# Cobham Conservation & Heritage Trust

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By email to tplan@elmbridge.gov.uk

To the Planning Department, Elmbridge Borough Council — 12th July 2018
Planning Department
Elmbridge Borough Council
Civic Centre, High Street
Esher KT10 9SD

For the attention of Peter Brooks

Dear Sir

## Applications no. 2018/0903 and 2018/1937 Land northeast of 49-51 High Street, Cobham

The Trust writes to oppose this application for change of use of first floor from Retail (A1) to Residential (C3), part three/part two/part single-storey rear extension to existing building, link part two/part single-storey building to create 7 dwelling units with associated parking and amenity space following demolition of existing outbuildings. Among the reasons, which are set out at greater length below, are that the applicants seem intent on demolition of part of an important listed building and fail to incorporate into the design, and seek to demolish, buildings at the rear of historic interest. The proposed development would also have a considerable adverse effect on the conservation area.

**Previous proposals refused by Elmbridge**

**2011/5192 & 2011/5260** Application for extension and conversion of the timber storage barn to form detached part two/part single storey house and detached two storey house following demolition of existing timber garage – refused at Committee level and subsequently dismissed at Appeal.

**2014/3406 -** Application to provide retail units, beauty treatment rooms and a two bedroom apartment with pedestrian access to the site restricted to the alley between 49 and 51 High Street for pedestrians and for vehicles past 53 – 57 High Street including for servicing Withdrawn.

**2015/1408** - Detached one storey building with rooms in the roof space for A1/A3 use (shops and restaurant) on ground floor and D1 use (medical aesthetics clinic) on first floor with external link to No 51 High Street and detached two storey building for A1/A3 use (Shops and Restaurant) on ground floor and C3 (residential) on first floor with ancillary landscaping to include cycle parking and bin store following demolition of existing shed and garage. Refused

**Condition of the listed buildings and outbuildings**

William Martin were instructed by the applicants to survey the state of the main building and say only that “It is Grade II listed although we are not aware as to the extent of the listing, i.e. if the interiors are included.” They seem to have been instructed without any proper guidance as to the history of the building.

Any poor state of the condition of the listed building or outbuildings is due to neglect by owners over the years even despite listing or being within the curtilage of the listed building. Following Paragraph 130 of the National Planning Policy Framework (NPPF) this should clearly not be a consideration in this application.

**Archaeology**

Dr. Taylor has identified the cogent reasons for a full archaeological survey being undertaken in advance of any building work.

**Design**

The applicants would appear to have made a fundamental error in their concept. They say that they will “renovate the existing listed building facing the High Street…..existing non-original extensions will be replaced”.

The proposals fail to take in the pattern of development which has evolved over a period of time (what the Inspector called the “urban grain”). This application looks to demolish much of the original listed building. As with the previous applications found to be wanting, the proposed new building nearest to 51 High Street would be far too close to this listed building and of far too large a scale to complement it. There appears to be no attempt at a height comparison for the proposed buildings with properties in Spencer Road or to retain the sense of space required for the conservation area previously identified by the Inspector.

**View from Church Street**

In addition to the mistakes made in identifying the qualities of the existing listed buildings and what must be retained, with the proposed residential apartments closest to the High Street there is one storey too many for the proposal to be acceptable. Any new building should not be seen from the traditional view from Church Street.

**Policy**

The application material rather short on reference to planning policy There are a number of paragraphs of the NPPF that have to be taken into account. With those, Paragraph 126 sets the tone and dictates the retention of listed buildings unless there are exceptional circumstances (as to which there are none in the current application). The Trust considers that the Council must particularly note Paragraph 130 in laying down that “where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision” and Paragraph 131 that looks for incorporation of heritage assets rather than their despatch. The Trust also points to Paragraphs 128 and 129 as to bringing into the process of consideration of these matters the appropriate expertise (which the applicants have failed to follow).

Important Elmbridge policies at this level are

- Policy CS10 – Relating to Cobham, Oxshott, Stoke D’Abernon and Downside requiring that in all instances it will be important that all new development is well designed, and integrates with and enhances local character.
- Policy CS17 – Local Character, Density and Design requiring new development to deliver high quality and inclusive sustainable design which maximises locations, integrating

sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area….. Particular attention should be given to the design of development which could have an effect on heritage assets.

There are relevant policies under the Elmbridge Development Management Plan that must be regarded. DM12 is reproduced below for consideration.

a**. Listed Buildings**

i. The Council will encourage appropriate development to maintain and restore Listed Buildings, particularly those identified as being most at risk.

ii. Development to, or within the curtilage or vicinity of, a listed building or structure should preserve or enhance its setting and any features of special architectural or historical interest which it possesses and its setting.

iii. A change of use of part, or the whole, of a Listed Building will be approved provided that its setting, character and features of special architectural or historic interest would be preserved or enhanced. Consideration will also be given to the long-term preservation that might be secured through a more viable use.

iv. Development which would cause substantial harm to or loss of a listed building (including curtilage buildings), such as total or partial demolition, will be permitted only in exceptional circumstances. In such cases, consideration will be given to the asset's significance.

b**. Conservation Areas**

i. Proposals for all new development, including alterations and extensions to buildings, their re-use and the incorporation of energy efficiency and renewable energy technologies, must have a sensitive and appropriate response to context and good attention to detail.

ii. Development within or affecting the setting of a conservation area, including views in or out, should preserve or enhance the character and appearance of the area, taking account of the streetscape, plot and frontage sizes, materials and relationships between existing buildings

iii. Open spaces, trees and other hard and soft landscape features important to the character or appearance of the area should be retained or be in keeping with the character of the area

iv. Proposals to demolish buildings and/or structures will be assessed against their contribution to the significance of the conservation area as a heritage asset. Where substantial harm would be caused to a conservation area's significance, the proposal will be resisted unless exceptional circumstances, including substantial public benefits outweighing any harm to the conservation area, can be demonstrated. Where the harm would be less than substantial, it will be weighed against any public benefits of the proposal, including securing optimum viable use of the heritage asset and whether it would enhance or better reveal the significance of the conservation area

**The Inspector's views from 2011**

In the 2011 Appeal, the Inspector recognised 51 High Street (which is listed Grade II) as a building of special architectural or historic interest dating from the seventeenth century and that the then proposed development had a somewhat discordant design in contrast with the listed building. He commented specifically on the need to have special regard to preserving the building or its setting and the desirability of preserving or enhancing the character or appearance of conservation areas affected by any development proposals. He considered that the proposed new dwellings would rival the scale of the main listed building and one of the proposed buildings would be built too close up to the rear of that with the proposed development being too cramped. Interestingly, the Inspector credited the irregularity of the urban grain as giving the Conservation Area much of its charm. On the prospect of the loss of the smaller of the older timber buildings on the site, the Inspector said that he considered that the relatively open area of the land at the rear of the main listed building is significant for the character of the Conservation Area and the building could continue to make a contribution to the setting. At the time of his decision the then Planning Policy Statement 5 was the national policy guidance but the then draft National Planning Policy Framework was taken into account by him and is of course now the overall policy guidance.

**Pre application advice and input from the Elmbridge Listed Buildings officer**

It seems that pre application advice was given by Peter Brooks who is also the Elmbridge Planning case officer considering this application. The reservations that the Trust has about this process are known to the Planning Department

In the Memorandum from Andrew Hill dated 25th June 2018 he writes "the current designers have had several site visits and discussions with officers over recent months and have modified their scheme to incorporate 'these points'" The points are not specified and the Trust asks that there is better information disclosed on this. Mr Hill then refers to the "shed", giving a value judgement on that. His views are seemingly without reference to any party who may be better informed such as Dr. Taylor, the local historian. He also fails to correctly quote the Inspector's views from 2011 and indeed his views are totally at odds with most of what the Inspector said at that time. Above all, what he has failed to identify in his involvement is that the applicants' proposals relate to the demolition of a large part of the main listed building.

**Cobham Conservation Area Appraisal**

The Trust considers it unfortunate that these proposals are having to be considered at this time, when an appraisal of the Conservation Area is imminent. Clearly the applicants' proposals should be refused on a number of grounds and had that appraisal taken place, the applicants may have been in a position to know, with a little more clarity, the parameters within which proposals could be framed.

The Trust asks that the applications be refused.

Yours sincerely

David Bellchamber
Planning Team
Cobham Conservation Heritage Trust