



Appeal Decision

Site visit made on 13 March 2018

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 29 March 2018

Appeal Ref: APP/P3610/Y/17/3180381

71A/B Dorking Road, Epsom, Surrey KT18 7JU

- 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 Southern Gas Networks against the decision of Epsom & Ewell Borough Council.
 - The application Ref 16/00353/LBA, dated 14 April 2016, was refused by the Council by notice dated 4 July 2017.
 - The works proposed are to renew the old gas service pipe supply x2 new semi concealed meter boxes in the ground as flush as possible to the building, run 18mm copper pipe from the meter box to (1) beneath the air brick through the wall and connect into the boiler (2) run 18mm copper pipe into the roof space and connect into the boiler. The copper pipe can be painted to match its surrounding.
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Decision

1. I allow the appeal and grant listed building consent for the renewal of gas service pipe supply to 2 new semi concealed meter boxes and installation of copper piping to front elevation at 71A/B Dorking Road, Epsom, Surrey KT18 7JU in accordance with the terms of the application, Ref 16/00353/LBA, dated 14 April 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
 - 2) No works shall commence until full details of the pipe run, the method of fixing to the wall, the entry point to the eaves and the form and location of the meters have been submitted to and approved in writing by the Local Planning Authority, and the works shall be undertaken only in accordance with the approval given.
 - 3) The pipe and fixings shall be coloured to match the render colour, and shall be maintained as such thereafter, including if the render colour is changed in the future.

Reasons

2. The building is listed as being of architectural or historic interest and the main issue is the effect of the proposal on the building's significance. The policies of the Development Plan are material considerations only in this listed building consent appeal. Policy CS5 of the Core Strategy requires the protection of heritage assets and their settings, and Development Management Policy DM8 has similar aims.

3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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. 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 more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
4. The listing description supplied refers in detail to the Grade II* red brick building to the east of the rendered numbers 71a and 71b, 'The Hylands'. A listing description for 'West Hyland' immediately to the east refers to that building being Grade II and '*really part of The Hylands*'. It further refers to a '*portion to right is two storeys, roughcast, sash windows*'. On that evidence the building where the proposed gas installation would be placed is listed at Grade II. The description confirms however that the building forms a group with the other buildings, walls, gates and the like.
5. Turning to the significance of the building, the nearest building, 'West Hyland' is of particular note due to its fine architectural details evident in the fenestration, door case and dentils at the eaves. That building exhibits a high level of architectural significance, with historic significance in its status, evident from the floor-to-ceiling heights shown by the pattern of the windows.
6. The appeal premises by comparison display less architectural significance with lower windows spaced in a non-classical arrangement, with that to the extreme right being adversely affected by the porch, and the building has a plain eaves construction. The composition also suffers through being crowded by the adjacent garages although it has historic significance as part of the group.
7. The present arrangement of the incoming gas supply is a pipe rising from the slab inside a cupboard to the lower flat and serving a meter there, then rising again to a similar cupboard in the upper flat which has its own meter. The appellant company have relayed the main along Dorking Road and are replacing the service pipes to individual properties. The present arrangement of serving one property through another is not now permitted, a situation that arises due to the two floors of the appeal building being in separate occupation as flats.
8. The proposal is to intercept the incoming gas main that serves both 71a and 71b underground and place meters at low level outside, then serving the lower flat directly, and the upper flat by way of a pipe on the external wall entering at the eaves to drop to the cupboard. In answer to a written question after the site inspection the appellant confirmed that the length of pipe run would be too long to allow re-use of the existing meters.
9. The Council confirm that they have no objection to the meters, or to the replacement of the pipes, in order to facilitate sustainable use of the listed building. However, the provision of an up-to-date and safe gas supply does more than just facilitate a use, it safeguards the building and its neighbours from possibly catastrophic harm. Whilst the Council express the view that '*a more discreet alternative must be found*', given the location of the main and

the configuration of the building and its neighbours, that alternative appears to be to not supply gas to these premises.

10. With regard to pipes on the outside of the building it was noted that the adjoining 'West Hyland', has an exposed gas pipe run over the door case and into the kitchen at low level near the rainwater downpipe on the boundary with number 71, and that a basin waste in plastic runs vertically nearby. No information however has been supplied as to the planning history of these items and hence limited weight can be attached to their presence. The rainwater downpipe is an item of significance due to its decorative features, and this denotes the boundary of the properties and the change from brick to roughcast.
11. The proposed vertical pipe would be of limited dimensions and could be painted to match the roughcast finish. The lack of brickwork in this location ensures that there would not be any perpendents to be disrupted with regard to their verticality and the roughcast would readily take a fixing without permanent harm, unlike face brickwork. Suitably placed, the small pipe would not be confused with historic features such as the rainwater downpipe, and would be seen as a minor and modern addition to the façade.
12. There would be some very limited harm and well down the long 'less than substantial' scale referred to in paragraph 134 of the Framework, which states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case the option appears to be the removal of a gas supply to the properties, to avoid a situation that is no longer regarded as safe under the gas regulations. Such removal could have a detrimental effect on the ability to heat the premises, and hence secure a well-tempered environment for the good of the building, leading to risks of condensation, and would be a disproportionate approach to the aims of the occupiers to look after the building for the public benefit.
13. The Council has not suggested conditions, but in addition to the usual time for commencement, it is reasonable and necessary to control the location, the fixing of the pipe, and its entry into the eaves, through the submission for further details. A condition requiring the pipe to be painted to match the render and be retained matching is also required. With those provisions and for the reasons given above it is concluded that the appeal should succeed.

S J Papworth

INSPECTOR