
Appeal Decisions

Site visit made on 15 October 2019

by R Barrett BSc Hons MSc Dip UD Dip Hist Cons MRTPI IHBC

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

Decision date: 13th January 2020

Appeal Ref: APP/L3625/W/18/3215536 (Appeal A)

The Oakley Outdoor Centre, Radstock Way, Merstham RH1 3NT

- 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 R Foster (Surrey County Council) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/00312/F, dated 5 February 2018, was refused by notice dated 18th May 2018.
 - The development proposed is described as 'demolition of modern extension and conversion of existing listed building to provide 8 flats. Conversion of existing outbuilding into two houses. Residential development of surrounding land to provide 12 houses with associated access, parking and refuse storage'.
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Appeal Ref: APP/L3625/Y/18/3215539 (Appeal B)

The Oakley Outdoor Centre, Radstock Way, Merstham RH1 3NT

- 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 Mr R Foster (Surrey County Council) against the decision of Reigate & Banstead Borough Council.
 - The application Ref 18/00313/LBC, dated 5 February 2018, was refused by notice dated 18th May 2018.
 - The works proposed are described as 'demolition of modern extension and conversion of existing listed building to provide 8 flats. Conversion of existing outbuilding into two houses. Residential development of surrounding land to provide 12 houses with associated access, parking and refuse storage'.
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Decisions

1. Appeal A is allowed, and planning permission is granted for demolition of modern extension and conversion of existing listed building to provide 8 flats. Conversion of existing outbuilding into two houses. Residential development of surrounding land to provide 12 houses with associated access, parking and refuse storage, in accordance with application Ref 18/00312/F, dated 5 February 2018, subject to the conditions set out in annex A to these decisions.
2. Appeal B is allowed, and listed building consent is granted for demolition of modern extension and conversion of existing listed building to provide 8 flats. Conversion of existing outbuilding into two houses. Residential development of surrounding land to provide 12 houses with associated access, parking and refuse storage, in accordance with application Ref 18/00313/LBC, dated 5 February 2018, subject to the conditions set out in annex A to these decisions.

Procedural Matters

3. During the course of these appeals, the Council adopted the Reigate & Banstead Local Plan Development Management Plan (September 2019) (Development Management Plan). That document I have determined these appeals accordingly.
4. The description of development and works in the banner headings and my formal decision are taken from the appellant's planning and listed building consent application forms. Whilst those differ slightly from those on the Council's decision notices, they adequately describe the proposals.
5. Appeal A and appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they are similar proposals, and in the interests of brevity, I have dealt with them in one document.

Main Issues

6. In relation to appeal A, whether the proposed development and works would constitute inappropriate development in the Green Belt and the effect on openness of the Green Belt;
7. In relation to appeal A and appeal B, whether the appeal proposals would preserve the special architectural or historic interest of Oakley Court, a grade II listed building, with particular regard to its setting.

Reasons

Appeal A: Whether inappropriate development in the Green Belt

8. The appeal site includes land within the Green Belt located to the east of the listed building. It includes an informal area of dense woodland and includes a redundant kart track. No new development would take place within the Green Belt, although as part of the appeal proposals the redundant kart track would be removed and the woodland managed. On this basis, the appeal proposals would not affect the openness of the Green Belt, spatially or visually, or the purpose of including land within it. For the same reason they would not amount to inappropriate development within the Green Belt and would not conflict with policy CS3 of the Reigate and Banstead Core Strategy. That policy sets out that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt. Further there would be no conflict with paragraphs 143 to 147 of the National Planning Policy Framework in this regard.

Appeal A and appeal B: Setting of the listed building

9. The appeal site includes Oakley Court, with its outbuildings. It is a Grade II listed building. Originally a country mansion in the Victorian gothic style, it has been altered throughout its history, including later unsympathetic extensions. It is currently vacant and although protected from wind, weather and vandalism, it is in a poor state of repair.
10. Oakley Court would have originally sat within extensive grounds and included an estate farm. Today, it sits within spacious gardens, mainly laid to grass with mature trees and planting with an area of informal dense woodland to one side. They serve as a reminder of its previous extensive grounds. The gardens, including the trees and planting, all contribute to the spacious, open

and verdant setting of the listed building. Due to its physical, visual and historic relationship with the listed building, that setting significantly contributes to the significance of the listed building.

11. Convincing evidence is before me to indicate that the proposed residential development would fund the restoration of the listed building and is the minimum amount of development necessary to do so. The proposals therefore would retain, restore and convert the listed building, including the removal of poorly designed later additions. Subject to further details of room layouts and retention of historic fabric, those works, and development would be sensitive to the heritage significance of the building and would be a significant benefit of the appeal proposals.
12. Proposed dwellings would be sited mainly to the sides of the listed building, arranged as individual buildings or a courtyard form, which would replicate the types of ancillary building forms seen in country houses of this nature. A significant area of open space would remain, such that the open and spacious qualities of the gardens would not be materially compromised. Most mature trees would be retained, particularly around the edges of the garden area and the wooded area to one side would be restored and managed, which would ensure that the verdant nature of the listed building's setting would not be materially eroded. Further, proposed landscaping could be controlled, which gives me assurance on this point.
13. The proposed dwellings Nos 15-22 would be sufficiently set back from the listed building, such that they would not dominate it. That visual and physical separation, the subordinate height, size and bulk of the proposed dwellings, together with the fall of the land away from the listed building, would ensure an appropriate secondary relationship with it. The careful low-key design of proposed dwellings, reminiscent of that of the original lodge building, would contribute to that satisfactory relationship.
14. The built form would generally maintain uninterrupted views of the rear of the main mansion house. Whilst some garden areas would breach its building line those dwellings would be some distance from it. Any residential paraphernalia along with residential clutter within those gardens would therefore be at some distance from the listed building. Further any boundary treatment and planting could be controlled and would soften the edges of the proposed gardens.
15. Overall therefore, the proposed development and works would preserve the special architectural or historic interest of the listed building, with particular regard to its setting. They would therefore accord with Development Management Plan policies DES1 and NHE9 which together seek development that is of high quality and makes a positive contribution to the character and appearance of its surroundings. In addition, they would accord with policy RED6, which allocates the appeal site for up to 30 homes, including the conversion of the listed building and requires development with a design and layout that would protect and enhance the listed building and its setting.

Other Matters

16. On the basis of the evidence before me I have no reason to take an alternative view to the Council and the highway authority, that access arrangements, parking and traffic generated by the proposed development would not cause a reduction in highway safety, an unacceptable increase in traffic congestion or

an increase in air or light pollution in the locality. Whilst there would be a small car park to the rear of properties on Radstock Way, given its size, the separation distance and intervening planting, no adverse impact on air pollution with regard to existing residents would result.

17. In the absence of substantive evidence to the contrary and given the proximity of facilities and services in Merstham, along with the modest number of new dwellings that would be a consequence of this appeal, I consider that supporting services and facilities would be available for the future occupiers of the appeal development.
18. I have no substantive evidence to suggest that water pressure in the local area would be adversely affected by the increase in the number of dwellings, that sewer capacity has been reached or that the risk of flooding would be increased by the proposed development. I have had regard to the comments of the Lead Local Flood Authority, which has not raised objection to the appeals and that matters of detail could be controlled through planning conditions. Whilst there would be some disruption during construction that would be for a limited time. Given that most existing boundary planting would be retained, additional planting is proposed and the separation distance from rear gardens of nearby dwellings, no material adverse impact on the living conditions of neighbouring occupiers would result, by reason of privacy, outlook or noise including traffic noise. There is very limited evidence to conclude that the proposals would result in deterioration of health for neighbouring occupiers and given the boundary planting, separation distance and limited size of the proposed parking area to the rear of 219 Radstock Rd, I am unconvinced that a harmful increase in air pollution would be a consequence. In addition, planning conditions could ensure no material harm to wildlife habitat.
19. Whilst a limited number of trees would be removed to accommodate the proposed development, most of the boundary trees would be retained, such that, overall, the green backdrop to the appeal development would be maintained. Meaningful replacement planting is accommodated, and landscape conditions could control landscaping and planting along with management of the woodland area. The private ownership of boundary trees is not a matter within the scope of these appeals. The replacement of the historic bell is a matter that could be controlled through planning conditions.
20. The proposed development would not be located within the Green Belt, would be appropriate in terms of its layout and design within the context of the gardens of the listed building, such that it would blend in to the locality.

Conditions

21. In relation to both appeals standard time and plans conditions are necessary to ensure certainty. In relation to appeal B conditions to control external materials and the repair and restoration of the listed building are necessary to ensure that the listed building is preserved.
22. In relation to appeal A, conditions to control finished ground floor levels and protection of retained trees are necessary to ensure that the development preserves the listed building and its setting, including significant mature trees. A construction transport management plan is necessary to ensure that highway safety is not adversely affected during construction works. Submission of a surface water drainage scheme is necessary to ensure that the development

does not increase the risk of flooding in the locality. All those matters should be dealt with prior to development commencing to ensure no harm arises.

23. Details of external materials are necessary to ensure that the development preserves the listed building and its setting and blends into the locality along with a revised landscaping scheme and details of works to enhance and manage the woodland. However, preliminary works such as initial site clearance and tree protection would not affect those matters and therefore their trigger should be when above ground works commence. Details of the repair and restoration of the listed building are required before works on that aspect of the development commences, to ensure that it is preserved. Details of external lighting and boundary treatment are required for the same reason. However, I have amended the requirements of the latter condition to ensure that they are precise and enforceable. Details of noise attenuation measures are necessary to ensure acceptable living conditions for future occupiers, given the proximity of the motorway network. Compliance with the habitat, bat and reptile survey recommendations is necessary to protect the ecology of the locality. The provision of recycling and refuse storage along with vehicle and cycle parking are necessary to ensure highway safety, acceptable living conditions of future occupiers and a good quality development.
24. A verification report to provide certainty on the efficacy of the SUDs system is necessary to minimise flood risk. Restricting further extensions, alterations or outbuildings is necessary and reasonable in the circumstances of this appeal to retain the development's cohesive character and appearance and preserve the setting of the listed building. Obscure glazing for first floor west facing windows of plots 12 and 13 is required to prevent overlooking into nearby gardens and residential properties in Radstock Way.

Conclusion

25. For the above reasons, and taking all other matters raised into consideration, I conclude that both the appeals should be allowed subject to the conditions set out in annex A to my decisions.

R Barrett

INSPECTOR

Annex A

Appeal A

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
OK009.3.200.PRPL_LP A;
OK009.3.201.PRPL_SP A;
OK009.3.202.PRPL_GF A;
OK009.3.203.PRPL_FF A;
OK009.3.204.PRPL_SF A

OK009.3.205.PRPL_RF A;
OK009.3.206.PRSEL_1-2 A
OK009.3.207.PRSEL_3-4 A
OK009.3.208.PREL_MH A
OK009.3.209.PREL_MH_SW A
OK009.3.210.PREL_9-10 A
OK009.3.211.PREL_11-12 A
OK009.3.212.PREL_13 A
OK009.3.213.PREL_14 A
OK009.3.214.PREL_15-16 A
OK009.3.215.PREL_17-18 A
OK009.3.216.PREL_19-22 A
LMSL/20/OYC/2 D.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The submission shall in particular include a detailed study of existing and proposed ground levels within the root protection area of the off-site Redwood (notated at T75) within the approved Arboricultural Impact Assessment compiled by PJC Consultancy dated 22nd January 2018. The development shall be carried out in accordance with the approved levels.
4. No above ground or superstructure works shall commence until samples and details of the type, position and colour of all external materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. Notwithstanding the approved drawings, details to be submitted for this condition should follow the specification below and there shall be no variation without the prior approval in writing of the Local Planning Authority:
 - (a) All external joinery shall be of painted timber with architraved bargeboards with no box ends and the bargeboards on the listed building shall be retained and repaired;
 - (b) All tiles and tile hanging shall be of Wealden handmade sandfaced plain clay tiles and handmade clay ridge tiles, with bonnet tiles to hips;
 - (c) All casement windows shall be of white painted timber with casements in each opening set back behind the reveal at one brick depth where set in brickwork or stone;

- (d) The original window frames shall be retained and shall not be replaced without the approval in writing of the Local Planning Authority;
 - (e) All brickwork shall be of handmade sandfaced London stock brick in Flemish bond;
 - (f) All stone work shall be of natural stone to match the existing Bargate Stone rubble in facebond, texture, finish and size;
 - (g) All arches in brickwork shall be of gauged brick and all opening in stonework shall be framed in natural bath stone of dimensions and moulding to match existing;
 - (h) All rooflights shall be black painted metal conservation rooflights with a single vertical glazing bar;
 - (i) All fascias on the new houses shall be no more than two bricks depth, with exposed rafter feet;
 - (j) All rainwater goods shall be of painted cast metal.
5. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials;
 - (d) HGV deliveries and hours of operation;
 - (e) construction vehicle routing to and from the site;
 - (f) measures to prevent deposit of materials on the highway;
 - (g) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
6. No development shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
- (a) A final drainage design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS
 - (b) The results of infiltration testing completed in accordance with BRE Digest: 365 including information on ground water levels
 - (c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC%) allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a Greenfield discharge rate no greater than existing greenfield rates for the

corresponding storm event (as per the approved SuDS pro-forma or otherwise as agreed by the LPA)

- (d) Detailed drawings to include: a finalised drainage layout detailing the location of SuDS elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element including details of any flow restrictions and how they will be protected from blockage
- (e) Details of how the runoff (including any pollutants) from the development site will be managed during construction.
- (f) Details of management and maintenance regimes and responsibilities for the drainage system including access provision for the proposed foul water pumping station.
- (g) A plan showing exceedance flows and how property on and off site will be protected.

The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. Notwithstanding the approved plans, no works to the listed building shall take place until detailed drawings and specifications for the repair and restoration of the listed building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- a) a specification for the full repair and making good of the listed building, including internally and external elevations;
- b) revised detailed rooms layouts addressing how existing panelling, doors, cupboards, fireplaces and other decorative features will be retained and restored;
- c) a specification for the restoration and reinstatement of the bellcote and bell.

All making good shall be toned in to match existing including colour, facebond, texture and pointing, using a sootwash where necessary. The development and repairs shall thereafter be carried out in strict accordance with these approved details and no part of the approved scheme shall be occupied until the repair work has been completed in full.

8. No development shall commence, including groundworks preparation and demolition, until all related arboricultural matters, including arboricultural supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the approved Arboricultural Impact Assessment compiled by PJC Consultancy dated 22nd January 2018.
9. Notwithstanding the approved plans, no above ground or superstructure works shall commence on site until a revised scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes

and proposed numbers/densities and an implementation and management programme. The scheme shall be in broad accordance with the Outline Landscape Scheme by Land Management Services (LMSL/20/OYC/2 Rev D).

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees, shrubs of the same size and species.

10. No above ground or superstructure works shall commence until details of a scheme for the enhancement and long-term management of the retained woodland area has been submitted by the applicant and approved by the Local Planning Authority. Such details shall include details for the removal and restoration of the area previously used as a kart track and details of future maintenance regimes and responsibilities. The woodland shall be restored prior to occupation of the residential units hereby approved and shall thereafter be maintained in accordance with the approved details.
11. No above ground or superstructure works on the residential units hereby approved shall commence until details of noise mitigation and attenuation measures to be installed on the residential units have been submitted to and approved in writing by the Local Planning Authority. Such measures should be designed so as to ensure the residential units would not exceed noise criteria based on current figures from the World Health Organisation Community Noise Guideline Values/BS8233 "good" conditions. The development shall thereafter be carried out in accordance with the approved details with all mitigation measures implemented prior to occupation of any building on the site and maintained as agreed thereafter.
12. No above ground or superstructure works on the residential units hereby approved shall take place until details of proposed external lighting, including lighting to access roads, parking areas and other external communal areas, has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and thereafter maintained.
13. The development shall be carried out in strict accordance with the recommendations identified in the Austin Foot Ecology Extended Phase 1 Habitat Survey & Bat Surveys (Version 003 dated 28/09/2015) and the Austin Foot Ecology Reptile Surveys (Version 002 dated 28/09/2015) in respect of construction practices, timing of clearance and construction works, ecological enhancement and provision of replacement or alternative habitat (including the specific recommendations for the provision of bird and bat boxes). All replacement and alternative habitat and other ecological enhancement shall be completed prior to first occupation of the development and retained as approved thereafter.
14. The development hereby approved shall not be first occupied unless and until a plan indicating the residential curtilages of the dwelling houses and the positions, design, materials and type of any boundary treatment to be erected (including elevations of any proposed entrance gates or features) has been submitted to and approved in writing by the Local Planning Authority. The

boundary treatment shall be completed before the occupation of the development hereby permitted and retained as approved thereafter.

15. The development hereby approved shall not be first occupied unless and until refuse and recycling storage and collection facilities, including presentation points, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be sited in broad accordance with the locations identified on the approved plans. The refuse and recycling storage and collection facilities shall thereafter be retained and maintained for their designated purpose.
16. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
17. The development hereby approved shall not be first occupied unless and until secure parking of bicycles for the flats has been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
18. The development hereby approved shall not be first occupied unless and until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, alterations or outbuildings permitted by Classes A, B, C, D or E of Part 1 of the Second Schedule of the 2015 Order shall be constructed (other than those expressly authorised by this permission).
20. The first floor windows in the west elevations of Plots 12 (shown serving a bedroom and en-suite) and Plot 13 (shown serving a stairwell) hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

Appeal B

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - OK009.3.200.PRPL_LP A;
 - OK009.3.201.PRPL_SP A;
 - OK009.3.202.PRPL_GF A;
 - OK009.3.203.PRPL_FF A;
 - OK009.3.204.PRPL_SF A

OK009.3.205.PRPL_RF A;

OK009.3.206.PRSEL_1-2 A

OK009.3.207.PRSEL_3-4 A

OK009.3.208.PREL_MH A

OK009.3.209.PREL_MH_SW A

OK009.3.210.PREL_9-10 A

OK009.3.211.PREL_11-12 A

OK009.3.212.PREL_13 A

OK009.3.213.PREL_14 A

OK009.3.214.PREL_15-16 A

OK009.3.215.PREL_17-18 A

OK009.3.216.PREL_19-22 A

2. The development for which Listed Building Consent is hereby permitted shall be begun before the expiration of three years from the date of this permission.
3. Notwithstanding the approved plans, no works to the listed building shall take place until detailed drawings and specifications for the repair and restoration of the listed building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
 - a) a specification for the full repair and making good of the listed building, including internally and external elevations;
 - b) revised detailed rooms layouts addressing how existing panelling, doors, cupboards, fireplaces and other decorative features will be retained and restored;
 - c) a specification for the restoration and reinstatement of the bellcote and bell.

All making good shall be toned in to match existing including colour, facebond, texture and pointing, using a sootwash where necessary. The development and repairs shall thereafter be carried out in strict accordance with these approved details and no part of the approved scheme shall be occupied until the repair work has been completed in full.

4. No development shall commence until samples and details of the type, position and colour of all external materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved details. Notwithstanding the approved drawings, details to be submitted for this condition should follow the specification below and there shall be no variation without the prior approval in writing of the Local Planning Authority:

- (a) All external joinery shall be of painted timber with architraved bargeboards with no box ends and the bargeboards on the listed building shall be retained and repaired;
- (b) All tiles and tile hanging shall be of Wealden handmade sandfaced plain clay tiles and handmade clay ridge tiles, with bonnet tiles to hips;
- (c) All casement windows shall be of white painted timber with casements in each opening set back behind the reveal at one brick depth where set in brickwork or stone;
- (d) The original window frames shall be retained and shall not be replaced without the approval in writing of the Local Planning Authority;
- (e) All brickwork shall be of handmade sandfaced London stock brick in Flemish bond;
- (f) All stone work shall be of natural stone to match the existing Bargate Stone rubble in facebond, texture, finish and size;
- (g) All arches in brickwork shall be of gauged brick and all opening in stonework shall be framed in natural bath stone of dimensions and moulding to match existing;
- (h) All rooflights shall be black painted metal conservation rooflights with a single vertical glazing bar;
- (i) All fascias on the new houses shall be no more than two bricks depth, with exposed rafter feet;
- (j) All rainwater goods shall be of painted cast metal.