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## 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**

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**Appeal Ref: APP/P3610/Y/20/3260363**

**Miles End, Wilmerhatch Lane, Epsom KT18 7EH**

- 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 Mrs Amanda Miles against the decision of Epsom and Ewell Borough Council.
  - The application Ref 20/00146/LBA, dated 8 January 2020, was refused by notice dated 3 April 2020.
  - The works are described as attach 5 lights to the buttresses of the listed wall.
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### Decision

1. The appeal is allowed and listed building consent is granted to attach 5 lights to the buttresses of the listed wall, at Miles End, Wilmerhatch Lane, Epsom KT18 7EH, in accordance with the terms of the application, Ref 20/00146/LBA, dated 8 January 2020.

### Procedural Matters

2. The officer report and decision notice each cite Section 72(1) of the Act, which sets out duties with respect to applications within conservation areas. However, the Council's questionnaire confirms that the site is not in fact located within a conservation area. Notwithstanding this error, it remains necessary for me to consider the works in relation to Section 16(2) of the Act, which sets out duties with respect to applications for listed building consent. This is reflected in my definition of the main issue below.
3. The application was submitted retrospectively, therefore the works outlined within it had already been undertaken. Given the requirement set out within the Act for the authorisation of works to listed buildings, were this appeal to be allowed, the consent granted would be for retention of the works only, and would have no bearing on the legality of their execution.
4. I have edited the description of works in the banner heading and in my decision above, to remove unnecessary reference to the location.

### Main Issue

5. The main issue is whether the works have preserved a Grade II listed building, its setting, or any of the features of special architectural or historic interest that it possesses.

## Reasons

6. The brick wall in question is located at the end of the garden of the dwelling. Whilst it marks the property boundary, it otherwise has no direct relationship with the dwelling itself. Indeed, it forms a very small part of a much larger circuit of walls which enclose land historically in use as the kitchen garden of Woodcote Park House. The garden wall as a whole, together with a related gardener's cottage, is the listed building in this case.
7. Insofar as it is relevant to this appeal, the special interest and significance of the listed building resides in its late eighteenth-century original date, its historic fabric and construction, its historic functional role, and its relationship with Woodcote Park House.
8. The works relate to the outer face of a section of the garden located in the south west corner of the circuit. This appears to comprise brickwork of various dates, including some likely to be original. From the limited vantage provided within the property boundary, the overall extent and function of the wall is not perceptible. The historic character and construction of the garden wall are each however capable of appreciation.
9. In this context, the works have entailed the fixture of a series of uplighters to the base of several buttresses, and a security lamp higher up. The security lamp is clearly visible from within the rear garden of the dwelling, but the uplighters cannot be seen unless close up. In both regards, and in view of my findings above, the lights have no effect on perception of the special interest and significance of the listed building as a whole. Appreciation of the historic character and construction of the wall is however facilitated by the uplighters, which have been installed to illuminate it. The presence of the lights does not therefore harm the special interest or significance of the listed building.
10. In each case the lights have been fixed into the mortar joints of the wall rather than into the historic brickwork. Whilst this would necessarily have involved drilling a small number of holes, this is unlikely to have caused any harm to the historic fabric of the wall. This is because the wall has recently been repointed. Any damage caused by the holes is both otherwise, and for this reason, purely superficial in nature. I find therefore that affixation of the lights into the mortar joints of the wall has not harmed the special interest or significance of the listed building.
11. For the reasons outlined above I conclude that the listed building has been preserved. The scheme therefore accords with the expectations of the Act, and with the National Planning Policy Framework, which sets out the great weight to be attached to the conservation of designated heritage assets.

## Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR