
Appeal Decisions

Site visit made on 24 January 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 7 February 2017

Appeal A: APP/P3610/W/16/3157573

2 Woodcote Green House, Woodcote Green Road, Epsom, Surrey KT18 7DF

- 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 John Parsloe against the decision of Epsom & Ewell Borough Council.
 - The application Ref 15/01892/FLH, dated 29 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is first floor side/rear extension, internal alterations including alterations to stair, relocation of bathroom and wc. Alterations to existing windows and relocation of side door. Removal of modern chimney stack. Installation of period fireplaces, replacement of modern doors.
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Appeal B: APP/P3610/Y/16/3157577

2 Woodcote Green House, Woodcote Green Road, Epsom, Surrey KT18 7DF

- 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 John Parsloe against the decision of Epsom & Ewell Borough Council.
 - The application Ref 15/01893/LBA, dated 29 March 2016, was refused by notice dated 12 May 2016.
 - The works proposed are first floor side/rear extension, internal alterations including alterations to stair, relocation of bathroom and wc. Alterations to existing windows and relocation of side door. Removal of modern chimney stack. Installation of period fireplaces, replacement of modern doors.
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Decision Appeal A

1. I dismiss the appeal insofar as it relates to the first floor addition and the alterations to fenestration on the side and rear elevations. I allow the appeal insofar as it relates to the lounge external door and chimney stack and grant planning permission for the replacement of the rear lounge door and frame, and removal of modern chimney stack at 2 Woodcote Green House, Woodcote Green Road, Epsom, Surrey KT18 7DF in accordance with the terms of the application, Ref 15/01892/FLH, dated 29 March 2016, and subject to conditions 1) to 4) on the attached schedule.

Decision Appeal B

2. I dismiss the appeal insofar as it relates to the first floor addition, the alterations to fenestration on the side and rear elevations, the works to the staircase, the dining room rear door, the first floor works, and the enlargement of the kitchen into the dining room. I allow the appeal insofar as it relates to
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the lounge external door and fireplace, chimney stack and removal of a toilet and grant listed building consent for the replacement of the rear lounge door and frame, removal of modern chimney stack, the works to the lounge fireplace, the removal of the toilet to form a larger kitchen with the associated works to the opening, and the re-use of period doors in place of modern ones at 2 Woodcote Green House, Woodcote Green Road, Epsom, Surrey KT18 7DF in accordance with the terms of the application, Ref 15/01893/LBA, dated 29 March 2016, and the plans submitted with it, so far as relevant to that part of the works hereby permitted and subject to conditions 1) to 5) on the attached schedule.

Main Issue

3. In both appeals this is the effect of the works on the architectural or historic interest of the listed building and its setting within the Chalk Lane Conservation Area.

Reasons

Preliminary Findings

4. It is clear from the reason for refusal and the claim that insufficient justification has been put forward, together with the wording of Informative 3 regarding what a future application should comprise, that the Council has concerns as to the standard of information provided. The Consultation Response of the Council's conservation advisor commented on this also. Her quotation from paragraph 128 of the National Planning Policy Framework was somewhat selective as the passage is referring to the description of significance and continues with the words '*and no more than is sufficient to understand the potential impact of the proposal on their significance.*'
5. However, the drawings provided do lack the detail and interior elevations and sections that would have aided immediate understanding of the proposals, but the site inspection was exhaustive and detailed. Whilst this was an 'Access Required Site Visit' attended by the appellant and Mr West, but not by the Council, opportunity was taken to ask Mr West to conduct a tour of the building pointing out the various areas of work and features referred to in the written representation. Care was taken to ensure that no representation was made as to the merits of the case or the justification for the works.
6. The appellant asserts in his Appeal Statement that '*no member of the Planning Department has visited 2 Woodcote Green House concerning the above applications*', which would be unusual for a listed building consent application concerning internal works. Nevertheless, the reasoning that follows and the resulting Decisions are based on a full understanding of the works proposed and the present arrangement of the building together with its historic and architectural significance. The interests of neither main party were prejudiced by the necessarily full and detailed site inspection.

Listed Building and Setting

7. The building is, along with number 1 Woodcote Green House, listed at Grade II*. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same

- Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Paragraph 132 of the National Planning Policy Framework states 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. The statement continues to the effect that the more important the asset, the greater the weight in favour of conservation should be. This Grade II* listed building is one of only a relatively small number of listed buildings which are considered to be of this level of significance.
 9. Policy CS5 of the Core Strategy and Policy DM8 of the Development Management Policies seek to protect and enhance heritage assets. The loss of heritage assets will be resisted and every opportunity to conserve and enhance them should be taken by new development. Development proposals that involve, or have an effect upon heritage assets must establish the individual significance of the asset as part of the application or consent process. As part of the assessment process the significance of the asset will be taken into account when determining whether the impact of any proposed development is acceptable.
 10. The works consist of various interventions in different parts of number 2, and it is accepted by the Council in the Consultation Response that 2 Woodcote Green House is much altered and possibly less sensitive to further alteration than the principal 17th/18th century range of the designated heritage asset. The Response goes on to analyse each item of the proposal, and it is again acknowledged that certain aspects are acceptable. The appellant lists the contentious items as being the projecting first floor extension, alterations to the fenestration, removal of partitions to form a modern kitchen, and the reorganisation of the stairs. Nevertheless, the whole of both applications is to be determined at Appeal in order to satisfy the statutory tests in the 1990 Act, and each area will now be considered.
 11. *First Floor Addition.* The concrete interlocking tiles of the lean-to roof, along with the modern brick chimney that disrupts the cornice moulding and gutter are intrusive and inappropriate features of the rear and side elevation, readily seen from the road and therefore causing harm to the building's setting and the character and appearance of the conservation area. The formation of an enlarged bedroom through building over the unattractive and historically compromised single storey part would be a benefit to the continued use of the building and hence its upkeep. However, the proposed projection past the rear line of the building would appear over-assertive and would unbalance the rear elevation. Making use of a similar design and construction to the projecting part of the attached 1 Woodcote Green House would risk undermining the special architectural and historic interest of that part, acknowledged to be of a higher order than that of number 2. The projection would harm the listed building and its setting, and hence the character and appearance of the conservation area. Insufficient justification has been put forward for the additional size of bedroom, as required in cases of 'less than substantial harm', where paragraph 134 of the Framework requires such harm to be weighed against the public benefits of the proposal, including securing its optimum viable use. The removal of the modern chimney stack is however acceptable on its own subject to what would be visible making-good.

12. *Alterations to fenestration of the rear elevation.* The replacement of the rear door and frame with one that fits the structural opening and is of a more appropriate design would be welcome. The enlargement of the present dining room window to form a pair of doors would have a limited effect but would appear to rely on the raising of the lintol and the works to the first floor addition.
13. *Alterations to fenestration of the side elevation.* It appears that the upper window would remain in place, with works to install a reclaimed window 'A' involving removal of a door and window, with a new door placed to the rear, again relying of the first floor addition to gain head height. Whilst the works would improve the architectural presentation, window 'A' would not be released due to the unacceptable nature of the rear addition, although another suitable window could be produced, controlled by a joinery condition. In the balance however, too much of the otherwise acceptable re-ordering of window and doors on the side elevation relies on unacceptable areas of work that permission and consent should be withheld for this work.
14. *Alterations to fenestration of the front elevation.* The proposal is to replace two upper windows and to reposition one, window 'B', centrally. On the ground floor a small offset cloakroom window would be replaced with a central window to the proposed kitchen. Whilst this would introduce a symmetry that is not present now, there does not appear to be justification in terms of lighting either the new bedroom or the kitchen. This intervention to the main entrance elevation of the building would take away historic interest in the evolution of the dwelling, including a lead soil and vent pipe with interesting brackets, possibly installed at the time of the 1909 first floor addition. In this case the introduction of symmetry does not outweigh the historic harm.
15. *Staircase and hall.* The Consultation Response reasons that since the history and degree of architectural and historic significance of the existing staircase is unclear, it must be left in place and remain unaltered. However, the appellant has supplied conclusive proof that what is in place now is the result of at least two previous works to the lower part of the flight. The 1909 drawing, done when the upper floor side extension was added, shows the stair turned at the then north-east external corner of the main ground floor. The Historic Survey refers to this area as being an extension in 1717 to 1724 with the formation of a 'back stair' in the front part of the left extension. In 1954 the lower part was turned back on itself higher up to accommodate the entrance door. The present arrangement appears to retain the higher quarter turn but then has a long straight part towards the rear of the house. Comparing the 1954 and present arrangement, the projection into the lounge appears similar. Other than telling the story of the 1954 alterations, there does not appear to any reason to retain the present lower stair and hall/lounge arrangement.
16. *Upper stair.* Whilst the lower steps of the flight have been altered at least the twice just referred to, the evidence is that the upper steps have remained in the arrangement shown on the 1909 drawing, although the full history back to 1717 is unclear. The proposal to start the stair immediately to the right of the entrance door would of necessity result in the upper steps being lowered in position, the difference being made up by a somewhat convoluted double bend of winders at the top. That would disrupt a situation that is of historic significance, albeit less so in architectural terms, and the harm caused would require to be justified by the works on the first floor, which will be considered

later. This finding calls into question how the otherwise acceptable works to the lower stair and new toilet could be arranged, and consent should be withheld for that work also.

17. *Kitchen and dining room.* This work is within the 1834 to 1850 single storey extension which was for two toilets, a larder and a coal store as shown on the 1909 drawing, so that the present arrangement of single toilet, kitchen and dining room is already a change. However, the subdivision of spaces and the location of internal doors appear to remain largely as it was built, say, 160 years ago. The appellant argues that a modern house requires a reasonable size of kitchen with an eating area linked to it. Whilst the removal of the remaining toilet would be acceptable, the proposal removes all trace of the existing division walls between kitchen and dining area, which would fail to display a relatively early evolution of the building. There should be the retention of some evidence of the former coal store to larder wall and the openings that served those rooms. In addition, the ability to carry out even that work is put in question with the retention of the low sloping ceiling due to the upper floor addition being unacceptable. The works to the kitchen and dining room cause harm that is not justified by public benefits.
18. *Lounge fireplace.* This is clearly later work and the proposed changes would be acceptable subject to further details of the replacement works.
19. *First floor works.* The Consultation Response accepts the sensitive installation of modern plumbing and sanitaryware and condones the installation of the enlarged bathroom. However, in the absence of a cross section drawing, that enlargement appears to rely on the lowering of the stairs to gain headroom, and the reordering of the upper part of the flight to gain width at the expense of bedroom 1, necessitating a breach of what was the outside wall prior to 1909. Whilst with the exception of the front elevation windows, the individual items of work could be acceptable, the apparent inter-connections between the layout and the works to the upper stairs mean that it would be inappropriate to grant permission for these items of work without further detailed cross-section drawings and elevations. Hence the works to the upper stair lack justification.

Planning and Heritage Balance

20. There are areas of work that are unacceptable in both their effect on the listed building and, where visible, the conservation area, and for which the public benefits fail to outweigh the harm. These are the rear first floor addition, the amalgamation of the kitchen and dining room, the front elevation fenestration and pipework, and the upper stair alteration. These proposals fail to accord with Policies CS5 and DM8, Section 12 of the Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. There are works that whilst acceptable, rely on other works that have been found to be unacceptable and hence permission and consent should be withheld as appropriate. These are the rear dining area to garden door, the side elevation fenestration, the alterations to the lower stair and the addition of a toilet, and the first floor re-ordering of rooms.
22. Other works are justified in the balance by architectural improvements or in securing the long term use of the dwelling fitted for modern life. Listed building consent, and permission where required, may be granted for the rear lounge door and frame, the removal of modern chimney stack, the works to

lounge fireplace, the removal of the toilet to form a larger kitchen with the associated works to the opening, and the re-use of period doors in place of modern ones. These parts of the proposal accord with Development Plan and national policies and the statutory tests. These acceptable items are clearly capable of being carried out alone, and hence split Decisions may be issued in favour these parts.

Conditions

23. The Council suggested conditions assuming that all parts of the proposal would be approved. In the event this split Decision has approved limited and, in part, differing areas for the planning permission and the listed building consent. The conditions are therefore tailored to the situation. The suggested condition naming the drawings is required to be attached to the planning permission only, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans as this provides certainty.
24. The suggested condition removing permitted development rights is not applicable to the listed building consent, and even if attached to the planning permission would have no real effect as the need to apply for listed building consent for the works would remain. Whilst it is the case that Schedule 2, Part 1, Class A does not preclude listed buildings in the way that Class E and Part 2 Class A does, the only development permitted by this express permission is that to replace the rear lounge door and the removal of the modern chimney stack and that does not appear to lead to the need for this condition.

Conclusions

25. Of those elements requiring planning permission, only the rear lounge door and frame, and the removal of modern chimney stack are acceptable, whilst in addition, listed building consent is granted for the works to the lounge fireplace, together with the removal of the toilet and the enlargement of that part of the kitchen, and the re-use of period doors in place of modern ones. All other areas of work as unacceptable in themselves or rely on unacceptable works. For the reasons given above it is concluded that both appeals should be allowed in part and dismissed in part.

S J Papworth

INSPECTOR

Schedule of Conditions Appeal A Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved documents: Drawing Numbers JP/01, JP/02, JP/03 and JP/04, Design & Access Statement and Draft Report on the Historic Survey of Woodcote Green House, so far as are applicable to the development hereby permitted.
- 3) Prior to the commencement of development, joinery details of the rear lounge door and frame shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of any making good which is to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish. The development shall be carried out only in accordance with the approved details.
- 4) Prior to the commencement of development, full details of the making good to the removal of the modern chimney stack shall be submitted to and approved in writing by the Local Planning Authority. The making good is to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish. The development shall be carried out only in accordance with the approved details.

Schedule of Conditions Appeal B Listed Building Consent

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Prior to the commencement of the works to the rear lounge door, joinery details of the door and frame shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of any making good which is to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish. The works shall be carried out only in accordance with the approved details and any hidden fabric exposed by the works shall be recorded and copies submitted to the Local Planning Authority.
- 3) Prior to the commencement of the works to the lounge chimney piece and fireplace, further detail drawings shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of any making good which is to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish, along with details of the replacement fireplace. The works shall be carried out only in accordance with the approved details and any hidden fabric exposed by the works shall be recorded and copies submitted to the Local Planning Authority.
- 4) Prior to the commencement of the works to remove the toilet and enlarge the kitchen adjacent to the front elevation, and the replacement of other internal doors, further detail drawings shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of any making good which is to match the adjacent finishes with regard to the methods used, material, size, style, profile,

colour, texture and finish, along with joinery details of the replacement door and frame. The works shall be carried out only in accordance with the approved details and any hidden fabric exposed by the works shall be recorded and copies submitted to the Local Planning Authority.

- 5) Prior to the commencement of works, full details of the making good to the removal of the modern chimney stack shall be submitted to and approved in writing by the Local Planning Authority. The making good is to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish. The works shall be carried out only in accordance with the approved details and any hidden fabric exposed by the works shall be recorded and copies submitted to the Local Planning Authority.