



Appeal Decision

Site visit made on 11 January 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26/01/2022

Appeal Ref: APP/L3625/W/21/3277559

12-18, High Street, Merstham RH1 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr P Foster (Ringside Fitness Centre Ltd) against Reigate and Banstead Borough Council.
 - The application Ref 20/02201/RET, is dated 9 October 2020.
 - The development proposed is retrospective consent to demolish the original ground and first floor walls of No.14, consent to demolish the remaining original structure of the first floor walls, any remaining floor elements and the roof structure over of No.14; erection of a first floor over the whole of the ground floor comprising four 3-bed flats together with new roof over whole including the reintroduction of chimney stacks; and retain the ground floor side extension to the gym.
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Decision

1. The appeal is dismissed and planning permission is refused for retrospective consent to demolish the original ground and first floor walls of No.14, consent to demolish the remaining original structure of the first floor walls, any remaining floor elements and the roof structure over of No.14; erection of a first floor over the whole of the ground floor comprising four 3-bed flats together with new roof over whole including the reintroduction of chimney stacks; and retain the ground floor side extension to the gym.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the submission of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.
3. Both the main parties have referred to the previous enforcement history on the site. The appellant has explained that the subsequent court order is no longer in effect. All of this provides helpful background context but has had no bearing on my decision in relation to the main issue of the case.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to whether the proposal would preserve or enhance the character or appearance of the Merstham Conservation Area (MCA) or cause harm to a non-designated heritage asset within the MCA.

¹ National Planning Policy Framework (2021)

Reasons

5. S.72 of the Act² requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Policy NHE9 of the Local Plan³ broadly accords with this approach.
6. The appeal site is located within the MCA, which is characterised by its traditional village format. The development of the village is reflected in the buildings within the MCA, which are from differing eras and are of differing designs. Most buildings though are two storeys in height, with brick finish and brown clay roof tiles but the variety of building styles and eras nonetheless produces a character of varied roof and townscape.
7. The appeal building is located within the centre of the village. The ground floor commercial uses and a smaller, set back upper floor, together with the building's dark pitched roof and rendered upper walls mark it out as being different from most others in the vicinity.
8. The proposal is largely to replace the existing upper floor and roof of the building with a larger and taller first floor and roof which would extend across more of the building's footprint. The resulting first floor would accommodate four 3-bed flats. The styling would reflect that of the existing upper floor and would use smooth white render and a slate roof. A single storey side extension at ground floor level is also included within the proposal. A previous planning permission for extensions to the rear of the building at ground floor has been implemented, with further works to the front yet to be completed.
9. The building as a whole appears to have undergone a number of changes and alterations over the years, particularly at ground floor level. Despite it being something of an anomaly, particularly within the centre of the village, the building as a whole, and the upper floor in particular, is not overly prominent and complements the prevailing height and scale of built form in the vicinity.
10. There does not appear to be any clear evidence as to why the Council considers the building worthy of being locally listed. The appellant's assumption that the building's Georgian origins and appearance provide the basis for its listing is persuasive. As it is locally listed, the building should be considered as a non-designated heritage asset. In accordance with paragraph 203 of the Framework the effect on the significance of a non-designated heritage asset should also be taken into account in determining the submission. In weighing such proposals, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. As I have noted, the existing building is different to most other buildings within the street scene and as a whole has been subject to a number of alterations over the years. However, its relative rarity also adds to its historic value in terms of acknowledging the evolution of the village. Some of the upper floor walls have been lost during the works to the ground floor but the complete loss

² Planning (Listed Buildings and Conservation Areas) Act 1990

³ Reigate and Banstead Local Plan Development Management Plan (2019)

of the upper floor walls and roof would significantly erode the building's significance as a non-designated heritage asset.

12. The new upper floor would clearly reference the Georgian styling it would replace. However, the existing Georgian upper part of the building is not large and although it is different from surrounding buildings it is not overly prominent within the MCA. In contrast, the replacement structure would have a large main roof spanning over much of the new first floor. Together with its increased eaves and ridge heights, the proposal would be a prominent and jarring addition to the building and wider MCA. I note that the proposal has been designed to reflect the prevailing two storey character of the area and that part of the extension would be recessed. However, even allowing for the varied character of the roof and townscape of the MCA, when compared to the existing building and the prevailing character and appearance of the MCA as a whole, the proposed building would be dominant and out of keeping.
13. The single storey side extension is set well back from the public footpath and matches the height and appearance of the rear extensions. In itself, it does not have an adverse effect upon the existing building or wider MCA. The fact that I have found in the appellant's favour with regard to this part of the proposal does not outweigh the totality of the harm I have identified and does not alter my conclusions.
14. Accordingly, I find that the proposal as a whole would conflict with Policies NHE9 and DES1 of the Local Plan which, amongst other things, seek to protect the character and appearance of conservation areas and ensure that new development respects its surroundings. Moreover, there would be conflict with Sections 12 and 16 of the Framework relating to design and the historic environment.
15. Given the context I have identified, I conclude that the harm to the heritage asset would be 'less than substantial' in the context of paragraph 199 of the Framework. Any harm to the significance of any designated heritage asset should require clear and convincing justification and in accordance with paragraph 202 of the Framework, I must weigh the harm against the public benefits of the proposal. This is a matter I return to below.

Other Matters

16. The appellant points to the structural evidence as proof that the existing first floor structure is not capable of retention. I am aware of the Council's position in this regard. That said, if I were to find that the loss of the upper parts of the building were not avoidable, my conclusions on the effect of the resulting development on the character and appearance of the MCA would not change and, subsequently and by association, neither would the outcome of the appeal.
17. The appellant points to the Conservation Area Appraisal in which the Council are said to support the principle of strengthening the MCA above ground floor level. Furthermore, the appeal building is cited as an example where such an approach would be appropriate. However, whilst the appeal scheme might fill a gap above first floor level, it would harm the overall character and appearance of the MCA for the reasons I have given.

18. The appellant points to the site being in a high accessibility area and that there would be no parking issues. The residential units are noted as being family accommodation that would be well laid out and accord with the Nationally Described Space Standards. In addition, the units are said to offer good outlook and sunlight. Furthermore, the scheme is noted as providing amenity space within the crown roof and that the external design includes chimney stacks to replicate those previously removed. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.

Planning Balance and Conclusion

19. I have found less than substantial harm in relation to the MCA. In accordance with Paragraph 202 of the Framework, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. The appellant has identified a number of public benefits. In particular, it is noted that the existing accommodation is poor and that the revised scheme would provide a higher standard of accommodation for future residents. The additional accommodation would increase the overall housing stock in the area and thus the overall number of residents in the village. This would create potential support for local businesses and facilities. In the short term the scheme would also lead to a time-limited economic benefit during the construction phase, which may give rise to extra local employment. In the longer-term the development would be likely to boost Council tax revenues. However, these benefits would be limited by the scale of the development.
21. The appellant also considers the development would result in a public benefit to the strengthened townscape by removing a weak gap previously identified by the Council. For the reasons set out above, I have found the development to be harmful to the wider area and thus its contribution to the townscape is not a matter to which I can give weight.
22. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the MCA. I have attached considerable importance and weight to this desirability. I do not find that the harm caused to the MCA would be outweighed by the limited public benefits of the proposal.
23. The proposal would harm the character and appearance of the MCA, in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR