



Appeal Decisions

Site visit made on 21 October 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal A Ref: APP/P3610/W/25/3367695

Leigh House, 59 Church Street, Epsom, Surrey KT17 4PX

- 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 Clinton Harwood against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 25/00242/FLH.
 - The development proposed comprises glass walls and door to enclose portico.
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Appeal B Ref: APP/P3610/Y/25/3367698

Leigh House, 59 Church Street, Epsom, Surrey KT17 4PX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Clinton Harwood against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 25/00243/LBA.
 - The works proposed are as per Appeal A.
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Decisions

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

Preliminary Matters

3. As the site comprises a listed building, I have had regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). I have also had regard to section 72(1) of the Act as the site is located within a conservation area.

Main Issue

4. The main issue of both appeals is whether the proposal would preserve the Grade II listed building of 59 Church Street¹, or its setting, or any of the features of special architectural or historic interest that it possesses; and the extent to which the proposal would preserve or enhance the character or appearance of the Church Street Conservation Area (CSCA).

Reasons

5. The appeal property is a two-storey semi-detached dwelling with light coloured stuccoed render. Although identified in the listing as being early nineteenth century, the Church Street Conservation Area Character Appraisal and

¹ List Entry Number: 1028591, date first listing 22 March 1974

Management Proposals (CSCA Appraisal) indicates that the pitched tiled roof hidden behind a parapet suggests an earlier building has been re-fronted. Nonetheless, together with its sash windows, heavy cornice and blocking course, the portico on the building's façade positively contributes to its special interest.

6. The appeal property is located within the area identified by the CSCA Appraisal as the historic core of the conservation area where a significant number of listed buildings are concentrated, close to St Martin's Church. Immediately opposite to the appeal property, the space between the built form on either side of Church Street narrows significantly, creating a pinch point. This arrangement also tightens longer views along the street, with the portico on the façade of the listed building visible in this vista. Therefore, the significance of this part of the CSCA, insofar as is relevant to the appeal scheme, relates primarily to the age, condition and arrangement of buildings.
7. The proposals comprise the installation of glass walls to each side of the portico with a glazed door to the front. Although reference is made to the avoidance of any significant alterations to the historic fabric of this feature, no further detail of the proposed fixing methods, materials and number of connection points have been provided. Despite the small scale of the proposal, it would significantly increase the amount of glass, which is currently a minor component of the listed building, within the principal elevation and lead to the enclosure of a feature which was historically designed to be open.
8. Whilst other glazing has been installed on porch structures along Church Street, the examples presented by the appellant relate to buildings of a different use to the appeal property, such as offices, a nursery and a church, and/or with recessed, rather than forward projecting, porch or portico features. In addition, as these buildings are set back from the pavement, many with frontage boundary treatments which partially screen their facades, they are not as visible as the appeal property within the street scene.
9. Consequently, I conclude that the proposal would not preserve the Grade II listed building, or its setting, or the features of special or historic interest it possesses. Nor would it preserve the character or appearance of the CSCA. Therefore, it would conflict with policies CS1 and CS5 of the Core Strategy² and policies DM8, DM9 and DM10 of the DMPD³, insofar as they require development to contribute positively to the environment, including the protection and enhancement of any heritage assets.
10. The proposal also fails to satisfy the requirements of the Act. The level of harm in this case would be less than substantial. Balancing the scale of the proposal against its location on an obvious feature of the listed building, the magnitude of this harm would be low to moderate. In respect to the CSCA, the magnitude would be low due to its scale and transparency.
11. In these circumstances the Framework states that harm to or loss of the significance of a designated heritage asset requires clear and convincing justification and should be weighed against the public benefits which would be derived from it, including securing its optimum viable use, where appropriate.

² Epsom and Ewell Borough Council Core Strategy 2007 (Core Strategy)

³ Epsom and Ewell Borough Council Development Management Policies Document 2015 (DMPD)

12. Whilst the proposal would provide a greater degree of shelter to those arriving at the front door, the size of the portico already ensures a reasonable cover from the rain, sun and other more extreme weather conditions. Furthermore, I observed little sign that the portico structure or the front door were in a condition such that additional protection is necessary to preserve these features.
13. The appellant would experience some reduction in vehicular noise when inside the appeal property, particularly when close to the front door, as a result of the proposal. However, the number and type of vehicles travelling along Church Street I observed during my site visit were not at a level where traffic noise exceeded typical conditions experienced in comparable settings, despite the close relationship of the appeal property with the carriageway. Moreover, any reduction in noise levels within the dwelling would be a private benefit.
14. Consequently, any social, economic and environmental benefits of the proposal, given its scale, would be small. Due to the evidence before me and my observations during my site visit, any enhanced usability or preservation of the listed building would similarly be minor. Moreover, I have little substantive evidence to conclude that the continued optimum viable use of the heritage asset is dependent upon this proposal. Additionally, it has not been demonstrated how the proposal would lead to enhanced accessibility or align with contemporary standards for inclusivity when taking into account the step up from the pavement into the portico and a further step at the property's threshold.
15. Therefore, whilst some, minor public benefits would be derived from the proposal, these would not be of a scale sufficient to outweigh the level of harm identified to the special interest of the listed building or the significance of the CSCA. Clear and convincing justification for this harm has not been demonstrated. The proposal would fail to preserve the special interest of the Grade II listed building and the character or appearance of the CSCA would be neither conserved nor enhanced. This carries considerable importance and weight, consistent with the statutory duty in the Act and reiterated within the Framework.
16. I conclude that the proposal would not preserve the Grade II listed building of 59 Church Street, or its setting, or any of the features of special architectural or historic interest that it possesses, nor would it preserve the character or appearance of the CSCA.

Conclusion

17. For the reasons given above, both appeals should be dismissed.

Juliet Rogers

INSPECTOR