



Appeal Decision

Site visit made on 10 October 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/C3620/W/23/3318781

Lloyds TSB Bank PLC, 20 North Street, Leatherhead, KT22 7AS

- 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 Throgmorton Developments Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2022/1946/PLA, dated 16 November 2022, was refused by notice dated 8 February 2023.
- The development proposed is the change of use of the rear ground floor, first and second floors from Class E (c)(i) to 6 no. residential (C3) flats comprising 5 no. 1-bedroom and 1 no. 2-bedroom units; retention of Class E floorspace at the front ground floor and basement, extensions to the rear at ground, first and second floors with extension to the roof, external terraces at ground, first and second floor, external alterations to the fenestration and access to the property, with associated cycle storage and refuse.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the appellants had stated on Part E of the appeal form that the description of development had not changed from that stated on the application form, the proposal had originally been described as “the change of use of the rear ground floor, first and second floors from Class E (c)(i) to 5 no. residential (C3) flats comprising 4 No. 1 bedroom and 1 No. 2 bedroom units [...]”. This appears to have been a simple typographical error; page 9 of the application form indicated that there would be five one-bedroom units and one two-bedroom unit, and the rest of the supporting information was consistent with those numbers. I have therefore used the description from the appeal form in the banner heading above as it accurately reflects the proposed development.
3. Planning permission was granted for the change of use of the rear ground floor, first and second floors to five flats, along with associated works as per the description on the planning application form in this case, in November 2022¹. I return to this permission as a fallback position for the appellants later in my decision.
4. The Government published a revised National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the previous version dating from July 2021. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the

¹ LPA Ref: MO/2022/0815

main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the September 2023 version.

Main Issue

5. The main issue is whether or not the proposed development would preserve or enhance the character and appearance of the Leatherhead Conservation Area ("the LCA") and the setting of Sweech House, a Grade II listed building.

Reasons

6. The appeal site is a three-storey building on the east side of North Street in Leatherhead town centre. It dates from the latter part of the 19th century, and is of red brick with stone dressing. The building has an eclectic design, with elements reflecting a wide range of influences including "domestic revival" or "Jacobean typical of commercial buildings of the period" (as described by the appellants) and "classically-detailed" with "Flemish-style" gables (in the Council's words). The composition of the street frontage is asymmetrical, with the focus towards the central bay and the south-west corner. There is much interesting detailing within the stonework, especially on the North Street frontage, including banding, the door and window surrounds, mullions and transoms, and a pediment and decorative parapet at the curved south-western corner. The hipped tiled roof has a long "catslide" pitch on its northern side, descending from the main ridge to eaves below the second-floor level.
7. Until its closure in April 2022 the building was a branch of Lloyds TSB bank, with the banking hall on the ground floor, a basement vault, and ancillary office space on the first and second floors. The proposed development would see part of the ground floor, as well as the basement, remodelled and retained for Class E commercial use. At the rear of the building part of the ground floor would be demolished and a new three-storey rear extension erected. The existing sloped roof would be removed, and a new mansard extension added to create a new third floor and additional space at second floor level. These alterations and extensions would facilitate the provision of a two-bedroom flat on the ground floor, two one-bedroom flats on each of the first and second floors, and a further one-bedroom flat on the third floor. Externally, there would be two dormers on each of the second and third floors on the northern side of the building, and the mansard would be stepped back between the two levels. The roof would be covered in grey natural slate, with leadwork cheeks to the dormers.
8. The appeal property lies inside the LCA, and within the setting of the Grade II listed Sweech House. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, and to have special regard to the desirability of preserving the setting of the listed building. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).

Leatherhead Conservation Area

9. The LCA covers much of Leatherhead's town centre and its associated Victorian and Edwardian inner suburbs. As a result, it is diverse in its character and appearance; it has pockets of very intimate and small scale townscape, including Gravel Hill (north of the appeal site), alongside other areas such as parts of North Street and the High Street where buildings and their footprints are generally on a larger scale. The Council's 2010 Leatherhead Conservation Area Appraisal & Management Plan ("the CAAMP") describes the Gravel Hill sub-area of the LCA (including the appeal site) as being a "very small section of [the LCA but] highly significant in terms of the quality and complexity of the townscape".
10. The CAAMP also highlights the attractive view north along North Street towards Gravel Hill, in which historic buildings stepping up the hill provide progressive views of gables, chimneys and roofs of varying and often contrasting materials, describing it as "perhaps one of the best in the town". I saw on my site visit that the reverse view south along Gravel Hill towards the appeal site and beyond, also marks a visually interesting and attractive entry to the core of the town centre as historic buildings along Gravel Hill give way to the larger (and, in the case of the appeal property, grander) buildings beyond. The appeal property therefore makes a significant and positive contribution to the quality of this part of the LCA.
11. Sweech House sits immediately to the north of the appeal site at Nos 2, 4 and 6 Gravel Hill; it was originally a farmhouse, although it is now used as offices. It was listed in 1951 and is described in the official list entry² as "probably" dating from the late 15th century, then enlarged and altered in the 16th and 17th centuries, subdivided into three cottages during the 19th century, and restored in 1950. It has a timber frame with brick nogging and cladding, some flint and tile-hanging, and a prominent red tile roof with various dormers. Inasmuch as it relates to this appeal, the significance of Sweech House is derived both from its age, and its prominence in the streetscene. It forms a key part of the attractive townscape and the views within this part of the LCA highlighted in the CAAMP.
12. The proposed double-storey mansard would add considerable massing to the appeal property at and above its existing roof level. The north-facing "catslide" roof pitch on the appeal property at present provides a relatively neutral backdrop against which the varied and interesting roofscape of Sweech House, and its neighbours on Gravel Hill, can be appreciated when seen from the north. The bulk of the proposed mansard, and its stepped form and the four dormer windows on the north-facing elevation, would dominate and disrupt these views. It would jar visually with the historic buildings of Gravel Hill, and interrupt the obvious change in scale between them and the larger, newer town centre buildings beyond on North Street. In views of the appeal property's front North Street elevation, the mansard would loom over the front gable and chimney stack and the corner pediment in a way which the existing lower (and more set back) roof does not, thereby detracting from the appearance of the host building.
13. Because most of the additional bulk and mass of the proposed mansard would be on the north side of the appeal building, it would not significantly disrupt the

² List entry number 1028622

view north along North Street towards Gravel Hill to which the CAAMP gives such importance. However, for the reasons I have just set out, it would be a cumbersome and intrusive addition to the appeal property when viewed from the north or west, and so would harm the character and appearance of the LCA. Given the size of the LCA as a whole this impact would be localised, but would nevertheless be detrimental to a very significant sub-area. The appeal site is a very visible part of the backdrop to Sweech House; as I have described above, the proposed development would detract from, and so cause harm to, the setting of the listed building.

14. I acknowledge that the appeal property has not been identified as a "landmark building" in the CAAMP, but it this is not the only means by which its worth in the townscape can be identified, and as I have described already it makes a very positive contribution to the LCA. I also accept, as the appellants' *Appeal Heritage Note* explained, that mansard roofs are not restricted to buildings of the French Baroque style; however, the harm I have identified in this case does not stem from an "in principle" objection or concern about a clash of styles, but from specific factors of the appeal scheme identified above.
15. I therefore find that the proposed development would not preserve the character and appearance of the LCA, or the setting of the Grade II listed Sweech House. In the Framework's terms, the harm to the significance of the LCA and Sweech House as designated heritage assets would be less than substantial.
16. The proposed development would deliver six new residential units, which would make a small contribution to providing increased housing supply and choice in the area. It would also bring a currently vacant building back into a viable economic use, while also reducing its carbon footprint compared to its previous use. The appeal site is in an accessible location, with shops and other services available very close by in Leatherhead town centre. Future occupiers of the proposed dwellings would be likely to contribute to supporting the local economy in the longer term. There would also be additional shorter-term support for the economy through the provision of jobs and the use of local suppliers and contractors during the construction period. These are positive factors in favour of the proposal which I consider attract appreciable weight. However, they would not outweigh the harm to the LCA and to the setting of the listed building, to which I must attribute great weight.
17. I therefore conclude that the proposed development would conflict with Policies ENV22, ENV23, ENV39 and ENV43 of the 2000 Mole Valley Local Plan, and Policy CS14 of the 2009 Mole Valley Core Strategy ("the MVCS"). Together, and among other things, these policies seek to ensure that development respects the character and appearance of the locality (including in terms of scale, bulk, and roofscapes) and that designated heritage assets are protected. For the same reasons, the proposal would conflict with the requirements of the Framework which seek to conserve and enhance the historic environment, as set out in paragraphs 189, 199, 200 and 202.
18. The decision notice also indicated conflict with Policy CS13 of the MVCS. However, that policy relates to the protection and enhancement of landscape character, and the evidence before me did not substantiate where any relevant conflict might arise. I therefore find no conflict with that policy, although of course this does not negate the other harm which I have found.

Other Matters

19. The Council did not raise any “in principle” objections to the proposal to convert most of the appeal property to residential use. The appellants object to the Council’s officer report having described the appeal scheme as providing only “an additional unit”, but read in its full context that clearly compares the appeal scheme to the 2022 planning permission for five flats on the site, which is a fallback position for the appellants³. The earlier permission and the appeal proposal are indications of the appellants’ obvious desire to redevelop the building, and there is therefore a very real prospect of the site being redeveloped under the 2022 permission in the event of my dismissing this appeal.
20. While the current appeal proposal would deliver one more dwelling than could be created under the fallback position of the 2022 permission, this would come at the cost of harm to both the character and appearance of the LCA and to the setting of the Grade II listed Sweech House. None of the evidence before me suggests that the scheme allowed by the 2022 permission would give rise to such harm. The 2022 planning permission is a consideration to which I therefore attach only limited weight as a fallback position; it does not outweigh the harm to designated heritage assets which I have found in this case.

Planning Balance and Conclusion

21. The proposed development would not preserve the character or appearance of the LCA or the setting of Sweech House, both of which are designated heritage assets. It would conflict with the development plan taken as a whole.
22. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites, with its supply currently at 2.9 years. The most recent Housing Delivery Test figures showed that it had delivered just 70% of the homes required. However, while this is a significant shortfall, Paragraph 11 and Footnote 7 of the Framework are clear that the “tilted balance” in favour of sustainable development is not engaged if the application of policies in the Framework to protect areas of particular importance provides a clear reason for refusing the development proposed. These areas include designated heritage assets.
23. In this case, the harm to the character and appearance of the LCA and to the setting of Sweech House which I have identified provide clear reasons for refusing the proposal. The “tilted balance” is therefore not engaged.
24. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan.
25. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

³ Though the Council did not actually use the word “fallback” to describe the situation.