
Appeal Decisions

Site visit made on 13 April 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal A Ref: APP/L3625/W/21/3282536 **29 West Street, Reigate RH2 9BL**

- 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 Mrs Cat Hoad against the decision of Reigate & Banstead Borough Council.
 - The application Ref 21/00373/HHOLD, dated 16 February 2021, was refused by notice dated 8 July 2021.
 - The development proposed is described in the application form as "Demolition of existing modern wooden conservatory at the rear of the property and replacement with slightly larger, part two storey extension designed to blend seamlessly into the existing Victorian extension".
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Appeal B Ref: APP/L3625/Y/21/3282620 **29 West Street, Reigate RH2 9BL**

- 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 Mrs Cat Hoad against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/00374/LBC, dated 16 February 2021, was refused by notice dated 8 July 2021.
 - The works proposed are described as "Demolition of existing modern wooden conservatory at the rear of the property and replacement with slightly larger, part two storey extension designed to blend seamlessly into the existing Victorian extension".
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Decisions

1. The appeals are dismissed.

Main Issues

2. 29 West Street is a Grade II listed building. In that context the main issue in respect of both Appeal A and Appeal B is the effect of the proposal on the special architectural and historic interest of the listed building.
3. In respect of Appeal A, it is also necessary to determine the effect of the proposal on the living conditions of those occupying 31 West Street.

Reasons

Effect of the proposal on the special architectural and historic interest of the listed building

4. No 29 West Street shares a listing with No 27 West Street, the Blue Anchor Public House. The building is a long, timber framed medieval building, dating from the

16th to 17th century, with hung tiles at first floor and a number of 19th century additions. No 29 also has a more modern glazed rear extension. Despite the additions across No 29 and No 27, the building still remains a good example of a long, timber framed hall and its historical interest as a medieval building is reinforced due to it forming a prominent part of the street scene and wider area.

5. The later additions to No 29, in particular the outrigger and glazed ground floor extension have cluttered the rear elevation of the building and eroded the simplicity of what would have been the original hall, and in turn the ability to have a clear appreciation of its functional history. This impression has been heightened by additions to the Blue Anchor Public House.
6. The proposed extension at ground floor would replace the glass extension in its entirety and project further still from the rear elevation. The two storey element would project from the existing outrigger at first floor, essentially covering the area currently occupied by the ground floor glass extension. Whilst the extension would not result in a substantial overall increase in width, it would result in a significant rear projection at first floor level, and a subsequent addition at ground floor. The overall effect of this would be to create a tunnel effect when considering the property from the rear, with the remnants of the original hall appearing overwhelmed and somewhat oppressed by the extension.
7. The extension would not be visible from the front of the property, and the change in land levels, and generous back garden, means that this impact would not be readily discerned from the cricket ground to the rear. However, I attach very little weight to that because the special interest of a listed building, and its significance, are intrinsic qualities that exist whether or not the public can appreciate them. Whilst no historical fabric of the original 16th century hall would be removed, it would be necessary to remove some of the later additions to accommodate the first floor extension and to reconfigure some of the internal walls.
8. Works have previously been carried out to the Blue Anchor Public House, and a number of properties have been extended to the rear. Whilst these are a material consideration, I consider that the gradual expansion to the rear of the properties, including that to the listed building itself, creates a sense that modern development is swallowing the listed building, and in doing so causing harm to its special and historical interest.
9. With all that in mind, I find that the proposal would harm the special architectural and historic interest of the listed building, and its significance. By virtue of the workings of Section 16(2) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), underlined by paragraph 199 of the National Planning Policy Framework, these harmful impacts must attract considerable weight.
10. Having regard to the limited loss of historical fabric I consider that the harm caused would be, in Framework terms, less than substantial. Paragraph 202 of the Framework sets out that where a proposal will 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 including, where appropriate, securing its optimum viable use.
11. It is clear from what I saw of the existing building that the accommodation is relatively restricted in terms of the size of rooms and their ceiling heights. However, the accommodation is in no way sub-standard because of these factors, indeed, the small rooms and low ceilings in the original building are important markers of its humble origins.

12. It cannot reasonably be argued, in my view, that the dwelling cannot properly or viably function without further extension. In that context, any public benefits of the proposals are not sufficient to outweigh the harm that would be caused to the significance of the designated heritage asset. As a consequence, the proposal falls contrary to the Framework and for the same reasons, Policies CS1 and CS4 of the Core Strategy 2014; and Policies DES1 and NHE9 of the Development Management Plan 2019 which collectively and amongst other things seek to protect heritage assets.

Effect of the proposal on the living conditions of those occupying 31 West Street

13. No 31 West Street is a residential property. Whilst the ground floor element of the proposal would be set closer to the boundary with No 31, it would be single storey beyond the existing projection of the glazed extension and would be experienced within the context of the existing boundary treatment. Having regard to the path of the sun rise and sun set, the extension may result in a slight loss of light in the morning, however No 31 would retain good levels of light throughout the remainder of the day.
14. The first-floor element would be constructed to be in line with the existing extension. There is a small dormer window in the side of No 31, facing towards the appeal site. There is some disagreement between the parties of the application of the Council's Householder Extensions and Alterations Supplementary Planning Guidance (SPG) in respect of the relevant 45-degree test and 25-degree test. Notwithstanding this, it was clear at the time of my site visit that erecting a first-floor extension that would extend some four metres from the rear of the host property, within three metres of the habitable window, would create an overbearing and oppressive addition. This would be detrimental to the living conditions of those at No 31 when using the room with the side window, and to a much lesser degree when using the habitable room at the rear of the property.
15. As such, I find that the proposal would be harmful to the living conditions of the neighbouring occupiers, and would conflict with Policy CS4 of the Core Strategy 2014 and Policy DES1 of the Development Management Plan 2019. These policies seek to ensure that development does not adversely impact upon the amenity of occupants of existing nearby buildings.

Conclusions

16. I have found that the proposed works would result in harm to the special architectural and historic interest of the listed building, and that there are no public benefits that would outweigh this harm, which attracts considerable weight. Furthermore, the proposed extension would be detrimental to the living conditions of neighbouring occupiers and would conflict with the development plan when taken as a whole.
17. Accordingly for the reasons above I conclude that Appeal A and Appeal B are dismissed.

J Ayres

INSPECTOR