



Appeal Decisions

Site visit made on 10 September 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th December 2025

Appeal A Ref: APP/J1535/W/25/3361719

189 Oak Cottage High Road, CHIGWELL, IG7 5AS

- 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 Raymond Meah against the decision of Epping Forest District Council.
 - The application Ref is EPF/2404/24.
 - The development proposed is demolition of outbuilding and rear chimney stack, erection of part single, part two-storey rear extensions, modification and enlargement of existing single storey side extensions, restoration of roof and chimney stack, internal modifications and refurbishment.
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Appeal B Ref: APP/J1535/Y/25/3361717

189 Oak Cottage High Road, CHIGWELL, IG7 5AS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Raymond Meah against the decision of Epping Forest District Council.
 - The application Ref is EPF/2405/24.
 - The works proposed are demolition of outbuilding and rear chimney stack, erection of part single, part two-storey rear extensions, modification and enlargement of existing single storey side extensions, restoration of roof and chimney stack, internal modifications and refurbishment.
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Appeal A Decision

1. The appeal is dismissed.

Appeal B Decision

2. The appeal is dismissed.

Preliminary Matters

3. Both appeals relate to No 189 High Road, Oak Cottage, which is a Grade II listed building¹. The description of development and works are the same for both proposals and the issues within the appeals are similar. As such I have dealt with them within the same Decision letter. I have, however, set out two separate formal Decisions.
4. As required by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

¹ National Heritage List for England Entry Number: 1337285

Main Issues

5. The main issues in these appeals are:
- whether the proposals would preserve the listed building or any features of special architectural or historic interest which it possesses; and
 - the effect of the proposal on nearby trees.

Reasons

Listed Building

Special interest and significance

6. Oak Cottage is a Grade II listed timber framed building dating from the 18th Century. The building is set back from the road behind a small front garden area and a low-level railing and appears, from the front elevation as a two-storey dwelling with additional accommodation within the roof space. The evidence before me indicates that the building has been changed over time with the front and side elevations re-fronted in yellow stock brick in the 19th Century in a polite Georgian style. Rear extensions were added in the 20th and early 21st Centuries.
7. The front elevation of the building possesses a strong sense of symmetry; a central doorway with Corinthian columns and a pediment over is flanked by two ground floor 6 over 6 light sash windows with three similar windows aligned above at first floor level. The roof space is served by two dormer windows set behind a parapet wall. Prominent chimney stacks bookend the property.
8. The rear elevation of the building is of a notably different form and design with contrasting materials. This elevation is dominated by a single storey, white timber, structure which runs across the full width of the building, extending beyond the core of the building on either side. The elevation is punctured by a series of doors and windows with small panes and glazing bars which open onto the patio and the catslide roof is interrupted by a, slightly off-centre, brick chimney stack. The rear elevation is largely concealed by the brick walls in views from the front of the property. The side elevations with their weatherboarding and catslide roof form are, however, prominent from a number of viewpoints.
9. I find the special interest and significance of the listed building to be mainly derived from its archaeological, architectural and historic interests in exemplifying a vernacular domestic property which has evolved over time. Important contributors in these respects which allude to the building's phased development, are its use of traditional methods of construction and materials; status differentiation between the refronted principal elevation and the secondary rear elevation; surviving historic fabric and floor plan; and pleasing architectural form and design, including key features and detailing.

Effects of the proposals

10. The proposals are for the demolition of the outbuilding and rear chimney stack, erection of part single, part two-storey rear extensions, modification and enlargement of existing single storey side extensions, restoration of roof and chimney stack along with internal modifications and refurbishment.

11. The proposed extensions to the rear of the property would be extensive and large. They would represent disproportionate additions which would fail to respect the host building. The proposed extensions would engulf the rear of the building and fundamentally change its modest character and appearance. The subservient rear elevation of the building would no longer appear clearly secondary to the more detailed and dominant architecture of the front elevation but would visually compete. The quiet dignity of the rear of the property would be irretrievably eroded.
12. The rear extensions would project a substantial distance from the rear elevation of the building and would sit above the existing line of the eaves. The notable catslide roof form, which is prominent in views from the surrounding area, would be partially retained in line with the appellant's view that the bottom part of the roof is a later off-shoot. However, considered as a whole this key element would be markedly undermined by the proposed changes. The prominent rear chimney stack would be demolished.
13. The proposed extensions would be partially screened from view. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Moreover, the proposals would, nevertheless, be visible from some viewpoints. When viewed from the front of the building the proposed extensions would visibly project above the existing garage. Though, on one side the demolition of the outbuilding, which is currently partially visible, would be an improvement the proposed extension on the opposite side would be larger and thus more visible adding a more notable, detrimental degree of asymmetry when viewed from the front elevation of the building.
14. I accept that the notion of subservience should be measured not only in terms of scale but also in language and materiality. In this instance the materiality of the proposed additions, utilising expanses of plate glass across the rear elevation for example, would not represent the extensions appearing as discreet or subsidiary features.
15. Internally, the works proposed would largely affect the spaces to the rear of the building. There would, nonetheless, be significant changes. The large additions to the rear of the property would alter the plan form and the historic primacy of the rooms to the front of the property, particularly at first floor level, would be reduced. The principal rooms would no longer be to the front of the property but would be located in the new spaces at the rear. Whilst previous changes at ground floor level have already led to the main living space being located at the rear of the property the proposals would build upon this and extend it to first floor level thus further compromising the historic room hierarchy. This, alongside other proposed works, including the demolition of the chimney stack, would lead to a significant loss of historic fabric.
16. Furthermore, it is imperative that proposals are accompanied by accurate and unambiguous drawings and specifications of sufficient detail to illustrate and/or describe the proposed works in order to avoid any uncertainty over the extent of what is proposed, and to allow a robust assessment of any consequent effects. In this instance, the evidence before me does not clearly define the scope and detail of a number of the elements of the scheme; damp-proof works in the basement, installation of an ensuite bathroom in the attic and the reordering of the staircase

and floor at second floor level for example. The lack of drawings and detailed specifications for these detailed elements of the proposals cast doubt over the individual designs, subsequent appearances and works involved in their construction. The specific details before me are not sufficient to enable a robust judgement to be reached regarding the potential effect of the proposals on the heritage asset in these regards and, consequently, I cannot be certain that they would preserve the listed building and not cause harm to its significance. This is highly undesirable in general terms, but especially given that the property is a Grade II listed building where great weight is given to the conservation of the designated heritage asset.

17. In this instance, such details go to the heart of the proposal and I cannot be certain that suitably worded planning conditions would be an effective mechanism for making the proposal acceptable and ensuring that it would not cause harm. Without evidence to the contrary I must take a precautionary approach in the interests of preserving the listed building and ensuring that any conditions imposed would meet the tests set out by the National Planning Policy Framework (the Framework). Consequently, the use of conditions would not be suitable.
18. I note that care has been taken to preserve the historic core of the building and that the historic fabric has been previously compromised and a number of internal features are now considered to be of poor quality. Indeed, I accept that the property has been altered over time and that these further changes could be considered as part of the building's evolution. However, to my mind, the previous losses further cement the vital importance of any remaining historic fabric and increase the sensitivity of the building to further change, particularly change of the magnitude proposed in this instance. Were these proposals to go ahead, the cumulative changes to the building would be such that the historic significance of the building would be substantially weakened.
19. Though there is certainly a place for modern architectural interventions to historic buildings, in this instance, rather than allowing the phasing of the building to be read, the proposals would be such that they would overwhelm the host building and would partially obliterate, rather than add to, the story of the building.
20. Whilst the appellant sets out the majority of the proposed changes would be to the later extensions, overall and viewed holistically, as set out above, the listed building would nevertheless be substantially affected.
21. I acknowledge that the building is sited within the context of other large detached dwellings of varied architectural design, including a scheme which has been approved at Number 191 High Road² where the Inspector held that the setting of Oak Cottage was limited to the garden within the boundaries of the plot. However, as I have explored above, in this case there would be harm to the listed building itself irrespective of its wider context.
22. For the reasons set out above, the proposals would unacceptably diminish the architectural and historic interest of the listed building thereby undermining the significance of the designated heritage asset. The proposal would therefore fail to preserve the special architectural and historic interest of the Grade II listed building.

² Reference APP/J1535/W/22/3304896

23. In finding harm to the significance of a designated heritage asset the Framework requires the category of harm to be identified. The Planning Practice Guidance (PPG) expands upon this by requiring the extent of harm within that category to be clearly articulated. In this instance, given the extent and nature of the proposed development and works, the harm to the significance of the designated heritage asset would be at the higher end of less than substantial. Notwithstanding this, the identified harm is of considerable importance and weight.
24. The approach set out in paragraph 215 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public benefits and heritage balance

25. It is reasonable to conclude that the proposals would lead to economic, social and environmental benefits. Amongst other things, these would stem from engaging local professionals, trades and suppliers and the use of sustainable construction methods and renewable energy technologies.
26. I accept that the scheme has a number of other benefits; particularly with regard to elements of the building which are in a poor state of repair. I also note that efforts have been made to improve the legibility of the historic core and to offer additions which are of a high quality. However, I am not convinced that the only way of securing such benefits would be via the particular development and works proposed.
27. Furthermore, I recognise that the scheme would enable the building to be utilised as a family dwelling. Notwithstanding this, there is no substantive evidence before me which demonstrates that the proposed development and works are necessary to secure the ongoing use of the heritage asset as a family home.
28. Whilst a number of these benefits would be private, they would also be such that they could be considered to be of broader benefit to the public. These benefits are, however, limited by the nature of the proposals and must be considered in that context.
29. Conversely, on the other side of the balance, I have found that the proposals would fail to preserve the special architectural and historic interest of the Grade II listed building. The Framework indicates that great weight should be given to the conservation of such heritage assets. Consequently, the public benefits of the scheme do not outweigh the harm identified.
30. The proposal would, therefore, conflict with the statutory presumptions of s.16(2) and s.66(1) of the Act. The proposals would also fail to accord with Policies DM7 and DM9 of the Epping Forest District Local Plan 2011-2033, March 2023 (LP). Taken together, amongst other things, these policies seek to ensure that heritage assets are preserved or enhanced in a manner appropriate to their significance and, more broadly, promote a high quality of design which contributes to the distinctive character and amenity of the local area.
31. The development would also fall short of the expectations of the Framework which broadly promotes high standards of design and states that developments should

be visually attractive and sympathetic to the character of the area. The Framework further sets out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

32. I accept that Paragraph 219 of the Framework sets out that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. However, the Framework goes on to say that it is proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) which should be treated favourably. This proposal would not meet this requirement and, in my view, would cause harm to, rather than better reveal the significance of, the heritage asset.

Trees

33. The appeal site contains a number of mature trees which contribute positively to its character and appearance. A number of mature trees are also present nearby outside of the boundary of the site. The evidence before me is somewhat contradictory with some documents indicating the presence of five trees on the site which are protected by Tree Preservation Orders and others citing the presence of two on site and one within the boundary of a neighbouring property.
34. Whilst the initial evidence submitted included a tree survey dating from 2021, an updated arboricultural impact assessment and method statement³ (the statement) dating from January 2025 was later submitted. This statement, which is the most recent expert evidence before me, shows two protected trees to the front of the appeal site with a further protected tree close to the boundary at No 191. The Council have not disputed this.
35. The statement sets out that no trees would be felled as part of the proposals and indicates that, providing the methodologies outlined in the statement are followed, no trees would be likely to be damaged during the course of the project. I have no reason to dispute the contents of the statement and, based on the evidence before me and my own observations on site, find that the proposals could be implemented without causing a detrimental impact to the surrounding trees. Were I minded to allow the appeal, these details could be secured through the use of a suitably worded planning condition.
36. Consequently, in my view, the proposals would not cause harm to the nearby trees and would not harm the character and appearance of the area in this regard. The proposal would, therefore, accord with Policy DM5 of the LP which states that development proposals must demonstrate that they have been designed to retain and where possible enhance green and blue infrastructure assets including trees.

Other Matters

37. The evidence before me is not clear as to whether the Council notified Historic England as should have been the case where it relates to an application for listed building consent comprising relevant works in respect of a Grade II listed building. However, given my conclusions that the appeals should be dismissed, little would

³ Arboricultural Impact and Assessment and Method Statement by MME Environmental Ltd dated 21 January 2025.

be gained by delaying both decisions to further explore this matter or undertake that notification. However, had my conclusions been otherwise, I would have provided an opportunity for the notification to take place.

Overall Planning Balance and Conclusions

38. The benefits of the proposals are set out above in the heritage balance and carry weight in the appeals' favour. Although I have found that the proposals would not result in harm to the trees in and around the site, subject to the imposition of appropriately worded conditions, this weighs neither for nor against the appeals in the planning balance.
39. However, I have found that the proposals would cause harm to the designated heritage asset. As such, the proposals would fail to meet the relevant requirements of the Act, conflict with relevant policies of the LP and not comply with relevant provisions within the Framework. This attracts substantial weight against the appeals.
40. Consequently, whilst there are considerations that weigh in favour of the proposals, in my view, they are not sufficient to outweigh the harm I have found and, for the reasons set out above, the appeals are dismissed.

L J O'Brien

INSPECTOR