



Appeal Decision

Site visit made on 21 March 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/L3625/D/21/3289617

Nohome Farm, Langley Vale Road, Epsom KT18 6BB

- 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 Mr & Mrs S & C Paine against the decision of Reigate and Banstead Borough Council.
 - The application Ref 21/02557/HHOLD, dated 28 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is single storey side and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property.

Reasons

3. The appeal site comprises a characterful detached 2-storey dwelling situated in a large plot which also contains outbuildings. The wider area is rural, with the site being situated in the Green Belt, and the dwelling, which is now one house, originally consisted of a pair of mid-19th century farm cottages.
4. The dwelling has been described as being a locally listed building. In this respect, paragraph 203 of the National Planning Policy Framework (the Framework) provides that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
5. The significance of the dwelling as a non-designated heritage asset arises in part due to the dwelling having retained much of the original historic cottage-like character of the former pair, including a strong vertical emphasis. Its symmetrical form on the northern elevation and its distinctive detailing (which includes the prominent use of field flint) also contributes to its significance.
6. The proposed extension to the side of the dwelling would lack a set-back from its northern elevation and would lack a clear break between the apex of its roof and the eaves of the dwelling, contrary to the example given in Figure 15 of the Supplementary Planning Guidance: Householder Extensions & Alterations (adopted 2004) (SPG). Moreover, although it would have a lesser width than the dwelling when viewed towards its northern elevation, it would be a very

wide addition relative to its western elevation. As such, although it would be a single-storey structure set against a 2-storey dwelling, the proposed extension would not be sufficiently subservient to the dwelling. It would appear as a notably dominant feature which would unduly unbalance and disrupt the simple symmetrical form of the dwelling and would compromise its cottage-like character.

7. The submitted images showing extensions with contemporary designs adjoined to traditional flint/stone buildings demonstrate that, in principle, and subject to their detailed design, extensions with contemporary, contrasting materials can successfully integrate with their host properties. They provide examples of how the guidance in paragraphs 4.7 and 4.8 of the SPG, which refers to taking a contemporary design approach, can be applied in practice. I have taken account of paragraph 6.21 of the RBBC Local Character & Distinctiveness Design Guide Supplementary Planning Document (adopted 2021) (SPD) which refers to the option of embracing modern styles, in the context of responding to and enhancing local distinctiveness.
8. In this particular case, the materials proposed for the side extension would markedly contrast with the predominant use of flint on the dwelling, which is a locally distinctive material, thereby exacerbating the dominance of the proposed side extension, referred to above. As such, whilst noting that the proposal has been individually designed by an award-winning Surrey architect and recognising that the proposed vertical windows on the side extension would reflect the vertical emphasis of the dwelling, the proposed materials would contribute to the reduction of the visual prominence of the dwelling in its plot.
9. The historic outbuilding would remain visually distinct from the dwelling, but the disruption of the roof form caused by the significant amount of glazing for the roof of the extension which would adjoin it would mean that this aspect of the proposal would not adequately mitigate the harmful effects upon the dwelling referred to above.
10. Consequently, for the reasons given above the proposal as a whole would not provide an elegant contrast to the existing property, as advocated by paragraph 4.8 of the SPG, and it would serve to undermine the character and appearance of this historic non-designated heritage asset, including its locally distinctive materials. In balancing the scale of this harm, which would be considerable, against the significance of the asset (as summarised above), the proposal would unacceptably compromise its value in terms of its heritage interest.
11. I have had regard to the Council's refusals of planning permission for a 2-storey side extension, determined in 1995¹, and for a 2-storey side extension and single storey front extension, determined in 2006². These decisions were determined under a different development plan policy context which limits their relevance to the appeal proposal and casts doubt on whether the design credentials of those proposals would be assessed in a similar way at the present time. Similarly, these decisions were made before the introduction of the Framework, which contains policies relating to conserving and enhancing the historic environment. Therefore, whilst of some relevance and noting that

¹ 95/11430/F

² 06/00046/F

the appeal proposal has sought to address concerns arising from the 2006 scheme, these examples are not sufficiently persuasive so as to change my findings.

12. Whilst I have had regard to the guidance given in paragraph 6.31 of the SPD, whether or not flint would be an appropriate material for any extensions to the dwelling is not a matter that is before me, as my findings on this main issue relate to the appeal proposal and not to any other scheme. I note the point that any further reduction in the width and depth of the side extension might make the extension unviable and unusable for its intended purpose, but this factor does not alter the actual effect that the proposal would have on the character and appearance of the dwelling.
13. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the host property. It would conflict with criterion 1 of Policy DES1 of the Reigate & Banstead Local Plan Development Management Plan (adopted 2019) (DMP) which provides that, amongst other things, planning permission will be granted for new development where it promotes and reinforces local distinctiveness. It would conflict with criterion 1 c) of Policy NHE5 of the DMP which provides that, amongst other things, within land shown on the policies map designated as Metropolitan Green Belt extensions or alterations to buildings in the Green Belt will be permitted where the design respects the original form and appearance of the existing building.
14. The proposal would conflict with criterion 1 of Policy NHE9 of the DMP which provides that, amongst other things, development will be required to protect, preserve, and wherever possible enhance, the Borough's designated and non-designated heritage assets. The proposal would also conflict with chapter 16 of the Framework which seeks to conserve and enhance the historic environment.
15. Although the Council's decision notice refers to the Reigate and Banstead Core Strategy, no specific policies have been specified in that notice. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Other Matters and Planning Balance

16. No concerns have been raised by the Council in their decision notice in relation to the scale of the proposal in relation to the Green Belt, the effect of the proposal on the living conditions of the occupiers of other properties, trees, ecology, or the landscape character of the Area of Great Landscape Value within which the site is located. However, these are all neutral matters, which do not weigh in favour of the proposal.
17. I have carefully considered the fallback positions presented by the appellants. In doing so, I have had regard to the caselaw referred to³. Given the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and the appellants' stated intentions to further consider permitted development options, I consider that there is a real prospect of a single storey side extension being implemented in the event that this appeal is dismissed.

³ *Regina (Government of the Republic of France) v Kensington and Chelsea Royal London Borough Council* [2017] EWCA Civ 429, and, [2012] EWHC 3708 (Admin)

18. As this permitted development would only require a small adjustment to the roof pitch compared to the appeal proposal, it would not be a significantly different development in terms of its overall height. Furthermore, paragraph A.3(a) of Class A of Part 1 of Schedule 2 of the GPDO provides that, amongst other things, development is permitted by Class A subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this regard, as a red brick finish has been suggested to match the materials used on the dwelling, the materials used could potentially complement the dwelling. It follows that it has not been demonstrated that the permitted development would constitute a more harmful development than the appeal proposal. Limited weight is therefore given to this fallback position.
19. Another fallback position put forward is to demolish the historic outbuilding and build a 6 metre-deep extension on the northern elevation of the dwelling. Paragraph A.1(e)(i) of Class A provides that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse. In the context of the GPDO, 'original dwellinghouse' means the dwellinghouse which is the subject of the permitted development right, not any buildings which might have pre-existed the formation of that dwellinghouse. Thus, in this case, for the purposes of the GPDO the original dwellinghouse is the existing dwelling as it currently stands.
20. In the context of this appeal it is not my role to provide a formal determination on which elevation constitutes the principal elevation for the purposes of Class A. Nevertheless, for the purposes of assessing whether the above-mentioned purported fallback position could take place, I note that the current vehicular access on site leads towards the northern elevation, and a parking area adjoins that access. Hence, on the basis of the evidence before me I consider that it has not been demonstrated that the northern elevation is not the principal elevation for the purposes of Class A, meaning that it has not been shown that there is a greater than a theoretical possibility that this development could take place on the northern elevation.
21. Limited details have been provided with respect to the appellants' intentions regarding any extension on the southern elevation. Although 2 shallow side walls protrude from the southern elevation, I have not been provided with an indication of the intended size or position of such an extension in the light of paragraph A.1(j)(iii) of Class A, which provides that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.
22. In any event, whilst I accept that there is a real prospect that an extension could be constructed on the southern elevation, given the lack of detail as to the intended size, position, and height of such an extension, and considering that, in contrast to the appeal proposal, any extension on the southern elevation would not disrupt the symmetrical form of the northern elevation, limited weight has been ascribed to this fallback position.
23. The appeal proposal would increase the floorspace in the dwelling and would also provide amenities, such as an additional WC and a shower / utility room, thereby providing enhanced living accommodation for the appellants. However,

these would mainly comprise private benefits which limits the weight which can be afforded to them.

24. The proposal would restore the historic outbuilding to a habitable condition. However, criterion 7 of Policy NHE9 of the DMP provides that, amongst other things, development that would help secure the long term viable use and sustainable future for heritage assets, especially those identified as being at risk of loss and decay, in a manner consistent with its conservation will be supported. It follows from my findings on the main issue that the proposal would not be consistent with the conservation of the non-designated heritage asset. Moreover, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims.
25. The benefits mentioned above offer modest support for the proposal, and collectively I have given them no more than moderate weight.
26. Although the dwelling is a locally listed building rather than a statutorily listed building, and so does not benefit from statutory protection, paragraph 189 of the Framework is still of relevance, which provides that, amongst other things, heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
27. Taking this into account in the context of the considerable harm that the proposal would cause to the heritage asset, substantial weight has been given to the harm identified. Overall, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR