



Appeal Decisions

Site visit made on 18 February 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal A Ref: APP/P3610/W/24/3347374

Glyn House, 15 Church Street, Ewell, Surrey KT17 2AP

- 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 Ewell Castle School against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/00298/FUL.
 - The development proposed is the construction of a single storey classroom to the northwest of Glyn House.
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Appeal B Ref: APP/P3610/Y/24/3347376

Glyn House, 15 Church Street, Ewell, Surrey KT17 2AP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Ewell Castle School against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/00299/LBA.
 - The development proposed is the construction of a single storey classroom to the northwest of Glyn House.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As Appeal A relates to a planning permission and Appeal B relates to a listed building consent, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The two appeals concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.

Main Issue

5. The main issue is whether the proposed development would preserve the setting of the Grade II listed building, Glyn House.

Reasons

Special interest and significance

6. Glyn House is set within an expansive garden plot. It is a Grade II listed building¹, designed by architect Henry Duesbury. The building dates from 1859, with several alterations and extensions taking place over time. The building was constructed as a rectory, replacing an earlier building on the same site, and is principally finished in pink brick with slate roofs over, and red fishscale tiles over the tower. Despite the expansion and alteration of the building over time, including its conversion into a school at the beginning of the 21st century (now known as Ewell Castle Preparatory School), the listed building maintains a strong architectural form and presence.
7. Based on the evidence before me, I consider the special interest and significance of the listed building to be largely derived from its architectural and historic interest. Important contributors in these regards are its powerful presence within its attractive grounds and within the streetscene, its age and its surviving historic fabric.
8. Pertinent to the appeal, in relation to the settings of listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework). The expansive garden plot within which the listed building sits has an historic, visual and functional connection with the heritage asset. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. The surviving rear garden, although altered, is an open and verdant area with several mature trees within it. This historically formed the rear garden to Glyn House, and provides authenticity and historic context to the asset. This immediate setting contributes positively to the asset's special interest and significance.

Appeal proposal and effects

9. The proposed development would involve the construction of a single-storey, standalone building to the rear of Glyn House. This would be used as a classroom.
10. The proposal would result in the loss of part of the open and verdant space that forms the historic garden area of Glyn House. This would have a harmful urbanising impact here, eroding the historic context of the asset and diminishing the ability to fully appreciate the significance of the asset. The proposed development would also conceal part of the historic rear elevation of the listed building, when viewed from the rear garden. This would harmfully affect the asset's legibility and would further erode its integrity. Harm also arises from the style of the proposed development, which is entirely at odds with the layout and appearance of the asset.
11. I accept that the area of land subject to the proposed development is not in a good state of repair. At the time of my visit, the ground had been turned over, and evidence suggests that it was previously a poor quality grassed area. Nevertheless, the poor quality of this part of the garden area is not reason to automatically allow development, particularly where harm has been identified.

¹ List Entry Number: 1214628

12. I appreciate that the proposed classroom would be set in front of a later phase of the listed building (early 20th century) and note that this later phase is somewhat at odds with the older elements of the property in terms of its scale, detailed design and the use of materials. Nevertheless, taken as a whole, the historic building remains intact and legible. Even were I to agree with the appellant that this part of the asset was of lesser significance, this would not fundamentally lessen the harm to the setting of the listed building overall.
13. I also appreciate that the proposed structure would be subservient to the listed building and that this part of the site cannot be readily viewed from public vantage points. This is, in part, due to mature landscaping. However, this mature landscaping cannot be relied on in perpetuity to provide the same level of screening as at present. In any case, the building is listed for its intrinsic architectural and historic interest and the visibility of the proposed development is not a determining factor in considering whether it would preserve the special architectural or historic interest of the building.
14. Overall, I conclude that the proposal would fail to preserve the setting of Grade II listed building, Glyn House, contrary to the requirements of section 66(1) of the Act. Consequently, the proposal would harm the significance of this designated heritage asset.

Public benefits and balance

15. Paragraph 212 of 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.
16. 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 and works relative to the listed 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.
17. Economic benefits would be brought about through the construction phase. However, the scale of this benefit is short-term and very limited by the nature and extent of the proposal. I also acknowledge the benefits of locating the reception classroom near to the main school buildings (instead of off-site), including the potential to reduce traffic movements and removing the need to have to walk along narrow pavements. Nevertheless, I am not convinced that these benefits provide clear and convincing justification for allowing the appeal.
18. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I am not of the view that the scheme before me is fundamentally necessary to secure the optimum viable use of the building. Moreover, no substantive evidence has been put before me which verifies that the listed building would not be useable or viable as an educational establishment or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.

19. 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 Grade II listed building, Glyn House. It would be contrary to the requirements of section 66(1) of the Act and the relevant provisions of policies CS1 and CS5 of the Core Strategy (2007) and policies DM8, DM9 and DM10 of the development Management Policies Document (2015). These policies, in summary, seek high quality design in development and the protection of heritage assets, including their settings. This is in a similar vein as the provisions of the Framework insofar as good design and the protection of heritage assets is concerned.

Other Matters

20. The appeal site is also located within the Ewell Village Conservation Area (the CA). In line with section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Bearing in mind the position, nature and extent of the proposed development, I consider that it would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole. As such, the proposed development would not harm the significance of this designated heritage asset. I note that the Council had no concerns in these respects either.
21. The appeal site is also located within the wider surroundings of other Grade II listed buildings. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant surroundings of these buildings, of which the appeal site forms part, positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
22. Nevertheless, the lack of harm in these respects does not weigh for or against the appeal and does not alter my conclusion on the main issue.
23. I note the appellant's frustration in respect of the Council's communication and in its consideration of the applications. However, this would be best dealt with by a costs application. These matters have had no bearing on my consideration of the appeal scheme before me. The letter of support is also noted. However, this is neutral in my consideration of the appeal.

Conclusion

24. For the reasons given above, having regard to all other matters raised, I conclude that both appeals should be dismissed.

A Price

INSPECTOR