



Appeal Decision

Site visit made on 16 July 2025

by **H Miles BA(hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal Ref: APP/C3620/W/25/3359786

2 High Street, Leatherhead, Surrey KT22 8HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Naresh Malda against the decision of Mole Valley District Council.
 - The application Ref MO/2024/1655/CC, dated 2 October 2024, was refused by notice dated 27 November 2024.
 - The application sought planning permission for conversion of the first and second floors of the building to accommodate three self-contained flats, with associated external alterations including the construction of new dormer windows. Retention of ground floor commercial floorspace, without complying with a condition attached to planning permission Ref MO/2023/0362/LPA, dated 7 July 2023.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers AA80130-P12 Rev A, AA80130-P11 Rev B, AA80130-P13 Rev B, AA80130-P14 Rev B contained within the application and no variations shall take place.
 - The reason given for the condition is: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Permission is sought for an amendment to condition 2, which would substitute a new set of drawings for those approved under ref MO/2023/0362/LPA (the original planning permission). These show the relocation of the dormer window on the western roof slope to a central position, and proposed windows and dormer windows at loft level to be UPVC. In addition, they also show changes to the proportion of the approved dormer windows on every elevation and an additional rooflight in the rear elevation. The Council have included an informative which indicates that these additional changes would require permission through a separate application. However, the effect of including the drawings submitted with this appeal in a replacement condition 2 would be that all details shown on the drawings submitted with this appeal would form part of the approved drawings. I have considered the appeal on this basis.
3. The appellant seeks to regularise the changes that have already been carried out. However, it does not appear that all windows have been implemented in accordance with the plans before me now. For clarity, this decision is on the basis of the submitted details.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the Leatherhead Conservation Area and on the setting of the Grade II listed building at 1-3 Church Street.

Reasons

5. The appeal site is within the Leatherhead Conservation Area (CA). I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. It is also adjacent to the Grade II listed building at 1-3 Church Street. I also have a statutory duty to have special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification.
6. The significance of the CA, as a whole, is derived from the historic development of this small town centre and associated Victorian and Edwardian suburbs. The site is in the Historic Core which is based on the market centre created in the thirteenth century around High Street, Bridge Street, Church Street and North Street where there is variation in building heights, materials, and architectural styles. 2 High Street is a prominent building in this location, sited on the corner. It dates from the 19th century with a traditional appearance at first floor and above. Prior to the current works being undertaken its windows were timber framed. Windows make up a crucial part of the architectural composition of a building and in this area are predominantly traditional materials, generally in timber. I am directed to properties which have UPVC windows at nos 7-11, 47, 41, 34, 22 and 24, the latter of which was granted planning permission under Ref MO/2014/0170. However, these are generally more modern buildings which are less prominent than the appeal site, and are uncommon. Traditional window materials therefore make a positive contribution to the historic materials and architectural styles and, as such, to the character and appearance of the CA.
7. 1-3 Church Street is a much altered timber framed house from the 17th to 18th centuries. It derives its significance from its age, contribution to the street pattern and historic form and details both internally and externally. Whilst the ground floor has a modern shopfront, although discordant, the traditional windows at first floor are important features. It is located directly adjacent to the appeal site. Taking into account its proximity, the traditional appearance of the adjoining building at 2 High Street, is seen with the listed building and forms an important part of its setting.
8. The original planning permission at 2 High Street indicated traditional timber windows, and the approved development would preserve the significance of the CA and the setting of 1-3 Church Street in this respect.
9. The proposed development would replace the existing first floor and loft level windows with 'Rehau Heritage Collection' UPVC windows. These include a deep bottom rim and slim sashes, as well as trickle vents and recessed glazing bars. At roof level, the proposed windows would be set in the large dormer cheeks and they would be greater in width and height. Together with the UPVC material, the proposed windows would be visually distinct and different to traditional windows and this variation would be clearly apparent. The original material and appearance

is important to the character and appearance of the CA and therefore the proposed UPVC windows would be harmful. In addition, this historically atypical appearance directly adjacent to the listed building would jar with its traditional details and would undermine the setting of this building.

10. Whilst I have not been provided with the outcome of application MO/2024/1657, based on the evidence in this case, the relocation of the dormer to a more central location would not erode any traditional features. Taken in isolation, this relocation would therefore preserve character and appearance. Furthermore, given its position away from the main elevations and its size, the proposed conservation style roof light would not harm the significance of the CA. For the same reasons it would also preserve the setting of the listed building. Nevertheless, this would be a neutral effect and would not overcome the harm identified above.
11. In terms of the Framework the harm to the designated heritage assets would be at the lower end of the scale of less than substantial harm. Nevertheless, this is a matter of considerable weight and importance. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the scheme.
12. The proposed development would improve the thermal insulation and energy efficiency of the properties and details to discharge condition 7 of the original permission included specifications of thermally efficient, 'A' rated, double glazed windows. However, I am not provided with detail that the specified 10% reduction in carbon emissions could not be achieved using methods that would include traditional materials. As such, I afford limited weight to the benefits in this respect.
13. On the other hand, having regard to my statutory duty I am required to attribute great weight to the conservation of the CA and listed building and I afford considerable weight and importance to the harm I have found. Accordingly, taking all the above into account, the limited public benefits would not outweigh the harm to the CA and the setting of the listed building.
14. Therefore, the proposed development would not preserve or enhance the character or appearance of the Leatherhead Conservation Area or preserve the setting of the Grade II listed building at 1-3 Church Street. As such it would be contrary to Policy EN6 of the Mole Valley Local Plan (2024) which requires, in part, that less than substantial harm to a listed building will not be permitted unless the public benefits of the proposals outweigh the harm to the asset's significance, and that proposals in conservation areas will make a positive contribution to and respect the character and appearance of the conservation area, including with regard to the use of materials.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed

H Miles

INSPECTOR