



Appeal Decision

Site visit made on 18 February 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/P3610/W/24/3349650

Development Site at Friars Garth, The Parade, Epsom, Surrey KT18 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Philippe Weldin against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 23/01451/FUL.
 - The development proposed is described on the application form as 'Alterations to building to provide a four storey flat building comprising 12 residential flats (8x2 bedroom and 4x3 bedroom) together with vehicular access, landscaping, parking for 9 vehicles, bin storage, cycle storage and associated works.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the settings of a listed building and a conservation area. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Act.
3. At the time of my site visit, some construction work was underway. Regardless of what has been constructed to date, my assessment is based on the plans before me.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the works would preserve the setting of the Grade II listed building, The Pines, or any features of special architectural or historic interest that it possesses, and the extent to which the works would preserve or enhance the setting of the Church Street Conservation Area; and
 - affordable housing provision.

Reasons

Character and appearance

5. Properties surrounding the appeal site are varied in their period, design and scale. However, they are typically limited to two and three storeys in height. Some buildings of greater scale and bulk exist towards the western part of The Parade, near to its junction with Ashley Road. Here, some properties of three storeys with a roofspace storey above are visible.
6. Notwithstanding this, the character of The Parade is such that it becomes less urban and more verdant and suburban in character to the east. The appeal site, and properties either side of it, form part of that transition here.
7. The consented scheme would reach a height of two-storeys with a roofspace storey over, broadly in keeping with the scale of properties in this part of The Parade. The proposed scheme would rise to three full storeys with a roofspace storey above and would have an eaves and ridge height greater than the immediately surrounding buildings. The resultant height and bulk of the proposed scheme would be overly dominant and at odds with the transitional character in this part of The Parade. It would have a harmful visual impact on the streetscene.
8. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policies DM9 and DM10 of the Development Management Policy Document (DMPD, 2015). These policies, in summary, seek to ensure high quality design in development that is compatible with local character.

Heritage assets – special interest and significance

Listed building

9. The Pines is positioned to the west of the appeal site. It is a Grade II listed building¹, which originates from the 18th century, with later alterations and extensions. It is a rendered building with a modern hipped roof over.
10. Based on the evidence before me, the special interest and significance of The Pines is largely derived from its historic and architectural interests. Important contributors in these regards are its age and the use of traditional materials and construction techniques. It is apparent that several significant changes have occurred to the building over time, including its extension. This has, to some extent, degraded the integrity of the listed building. However, those later additions have not unduly eroded the building's intrinsic heritage merit.
11. The enclosed open space around the building (likely once larger) forms the immediate setting of the listed building. This immediate setting contributes positively to the asset's special interest and significance. The surrounding area, including The Parade and the appeal site, allows an appreciation of the building within its wider (evolved) context. The more contemporary development which surrounds the asset, and which forms the wider setting, has altered how the asset is experienced and thus has moderated the contribution the wider setting makes to its special interest and significance. Nevertheless, the wider setting still contributes somewhat to the special interest and significance of the asset.

¹ List Entry Number: 1213470

Conservation Area

12. The appeal property is located near to the Church Street Conservation Area (the CA). The special interest and significance of the CA is largely derived from the preservation of an historic network of streets, focussed on St Martins Church and grounds. The appeal site forms a previously developed site and makes only a limited contribution to the setting of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal proposal and effects

Listed building

13. The proposed development would appear as a stark and dominant feature in the site, introducing significant additional mass and forming a solid backdrop to the heritage asset. Although established built form is partly visible beyond the asset, the proposed development would further urbanise the site. It would diminish the ability to appreciate the prominence and significance of the asset, further weakening the contribution that the wider setting makes to the significance of the heritage asset.
14. Overall, I conclude that the proposed development would fail to preserve the setting of Grade II listed building, The Pines. Consequently, the development would harm the significance of this designated heritage asset. In doing so, it would be contrary to the requirements of section 66(1) of the Act.

Conservation Area

15. The proposed development would introduce additional built form and massing to a site within the setting of the CA. However, the proposed development, although large and visible from some vantage points, would be set amongst well-established built form. Bearing in mind the position, nature and extent of the proposals, I consider that they would have a neutral effect on, and would therefore preserve, the setting of the CA.
16. Overall, I conclude that the proposed development would preserve the contribution that the CA's setting makes to its significance as a designated heritage asset and thus would not harm the CA's significance, in accordance with the requirements of section 72(1) of the Act.

Heritage assets – public benefits and balance

17. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
18. With reference to Paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development relative to the building, I find the harm would be 'less than substantial' in this instance. Under such circumstances,

Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.

19. The proposed development would represent a contribution of 3 additional dwellings to housing supply beyond the consented (implemented) scheme, in an area with an acknowledged lack of future provision, together with an off-site financial contribution towards affordable housing. There would also be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of increased trade to nearby services and facilities once occupied, particularly in Epsom town centre. These benefits are acknowledged but are relatively limited given the overall scale and nature of the development. Moreover, construction benefits, in particular, would be short-term. Overall, I give these benefits moderate weight.
20. I also acknowledge that the proposed development would result in the optimisation of a previously developed and small site in a highly sustainable location, a clear objective of the Government. I give these considerations moderate weight.
21. Overall, although several benefits have been identified, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve the setting of the Grade II listed building, The Pines, contrary to the requirements of section 66(1) of the Act and DMPD Policy DM8. This policy, in summary, seeks to protect heritage assets. This is in a similar vein as the provisions of the Framework insofar as the protection of heritage assets is concerned.

Affordable housing provision

22. The Council's fourth reason for refusal relates to affordable housing provision. I note from the committee report that a financial contribution of £73,514 towards off-site affordable housing would be acceptable.
23. A unilateral undertaking (UU) was submitted in support of the scheme during the appeal. Whilst this UU provides a mechanism to provide the financial figure set out above, the Council has not confirmed its acceptance to this. This is, in part, due to disagreements around the content of the UU. Accordingly, I have concerns around whether the Council could rely on it to secure the contributions.
24. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, as it stands, and for the reason given in the previous paragraph, I am not satisfied that the submitted UU would make adequate provision for additional infrastructure to meet the additional needs arising from the development in accordance with policy CS9 of the Core Strategy (2007). Even were I to find this matter acceptable, it would not change my conclusions in respect of the other main issues.

Other Matters

25. The appellant provides evidence relating to the Town Hall site (opposite) having been put forward as a potential development site within the emerging Local Plan and masterplan document. The gives building height guidance of 2-4 storeys for future proposals there. Whilst I acknowledge these documents, this does not guarantee that any future buildings would be of the heights suggested. In any

case, this does not automatically mean that a development on the appeal site should be allowed at any height, particularly where harm has been identified. Ultimately, the existence of these documents does not lead me to an alternative conclusion on the main issues.

26. The appellant makes reference to Paragraph 11d of the Framework and that this is relevant to the appeal scheme, noting the Council's housing supply shortage. Even were I to agree with the appellant in this regard, bullet (i) of paragraph 11d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provides a strong reason for refusing the development proposed. As I have found harm in respect of heritage, above, and this provides a strong reason for refusing the appeal proposal, the presumption in favour of sustainable development would not apply in this particular case.

Conclusion

27. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR