



Appeal Decision

Site visit made on 15 April 2014

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 May 2014

Appeal Ref: APP/P3610/A/13/2206768
25 Alexandra Road, Epsom, Surrey KT17 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Magauran against the decision of Epsom & Ewell Borough Council.
 - The application Ref 12/01384/FUL, dated 6 March 2013, was refused by notice dated 23 July 2013.
 - The development proposed is the erection of a new block of 14 two bedroom flats after demolition of existing building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to the determination of this appeal, the Planning Practice Guidance came into force on 6 March 2014. The content of the guidance has been considered but in the light of the facts in this case, it does not alter my conclusion.
3. As part of the planning application procedure, the Council requested amendments to drawings relating to the windows on the west elevation of the proposed block of flats (Drawing 1304/RP2A). The Council took the revised plan into account and so shall I.
4. As part of the appeal submission, the appellant submitted amended drawings for the proposed development. When compared to the original scheme determined by the Council, the amendments include changes to the size and layout of the accommodation to be provided and additional balcony space on the third floor, there are a number of other minor changes.
5. However, the amended plans include significant changes to the position and number of windows, particularly on the east elevation. The interested parties would not have had an opportunity to comment on the amended scheme. Although I note that the Council have not specifically objected to the submission of the plans, I am not satisfied that I can take the plans into account without prejudicing the interests of the Council and other parties. I have therefore determined the appeal on the basis of the original plans.
6. Reference is made in Council's decision notice to the Epsom and Ewell Pre-Submission Draft Development Management Policies Document (2013). Given the stage in the process reached, I have given this only limited weight.

Background

7. The site has a planning history, which includes three previous appeals. In 2004 outline permission for the erection of a two storey block of flats, following demolition of the existing building was allowed on appeal (03/00864/OUT). In 2006, outline permission was sought for the erection of 14 flats in a three storey block again following demolition of the existing house (05/00669/OUT), this was granted on appeal¹. In 2009 a reserved matters application (09/00290/RES) was also granted on appeal².

Main Issues

8. The main issues are the effect of the loss of No 25 Alexandra Road on the historic environment; and whether the proposal would make adequate provision in respect of affordable housing, education, transport, libraries, open space and environmental improvements.

Reasons

The effect of the loss of the house on the historic environment

9. Although I do not have detailed information, I note that the appellant refers to the building being refused statutory listing, due to the numbers of similar types of buildings within the Borough and the wider area and its poor condition. No 25 Alexandra Road does however appear on the Council's local list and as such is a non-designated heritage asset as defined in the National Planning Policy Framework (the Framework). Policy BE15 of the Epsom and Ewell District Wide Local Plan (LP) 2000 amongst other things does not permit the demolition of locally important buildings or removal of their features or character.
10. However, Para 135 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I have given this significant weight in determining the matter before me. The Framework defines heritage significance as being archaeological, architectural, artistic or historic.
11. The building is a substantial late Victorian House within a large plot and a spacious garden. Views of the property from outside the front of the site are limited by a very tall hedgerow on the front boundary of the site but private views from the flats to the west and east would also be possible. In respect of the significance of the building as a heritage asset I have not been referred to any historic links that might relate to the building.
12. The Council do not refer to external elements of the house. However, the Council's Design and Conservation Officer refers to a good range of internal features being in situ, including stained glass. The view of the Council of important features of the building is supported by Epsom and Ewell History and Archaeology Society (EEWHAS), who give particular emphasis to the stained glass on the west wall of the building above the stairs.

¹ APP/P3610/A/06/2008102

² APP/P3610/A/10/2124448

13. I have not been provided with any evidence relating to the artist or manufacturer of the stained glass; however I acknowledge the reference to the lack of better examples within the Borough. The stained glass is attractive with a variety of designs; it appeared to be well executed and is therefore a clear demonstration of artistic merit.
14. In respect of architectural merit other features referred to are also internal elements. These include the stairs and joinery, as well as plaster mouldings and fireplaces. There is no evidence as to whether these features are particularly innovative, why they are worthy of retention or represent features which cannot be found elsewhere within the Borough. On my visit, it was confirmed that some features have either been removed from parts of the house or replaced by modern fittings.
15. There is no doubt that this is the only house of its type remaining on this part of Alexandra Road however I have also been referred to the fact that there are similar houses elsewhere in the road. Based on the evidence before me, I therefore find the significance of heritage asset to be in the artistic merit of the individual elements of the stained glass, which is present in the form of several windows above the stairs and in panels in the front door and an additional hallway door.
16. I have had regard to the Council's concerns that the appeal decisions refer to demolition only in respect to the effect on the character and appearance of the area and not on the significance of the heritage asset. I have noted the appellant's intention to proceed with the demolition of the building. The demolition of No 25 would result in the loss of the stained glass in situ. However, I consider that there is potential for the stained glass to be preserved and retained within the Borough, as suggested by EEWHAS and thus preserving the significance of the heritage asset.
17. In respect of effect of the proposed development of the block of flats on the character and appearance of the area, the appeal site is situated between two blocks of flats. This side of Alexandra Road is dominated by three storey blocks of flats of varying designs and ages. Although the proposed replacement building would be of modern design, it would relate well to its immediate surroundings and local context. I note that the Council do not object to the proposed use of materials and I see no reason to disagree with this view.
18. Although the proposal would involve the removal of some of the hedgerow to the front of the property, enough would remain to ensure it would not adversely affect the character of road frontage in this area. The proposal is satisfactory in terms of the impact on highway safety and the protected trees on site, subject to appropriate conditions. I have had regard to the concerns of neighbours in relation to loss of privacy and overlooking, however I am satisfied that the proposal would not cause harm to the living conditions of neighbouring occupiers. The site is in an accessible location and would provide additional housing accommodation.
19. Bearing in mind the potential for retaining the stained glass, albeit separately from the building, I conclude on balance that the scale of the loss of the heritage asset would not be substantial. The proposed development of the block of flats would be appropriate given the local context. Although I note

that the building is currently occupied, the principle of demolition and development for a block of flats on the site has nevertheless been accepted and this weighs in favour of the appeal scheme. These factors indicate that permission could be granted notwithstanding the conflict with LP Policy BE15. As a consequence, I find there is no conflict with Policy CS5 of the Epsom and Ewell Core Strategy (CS) 2007, nor the Framework.

Affordable Housing, Education, transport, libraries, open space and environmental improvements

20. In respect of affordable housing, on the basis of Policy CS9 of the CS, the Council require the provision of affordable housing units of 20%. I note that the appellant has agreed to provide two affordable housing units within the proposed scheme. In relation to the third unit, I understand that a commuted sum for 0.8 of a unit would be provided. On the basis of the evidence before me, it appears that the need for the affordable housing arises from the proposed development and would satisfy the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
21. The Council also indicate that a number of other financial contributions would be required and I note that the appellant has agreed to pay them. No information has been provided by the Council with regard to requirements for open space, transport and environmental improvements nor where the money would be spent and therefore I am unable to conclude that these requirements would meet the tests. However, I consider that on the basis of the evidence before me, the contributions required for education and libraries would satisfy the tests of Regulation 122 of the CIL Regulations 2010.
22. In the absence of an appropriate Agreement or Undertaking, the proposal would be in conflict with Policies CS9 and CS12 of the CS that amongst other things, seek to ensure the provision of affordable homes and the infrastructure necessary to serve the development respectively.
23. In coming to my decision, I have had regard to the circumstances of the appellant in relation to the difficulties of being able to secure consent from all the family members to sign a S106 agreement. Whilst I sympathise with this situation, I consider that there are no exceptional circumstances that would justify a condition requiring a planning obligation to be entered into before the development could commence.

Conclusion

24. Although I have found that the appeal proposal would be acceptable with regard to the effect of the loss of the house on the historic environment, the proposed development would fail to secure appropriate financial contributions for affordable housing, education and libraries and this is sufficient reason to dismiss the appeal.

L Gibbons

INSPECTOR

Richborough Estates