
Appeal Decision

Site visit made on 20 October 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 December 2023

Appeal Ref: APP/P3610/W/23/3315065

12 Ashford Court, Glanville Way, Epsom, Surrey KT19 8LR

- 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 Timber Rooms Ltd against the decision of Epsom & Ewell Borough Council.
 - The application Ref 22/01522, dated 13 September 2023, was refused by notice dated 6 January 2023.
 - The development proposed is a single storey detached outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the Conservation Area.

Reasons

3. The appeal relates to the construction of an outbuilding within the garden area associated with this 2 storey block which contains a number of flats. The building and the surrounding area sit within the West Park Conservation Area which the Council refer to as forming part of the Epsom hospital cluster.
4. The hospital developments took place from the late 19th Century to immediately post-World War I. Particular interest in the Conservation Area derives from the specific design as a mental health facility, the particular layout and consistent use of materials. The buildings here were converted to residential uses around 2010 and I can see that careful and well-considered design has resulted in a consistent and high-quality environment with consistent boundary treatment and landscaping.
5. The proposal is to erect the modest-sized building in the narrow part of the garden, between this elevation of Ashford Court and the boundary of the site with the road and pavement. The boundary here is marked with a brick wall with railings above and a hedge.
6. The proposal would introduce a building into this narrow space adjacent to a main elevation of the building. In my view, it would appear significantly out of place and would appear as an ill-conceived after-thought within this area. The consistent use of red brick and slate tiles in these blocks means that the

consistency of materials is also an important feature. The design and appearance of the proposal would fail to harmonise with the existing buildings and would add to its unacceptable effects.

7. I have considered the screening effects offered by the hedge at the site. In its current form it would no doubt filter views of the proposal from outside the site, although not fully and not to such a degree that would make it acceptable, in my judgement. In addition, such effects would rely on the hedge being maintained at a certain height and this cannot be guaranteed. Furthermore, the submitted plans indicate that the proposal would fill the gap between the building and the boundary and no assessment has been undertaken of the likely effects on the health of this part of the hedge, as a result of the proposal. Therefore, I consider that any screening effects offered by the hedge cannot be relied upon. In this respect, I consider that the proposal would fail to either preserve or enhance the character and appearance of the conservation area.
8. The appellant indicates that the proposal would be permitted development if it were, firstly, to a house and secondly, not in a conservation area. As neither consideration applies, I find these matters of little assistance in determining the appeal. The appellants also indicate that the proposal is needed to accommodate working from home, it would reduce the need to commute, it would help meet the needs of existing residents and other additional points which I have taken account of. My attention has also been drawn to other developments within conservation areas including a nearby fitness club. In this latter regard, it would appear to me that none of these developments are similar in location or design to the appeal scheme.
9. The National Planning Policy Framework (NPPF) states (paragraph 199) that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case, the Conservation area), great weight should be given to the asset's conservation. It adds that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Additionally stating that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Whilst I acknowledge that the proposal would provide a benefit to the appellant, I consider this to be a largely private benefit and the development would be likely to exist long after those considerations have ceased to be relevant.
10. The appellant also refers to the existence of other similar structures in the area. The document indicates that the one shown nearby adjacent to the appeal site does not have planning permission and so I cannot rely on its existence. Similarly, I have no information about the planning history, if such exists, of any other structures in the area and so this does not help in consideration of the appeal. In my view, and taking account of the above, the effects on the conservation area, which I judge to be 'less than substantial harm' as set out in the NPPF, are primary and are not outweighed by the other matters raised by the appellant and I find no public benefit sufficient to outweigh that harm.
11. Consequently, the proposal is in conflict with Policy CS5 of the Council's Core Strategy 2007 and Policies DM8, DM9 and DM10 of the Council's Development Management Policies Document 2015. The harm to the Conservation area is a

matter of significant weight and is not outweighed by any other matters.
Therefore, the appeal is dismissed.

T Wood

INSPECTOR