



Appeal Decision

Site visit made on 3 September 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/P3610/W/25/3366439

Pickard House, 57A Upper High Street, Epsom KT17 4RA

- 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 & Ewell Borough Council.
 - The application Ref is 25/00172/FUL.
 - The development proposed is alterations to existing building to provide 2 additional floors of residential accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the setting of and significance of the Epsom Town Centre Conservation Area,
 - The effect of the proposal on the character and appearance of the local area, and
 - Whether the proposal would create satisfactory living conditions for future occupiers, with particular regard to internal layout.

Reasons

Conservation Area Setting

3. The appeal property is a four storey building on the north side of Upper High Street, (A2022) comprising a commercial use on the ground floor with three floors of residential flats above with a total of 11 flats. The top floor is set in from the elevations below under a flat roof. There is parking to the rear and the railway line to the immediate north. To the west of the site is a terrace of single storey retail and service uses and beyond traditional three storey development, with retail and services uses on the ground floor. The single storey development sits in front of and largely screens the Old Station Building adjacent the railway line. To the east the local area is predominantly residential with primarily two storey development. The southern side of Upper High Street is more mixed in character with newer developments opposite the appeal site.

4. The proposal would extend the existing building vertically. The existing top floor would be built out to the same width and depth as the floor below with another floor of the same dimensions above and a further floor set back and in under a flat roof. The existing four storey building would become a total of six storeys and provide a further 7 flats. There would be no additional parking on site.
5. The Epsom Town Centre Conservation Area lies to the west of the appeal site. Its significance is focussed on the historic market town core and its market town character. The Conservation Area extends out to include the three storey commercial buildings along the northern side of Upper High Street and the Old Station Building as they reflect the historic development and activity of the market town. Upper High Street developed during the Victorian period as a shopping street to link the original station building with the historical core of the town centre.
6. Paragraph 208 of the National Planning Policy Framework (Framework) states that in respect of proposals affecting heritage assets which includes development affecting the setting of a heritage asset then an assessment should be made of the particular significance of that heritage asset that might be affected by a proposal. The Glossary to the Framework defines the setting of a heritage asset as *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
7. Looking eastwards along Upper High Street, the existing building is seen beyond the Conservation Area but given the rising land, the increase in height from the three storey buildings to the appeal site property, as existing, taken together with the gap around the lower height of the buildings in front of the Old Station Building results in the appeal property not standing out or appearing visually intrusive. It does not compete with or detract from the views of the three storey development forming part of the Conservation Area and contributing to its significance in terms of the historic development of the market town.
8. From further to the east, and looking towards the town centre the building does not appear overly obtrusive and is screened during the summer months by the trees to the immediate east. As existing, I consider that the building has a neutral effect on the setting of and the significance of the Conservation Area.
9. However, the significant increase in height as proposed would lead to a much more visually obtrusive building and would sit uncomfortably in relation to the lower scale of the buildings within the Conservation Area. Views along Upper High Street from the west would focus on this much higher building and would detract from the gentle climb of buildings along Upper High Street that sit within the Conservation Area. I therefore consider that it would result in a harmful impact on the setting of the Conservation Area and detract from the significance of the Conservation Area.
10. The Old Station Building is a locally listed building and therefore a non-designated heritage asset which lies within the Conservation Area. Its significance relates to it being the original Epsom Railway Station which opened in 1847 but closed in 1929 following the opening of the new railway station. As the former station is largely screened by the single storey commercial premises fronting Upper High Street, and its setting accordingly eroded, I do not consider that there would be any further harm to the setting from the proposal before me. However, this finding does not

outweigh the harm I have already concluded to the setting of and significance of the Conservation Area.

11. I therefore conclude that the proposed development would not preserve the setting of the Epsom Town Centre Conservation Area and would harm its significance. This would conflict with Policy DM8 of the Development Management Policy Document (DMPD) and the National Planning Policy Framework (Framework), and in particular Sections 12 and 16 all of which amongst other matters seek a high quality of design which respects the local context and the setting and significance of designated heritage assets.
12. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. It is my conclusion that the proposal, in harming and failing to preserve the significance of the Conservation Area and not preserving its setting, would result in less than substantial harm to the significance of the designated heritage asset.
13. Turning to the public benefits, the scheme would result in a net addition of seven residential units in a sustainable location and which would therefore make a modest, albeit helpful, contribution to the current undersupply of housing in the local area. It would also result in a more efficient use of an existing brownfield site, although the support for this in Paragraph 125 e) of the Framework is subject to respecting the local context and securing a well-designed building, and I am not satisfied that the proposal would accord with these objectives. There would be modest economic benefits at the construction stage and from the occupation of these dwellings.
14. Paragraph 212 of the Framework is clear that great weight should be given to the conservation of a designated heritage asset and that this is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Taking all of the potential benefits into account, the seven additional units would be a modest benefit but in the particular circumstances of this case they would not outweigh the harm I have identified to the setting of the Conservation Area and harm to its significance.

Character and Appearance

15. The appeal property lies within albeit at the eastern end of Epsom Town Centre. Beyond to the east are some garages and beyond the local area is predominantly low rise, two storey residential uses. On the opposite side of the road to the appeal property, there are modern developments of between three and five storeys with commercial and retail uses on the ground floors and commercial and residential above. At the eastern end on the southern side is Epsom Court which is a large five storey development, comprising a foodstore fronting Upper High Street and residential flats above and to the side and rear around a courtyard. Beyond Epsom Court is a public, surface level car park and the low rise, residential areas beyond. I agree with the Appellant's and the Council's reference to the appeal property and Epsom Court forming 'gateway' buildings and marking a clear divide between the low rise, residential to the east and the more intensive, retail and commercially led development to the west within the Town Centre.

16. As existing I consider that the appeal property sits comfortably, in terms of scale and height, within the mix of buildings in the immediate surroundings, including in relation to the range of buildings on the southern side of Upper High Street leading from west to east to Epsom Court, which is currently the highest of the building blocks. There is a very clear change in scale and form between the appeal building and the single storey retail uses to the immediate west, but in longer views from the west the buildings appear to rise in height with the upwards slope of Upper High Street and it does not appear overly large or visually incongruous in the mixed character and appearance of the local area.
17. As proposed the existing recessed top floor would be built out to the same depth as the floor immediately below with another floor of the same dimensions on top. There would then be a new recessed floor above giving a total of a six storey building. In terms of height and on the basis of the information provided by the Council, this would become the tallest building in this local area and exceeding the height of Epsom Court. Furthermore, Epsom Court is articulated in its design form at the upper levels, which helps to break up the massing and bulk of the existing building, and fronting Upper High Street, the upper levels are set back from the frontage. By comparison and notwithstanding the recessed top floor as proposed, the proposed additions to the appeal property would result in a very bulky and solid mass of built development which would result in an over prominent and visually incongruous development particularly in views from the front, and sides. The proposed development would not be sympathetic to or be compatible with the surrounding development but would detract from the character and appearance of the local area.
18. I have taken into account that the Council has set aside Policy DM13 of the DMPD which indicated the maximum heights for buildings within the town centre. Although it remains part of the development plan only limited weight should be afforded to it and it was not referenced in the Council's decision notice. However, my concern does not relate to a concern over the height of the proposal in absolute terms, but relates to the effect of the proposal, and in particular its height and form, on the character and appearance of the local area.
19. I therefore conclude that the proposal would harm the character and appearance of the local area. This would conflict with Policy C5 of the Core Strategy, Policies DM9 and DM10 of the DMPD and the Framework, and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Living Conditions

20. Policy DM12 of the DMPD requires all new housing developments to comply with external and internal space standards and in respect of internal space standards has cross referenced, amongst other matters, the Nationally Described Space Standards technical requirements. Although all of the flats would comply in terms of overall floorspace, not all of the proposed flats would meet the standards in terms of bedroom size and/or internal storage provision.
21. I have taken into account that the arrangement of accommodation would mirror the existing layout to make optimum use of the proposed floorspace. However, the Standards have been introduced to improve the quality of new build housing.

22. Given the nature of the shortcomings, it may well be possible to amend the layout to meet the standards, but on the basis of the information before me, I am not satisfied that the proposed additional flats would provide a good standard of accommodation for incoming residents, and this would conflict with Policies CS1 and CS6 of the Core Strategy, Policy DM12 of the DMPD and the Framework, all of which amongst other matters, seek a high quality of living standards for new residents.

Planning Balance

23. I have found that the proposed development would harm the setting of and the significance of the Epsom Town Centre Conservation Area, would harm the character and appearance of the local area and would harm the living conditions of future residents as a result of the form of the internal living accommodation and room sizes. Consequently, there would be conflict with the development plan policies which are consistent with the Framework's position seeking a high quality of design which respects and re-enforces local character and preserve the significance of designated heritage assets as well as ensuring a good standard of amenity for future residents. I have already commented that it may be possible to amend the layout to meet the internal space standards to ensure a good standard of amenity for future residents, but with particular regard to my conclusions in respect of my first two issues, I attach significant weight to this identified conflict.
24. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of deliverable housing sites, and that as a result Paragraph 11 d) is engaged. Accordingly, in line with paragraph 11 d) and footnote 8 of the Framework, the policies most important for determining the application are out of date.
25. Paragraph 11 d) ii. is engaged whereby planning permission should be granted unless *any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*
26. There would be a social benefit in providing seven additional housing units in an accessible location and making efficient use of the land, although the weight that can be attached is reduced given that I have found that the proposed units would not provide a good standard of living accommodation for all the future occupants. Economic advantages would also arise from the construction and occupation of these dwellings. These benefits carry some weight in support of the proposal. I have also paid particular regard to the paragraphs referenced in footnote 9 of Paragraph 11 d) ii. of the Framework. I have addressed some of these paragraphs above and whilst some of the paragraphs support the proposal, they include references to achieving well designed places. This therefore limits the weight to be attached.
27. I attach significant weight to the principal of housing delivery but the benefits arising from a net addition of seven units would be relatively modest. However, the provision of the new residential units as proposed would materially harm the setting of and significance of the Epsom Town Centre Conservation Area and would harm character and appearance of the local area and would not provide a good standard

of living accommodation for all future residents. When assessed against the policies in the Framework taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

28. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR