



Appeal Decision

Site visit made on 25 February 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/L3625/W/24/3351616

21 Clarendon Road, Redhill, Surrey RH1 1QJ

- 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 J Stevens, Warrant Properties Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 24/00090/F.
 - The development proposed is remodelling and extension of the existing roof to provide an additional 8 apartments at second, third and fourth level and remodelling of the existing 4 apartments at first floor level, together with refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal decision dated 14 October 2013 (Ref APP/L3625/A/13/2198178) (the 2013 appeal) allowed the “remodelling of the existing roof to provide an additional 6 apartments at 2nd and 3rd floor level and remodelling of the existing 4 apartments at 1st floor level which sites over the ground floor restaurant ‘Prezzo’ at 33 London Road, Redhill”. The permission has now expired.
3. The appellant has provided a daylight assessment with the appeal to support their case regarding the effect of the scheme on the living conditions of future occupiers of the appeal site and the occupiers of 23 Clarendon Road. An updated elevation has also been provided which shows an additional window at 1st floor level to serve proposed flat 4. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that in this instance the drawing and additional reports do not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents.

Main Issues

4. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the area, including its effect on the significance of 21 Clarendon Road as a Non-Designated Heritage Asset (NDHA);
 - the living conditions of future occupiers with particular regard to daylight and outlook; and,

- the living conditions of existing residents within the adjacent building at no. 23 Clarendon Road, with particular regard to daylight and outlook.

Reasons

Character and Appearance

5. Located at the junction of Clarendon Road and London Road, the appeal site comprises a distinctive neo-Georgian style two storey building with a steeply pitched clay tiled roof. It dates from 1932, constructed as a Post Office to a design by Frederick Llewellyn for the Office of Works. The ground floor is occupied by a restaurant and there are 4 flats at 1st floor level. The surrounding area comprises modern buildings of differing architectural styles, most standing at 4-5 storeys.
6. I consider the significance of the NDHA to be largely derived from the proportions and composition of the neo-Georgian facades including the windows and brickwork detail, and distinctive form of the clay tiled roof. It is of local architectural interest and is a good example of its type. Although there have clearly been alterations to the facade over the years including to the central ground floor windows, the building retains its integrity in terms of its overall composition, materials and detailed design.
7. Whilst not having the same level of heritage significance as those included on the statutory list, the building as an NDHA forms part of the Borough's historic environment. I note the appellant's point that there are other surviving Office of Works buildings within the Borough and such buildings are not unique. However, the other examples of Office of Works buildings are not before me, and I am satisfied that the appeal building holds a sufficient degree of interest in architectural terms and age to have a high degree of significance in terms of its designation as a NDHA.
8. The National Planning Policy Framework (the Framework) states that the effect of an application on the significance of NDHA should be taken into account in determining the application, and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy NHE9 of the Reigate and Banstead Local Plan: Development Management Plan (2019) (DMP) reflects this approach.
9. The proposals include the removal of the roof and its replacement with a metal-clad 2nd and 3rd floor set directly above the existing facades, along with a 4th floor which would be slightly set back from the facades. Although the original elevations of the building would still be visible, the scale of the 3-storey extension would be overly dominant and would overwhelm what would remain of the original building. Due to its lack of subservience, the extension would draw attention away from the design details of the original facades.
10. As I have identified above, as the roof of the building forms a key part of its significance as a NDHA, its loss would cause significant harm in terms of the appreciation of the original building as a whole. As the existing Georgian-style timber framed windows provide a significant contribution to the Georgian-style vernacular of the façades, their loss would also harm the significance of the NDHA. I note that the existing elevations at street level would largely remain intact, and as such there would not be a total loss of significance. Nonetheless, the loss of the roof and the 1st floor windows would significantly harm the integrity of the original building and the way in which the NDHA is experienced.

11. The 2013 appeal scheme can no longer be implemented. It proposed a 2-storey extension, whereas the appeal before me comprises a 3-storey extension. Whilst there are similarities in the detailed design, the scheme before me is materially different given the additional storey and the imbalance that would result between the existing and proposed elements. The 2013 appeal was determined under a previous development plan and, significantly, the building has since been identified by the Council as a NDHA and evidence regarding its history and significance is also before me. For these reasons, I attach limited weight to the 2013 appeal decision in my determination of the current appeal scheme, which does not outweigh the harm I have identified.
12. I acknowledge that in terms of height and bulk, the proposal would be contiguous with surrounding buildings and lower than the buildings on the opposite side of London Road. However, this would not overcome the harm I have identified to the NDHA.
13. In conclusion therefore, for the reasons outlined above, the appeal proposal would result in significant harm to the significance of the NDHA, and consequently, to the character and appearance of the area. The proposal conflicts with Policies NHE9 and DES1 of the Reigate and Banstead Local Plan: Development Management Plan (2019) (DMP) and Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy (2014) as well as the provisions of the Framework as set out above. Amongst other things, these policies aim to protect, preserve and wherever possible enhance, the Borough's designated and non-designated heritage assets, and expect all new development to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings.

Living Conditions of Future Occupiers

14. During my site visit I was able to view the relationship between the appeal site and the surrounding buildings from within flat 4, which has north-facing living room and bedroom windows.
15. Proposed flats 4 and 8 at 1st and 2nd floors would solely be served by north-facing windows. These windows would look towards the side elevation of the adjacent building immediately to the north, Aquila House. The view from the living room windows in both flats would be towards a blank brick wall. It would feel highly enclosed and there would be a very restricted outlook. The bedroom windows to each flat would have a slightly more open outlook as Aquila House is further set back from the appeal site at this point due to its car park.
16. Similarly, the living room window to flat 11 at 3rd floor level would face the side wall of Aquila House. Whilst the appellant states the bedroom would be served by a secondary window, the proposed elevation does not show a window in this location. Irrespective of whether there would be a secondary bedroom window, given that the living room window would face the side elevation of Aquila House, the outlook from the main living area would be very restricted.
17. From my observations on site, I do not consider that the proposed arrangement would provide acceptable living conditions for future occupiers, with particular regard to the very restricted outlook from the living areas to flats 4, 8 and 11. Whilst I appreciate that the living/kitchen/dining area of flat 4 currently has a restricted outlook, there is an alternative outlook to the lightwell. I see no reason that a similarly restricted outlook should be repeated on the 2nd and 3rd floors.

18. In terms of daylight, I accept that the findings of the daylight report submitted by the appellant indicate that acceptable levels would be provided within all flats, subject to the installation of a further window to the living area of flat 4. This does not overcome the harm caused to living conditions arising from poor outlook as outlined above.
19. In conclusion on this issue therefore, I find that the living conditions of future occupiers would not be acceptable with particular regard to outlook. The appeal scheme would be contrary to Policy DES5 of the DMP, which states that all new residential developments must provide good living conditions for future occupants. Amongst other things, the policy requires that the primary habitable rooms have an acceptable outlook.

Living Conditions of Neighbouring Occupiers

20. The adjacent building at No. 23 Clarendon Road is a modern 4 storey flatted development. With regard to the flat at 3rd floor level, while the main aspect of the living area is to Clarendon Road, there is a bedroom window in the set-back roof storey facing east over the appeal site. Given that No. 23 is a taller building than the appeal property, the window currently has a very open aspect. Its position relative to the proposed scheme would result in a significant loss of outlook from this window due to the proximity of the appeal extension at fourth floor level, which would not be set back from this side elevation as it would be on the other street-facing elevations.
21. I note the photograph provided by the appellant does not provide a direct view towards the appeal site and in any event is not taken from the affected flat. Based on the proposed drawings and my observations on site, as set out above, I consider that the loss of outlook would be harmful to the living conditions of the occupier of the flat.
22. The daylight report provided by the appellant indicates that the proposed extension would materially reduce the amount of daylight reaching the bedroom window. Given the window is east facing, there would also be a material loss of sunlight in terms of sunlight received during the winter and also as an average across the year. Whilst I appreciate that in an urban context, it can be common for daylight and sunlight not to be at levels typical of a more suburban location, the loss in this context is significant and when considered together with the loss of outlook described above, I consider the overall effect to be harmful to the living conditions of the occupiers.
23. In conclusion therefore, the proposal would have a harmful effect on the living conditions of existing residents within the adjacent building at no. 23 Clarendon Road, with particular regard to daylight and outlook. This would conflict with the aims of Policy DES1 of the DMP which requires new development to provide an appropriate environment for future occupiers whilst not adversely impacting upon the amenity of occupants of existing nearby buildings.

Other Matters

24. The Council is satisfied with matters including the dwellings' compliance with nationally described space standards, highway safety, drainage, sustainability, refuse and recycling and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance and Conclusion

25. The proposal would deliver a net gain of 8 new dwellings, with a housing mix in line with local requirements. The scheme would be an efficient use of brownfield land in a sustainable location. It would support the Government's aim of significantly boosting the supply of homes. However, the addition of 8 homes would provide a limited contribution in this context and I attach moderate weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and future residents' use of local shops and services, but given the modest number of dwellings, those benefits would be limited.
26. However, as set out above, I consider the scheme would result in significant harm to the significance of the NDHA and to the character and appearance of the area. I have also identified harm to the living conditions of future occupiers of the building due to the poor outlook from the living areas of flats 4, 8 and 11, to which I attach significant weight. There would also be a loss of outlook, daylight and sunlight to the bedroom of the 3rd floor flat adjacent at 23 Clarendon Road. I attach moderate weight to this harm given that the main aspect of the living area of the flat at 23 Clarendon Road would not be materially affected. The benefits of the scheme outlined above would not outweigh the harm I have identified to the NDHA and to the living conditions of neighbouring residents and future residents of the appeal site.
27. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal should be dismissed.

L Francis

INSPECTOR