
Appeal Decisions

Site visit made on 6 November 2017

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

Decision date: 22 November 2017

Two Appeals at 20 West Street, Reigate RH2 9BS

- The appeals are made by Mr Tiley of Tiley Woodman against the decisions of Reigate & Banstead Borough Council.
 - The development and works proposed are conversion of existing office building to provide 2 No self-contained dwellings.
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Appeal A Ref: APP/L3625/W/17/3179282

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref 16/02781/F, dated 26 November 2016, was refused by notice dated 2 February 2017.
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Appeal B Ref: APP/L3625/Y/17/3179285

- 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 application Ref 16/02782/LBC, dated 26 November 2016, was refused by notice dated 23 January 2017.
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Appeals A and B: Decisions

1. The appeals are dismissed.

Appeal B: Preliminary matter

2. The Council's decision notice refers to an application for conservation area consent. As the parties have dealt with the notice as though it had referred to an application for listed building consent, the appeal was made and interested parties were notified on that basis, and as I do not consider that anyone's interests would be prejudiced, I shall deal with Appeal B as though the Council had refused listed building consent for the reasons given on its decision notice.

Appeals A and B:

Main issues

3. The appeal building at 20 West Street (the listed building) is listed in Grade II, and it is identified for its group value with No 22 West Street (Browne's Lodge), which is listed in Grade II*, and the Garden Walls to the east of No 22 West Street (the Garden Walls), which are listed in Grade II. The listed building is also situated within the Reigate Town Centre Conservation Area. With this in mind, the main issues in these appeals are:
 - Whether the proposed development and works would preserve the special architectural or historic interest of the listed building or its setting, and

- Whether they would preserve or enhance the character or appearance of the Conservation Area.

Reasons

Listed building

4. The listed building includes the late C18 or early C19 former stable and coach house to Browne's Lodge (the historic building). The long front of the shallow historic building faces roughly west across its compact grounds towards Browne's Lodge and its leafy garden, and the building backs onto a narrow footpath between West Street and Upper West Street to roughly east. Its single-storey side additions fill the narrow gaps between the historic building and the 2 streets, and include a shop front that faces West Street. There is also a flat-roofed porch at the south end of the west front of the listed building.
5. The classical composition of the west front of the historic building reflects the architecture of Browne's Lodge in a sympathetic but subservient way, despite the presence of the later porch. Due to their siting, Browne's Lodge, the listed building and the Garden Walls also contribute to an important sense of enclosure within their grounds that sustains their historic association. So, although the listed building has been separated from Browne's Lodge, all 3 heritage assets still form a readily identifiable group, and all 3 listed buildings make a positive contribution to each other's settings.
6. The mainly brick-built hipped-roofed form, subservient character and siting, use of traditional materials and historic detailing, and the ordered classical composition of its historic west front are important to the special architectural interest of the listed building, which it is desirable to preserve. They are also important to its heritage significance as a historic ancillary building.
7. The proposal would divide the listed building into 2 two-storey dwellings. The north dwelling would include 2 bedrooms and the south dwelling would include one bedroom. The modest garden would be split between the 2 dwellings, and each dwelling would have one parking space on the existing hardstanding.
8. The scale of most of the existing spaces within the listed building would make its conversion for residential use fairly simple. However, there is little to explain why it would be necessary to divide it into 2 dwellings when it is likely that the original building only served Browne's Lodge, and the listed building is used as one building now. As the future occupiers would become 'trustees' of the asset whilst they live there, its conservation would be likely to be managed more effectively by one party rather than 2. Also, as the future occupiers of the 2 dwellings would only occupy part of the listed building, opportunities for them and their visitors to understand and enjoy the whole of the listed building, including most of the views into and out of it, would cease to exist. Thus, the proposal would fail to better reveal the significance of the heritage asset.
9. Moreover, a historic ground floor window opening in the west front would be enlarged to provide a new glazed door to the garden from the north dwelling. This would harmfully erode the sense of symmetry in the west front of the historic building, which contributes positively to the significance of the heritage asset. It would also cause the damaging loss of the historic brickwork below the window cill.

10. The proposed windows in the pair of west facing blocked window openings on either side of the historic central ground floor window, including the pattern of lights in each, would be discordant additions that would be harmfully unsympathetic to the historic architecture of the west front. Their design could be subject to conditions if the proposal were to be otherwise acceptable, but they would not outweigh the harm that would be caused by the new door.
11. Furthermore, as there is only one staircase in the listed building at present, and there is little information about the history and evolution of the heritage asset, there is insufficient evidence to show that the new staircase for the north dwelling would not erode the historic plan form of the listed building or cause a damaging loss of its historic fabric.
12. Due to its alignment and open character, the present boundary treatment between the grounds of Browne's Lodge and the listed building has little visual impact. Their grounds look like a single garden, so they contribute in an important way to the significance and setting of all of the assets in the group.
13. The change to a residential garden from the present low-key commercial use would be likely to emphasise the differences between the 2 existing grounds. Whilst its details could be controlled by condition, the fence between the 2 proposed gardens, which is intended to provide enclosure, would harmfully disrupt the unified appearance of the asset's present garden. Due to its form and alignment, the fence would also damage the important openness which enables the historic relationships between the assets in the group to be appreciated. The likely differences in their landscaping, due to the occupiers' personal preferences, would also show that there are 2 gardens for 2 dwellings.
14. Besides, the likely increase in domestic paraphernalia within the site, such as garden furniture, washing lines and refuse and recycling bins for 2 dwellings, would draw attention to the harmful division of the listed building, and it would damage the unity of design that contributes positively to the significance of the listed building and the contribution to its significance made by its setting. Even if the garden were to be communal, it would not be reasonable to seek to control residential paraphernalia within it, so the suggested condition would not satisfy national policy and guidance, and thus, it could not be imposed. Up to 4 vehicles may have parked at the site at times, but the evidence shows that parking for only 2 cars has been found to be acceptable, so the possible reduction in the number of parked cars does not weigh in favour.
15. Thus, the proposal would harmfully subdivide the listed building and its grounds and it would unacceptably disrupt the remaining symmetry in its west front, which contributes positively to the special architectural interest of the listed building and to the settings of the other assets in the group. The changes would not be readily seen from the public domain. However, they would be seen by the future occupiers and their visitors, from Browne's Lodge and its intervening grounds and from the upper floors of nearby buildings, so that would not be a good reason to allow this damaging scheme.
16. In the terms of the *National Planning Policy Framework* (Framework), the proposal would cause less than substantial harm to the significance of the heritage asset. Framework paragraph 134 explains that where a 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, including securing its optimum viable use.

17. The Council has not raised concerns about the proposed change to residential use or the associated loss of employment floor space, but permitted development rights applicable to change of use from offices to dwellings specifically exclude listed buildings. The proposal may be the most viable use for the appellant, but having regard to my statutory duties in respect of the listed building, and as great weight should be given to the asset's conservation, there is little evidence to show that the proposal would amount to the optimum viable use of the heritage asset. In any event, the public benefits including 2 new dwellings would be insufficient to outweigh the less than substantial harm that the proposal would cause to the listed building. Moreover, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the designated heritage asset in a manner appropriate to its significance as a historic ancillary building.
18. Therefore, I consider that the proposed development and works would fail to preserve the special architectural interest of the listed building and its setting. It would be contrary to Policy CS4 of the *Reigate and Banstead Local Plan: Core Strategy* (CS) which aims to respect, conserve and enhance the historic environment, including heritage assets and their settings, Policy Pc 9 of the *Reigate and Banstead Borough Local Plan 2005* (LP) which reflects the thrust of the statutory duties with regard to listed buildings, and the Framework which aims to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conservation Area

19. The Conservation Area is mainly characterised by its historic development pattern and rich mix of listed and historic buildings. The variety in the types and styles of the buildings, which are unified by the use of local materials and traditional building forms, contribute positively to its appearance. Together, its character and appearance are important to its significance as an area of historic townscape. Whilst each of the listed buildings in the group makes an important contribution to the character and the appearance of the Conservation Area on its own, their close physical and historic functional relationship and their prominent siting, which is largely edged by historic routes, also makes a positive contribution to the significance of the Conservation Area.
20. For the reasons given in the first main issue, the proposal would harm the historic character and unified appearance of the listed building and its setting and it would erode the asset's significance. The subdivision of the listed building and its grounds would damage the historic urban grain, and it would have an adverse effect on the settings of the other assets in the group. Thus, the proposal would unacceptably erode the important contributions of the listed building and the group to the significance of the Conservation Area as a whole.
21. The harm that the proposal would cause to the designated heritage asset, which is the Conservation Area, would, in the terms of the Framework, amount to less than substantial harm. The proposal would have almost no relevance to the asset's optimum viable use, and the public benefits would not be enough to outweigh the less than substantial harm to the Conservation Area. In addition, insufficient clear and convincing justification has been put to me to show that the proposal would be necessary to conserve the Conservation Area in a manner appropriate to its significance as an area of historic townscape.

22. Thus, I consider that the proposal would fail to preserve or enhance the character and the appearance of the Conservation Area. It would be contrary to CS Policy CS4, LP Policy Pc 13 which largely reflects the thrust of the statutory duty in respect of conservation areas, and the Framework.

Other matters

23. Attention was drawn to compliance with other Development Plan policies in the appellant's representations, but these other policies were not concerns of the Council in its reasons for refusal. I see no reason to disagree. Moreover, necessary repairs to the listed building could be carried out without the need to allow the harmful proposal in these appeals.

Conclusions

24. For the reasons given above and having regard to all other matters raised, the appeals fail.

Joanna Reid

INSPECTOR