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## Appeal Decisions

Site visit made on 25 June 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

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### **Appeal A Ref: APP/C3620/W/24/3353702**

#### **46 The Street, Ashtead, Surrey KT21 1AZ**

- 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 Quittenton against the decision of Mole Valley District Council.
- The application Ref is MO/2024/0239/PLA.
- The development proposed is described on the application form as 'conversion of upper floors to create a flat with independent access, first floor extension to create two flats, demolition of garage and addition of cycle and bin storage.'

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### **Appeal B Ref: APP/C3620/Y/24/3353708**

#### **46 The Street, Ashtead, Surrey KT21 1AZ**

The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant planning permission.

- The appeal is made by Mr Quittenton against the decision of Mole Valley District Council.
- The application Ref is MO/2024/0223/LBC.
- The development proposed is described on the application form as 'conversion of upper floors to create a flat with independent access, first floor extension to create two flats, demolition of garage and addition of cycle and bin storage.'

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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 sections 16(2) and 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.
5. A new Local Plan was adopted on 15 October 2024, superseding the previous plan. The Council has outlined to me which policies of the new plan are the most relevant. I refer to these below.

## Main Issues

6. The main issues are:
  - the effect of the proposed development on the character and appearance of the site and surrounding area;

- whether the proposed development and works would preserve the Grade II listed building, 44 and 46 The Street, or the setting of the Grade II listed building, The Leg of Mutton and Cauliflower Public House; and
- the effect of the proposed development on the living conditions of neighbouring occupiers.

## **Reasons**

### *Character and appearance*

7. The appeal site comprises a part single, part two-storey building to the south of The Street, a commercial street within the centre of Ashted. The appeal building has been altered significantly over time. This includes the installation of a modern shopfront and the erection of a large rear ground floor addition. That existing addition is of a scale which pays little respect to the scale and form of the historic two-storey building. However, it has been in-situ for many years and remains largely out of sight by reason of its single-storey nature.
8. Although the proposed first floor extension would be set to the rear of the appeal site, it would extend along a significant length of the existing ground floor addition. It's bulky scale, form and contemporary design, using highly contrasting materials, would undoubtedly appear large and dominant when viewed from the adjoining public footpath, car park and neighbouring private vantage points. It would be at odds with the prevailing character of the area. Moreover, the scale of the proposed extension, together with a lack of setback from the site boundaries, would feel cramped in this relatively narrow site, particularly to those using the adjoining footpath. Although the proposed extension has been setback from the rear elevation of the host property, I do not consider that this relieves the impact overall. Consequently, I find that the proposed first floor extension would harm the character and appearance of the appeal site and surrounding area.
9. There would be no harm as a result of the alterations to the existing modern shopfront, subject to details being confirmed by condition. In addition, the loss of the existing garage structure to the rear, and proposed storage areas, would be acceptable in terms of character and appearance. Nevertheless, the lack of harm in these respects does not overcome the harm identified above.
10. Overall, although some elements of the proposed development would have an acceptable effect on the character and appearance of the appeal site and surrounding area, the proposed first floor extension would have a harmful effect, contrary to the relevant provisions of Policy EN4 of the Local Plan. This policy, in summary, seeks to ensure high quality design in development. This is in a similar vein to the provisions of the Ashted Neighbourhood Development Plan insofar as good design is concerned.

### *Heritage – special interest and significance*

#### 44 and 46 The Street

11. The appeal site comprises a building known as 46 The Street. It forms part of a Grade II listed building known as 44 and 46 The Street, built as a house but now forming mixed use buildings with commercial uses at ground floor. The building is understood to date from the late 17<sup>th</sup> century. The front of the building is rendered

(a later alteration) while the rear of the building is clad in a more vernacular weatherboarding, with a clay tiled roof over.

12. A number of changes have occurred to the appeal building over time, including the addition and modern replacement of shopfronts, internal alterations and the addition of a large ground floor extension. Nevertheless, this has not unduly eroded the appeal building's intrinsic heritage merit, or the contribution it makes to the listed building. Further changes have taken place to the wider listed building, including various extensions and alterations. However, in a similar vein to the above, these changes have not unduly eroded the intrinsic heritage merit of the listed building as a whole.
13. Based on the evidence before me, I find that the listed building's special interest and significance is primarily associated with its architectural and historic interest as an illustration of a late seventeenth century vernacular dwelling. Important contributors in these regards, which are pertinent to the appeals, are its surviving historic fabric and the use of traditional construction techniques and materials.

The Leg of Mutton and Cauliflower Public House (hereafter referred to as 'The Leg of Mutton')

14. The Leg of Mutton is a Grade II listed building. The building dates from the late 17<sup>th</sup> century, with many later alterations, some significant. It is a timber-framed building with brick and weatherboard cladding, together with a brickwork façade.
15. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, illustration as an inn that has evolved over time, the use of traditional materials and building methods and surviving historic fabric.
16. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The tightly defined grounds of the building, which include the small, enclosed areas to the front and rear, have an historic, visual and functional connection with the heritage asset. It is from these grounds that the asset is best appreciated. They form the asset's immediate setting. This immediate setting contributes considerably to the asset's special interest and significance.
17. Beyond this, the surrounding area is made up of urban development comprising residential and commercial buildings. This surrounding area forms the asset's wider setting. The 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, which includes the appeal site, makes to its special interest and significance.

*Heritage – appeal proposal and effects*

18. The proposed development and works would principally involve the conversion of the existing first floor to create a one-bedroom flat, alterations to the front and rear elevations and the erection of a first floor extension over the existing ground floor rear addition.

44 and 46 The Street

19. The proposed extension, whilst remaining subservient to the appeal property, would compromise the legibility of the listed building, forming an addition of a

considerable scale to the building. The mansard style extension would be highly visible from the footpath along the appeal site and from various private vantage points, including the adjacent public house. Despite its setback, it would obscure and dominate a significant part of the rear elevation, competing with the primacy of the historic core. In doing so, the proposal would harmfully erode the historic and architectural integrity of the listed building and would not conserve it in a manner appropriate to its significance.

20. I accept that the existing ground floor addition, and some other alterations, to the rear of the appeal property are of limited architectural interest and are somewhat at odds with the older elements of the listed building. However, taken as a whole, the historic core of the building nonetheless remains largely intact and legible.
21. Turning to the historic fabric of the building, it is unclear what or how much historic fabric would be lost as part of the proposed works. Both the Council and appellant cite potential works to satisfy building control requirements that may affect the staircase between the first and second floors, flooring and surrounding fabric.
22. I have insufficient information before me to demonstrate the age of the features in question, or to fully understand the effects/extent of any harm as a result of its removal. This information would be necessary in advance of a decision being made in order to fully understand the condition of any historic fabric and whether it would be appropriate for it to be removed or repaired. Without clarification, it is not possible to satisfactorily demonstrate that the internal proposals would preserve the special interest of the listed building and not cause harm to its significance. In any case, even if the removal of the historic fabric here was found to be acceptable, this would not lessen the harm to the listed building overall.

#### The Leg of Mutton

23. The proposed development, in particular the first floor extension, would appear as a stark and dominant feature when viewed from the immediate setting of The Leg of Mutton, introducing a significant mass of built form where this does not currently exist. The cumulative totality of the proposed development would also harmfully erode the wider setting. Although established built form is partly visible beyond the asset, the proposed development would further diminish the contribution the wider setting makes to the significance of the heritage asset.
24. Overall, I conclude that the proposal would fail to preserve the Grade II listed building, 44 and 46 The Street, and would fail to preserve the setting of Grade II listed building The Leg of Mutton. Consequently, the development and works would harm the significance of these designated heritage assets. In doing so, the proposal would be contrary to the requirements of sections 16(2) and 66(1) of the Act.

#### *Heritage – public benefits and balance*

25. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development 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.

26. 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 as a whole, I find the harm would be 'less than substantial' in this instance, and at the lower end of that spectrum. Nevertheless, that harm is of considerable importance and weight. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
27. The appellant claims that the Council cannot demonstrate a five-year housing land supply. Whatever the precise position, the proposed development would clearly represent a contribution of 3 dwellings to the district's housing supply, including the bringing back of a residential use to the first floor of the listed building in a sustainable location. Although this would provide only a limited contribution to housing stock, I am mindful of the government's target of significantly increasing the supply of homes. I give this consideration moderate weight.
28. There would also be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing about of increased trade to nearby services and facilities once occupied. Future occupiers would also contribute towards council tax. However, the scale of those benefits would be short-term in respect of construction jobs and limited overall by the modest extent and nature of the proposal. I give this consideration limited weight.
29. I acknowledge that the proposed development would meet some other planning policy objectives, such as its location in a built up area and in respect of parking and providing policy-requirement levels of internal space standards. Nevertheless, these are not in dispute and do not weigh in favour of the appeal. I give this consideration minimal weight.
30. I accept that listed buildings need to evolve and I note the benefits of the scheme. However, I am not satisfied that clear and convincing justification for the identified harm to the significance of the heritage assets has been provided. In giving great weight to the conservation of the assets, as well as considerable importance and weight to the identified harm to their significance, I find that this would not be outweighed by the limited-moderate public benefits that would flow from the proposal.
31. Overall, 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. The proposal would fail to preserve the Grade II listed building, 44 and 46 The Street, and fail to preserve the setting of Grade II listed building The Leg of Mutton. Accordingly, the proposal would be contrary to the requirements of sections 16(2) and 66(1) of the Act, and the relevant provisions of the Framework. The proposals would also conflict with the relevant provisions of Policy EN6 of the Local Plan which, in summary, seeks to protect heritage assets.

#### *Living conditions*

32. The proposed development would extend along much of the length of the existing ground floor addition. I note the proposed separation distance from the main building, with terrace in between. However, the proposed development would

nevertheless increase the overall height and bulk of the building significantly and would introduce windows at first floor level.

33. In particular, a private garden area adjoins the existing single-storey addition. The proposed extension and its elevated south-westerly facing windows, would be positioned very close to the site boundary. This would result in a harmful overbearing effect on the users of that garden space and an increased level of overlooking where this is not currently experienced.
34. While the windows in the opposite side of the first floor addition would likely overlook the beer garden of the adjoining Leg of Mutton, I do not find this to be harmful by reason of the nature of that business.
35. Overall, the proposed development would harm the living conditions of neighbouring residential occupiers. It would be contrary to the relevant provisions of Policy EN4 of the Local Plan which, in summary, seeks to ensure that development does not significantly harm the amenities of the occupiers of neighbouring properties.

### **Other Matters**

36. As noted above, the appellant argues that the Council cannot currently demonstrate a five-year housing land supply of deliverable housing sites. If I were to agree, this means that the policies which are most important for determining the proposed development are deemed to be out of date in accordance with paragraph 11.d of the Framework. This states that in such a situation where development plan policies are deemed out-of-date, planning permission should be granted unless one of two criteria apply. One of these, and which is pertinent to the appeal scheme before me, is if the application of policies of the Framework that protect areas or assets of particular importance, including designated heritage assets, provide a strong reason for refusing the development. As I have explained above, there would be harm to two Grade II listed buildings that would not clearly be outweighed. Therefore, the proposed development would not benefit from the presumption in favour of sustainable development in this instance.

### **Conclusion**

37. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeals should be dismissed.

*A Price*

INSPECTOR