



Appeal Decision

Site visit made on 25 June 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 03 July 2017

Appeal Ref: APP/L3625/W/17/3167468

Great Burgh House, Yew Tree Bottom Road, Epsom Downs KT18 5XT

- 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 Mrs Martyn Ratcliffe against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/01392/F, dated 9 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is described as 'the construction of an access ramp across an existing lawn to allow the roof of the pavilion to be used as a car park with 22 car spaces. The proposal also includes extensive soft landscaping'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the setting of Great Burgh House, a grade II listed building.

Reasons

3. The appeal site lies in the grounds of Great Burgh House. The House is of a neo-georgian style built in flint with Bath stone dressings and a slate roof with four Bath stone chimneys. The 2 storied, almost symmetrical façade has a central prominent 2 storey Bath stone porch with elaborate moulded cornice. To the front is a low Bath stone wall with moulded parapet and iron railings, intersert with Bath stone piers, including very large central ones topped by stone urns. The gateway these piers frame is reached by an attractive sweeping access drive, which is flanked on both sides by an appealing parkland style garden, with a wide range of mature trees to both sides.
4. A modern single storey long extension is set to the north-west, with the low slung building with arched tops blending in fairly successfully to the parkland setting. On the other side of the sweeping drive to the House is set a single storey 'pavilion' building. Although set into the ground at a lower level than much of the garden, this blends into the setting of the House less successfully, with a functional and largely plain service façade clearly visible when approaching along the access road. The flat roof of the pavilion is set behind an approximately 1.2m tall parapet wall.
5. The proposal seeks to construct an access off the main driveway, to circle round to the top of the pavilion, thereby allowing the roof of this building to be

used for car parking. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

6. Paragraph 132 of the National Planning Policy Framework (the Framework) says 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. Significance can be harmed or lost by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
7. Policies PC9 and PC11 of the Local Plan¹ together state that proposals for new development should not detract from the setting of listed buildings, the character and appearance of historic gardens and that features of architectural and historic interest are preserved, with special attention given to the need to prevent the unsympathetic subdivision of such gardens.
8. The special interest of Great Burgh House lies in the architectural quality of the building and its high quality materials, as well as the parkland setting. The construction of the proposed access road to the roof of the pavilion and the raised grass banks both sides of the drive would be visible from the front of the House, partially subdividing the garden. A proposed landscaping plan details how various trees and shrubs could be planted to shield the access and those elements of the parked cars that would be visible above the parapet wall from the House. However, such screening would potentially subdivide the garden further, detracting from the open parkland area of this element of the garden. Furthermore, the parked cars on top of the pavilion would still be visible when entering the site from the west, drawing the eye away from the sweeping drive towards the House. Cumulatively this would result in harm being caused to the setting, and therefore the significance of Great Burgh House.
9. Having regard to the advice in the planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the House. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
10. The public benefits of the scheme involve the additional parking to the business. It is stated that the car park would be used by visitors to the site, and that existing pressure for parking is intense. Additional parking is stated to be very important to the operation of the business, which has generated hundreds of jobs. However, whilst I can appreciate the pressure for parking at the site and the need for more spaces, I have very little evidence over precise numbers of spaces required or other possible alternative locations considered.
11. I note that the pavilion roof top was previously used for a games area. There was little evidence of this use on my visit. Moreover, the use of the roof for a

¹ Reigate and Banstead Borough Local Plan 2005.

games area would generally leave the roof area open in a way that car parking would not.

12. I therefore conclude that the proposal would have an adverse effect on the setting of Great Burgh House, a grade II listed building. Although I have concluded that the proposal would cause less than substantial harm to the heritage asset, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Local Plan Policies PC9 and PC11.

Other Matters

13. The application was also refused on the lack of detail concerning existing trees on the site and the proposal's possible effect on such trees. Whilst the landscaping plan shows the existing trees, I share some of the Council's concerns over the accuracy of their plotting. However, based on observations from my site visit I agree with the appellant that a condition, along the lines of that suggested by the Council would suffice and would serve to protect nearby trees which contribute towards the setting of Great Burgh House.
14. As part of my site visit I visited No 5 Claremount Close, which lies to the south of the pavilion. Although I note the distance of 40m stated by the appellant to be between this property and the pavilion, there is a gap in the landscaping at the side of the site between the pavilion and the rear garden of No 5, from where a line of sight exists to part of the pavilion roof top. Such views would be more significant in the winter. I am also mindful of the medical circumstances of one of the residents of this property, and in particular about exposure to any potential noise and disturbance over and above that currently existing.
15. The landscaping plan proposes to plant some 5 Yew trees between the pavilion and no 5, as well as some specimen grand fir trees. Whilst the yew trees once grown would provide a useful evergreen shield it would be some time before sufficient growth had occurred for this to happen, but conditions could ensure that details of landscaping mitigation were agreed should permission be granted. However, as I am dismissing the appeal on other grounds I have not considered this matter further.

Conclusion

16. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed Great Burgh House. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR