
Appeal Decision

Site visit made on 6 January 2026

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 21 January 2026

Appeal Ref: APP/J1535/W/25/3375251

King William IV, High Road, Chigwell, Essex IG7 6PJ

- 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 Boyer Planning, Mitchells & Butlers PLC, against the decision of Epping Forest District Council.
 - The application Ref is EPF/0268/25.
 - The development proposed is a timber structure, new external fireplace, increase in area of existing stone flagging, external works including festoon lighting and car park alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some issue with the description of development. The description as agreed by the parties refers to the retention of a timber structure. The Council advises that the description was revised to include retrospective consent for the timber structure but then clarifies that this was erroneously applied as the structure (referred to as the 'orangery' on the plans), had planning permission¹. I do not appear to have been provided with details of the approved structure. The appellant has also advised that some works to the timber structure are retrospective, but I am unclear as to what these works are. Neither has the Council provided adequate clarification.
3. The appellant's drawings showing the existing and proposed footprint and overall external elevations of the timber structure appear to be largely similar. I also saw on site these similarities. The only proposed changes that I have been clearly made aware of are the proposed pergola details (drawing Ref.JMDA1266/101) showing cladding to the timber structure and some changes to materials. I have therefore assessed the proposal on this basis.
4. Other proposed works include festoon lighting to the garden area, new board fencing to match existing, new estate fencing to the frontage, and an air source heat pump at the rear of the building. I have used the agreed description of development in the banner heading above but removed reference to 'retention' of the timber structure because this is not an act of development.
5. The appeal building lies adjacent to a Grade II listed building, No.102 High Road. Although the Council has not referred to the impact on the setting of this listed building in its reasons for refusal, this perceived harm is mentioned in the officer

¹ Planning permission Ref. EPF/0654/06

delegated report. In view of this and to reflect my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have included this in the main issue relating to character and appearance.

6. In the second reason for refusal, the Council mentions insufficient information in relation to details of the estate fencing and lack of an acoustic report for the air source heat pump. As I address the fencing under character and appearance, the second main issue will relate to the impact of the air source heat pump.

Main Issues

7. The main issues are:

- Whether or not the proposed development would harm the character and appearance of the area, including the significance of the adjoining listed building; and
- The effect of the air conditioning unit on neighbouring occupants.

Reasons

Character and appearance

8. The appeal property is a relatively modern, two storey building located along High Road near to the centre of Chigwell. It is a building of modest proportions, clad in white-painted weatherboard with a tiled roof and wrap-around single storey extensions. It is set back from High Road behind a car park and a boundary frontage which includes a grassed area and several trees and shrubs. The surrounding area has a mixed character and appearance.
9. To the south is the Former King William IV Public House, a Grade II listed building (Ref.1165298). The list description mentions that the public house dates from the 19th century and describes its materials, form and architectural detailing. It notes the L-plan, with the front elevation at right-angles to the road (looking towards the appeal property) and describes a further elevation facing the road. For the purposes of this appeal, the building's significance mainly derives from its architecture, fabric and its historic function. The listed building is set back from the road similar to the appeal building but has a more open frontage and is positioned on land which is much higher than the appeal property. At the boundary is a retaining wall and fence which reflects the abrupt change in levels. Owing to the main outlook of the listed building towards the appeal property, changes to the appeal site have the potential to affect how the listed building is experienced and appreciated in its context.
10. The Council has concerns that the 'pergola structure' is not subordinate to the main building. However, given that I am advised that the timber structure already has planning permission, and I am not aware of any overall increase in height or form, I am only considering the cladding of this structure, including glazing and ventilation. In this regard, the details describe cladding the timber open area to enclose the space, cladding over the central section, moving the glazed panels higher in the frame and new fire doors.
11. Whilst it is possible for these elements of enclosure to be acceptable, and some additional details could be addressed later by condition, I appear to have no equivalent 'existing' drawing to compare the pergola structure to. I also have some

concerns that the floor plan and 'typical' elevation drawings do not appear to correspond. For example, doorways, including the fire doors are not shown. Therefore, I do not have adequate details to fully understand the proposed changes or to be sure how the structure would look. Given that the main elevation of the listed building looks over this structure, despite the level change and boundary fencing, I am not assured beyond reasonable doubt that the proposed changes would not detract from the way that the listed building is viewed and therefore may affect its significance.

12. In relation to the wider streetscape, due to the set back of the structure from the road and other pub paraphernalia immediately to the frontage, there are likely to be only limited views of the proposed changes from this point. Nevertheless, further details would provide reassurance that this would be the case. There may be other public houses with similar structures in their grounds, but I have limited details of these developments or their contexts, so it is not possible to draw any helpful comparisons with the appeal proposal before me.
13. In relation to the proposed estate fencing to the site frontage, I do not appear to have been provided with elevation details, so it is not possible to assess the appropriateness of its height and design. Nor am I able to adequately consider the effect of the enclosure of this relatively open frontage on the character of the wider area. The proposed boundary treatment with the listed building is also vague.
14. As I have found harm to a designated heritage asset, the proposal would not meet the expectations of the Act. I find the harm in the context of the significance of the heritage assets, in the language of the National Planning Policy Framework (Framework), to be at the lower end of less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework requires this harm to be weighed against the public benefits.
15. The appellant states that the proposal would secure the optimum viable use of the public house, achieve modernisation and meet modern-day expectations. Also, it is suggested that the proposal would sustain and enhance the significance of the building and the contribution of its setting. However, whilst these benefits may help sustain the use of the public house, it has not been demonstrated that these benefits could not be achieved through a revised scheme which includes full and clear details. Therefore, based on the information before me, I attribute them limited weight. I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to the designated heritage asset, to which I attach great weight. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage asset. As such, the proposal would not comply with the Framework.
16. I therefore find that the proposal would have a harmful effect on the character and appearance of the area, including the significance of the adjoining listed building. It would therefore conflict with the Act and Framework, along with Policy DM9 of the Epping Forest District Local Plan (2023) EFLP which seeks to achieve high quality design and the Framework which seeks to ensure that development is sympathetic to local character.

Neighbouring occupants

17. An air source heat pump is to be installed at the rear of the building adjoining the car park. Although this area is close to open fields, there are other properties nearby. A manufacturers brochure has been submitted with the appeal documentation, but this provides little information for me to be able to assess whether the noise levels produced would be at an acceptable level for neighbouring occupants in this particular location. An acoustic report would be required in relation to the proposed air source heat pump and any other potential noise issues arising from this proposal, and this would also highlight any appropriate conditions for mitigation.
18. It has therefore not been demonstrated to my satisfaction that there would be no harmful effect arising from the proposal on neighbouring occupants. It would therefore conflict with EFLP Policy DM9 which expects proposals to address noise in relation to neighbouring uses and the Framework which seeks to ensure that development achieves a high standard of amenity for existing users.

Conclusion

19. For the reasons given, and having regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR