 1990. The development seeks to apply materials to the elevations of the lift towers. The application is therefore part retrospective, and I have proceeded with the appeal on this basis.

Background and Main Issue

3. Planning permission was originally granted in 2016¹ for a 2.5, 3 and 4 storey development to create 125 new residential care units. The proposal was subsequently altered and planning permission² was granted for the amended scheme.
4. Subsequently, substantial internal lift shafts enclosed in large, stack additions to the roof were constructed. The rear stack is subject to an Enforcement Notice³ (EN), and an appeal⁴ was dismissed following variation of the EN to extend the period for compliance. Following determination of the appeal the rear stack is required to be removed.
5. The front stack is also subject to an EN⁵, which requires the stack to be removed. There is no evidence before me that demonstrates that the EN is subject to an appeal. Nevertheless, the development seeks to retain the height and apply cladding to the external walls of the lift tower.
6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site comprises a substantial nursing home building, part of which appears largely complete when viewed externally. The building ranges between 2.5 and 4 storeys in height and has forward projecting gables and hipped dormer windows with timber detailing. The roof includes a mix of pitched and steep mansard forms. Given its scale and position on rising land, the building – in particular the elevation fronting Roebuck Lane – is prominent within the area.
8. The development is for the retention of two stacks, housing lift shafts, which protrude beyond the roof level of the existing building. The lift shafts would be finished with cladding comprising mock-timber detailing and faux roof tiles that would mimic the appearance of the gable roof form and materials of the main part

¹ EPF/1957/15

² EPF/1610/18

³ ENF/0452/19

⁴ APP/J1535/C/21/3269762

⁵ ENF/0071/22

of the building. Whilst the design would resemble elements of the main part of the building, the application onto a flat façade would lack the definition of the three-dimensional properties found in the features of the existing building. Moreover, the application onto substantial appendages rising from the roof would appear incongruous and would be harmful to the character and appearance of the building.

9. The front stack rises significantly above the roof of the building and is highly visible from Roebuck Lane. It is particularly conspicuous in the area immediately to the front of the site and on the approach from the junction with Amberley Road. The two-dimensional cladding applied to the exterior would be a harmful peculiarity that appears out-of-character with both the existing building and the surrounding area. The significant height of the stack above the roof level increases its prominence and would not be mitigated by the cladding proposed. The proposal would erode the quality of the built environment and cause significant harm to the character and appearance of the area.
10. The rear stack is set further back within the site away from Roebuck Lane, on part of the building with a greater ridge height. While visible from within the site from the elevated car park and the area to the rear of the building, the stack is less prominent in views from outside of the site, including from Roebuck Lane. The proposed cladding of this stack would improve the relationship with the existing building, albeit that the two-dimensional finish would limit its effectiveness. Nevertheless, given the position of the rear stack, the relative height of this part of the building and the cladding's design approach, the visual effect on the character and appearance of the area would be limited.
11. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One 2023, which requires that all development proposals to relate positively to their context, drawing on the local character and make a positive contribution to a place.

Other Matter

12. I have had regard to concerns raised by the appellant about the way that the Council handled the appellant's pre-application submission. Nevertheless, this is a procedural point between the main parties, which is not relevant to my consideration of the case before me.

Planning Balance

13. For the reasons set out above, the development would harm the character and appearance of the area. The harm in this regard would be significant given the prominence of the front lift shaft in views from Roebuck Lane. The proposal, insofar as it relates to the rear lift shaft, is less prominent and the harm in this respect would be limited.
14. The lifts provide access to all floors for all occupants and staff would assist in the efficient and effective operation of the facility through the increase in capacity and compliance with fire safety standards. The evidence indicates that change in lift design, utilising a traction lift rather than a hydraulic type, was required to increase the capacity and to allow for the transporting of patients in their beds, and to comply with safety standards and led to a need for an increased overrun. The

letter from Total Fire and Security Solution Services⁶ provides limited justification for the change to a traction lift but noted that the additional headroom would facilitate the requirements for smoke vents and additional ventilation to comply with fire regulations.

15. The supporting letter from LiftSmart Solutions Limited⁷ explains that the installed lift system has been tested and designed in compliance with EN81 standards. The letter states that reducing the lift shaft height may require the lift system to be replaced as a reduced headroom would make it difficult to adhere to required safety standards. Nevertheless, while hydraulic lifts may not be as efficient as traction lifts, there is no substantive evidence before me that demonstrates conclusively that a hydraulic lift would be an unacceptable solution in respect of required safety standards, including fire safety.
16. The replacement of the lifts and the reduction in height of the lift shafts would limit the effective operation of the nursing for a period of time. This would lead to significant disruption to existing residents in parts of the building which are currently occupied. This would be particularly evident within the central area of the building, where the rear lift shaft is located. Moreover, there appears to be a reasonable prospect that the rear lift shaft could be used whilst works to the front lift shaft are completed.
17. The weight attributed to the disruption that would be caused to existing residents would be significant. Consequently, while the proposal insofar as it related to the rear lift shaft would conflict with the development plan, material considerations indicate that a decision should be made other than in accordance with it.
18. However, given the considerable harm to the character and appearance of the area in respect of the proposal insofar as it related to the front lift shaft, material considerations do not indicate that a decision should be made other than in accordance with the development plan.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development, insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, is carried out in accordance with the approved plans. This is in the interests of certainty.
20. To protect the character and appearance of the area, I have included a condition that requires the development, insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, is carried out in accordance with the materials listed in the application form.
21. I have also included a condition that requires the cladding to be installed within six months of the date of this decision. This is required on the basis that the chimney stack has been constructed, and in the interests of protecting the character and appearance of the area.

⁶ Dated 9 June 2021

⁷ Dated 27 September 2024

Conclusion

22. For the reasons given above the appeal should be allowed, insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the rear northeastern elevation, and dismissed insofar as it related to the chimney stack incorporating the individual lift shaft adjacent to the western front elevation.

J Pearce

INSPECTOR