

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**Application for:** To enlarge the dormer roof extension on the west elevation and addition of a first floor side extension on the east elevation plus a covered walkway at ground floor level and replacement front wall.

**At:** 10 London Road, Ewell, KT17 2BB

## HERITAGE AND PLANNING STATEMENT

**PREPARED BY**

**FIONA JONES BSc(Hons) BTP MRTPI**

**AUGUST 2021**



## **1.0 INTRODUCTION**

- 1.1 The property is a detached two storey dwelling house situated on the south side of London Road in Ewell within the Ewell Village Conservation Area (EVCA). The proposal is to enlarge the dormer roof extension on the west elevation and addition of a first floor side extension on the east elevation plus a covered walkway at ground floor level and replacement front wall. The roof extensions are set back from the front elevation, maintaining the cat slide roof that characterises properties on the road.
- 1.2 Paragraph 194 of the National Planning Policy Framework (2021) (NPPF) advises that when development affecting a heritage asset is proposed (such as to a building located within a conservation area), the Local Planning Authority should require an applicant to demonstrate that they have considered the impact of their proposals on the significance of the asset. The assessment of the significance of the impact should be included within a heritage statement.
- 1.3 This document is a Heritage and Planning Statement that sets out the impact of the proposals on the significance of the Ewell Village Conservation Area in order to comply with the requirements of the NPPF. An assessment against the planning policy framework for the Council is also included.
- 1.4 The applicants have considered Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. As will be demonstrated within the application documents, the development preserves the character and appearance of Ewell Village Conservation Area, in compliance with the Planning Act 1990.

## **2.0 Site and surroundings**

- 2.1 The property is a detached two storey dwelling house situated on the south side of London Road in Ewell with off-street parking for at least four vehicles. The property includes a dormer on the

side (west) elevation which originally included a window until it was changed from a toilet into a shower room in 2019. London Road is a busy residential road, connecting the village to the bypass. Development consists of suburban Inter and Post-War houses, most of which are detached or semi-detached with reasonably spacious gardens.

- 2.3 The character of the immediate properties on the south side of London Road are single and two storey dwellings with steeply pitched, multi-faced, roofs. The dwellings are separated from the road by a grassed cross-over and each has a front garden with off street parking.
- 2.4 The site is just within the eastern boundary of the Ewell Village Conservation Area (CA) and was included within the CA site since the original designation in June 1972. The dwelling is not statutory or locally listed.
- 2.5 The site is within Flood Zone 1.
- 2.6 A copy of the site location plan is shown in Figure 1.



*Figure 1: Site Location Plan – 10 London Road*

### 3.0 Photographs of the site

#### 3.1 View of the front elevation (looking south from London Road)



#### 3.2 View to the eastern elevation of 10 London Road.



### 3.3 View to the western elevation of 10 London Road with existing dormer

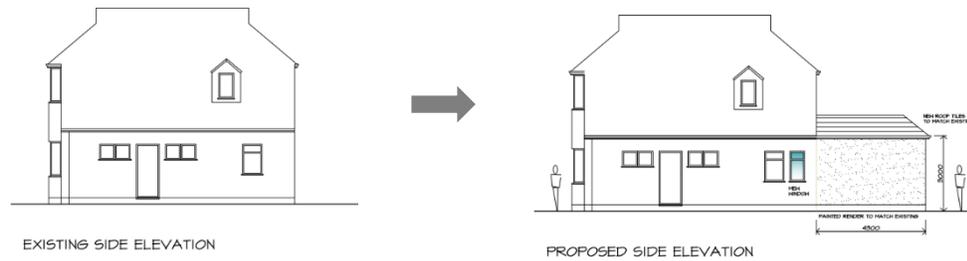


## 4.0 Planning History for Application Site and Neighbouring Dwellings

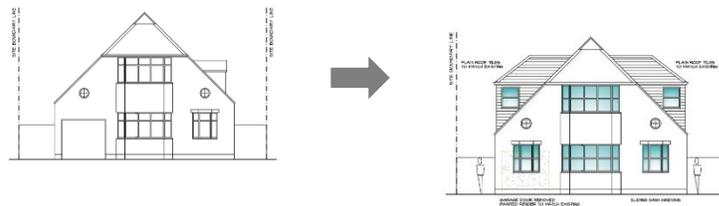
### 4.1 10 London Road

**18/01147/FLH – 21<sup>st</sup> December 2018** – Permission granted for single storey side and rear wrap-around extension with conversion of existing garage to habitable room. This application was made following the comments on refused application 18/00848/FLH. This has been constructed.





**18/00848/FLH – 2<sup>nd</sup> November 2018** – Permission refused and upheld at appeal for erection of single storey side and rear extension involving conversion of existing garage to habitable room and first floor side (both side) extensions.



Inspector's Comments:

The reason for refusal relates to the first-floor elements, and not to the single storey side and rear extension or garage conversion. The main issue is the effect on the Ewell Village Conservation Area. The proposal would significantly change the front elevation removing the catslides, meaning the whole building would appear top heavy. This application has sought to address the reasons for refusal from 2018 and provides a much smaller proposal.

4.2 8 London Road

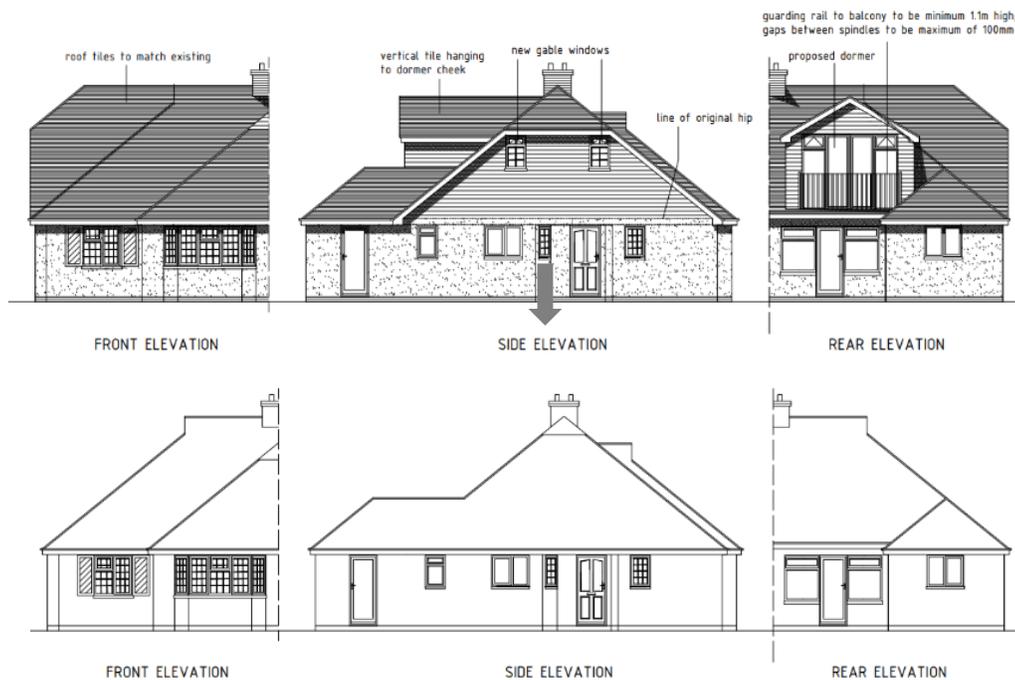
This property has been extensively extended at roof level and does not provide an example of good architecture, as shown below. The planning history for this property indicates that an application was submitted in 1996 for the formation of side and rear roof dormers to provide 3 bedrooms. However, there is no decision shown.



#### 4.3 South Side of London Road

### **20 London Road**

18/01452/FLH – 11<sup>th</sup> March 2019 – Permission granted for loft conversion with rear dormer, hip to barn end.



### **14 London Road**

17/00674/FLH – 28<sup>th</sup> November 2017 – Permission granted for erection of single storey side/rear extension.

15/00591/FLH – 16<sup>th</sup> October 2015 – Permission granted for conversion of the roof space into habitable accommodation, erection of a single-storey side extension and a part single/part two-storey rear extension. Note: This does not appear to have been built out as does not appear on the plans for application ref 17/00674/FLH.

## **5.0 PROPOSAL**

- 5.1 The proposal is for a hipped roofed dormer to the western elevation of 10 London Road and the addition of a bedroom with a hipped roof on the eastern elevation. The roof additions would be set well back from the front elevation, maintaining the characteristic catslide roof.
- 5.2 The proposed development also includes a glazed covered walkway to the western side boundary, replacement front boundary walls in modular blockwork, and retiling all roof slopes with dark grey roof tiles.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The development plan comprises the Core Strategy, 2007 and the Development Management Policies November 2015. The National Planning Policy Framework is also a material consideration.

### **National Planning Policy Framework (2021)**

- 6.2 The NPPF requires, at section 12, high quality buildings and good design which is a key aspect of sustainable development. Paragraph 130 states that development should be visually attractive as a result of good architecture and layout and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 6.3 Paragraph 197 states that local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

### **Local planning policy**

#### Epsom and Ewell Core Strategy (adopted 2007)

6.4 The Core Strategy was adopted in July 2007. The relevant policy is CS5 (Built Environment) which states that high quality and inclusive design will be required for all developments. Paragraph 3.7.5 of the Core Strategy sets out that new development should enhance and complement local character, and be capable of integrating well into existing neighbourhoods. Paragraph 3.7.6 states that the Council will expect developments to be of a high quality, creating a safe environment which enhances the public realm and which positively contributes to the townscape.

#### LDF Development Management Policies Document (2015)

6.5 Policy DM8 (Heritage Assets) states "Development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable".

6.6 This Planning and Heritage Statement confirms that the application site provides little significance within the Ewell Village Conservation Area and is adjacent to a property which could be argued provides a negative contribution to the character and appearance of the Ewell Village Conservation Area.

6.7 Policy DM10 (Design Requirements for New Developments (including House Extensions) states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:

- Prevailing development typology, including house type, sizes, and occupancy;
- Prevailing density of the surrounding area;
- Scale, layout, height, form, massing;
- Plot width and format which includes spaces between buildings;
- Building line build up, set back, and front boundary; and
- Typical details and key features such as roof forms, window format, building
- Materials and design detailing of elevations, existence of grass verges etc.

#### EEBC Householder Applications SPG (2004)

6.8 Part 4 of the Householder Applications SPG provides the guidance for Dormers as follows:

- “Dormers should not normally be introduced on the front or side elevations, to maintain street character”. However, in this instance, a significant number of houses have been extended with side dormers and therefore this is not a ‘normal’ situation where side dormers are not prevalent within the streetscene.
- Dormers should usually be flat roofed to minimise their bulk and height – this is achieved.
- They should be set back from the rear face of the building by at least 1m – this is achieved.
- They should not be wider than 2m, and not be within 2m of any other dormer, or placed outside the line of the main roof ridge to ensure that the character of the roof is maintained – whilst the dormer would be wider than 2m, the side of the roof is very wide and therefore a significant amount of the original roofscape is maintained. Further, the dormers are set well back from the front (by a minimum of 4m) and thus this reduces the impact.
- They should be kept below the house ridge line by at least 0.5m – this is achieved.

### **CONSERVATION AREA**

6.9 The Ewell Village Conservation Area Character Appraisal and Management Proposals published by the Council identifies that the Conservation Area was designated in 1972 with this site included at that time.

6.10 The houses on the south side of London Road are characterised by steep roof slope styles, with a variety and number of dormer extensions and tiling to the front elevations as shown in the photographs below:





6.11 The Ewell Village Conservation Area Character Appraisal & Management Proposals (August 2009) describes this area at paragraph 6.2 as:

“The area includes London Road, a principal street which connects the village to the by-pass. Although this is always busy with traffic, to the immediate east of the road the area is much quieter, with the churchyards to the medieval church (of which only the tower remains) and the Victorian church providing peaceful green spaces”.

6.12 None of the Key Characteristics of the Ewell Village Conservation Area set out in paragraph 1.2 are applicable to this house and it is considered that this application site does not provide a positive contribution to the character and appearance of the conservation area.

6.13 Given that the conservation area was designated in 1972, it is likely that all the dormers which have been added to the roofs on this part of London Road were completed after this date and therefore required planning permission. However, it is questionable whether planning permission was ever granted for the additions at the neighbouring properties, nos. 6 and 8 London Road.

## 7.0 Planning Considerations

7.1 The main considerations are the impact of the proposed design upon the host dwelling, the character and appearance of the Ewell Village Conservation Area and the amenities of the neighbouring residents.

### **Design and conservation implications**

7.2 Paragraph 134 of the NPPF advises that '*significant weight should be given to development which reflects local design policies...taking into account any local design guidance and supplementary planning documents such as design guides and codes*'. Therefore, it is relevant to consider the EEBC Householder Applications SPG (2004). As detailed above in paragraph 6.8, the proposal would not dominate the original roof as a significant area of the existing roof would be left to the side and above the proposed dormers, thus setting them well back from the front and down from the ridge of the roof. The proposed addition is well designed with hipped roofs and would sit comfortably within the original roofscape. Therefore, the proposal does comply with local guidelines and thus the NPPF in this regard.

7.3 The proposed materials would be sympathetic to the host dwelling, matching the existing materials. In addition, the proposed window is smaller than those on the house below.

7.4 There would be no harm to any of the elements of the historic built form, or wider setting, which make a contribution to the significance of the Ewell Village Conservation Area as a heritage asset. The addition of these modest sized dormers would have a neutral impact on the character and appearance of the host property and surrounding area.

7.5 Overall, the design of the roof extensions has respected the original building, is well designed and would not dominate the roof as a whole. The proposal would be of a scale, bulk and mass which harmonises with the original appearance. Further, this road is characterised with large side

dormers and the proposal would sit comfortably within this part of the road where roof extensions are prevalent.

7.6 The roof is to be re-tiled in grey slates. Whilst this is shown on the plans for the proposed development, this part of the development would be permitted development by virtue of Class C of Part 1 of Schedule 2 of the General Permitted Development Order (GPDO) as it constitutes an 'other alteration to the roof of a dwellinghouse' which complies with all the criteria set out in that Class.

7.7 The owners of the property want to replace the roof tiles at the same time as constructing the dormers in one building operation so they can rely on the fall-back position of replacing their roof tiles as permitted development. The Fall-Back position has been debated in the High Court with the main cases set out below:

In R (Zurich Assurance Limited) v North Lincolnshire Council [2012] EWHC 3708 (Admin) the judge stated:

"The prospect of the fall-back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the prospect of the fall-back position happening is "very slight indeed" or merely "an outside chance", that is sufficient to make the position a material consideration "material fall-back position need be only more than a theoretical possibility"

7.8 In Michael Mansell v Tonbridge and Malling Borough Council [2017] EWCA civ 1314 the judge referred to the case officers report that stated "... in making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of what could occur on the site without requiring any permission at all or using permitted development rights for alternative forms of development." The judge confirmed this to be the correctly interpreted approach and sound, impeccable advice to members.

- 7.9 This case also refers to judge Sullivan L.J. who said in his judgement in Samuel Smith Old Brewery, that the basic principle is that “.... For a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice”.
- 7.10 The alternatives that might be for this site in terms of what could occur on the site using permitted development rights for alternative forms of development is the alteration of the roof tiles which falls under Class C of Part 1 to Schedule 2 of the GPDO. We therefore strongly suggest that you accept that the fall-back position in this case is that the owners of the site would replace the roof tiles and thus this element should be accepted.
- 7.11 The proposed replacement front boundary wall would be of the highest standard of material and would ensure the prevailing low boundary treatments is maintained. It would not appear out of character or appearance with this part of London Road and would improve the appearance.

### **Residential amenity**

- 7.12 Policy DM10 (Design Requirements for New Developments (Including House Extensions)) Council’s LDF Development Management Policies Document (2015) seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and noise and disturbance.
- 7.13 The main dwellings to consider in any assessment of the impacts upon the residential amenities of neighbouring properties are Nos. 8 and 12 London Road. Due to the siting of the rear dormers, on the same location as the existing first floor windows of the house, and in relation to the neighbouring properties within this close knit urban environment, the proposal would not have any significant impact upon the residential amenities of Nos. 8 and 12 London Road.
- 7.14 Whilst there may be some additional overlooking impact upon the neighbouring gardens from the dormer window, this overlooking would not be significantly greater than that experienced from the existing first floor windows of the host dwelling, nor would there be any direct overlooking. Furthermore, there is already a degree of mutual overlooking into neighbouring

gardens from a number of neighbouring properties and this is expected within a built up environment. The only new side window would be obscure glazed and non-openable to ensure privacy is protected.

- 7.15 The proposed glazed covered walkway to the western side boundary would be similar to that which currently exists at no.8 London Road. At present, this part of the site is open and enables direct overlooking between the two properties, especially when leaving and entering the front doors. The proposed walkway is to provide shelter from the inclement weather and increased privacy between the two properties. A photograph below shows the view from the main front looking across at no.8 London Road, as you can see it is very intrusive:





7.16 Overall, it is considered that the proposal would not have any detrimental impact upon the residential amenities of neighbouring properties in terms of loss of natural light, overshadowing, loss of privacy, overlooking or loss of outlook and would comply with Policy DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015).

## **8.0 Overall conclusion**

8.1 Due to the modest size and siting of the dormers within a streetscene which is dominated with houses with side dormer roof extensions, the character and appearance of the Ewell Village Conservation Area would be preserved following the development of the side dormer roof extensions.

8.2 The dormer design would be subservient to the host property, with a pitched roof sympathetic to the design of the host property. The highest point of the dormer ridge would be lower than

the existing ridge, thus not overbearing. There would be no harm to the neighbouring residents from overlooking, loss of outlook or being unneighbourly. The proposed side glazed covered walkway would be low-lying and would not impact on the character or appearance of the host dwelling or the area as a whole. Further, the replacement front boundary wall would remain in keeping with the other low walls on this part of London Road.

- 8.3 Overall, it is considered that the proposal is It is therefore compliant to the aims of Policy CS5 of the Council's Core Strategy and Policies DM8 and DM10 of the Development Management Policies document and to the aims of the Supplementary Planning Guidance for Householder Applications and to the NPPF.