
Appeal Decisions

Site visit made on 10 December 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal A: APP/P3610/W/19/3236449

Epsom Beaumont Care Home, 20 - 22 Church Street, Epsom KT17 4QB

- 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 Barchester Healthcare Ltd against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00384/FUL, dated 8 April 2019, was refused by the Council by notice dated 13 June 2019.
 - The development proposed is two storey rear extension to provide 8 bedrooms and two lounges; alterations to car park.
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Appeal B: APP/P3610/Y/19/3236451

Epsom Beaumont Care Home, 20 - 22 Church Street, Epsom KT17 4QB

- 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 Barchester Healthcare Ltd against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00385/LBA, dated 8 April 2019, was refused by the Council by notice dated 13 June 2019.
 - The works proposed are two storey rear extension to provide 8 bedrooms and two lounges; alterations to car park.
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Decisions

1. I dismiss both appeals.

Main Issues

2. In both Appeal A and Appeal B there is a main issue of the effect of the proposal on the architectural or historic significance of the listed building and its setting.
3. In Appeal A there is a further main issue of the effect of the development on the character and appearance of the Church Street Conservation Area, with particular regard to the amount of rear garden and the effect on protected trees.

Reasons

Policy

4. Policy CS5 of the Core Strategy states that heritage assets and their settings will be protected and Development Management Policy DM8 states similar aims. Trees and landscape are the subject of Policy DM5 with trees, hedgerows

and other landscape features to be protected and enhanced. Policies DM9 and DM10 concern townscape character and local distinctiveness, and set out design requirements.

5. 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.
6. Paragraph 193 of the 2019 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.

Listed Building

7. The conservation area plan makes clear that the whole of the structure on the site is regarded as a listed building, being coloured red, and that is correct since the more modern buildings towards the rear are attached to the principle listed building on the road frontage that is identified in the listing description. That is the reason for the listed building consent application even though the proposed extension is only attached to the modern previous extension. It is concluded that no harm is caused to the fabric of the principle listed building and that the architectural significance of the later addition as a listed building is limited and its historic significance more limited still.
8. The Officer's Report identifies the rear red-brick structure as dating from approximately 1993, granted permission with uPVC windows, while the attributes of the principle listed building are described as having a grand front elevation, a more utilitarian two-storey wing towards the road and the rear elevation facing the site of the appeal proposal being described also as more utilitarian with a high parapet and flat roofed extensions. The appellant has provided a more detailed Heritage Statement which considers the building's significance against the 4 values referred to in the Historic England publication '*Conservation Principles – Policies and Guidance*'.
9. It is the fact that the main townscape, aesthetic and architectural significance is to the front, Church Street, elevation and the listing description refers to numbers 14 to 24 (even), 24A and 24B, the Outhouse to north of number 18 and the Old King's Head Public House forming a group. However, notwithstanding the later additions and alterations, the rear elevation retains architectural and historic significance in the decoration and remaining plan form, and in the way in which it addresses what would have been the extensive grounds to a prestigious family house, indicating the growth of Epsom, and Church Street in particular, as a fashionable place to live.
10. Whilst the later addition to the rear does not have any architectural or other significance as a listed building, it does have the merit of providing accommodation whilst maintaining a link between the principle listed building and the garden, and although the junction of old and new is awkward, the narrow plan form and the small courtyard formed before the modern block widens, reduces the effect and allows the remaining features of the rear of the older building to be appreciated, and this from the length of the former garden

as far as the high wall onto Downside. Substantial weight attaches to this remaining link along the length of the garden.

11. There has clearly been a significant restraint on the further development of accommodation in the form and location of the Cedar of Lebanon to the rear of the courtyard block, noted as T107 Atlas Cedar on the Tree Preservation Order, and the appeal proposal is to retain this important feature of the site and the conservation area. The chosen solution is to form a narrow linking corridor on 2 floors across from the south-west face of the existing building to an almost separate accommodation block, the design and choice of materials would emphasise the difference in function of the link building. The corridors would have ramps on each level to bring about lower floor levels in the new work compared with the existing.
12. The building would split what remains of the historic garden into 2 areas, divorcing the principle listed building and one-time well-to-do family home from its historic association with a large garden, that part remaining in close visual and functional association with the building being small and hemmed-in by modern development. The Cedar of Lebanon would remain as a focal point of the second part of the garden, but the loss of the link to the principle listed building and the splitting of the open spaces would erode the historic and visual value of the garden area, adversely affecting the aesthetic, historic and communal significance of the listed family house. The proposal would hence cause harm to the listed building and its setting.
13. The Conservation Officer was reported as stating that 'substantial harm' would be caused, but this view was not transferred to the Reason for Refusal, which stated that the proposal would 'significantly harm this designated heritage asset'. The web-based Planning Practice Guidance makes clear that 'substantial harm' should be regarded as a high test that may not arise in many cases (Paragraph: 018 Reference ID: 18a-018-20190723). In this case and having regard to the significance of the rear elevation, the level of harm would be 'less than substantial' and paragraph 196 of the Framework applies, which states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The appellant has provided details of the existing provision of 48 rooms, although apparently having only limited *en-suite* facilities of a wc and wash basin, with bathing having to make use of shared facilities. The home is currently fully occupied with an almost constant demand for additional rooms and improved quality rooms that have *en-suite* showers. Details are also given of staffing levels and it is apparent that the home provides a wide range of care and significant employment, as well as customers for local services.
15. The appellant's Need Statement sets out the level of existing provision and demand within 5 miles of the site, and the predicted growth from an ageing population. Whilst some of the growth will be met by new homes, the appellant states that existing care homes will need to grow to accommodate the demand for nursing beds. Such provision would be in line with Core Strategy Policy CS7 which seeks to ensure that sufficient housing is provided to meet the Borough's housing requirements, and section 5 of the Framework sets out the Government's objectives of boosting the supply of housing and providing for different groups including older people.

16. In view of the Council's concerns in the remaining Reasons for Refusal over the effect on the conservation area and trees within that area, the balancing exercise required to inform the Decision will be carried out after the second main issue has been considered.

Conservation Area and Trees

17. To the front of the site there is a proposal to remove one tree and to increase the amount of car parking as a result. No objection appears to be taken over this proposal and the Highway Authority agrees the car parking provision. Whilst the view along Church Street on approaching from the Town Centre is identified as an important one, the tree in question does not contribute significantly, the townscape qualities being the narrowing of the road and the importance of the buildings including the appeal listed building frontage. This aspect of the proposal is acceptable.
18. To the rear of the site, the boundary of the Church Street Conservation Area runs along the further side of the road Downside, but the intervening high brick wall reduces the degree to which the size of open garden is apparent to public view, although the presence of the Cedar tree is readily appreciated, but in the context of modern flats to the south-east and the view of the existing extension. On approaching from the north-west the Holm Oak (T109) is a prominent feature, but here the proposed new building would be seen alongside the modern dwelling at number 1. On the matter of what the Council describe as a material diminution of the rear garden, whilst a fact, this would not be readily apparent and would not cause harm to the character and appearance of the conservation area.
19. This finding relies on the stated trees remaining, and in addition to being prominent within the conservation area and identified in the Character Assessment plan as part of an important group, they are protected by an Order. Any harmful pruning or removal would cause harm to the wider designated area, but the appellant's Revision D arboricultural drawings and the Andrew Belson Report indicate that with care in the construction, no harm should befall the trees. With the nearest elevation being the blank staircase wall, there should be no need for works to maintain outlook or to prevent a feeling of apprehension through the proximity of trees, a common reason for pressure to lop or remove in owner-occupied dwellings.
20. With regard to this main issue and Reasons for Refusal 2, 3 and 4, it is concluded that the proposal would not cause harm to the character and appearance of the Church Street Conservation Area either through the effect on the garden area or trees, and that the development would accord with the relevant parts of Policies CS5, DM5, DM8, DM9 and DM10 and section 16 of the Framework as well as the requirements of section 72(1) of the 1990 Act.

Other Considerations

21. There is one further matter raised by an adjacent resident which is the effect on their living conditions due to the proximity of the proposed building. This did not feature in the Council's reasons for refusal but was addressed in the Officer's Report. The design of the building and the intervening wall would prevent overlooking and the lowered level of the structure would reduce the visual effect. There would be change through the removal of shrubs and the placement of the building but not such as to cause real planning harm, and the

Council's conclusions that the requirements of Policy DM10(ix) would be met are agreed-with.

Conclusions

22. The harm identified to designated heritage assets amount to that of the first main issue; to the listed building and its setting, as 'less than substantial' harm. There are public benefits in greater provision to assist in meeting an increasing need, and in providing a higher standard of accommodation to meet increased expectations of privacy and comfort.
23. However, in the balance required of this Decision by paragraph 196 of the Framework and having mind to the advice in paragraph 193 on the great weight that should be given to the conservation of listed buildings, the harm is such that it is not outweighed by the stated public benefits of providing 8 additional good-quality rooms. The proposal does not accord with sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor Policies CS5 and DM8 with regard to the conservation of listed buildings, and the similar aims of section 16 of the Framework would not be met. For the reasons given above, it is concluded that both appeals should be dismissed.

S J Papworth

INSPECTOR