
Appeal Decision

Site visit made on 27 January 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/P3610/Y/20/3258294

39 Kingston Road, Ewell KT17 2EG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Gregor Walker against the decision of Epsom and Ewell Borough Council.
 - The application Ref 20/00278/LBA, dated 18 February 2020, was refused by notice dated 22 July 2020.
 - The works proposed is full replacement of all wooden cladding with treated wood and painted white.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of works in the banner heading above is that used by the Council, as it is more concise and precise than that provided on the application form.

Main Issue

3. The main issue is whether the proposed works would preserve a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

Reasons

4. The appeal scheme relates to 39 Kingston Road. This forms one of a pair of semi-detached dwellings, 37 and 39 Kingston Road, which constitutes the listed building in this case. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its early/mid-nineteenth century date, modest proportions and symmetry, and the distinctive weatherboard finish of the frontage.
5. The existing weatherboarding comprises overlapped horizontal boards of similar dimension, which are currently painted white. Whilst being of similar character, the finish is not consistently applied across the frontage of the 2 dwellings. It is unclear whether this inconsistency results from differing patterns of past maintenance, or whether it is a long standing original feature. It is however apparent that past replacement of individual boards has taken place, reflecting the need for ongoing maintenance and repair of a finish of this

type. In this regard, the boards currently show some evidence of minor decay in places, alongside apparently cosmetic spoiling of the paint finish.

6. The proposed works would see the existing weatherboarding at No 39 completely renewed. This would be a departure from the previous pattern of patch renewal, and in this context, the need for the complete renewal of the boarding has not been explained. Nor, given the limited evidence for decay, is the need otherwise apparent.
7. The extent to which the works would result in the loss of any historic fabric is however unclear. Whilst the appellant states that the boarding dates to the 1970s, no supporting evidence or assessment has been set before me.
8. It is apparent that even if the boarding has not been previously fully renewed, periodic patch renewal over a prolonged period would produce a finish of varied age and visual character. Little or no original material might ultimately survive this process. The visual character of the resulting finish might nonetheless itself lend interest, as is indeed currently the case.
9. Complete renewal of the existing finish would otherwise clearly give rise to a change in visual character. Again, no detailed specification of the proposed replacement boarding has been provided, thus limiting the scope of possible assessment. It can however be reasonably assumed that the new weatherboarding would have a crisper, more even, consistent, and obviously new appearance than the existing. Moreover, this would be emphasised in contrast to the finish at No 37, which would not be renewed. This could both undermine the visual relationship between the two buildings, and perception of the historic character of No 39 itself.
10. The potential thus exists for the works to harm the special interest and significance of the listed building. This would be contrary to the expectations of the Act, and paragraphs 193 and 194 of the National Planning Policy Framework (the Framework), which both state that great weight should be given to the conservation of heritage assets, and that any harm requires clear and convincing justification.
11. With reference to paragraph 196 of the Framework, I find therefore that the proposal would be likely to cause less than substantial harm to the significance of the listed building. I attach great weight to the harm likely to be caused. In accordance with paragraph 196 it is necessary to balance this harm against the public benefits advanced in favour.
12. The main considerations advanced in favour of the proposal are that it would improve the security, energy efficiency and fire safety of the dwelling. However, it is not immediately obvious how or why the simple renewal of the weatherboarding would deliver any of these stated benefits. Improved security would itself be a private benefit. I therefore attach little weight to these considerations. Consequently, the harm likely to be caused to the significance of the listed building would not be outweighed by public benefits.
13. For the reasons outlined above I conclude that the proposal would not preserve the special architectural or historic interest of the listed building. It would thus fail to satisfy the requirements of the Act; heritage policy set out within the Framework; and, insofar as it is relevant, Policy CS5 of the Core Strategy, which seeks to protect and enhance the Borough's heritage assets.

Other Matters

14. The site is located in Ewell Village Conservation Area (the Conservation Area). This was considered within the officer report, which furthermore identified harm. However, this was not ultimately given as a reason for refusal in the decision notice. In view of the duty set out in Section 72(1) of the Act, it is nonetheless necessary for me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
15. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic layout of the village, and the collection and interrelationship of historic buildings and spaces it contains. Within this context the listed building is a notable feature within the streetscene, whose age and distinctive appearance positively contributes to the significance of the Conservation Area.
16. Changes in the external appearance of the building would be clearly perceived from within the public realm. In this regard, the potential for harm to the listed building identified above, would translate more broadly to the Conservation Area. The effect would be similarly harmful, and the harm caused would again be less than substantial. In this instance however, it would attract considerable importance and weight.
17. I am mindful of the fact that the effect of the proposal on the Conservation Area was not a reason for refusal of consent. However, notwithstanding the additional weight that the identified harm lends in favour of dismissing the appeal, this does not alter the outcome of my findings in relation to paragraph 196 of the Framework set out above. Similarly, the additional conflict that a failure to preserve or enhance the character or appearance of the Conservation Area would cause in relation to the Act, the Framework and Policy CS5 of the Core Strategy, does not alter the outcome of my conclusion in relation to the main issue. As such, the matter is not determinative of the outcome of this appeal. I am therefore satisfied that the interests of neither party are prejudiced by my findings.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR