
Appeal Decision

Site visit made on 12 July 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/P3610/D/22/3295685

20 Longdown Lane North, Ewell KT17 3JQ

- 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 Joann Fong against the decision of Epsom & Ewell Borough Council.
 - The application Ref 21/00761/FLH, dated 18 March 2021, was refused by notice dated 4 January 2022.
 - The proposed development is described as "Two storey rear extension, side extension, loft conversion, new windows, doors & rooflights. Enclosed porch and solar panels."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal refers to the 'NPPF' 2019 (as amended). Given the date of the Council's decision, I have taken this as referring to the July 2021 version of the National Planning Policy Framework (the Framework), to which the main parties have referred in their evidence. I have determined the appeal accordingly.
3. The description of development on the decision notice does not refer to the enclosed porch. I am not clear whether the appellant has expressly agreed to this revised description, so I have used the description of development as stated on the application form in the heading above.
4. The appeal site is stated as being in Ewell on the planning application form and on the Council's decision notice and that is the address that I have used in the heading above. However, I note that the appeal form refers to it being in Epsom. Despite this, and having regard to the submitted plans, I am satisfied that I have sufficient information about the location of the appeal site.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and whether it would preserve or enhance the character or appearance of the Higher Green Conservation Area.

Reasons

6. The appeal site contains a detached two storey dwelling with single storey elements to either side. It is identified as a positive building in the Conservation Area on the Council's Townscape Appraisal Map.

7. The Conservation Area comprises two streets of early 20th century suburban housing in mature gardens. Although the detailed designs of the dwellings vary, they are unified by common architectural features including front gables with clay hanging tiles or decorative timber framing, set forward of steeply pitched clay tiled roofs. Fully hipped roofs, largely uninterrupted by window openings or additions such as solar panels, are a consistent feature. The decorated front gables and less elaborate roofs both contribute to the significance of the Conservation Area.
8. The existing dwelling on the appeal site is typical of the Conservation Area, with its fully hipped roof set behind a projecting, tile hung front gable. Extensive garden planting largely screens the dwelling and its neighbours at ground level. However, their upper floors and roofs are more visible.
9. The extended roof slope on which the proposed solar panels would be installed would be clearly visible in views along Longdown Lane North. The proposed solar panels would be numerous, extending across almost the whole roof slope. They would be conspicuous from public viewpoints and would introduce a modern architectural feature, dominating the roof on this side elevation. The level of visual clutter at roof level would detract from its appearance and would not be consistent with the largely uninterrupted tiled roofs which are characteristic of the wider Conservation Area.
10. The appellant has pointed out that there is an existing range of solar panels at 70 Longdown Lane North. However, these are outside the boundary of the Conservation Area, so are not subject to the same considerations. I noted during my site visit that there is a smaller range of solar panels elsewhere in the Conservation Area, but I do not have any evidence whether these benefit from planning permission. In any event, the proposed solar panels at the appeal site would be significantly more numerous and prominent, causing a much greater level of visual intrusion. I therefore attach limited weight to these other examples.
11. Although the proposed side extension would be set further forward than the existing garage, it would still be set behind the porch and front gable. It would therefore remain subordinate to the existing dwelling, being single storey with a low roof. It would not be unduly prominent or disruptive to the established building line and would still allow the distinctive front gable detailing to be appreciated.
12. Although the reason for refusal refers to the two storey rear extension, I note from the Council's Officer Report that the main concern was with the insertion of roof lights. The application specifies metal framed conservation rooflights, which would be of modest size and limited in number, leaving much of the tiled roof uninterrupted. Therefore, they would not be excessively intrusive. I note that the Officer Report concludes that other aspects of the extension design would be acceptable and based on the evidence before me, I see no reason to reach a different conclusion on these aspects of the proposed development.
13. Overall, I do not consider that the proposed side and rear extensions would be harmful to the character and appearance of the existing dwelling or its surroundings. Neither would they harm the significance of the Conservation Area.

14. However, notwithstanding the lack of harm arising from the proposed side and rear extensions, I conclude that the proposed solar panels would fail to preserve the character and appearance of the existing dwelling and of the Conservation Area. While noting the Council's view that there would be substantial harm to the significance of the Conservation Area, I have had regard to national planning practice guidance which makes clear that substantial harm is a high test which may not arise in many cases. Having had regard to the specific harm arising from the proposed solar panels on this single property, I consider that the harm to the significance of the Conservation Area would be less than substantial. Nevertheless, I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the Conservation Area in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
15. Paragraph 202 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
16. The appellant has highlighted how the solar panels would enable them to power their home with low carbon technology, contributing to the UK's Net Zero targets, supporting energy security and reducing energy costs. The Framework highlights that domestic scale projects can make a valuable contribution to cutting greenhouse gas emissions. Paragraph 158 indicates that development should be approved if its impacts are (or can be made) acceptable. But this implies that development may equally be refused where such impacts are not (and cannot be made) acceptable, which is the case here.
17. Therefore, while recognising that the solar panels would provide some limited public benefit in terms of cutting greenhouse gas emissions, I conclude that any public benefits of the proposal would not be significant enough to outweigh the harm identified.
18. Taking the above matters into consideration, the proposed development would fail to preserve the character or appearance of the Higher Green Conservation Area and would not meet the requirements of section 72 of the Act.
19. For the same reasons, it would not accord with policies CS1 and CS5 of the Council's Core Strategy 2007¹, policies DM8, DM9 and DM10 of the Council's Development Management Policies Document² or with relevant paragraphs in the Framework. These policies, amongst other things, require that development proposals balance aesthetic and wider environmental considerations and conserve or enhance the Borough's heritage assets.
20. Although some aspects of the proposed development are broadly in line with the principles in the Council's Householder Applications SPG³, the SPG does not include detailed guidance on the installation of solar panels. It also acknowledges that different approaches may be required in Conservation Areas. Therefore, although the SPG is referred to in the reason for refusal, I have afforded it limited weight in reaching my conclusion.

¹ Epsom & Ewell Borough Council Core Strategy 2007

² Epsom & Ewell Borough Council Development Management Policies Document September 2015

³ Epsom & Ewell Borough Council Householder Applications: Supplementary Planning Guidance January 2004

Other Matters

21. The appellant has highlighted that the proposed development would increase residential accommodation without compromising on garden space. Benefits from providing a larger garage to enable storage and efficient charging of a modern electric vehicle have also been highlighted. However, all these benefits could be achieved independently of the proposed solar panels, which is the aspect of the proposed development I have concluded would be harmful. Therefore I have afforded them limited weight and they do not outweigh the harm identified.

Conclusion

22. The proposed development would result in less than substantial harm to a heritage asset, which is not outweighed by public benefits. Having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR