
Appeal Decision

Site visit made on 27 June 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 5 July 2017

Appeal Ref: APP/M3645/W/17/3171377

Old Meldrum, Meldrum Close, Hurst Green RH8 9BY

- 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 and Mrs Davis against the decision of Tandridge District Council.
 - The application Ref TA/2016/1741, dated 20 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is Construction of new 2 storey dwelling.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the setting of Old Meldrum, a Grade II listed building.

Reasons

3. The appeal site comprises a rectangular shaped plot of land which forms part of the rear garden of Old Meldrum, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Furthermore, Paragraph 132 of the Framework requires that, when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and furthermore, that the significance of a designated heritage asset can be harmed or lost through development within its setting.
4. The listing description describes Old Meldrum as a 2 storey, timber framed, 17th century building with some later restoration and extensions. It notes that the rear of the building comprises 17th century brick infill and part rendered infill with some stone cladding.
5. Old Meldrum lies on the inside bend of Meldrum Close, a cul-de-sac. The rear garden of Old Meldrum is generous in size. This provides a good level of separation and a clear distinction between the listed building and the adjacent 2 storey dwelling, 12 Meldrum Close, which forms part of a modern residential

development along this road. The size of the rear garden provides a strong, spatial setting to Old Meldrum and allows views towards its interesting rear elevation from a number of vantage points along Meldrum Close. Whilst modern development along Meldrum Close has introduced a suburban setting to Old Meldrum, the size of the rear garden, in combination with nearby expanses of open space, assists with an understanding that the building once stood in a more rural context.

6. The proposal would introduce a new 2 storey dwelling onto the appeal site. Its design would reflect that of other modern dwellings along Meldrum Close and would not appear out of context in this regard. Nevertheless, it would reduce the overall size and length of the rear garden of Old Meldrum by a considerable degree which would erode the spatial qualities of its surroundings. In addition, the introduction of built form onto the appeal site would obstruct some views towards the rear elevation of Old Meldrum from along Meldrum Close. Thus, the proposal would fail to preserve the setting of the listed building. My view on this is notwithstanding that the size of the rear garden has fluctuated over time.
7. However, as part of the rear garden of Old Meldrum would be retained, which would continue to provide some separation between the listed building and the proposed dwelling, I consider that the harm that would arise to the significance of the designated heritage asset would be less than substantial. Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
8. The proposal would be constructed using sustainable building techniques and would demonstrate a high level of energy efficiency. It would occupy a location with a good level of access to local services and facilities for any future occupiers. I also recognise that it would make a contribution, albeit a limited one, to housing supply within the District. However, I do not consider that these benefits could reasonably be said to represent public benefits as envisaged by Paragraph 134 of the Framework. Moreover, even if I were to consider them public benefits, they would be modest in scale and would not be sufficient to outweigh the less than substantial harm to the significance of the designated heritage asset.
9. I therefore conclude that the proposal would fail to preserve the setting of the designated heritage asset, Old Meldrum, a Grade II listed building. This would be contrary to the requirements of the Act. Moreover, the harm to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by public benefits as required by paragraph 134 of the Framework.
10. The proposal would also be contrary to Policy CSP18 of the Tandridge District Core Strategy 2008; and Policies DP7 and DP20 of the Tandridge Local Plan Part 2: Detailed Policies 2014. These policies require, amongst other things, development to respect the setting of features that contribute to local distinctiveness, to protect, preserve or enhance heritage assets and their settings and to demonstrate public benefits which outweigh any harm to the setting of a designated heritage asset in order to justify a planning consent.

Conclusion

11. For the reasons set out above and having regard to all other matters, including highway safety, overshadowing, privacy, subsidence, the character and appearance of the area and protected trees, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR