

Appeal Decision

Site visit made on 17 January 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2017

Appeal Ref: APP/P3610/W/16/3159148

Victory House, 23 West Street, Epsom KT18 7RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Weldin against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/00318/FUL, dated 25 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is to construct 3 No 1-bed flats within the roof space with new dormers and balconies.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the setting of the nearby, Grade II listed building, 21 West Street, and
 - whether it would preserve or enhance the character or appearance of the Epsom Town Centre Conservation Area (CA).

Reasons

The effect on the setting of the nearby, listed building

3. While there has been recent development around the listed building, it retains a handsome appearance leading the eye up to the corner of West Street beside Nos 17 and 19, as the street rises away from the commercial centre of Epsom towards the housing area. The listed building has a dual-pitched, slate-covered roof with distinctive, semi-circular lights to both slopes, between gable ends.
 4. Its side extension, and the recent housing development encapsulating its western aspect, reflects its original roof form but with less elaborate gable detailing. The townscape of the new housing is similar to but distinguishable from the listed building, particularly so its roofscape. The building's public setting to the north and east is spacious and architecturally rich in detail as a result of the set-back position and contrasting façade arrangements and materials of Nos 17 and 19.
 5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to
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have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The proposed roof development, while it would be no higher than the recently completed housing, would be a visible component of the setting of the listed building in views from further up the incline of West Street to the south, and in views from the west. The rear dormers and the infill connection between the paired, pitched roofs of the housing development would weaken their clear and simple forms which reflect the roof of the listed building.
7. The introduction of high level flat roofs, at odds with the pitched roof form of the listed building's main roof, would undermine the present coherence of roof forms between the listed building and the surrounding buildings. While the rear balconies would be obscured from many street views, the box-like dormers to which they would be attached, as well as the valley infill, would be conspicuous in the public settings of the listed building.
8. I appreciate the care in the design and arrangement of the small dormers on the street-facing roof slopes of the proposal and the selection of their materials, and I take into account the relative area of the slopes compared to the listed building. However, on a street-facing roof slope so close to the listed building, they would detract in their scale and number from the street-facing roof slope of the listed building which contains fewer and more understated lights.
9. The present arrangement, where the roof slopes of the new housing are undeveloped and unassuming presents a sensitive and balanced setting to the listed building which this proposal would disrupt. The proposed development would diminish the stature of the listed building in the hierarchy of surrounding building forms which would be harmful to its setting, and thereby the significance of the designated heritage asset.
10. Nevertheless, the harm would be less than substantial, and in accordance with paragraph 134 of the Framework, that harm should be weighed against any public benefits of the proposal. Whilst I note that the development would provide additional dwellings, there would be insufficient public benefit arising from the development to offset the identified harm to which I must attach considerable importance and weight.
11. I conclude on this issue that the proposed development would fail to sustain or enhance the setting, and thereby the significance of the nearby listed building. It would be contrary to Policy DM8 of the Council's Development Management Policies 2015 (DMP), which seeks development which conserves and enhances heritage assets. It would also be at odds with the policies of the Framework which seek to conserve and enhance the historic environment.

The effect on the character or appearance of the Conservation Area

12. An important component of the character of the CA is the roofscape of the buildings which generally share pitched roofs formed with a variety of pitches, materials, and detailing. Where dormers are included, they tend to be small and display pitched or curved forms with substantial gaps between them. The present roofscape of the new housing reflects this townscape and forms part of the setting to the surrounding buildings and contributes to the contrasting character of the whole CA.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a CA.
14. Notwithstanding their conflict in the setting of the listed building described above, in the context of the other buildings in the CA which have small dormers on their front roof slopes, the dormers proposed on the front slope of the roof of the new housing would not appear out of place. However, the proposed box-like dormer to the rear and its flat roof, which would be visible within the CA, would be at odds with its characteristic roofscape. The valley infill between the twin roofs would remove an attractive feature from the roofscape and introduce a prominent, uncharacteristic roof form at odds with the distinctive townscape of the CA, which would be harmful to its significance.
15. The proposal would harm both the character and the appearance of the CA, contrary to DMP Policies DM8, DM9, and DM10 which seek development that respects local distinctiveness, conserves or enhances heritage assets and which makes a positive contribution to the Borough's visual character and appearance. Whilst the harm I have found would be less than substantial, and the development would provide additional dwellings, this is insufficient to outweigh the harm identified above.

Conclusion

16. I conclude that the development would provide a benefit of three dwellings to local housing supply in accordance with paragraph 47 of the Framework which anticipates a significant boost to the supply of housing. However, this is outweighed by the harm it would cause to the setting of the nearby listed building, 21 West Street, and its failure to preserve or enhance the character or appearance of the Epsom Town Centre Conservation Area.
17. These matters attract considerable importance and weight against the proposal. While it would cause less than substantial harm to the significance of the designated heritage assets, that harm would not be outweighed by public benefits. Therefore, for the reasons above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR