

Application Number and Registration Date	MO/2018/2173 (Detailed) 18-Dec-2018
Applicant	HWDW
Case Officer	Caroline Hall
Amendments /amplifications	
Committee Date	6 March 2019
Ward(s)	Leatherhead South
Proposal	Installation of additional windows and doors and alterations to the existing windows on the north, south, east and west elevations of the building.
Site Description	The Chapel, Reigate Road, Leatherhead, Surrey, KT22 8RA

RECOMMENDATION: Approve subject to conditions

Summary

The application relates to the former Chapel located on the west side of Reigate Road, Leatherhead, adjacent to the former Royal School for the Blind, in a predominantly residential area. In 2000 planning permission was granted for the conversion of The Chapel to offices. In July 2013 and in February last year, the applicants made a request to determine whether the Council’s prior approval would be required to change the use of the offices to residential units under Class O of the Town and Country Planning (General Permitted Development) (Amendment) Order 2016. It was determined in both applications under the regulations that prior approval would not be required for the conversion of The Chapel to residential. The 2018 prior approval has commenced on site. However, planning permission would be needed for the works that materially affect the exterior of the building. In 2013 planning permission was granted for the erection of detached garage block, new front entrances and external alterations to include rooflights.

Planning permission was refused in November last year for the installation of rooflights, additional windows and doors and alterations to the existing windows on the north, south, east and western elevations of the building. There was one refusal reason as follows;

The proposed development by reason of inserting a large number of rooflights would result in material visual harm which fails to respect the character and appearance of the former Chapel building and protect the character of the area contrary to Mole Valley Local Plan policy ENV22, ENV23 and Mole Valley Core Strategy CS14, which seeks to protect and where appropriate enhance sites of historic or architectural importance.

It must be acknowledged that the current proposal is almost identical to that previously considered by the Committee (except the previously proposed rooflights have now been removed), and refused on one ground relating the rooflights. Consistency has been considered by the Courts as outlined below -

Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137*: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system."

In this instance the proposal now removes the elements that the Committee referred to in its earlier decision. It would be inconsistent to now refuse the scheme as there have been no material changes in policy in the intervening period.

The site lies in the built-up area of Leatherhead area where the principle of development is acceptable subject to the consideration of visual and neighbouring amenity. The application is recommended for approval.

1. Development Plan

1.1. Built up area

2. Relevant Planning History

MO/00/1313	Extension to and conversion of chapel into offices pursuant to condition 4 of planning permission MO/98/0795	P.09.10.00
MO/13/0809	Prior notification for the conversion of offices to 4 No. residential units	Prior approval not required.26.07.13
MO/13/1353	Erection of new detached garage block. New front entrances and external alterations to include rooflights to houses 1, 2 and 3 and associated landscaping	P.07.02.14
MO/17/2293	Prior notification for the conversion of offices (Use Class B1) to 18 residential units (Use Class C3)	Prior approval not required. 14.02.18

MO/18/1339	Installation of rooflights, additional windows and doors and alterations to the existing windows on the north, south, east and west elevations of the building	Withdrawn
MO/18/0815	Installation of rooflights, additional windows and doors and alterations to the existing windows on the north, south, east and west elevations of the building	Refused 21.11.18

3. Description of Development

3.1. The application site is the former Chapel located on the west side of Reigate Road, Leatherhead, adjacent to the former Royal School for the Blind, in a predominantly residential area. The building is set back from the tree lined Headley Road in the residential setting of Lavender Court and Lavender Close which lie to the north west and west of the site. To the south-west of the site is Greyford Close and to the east is Lavender Cottages. The site has its main vehicular access off Wesley Road where there is a large parking area and the front access to the building. The rear of the building does have vehicular access from Highlands Road and provision of some parking spaces. The continuation of the access around the building is outside of the applicant's ownership.



LOCATION PLAN

1:1250 location plan

3.2. The current application seeks planning permission for fenestration changes to all elevations in terms of installing additional windows and doors or alterations to the existing windows of the building. The plans have been amended to remove two roof vents from the roof slope. The alterations to the elevations of the building are detailed below;

3.3. Southern elevation;

- 4 sets of three lower level windows
- A new door with modified windows above
- 2 low level windows on the gable projection
- 2 additional windows
- All the windows in red as shown below will be altered



south elevation

3.4. Northern elevation;

- 4 sets of new doors one of which will be sited in the existing opening
- The existing set of doors will be modified with a new glazed infill
- All the windows in red as shown below will be altered

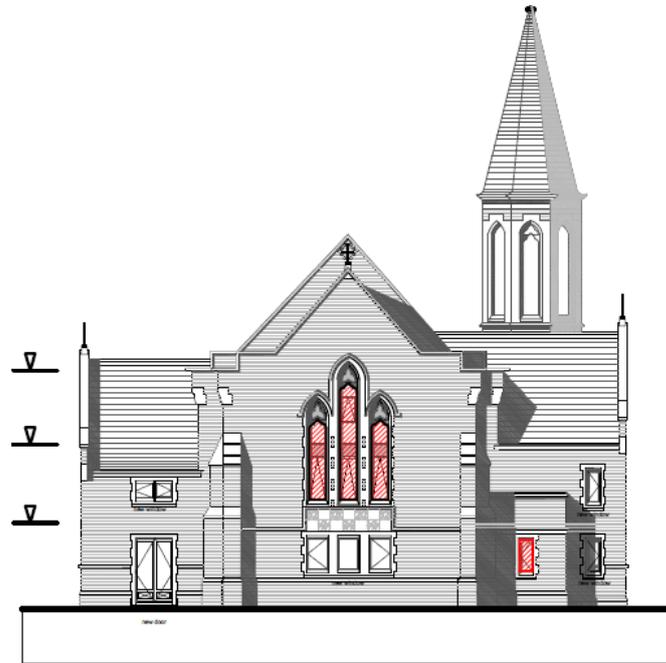


north elevation

proposed glazing removal - 1:100

3.5. Eastern elevation;

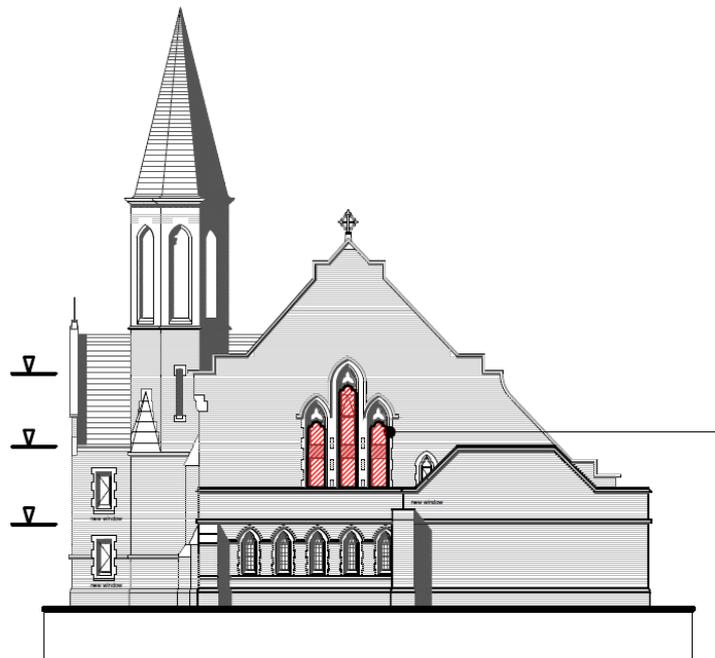
- 1 new door
- 4 additional ground floor windows
- 2 additional first floor windows
- All the windows in red as shown below will be altered



east elevation

3.6. Western elevation;

- 1 additional ground floor window
- 2 additional first floor windows
- The windows shown in red below will have obscure glazing



west elevation

4. Consultations

- 4.1. Historic Environment Officer: Comments from the previous application MO/2018/0815; *'This former chapel, although of some architectural and historic interest, is not, in my professional opinion and experience, of sufficient significance in either respect to meet the high standards necessary to be added to the national list of buildings of architectural or historic interest. Indeed, my understanding is that it was looked at in this regard back in the 1990s and turned down, when the surrounding housing development and conversion of the chapel to an office use were first considered.*

The criteria for considering suitable buildings for inclusion on the national list have not significantly changed since then, and the overarching legislation has not changed since the 1990 Planning Act. In my experience, for buildings of this mid to late 19th century period to be worthy of listing they must be of more than average quality. They must have considerable architectural merit and usually they must also be the work of a known and well regarded architect. This chapel does not meet either criteria. Other factors that would be taken into account in a listing application would be the amount of alteration that has taken place and the surviving quality of the planned setting. In this case, the interior features that would be essential components in the overall quality of the building, such as pulpit, memorials, pews and other features associated with its ecclesiastical use, have been removed and the interior subdivided when in use as offices, thus diminishing its completeness as a good example of a Victorian educational chapel. Likewise, the housing estate which now surrounds the chapel has had a dramatic impact on its historic setting. It no longer sits in the more open and verdant landscape for which it was designed, but is surrounded by private houses with all their associated domestic paraphernalia. All of this significantly diminishes the case for the national listing of the building and, as I have already indicated, I do not consider that an application now would be successful.

As Mole Valley does not have a 'local list', entries on which do not in themselves enjoy statutory protection under the 1990 Planning (listed Buildings and Conservation Areas) Act, the chapel cannot be 'locally listed'. It also lies well outside the boundary of the Leatherhead Conservation Area. The NNPF has introduced at paragraph 197 the concept of non-designated heritage assets' (NDHA) and that buildings deemed as such should be taken into account in determining an application. It goes on to say that a 'balanced judgement' is required having regard to the scale of any harm caused and the significance of the asset.

The decision about whether or not a building should be deemed a NDHA is necessarily subjective as there is no published guidance to help define the term. However, it is accepted that designated heritage assets are defined by their architectural, historic and cultural significance. I personally do not consider that the former chapel building should be deemed a NDHA because:

Architecturally the already modest significance has been further diminished by the complete stripping out of the interior when the building was converted to offices and by the works approved as part of the 2013 scheme for external alterations, including roof lights.

Historic significance has been diminished by the conversion to office use many years ago, and by the subsequent prior notification approval to residential. It has therefore been many years since the building was used for its historic intended purpose.

The cultural significance has been diminished by the fact that the building is no longer in any kind of public/social use. The previous office use had little or no cultural significance, and the residential use has even less. There has not been any public

access to the building for many years, neither will there be under the approved residential conversion.

If, despite my advice that the building does not merit being deemed a NDHA, the view is taken by others that it should be treated as such, I would advise that the wording of paragraph 197 of the NPPF needs again to be considered. The text specifically says that in determining an application a 'balanced judgement', i.e. a proportionate one, is required. The question must be asked, would it be balanced and proportionate to withhold permission due to the harm caused to a NDHA when permission has already been granted for the insertion of roof lights into the building in 2013, when the interior of the building has been gutted and when the use has changed twice since its original conception as a school chapel? In my opinion, the answer to this is no.

In my opinion, the current proposal for further external alterations over and above those already approved, including, following negotiation, a reduction in the number of number of flush fitting, 'heritage' style roof lights from the initially proposed number, is acceptable. The use of such roof lights as a means of lighting the interior of converted chapels is well established and there are many such examples in both listed and unlisted formerly ecclesiastical buildings. The other proposed external alterations clearly show that some thought has been given to the need to respect the ecclesiastical character of the building.

For all these reasons I do not object to the proposed works in heritage asset terms.'

4.2. Historic Environment Officer comments on the current application; *there is no objection to this application in historic environment terms. This application has been submitted as a response to the previous refusal for rooflights. The proposed alterations to the existing windows and the proposed new windows would have a minimal effect upon this attractive building. The proposed new windows on the north elevation would be an extension of the existing windows, following their vertical line and adding to the vertical emphasis which characterises the building. Other new windows would be positioned in such a way as to also fit in to the line and form of the existing pattern. They are all considered to be modest and appropriate for the building. It is noted that the building is neither listed nor in the Leatherhead Conservation Area.'*

4.3. Leatherhead Preservation Society – no response at time of writing report.

5. Representations

5.1. 8 letters of representation were received and 2 separate petitions with a total of 101 signatures, it should be noted that a number of the households who signed the petition live outside of the Mole Valley area. The representations raises the following summarised concerns:

- The historic building has important vale history and character in the Surrey area which can never be replaced if changed by the building works
- Built-up Area Character Appraisal Leatherhead safeguards historic buildings such as the Chapel
- Policies ENV22, ENV23 and CS14 seek to protect and where appropriate enhance sites of historic or architectural importance
- Policy ENV57 should be considered in terms of illumination of the building
- Contrary to policy ENV17

Officer comment: The site does not lie within a designated Residential Area of Special Character and therefore policy ENV17 does not apply.

- Refer to Constraints Analysis – Future Mole Valley Section 4: Designated Heritage Assets

Officer comment: this document forms part of published evidence base for the emerging Local Plan which does not yet carry any weight in the decision making process.

- The previous reason for refusal still stands
- Lack of detail on the plans no sizes or dimensions for doors and windows

Officer comment: The drawings submitted can be scaled for dimensions

- Not in keeping with the character of the Chapel or the area
- Effect on outlook, view, light and noise pollution on neighbouring properties
- The planning committee should consider The Chapel, Lavender Fields and Lavender Court as a non-designated heritage asset
- Concerns over access to the site

Officer comment: The current planning application only relates to doors and windows and does not include access alterations.

- Application includes two large roof vents

Officer comment: the plans have been amended to remove these vents.

- Floor plans do not match elevations
- No detail relating to soil vent pipes, ventilation pipes
- Access via the proposed doors would result in future residents having to use Lavender Fields property to access the apartment
- Concerns over the change of use in terms of impact on the character of the area, neighbouring amenity, over development, increase in traffic, location of bin store, size of new units and incorrect application form and lack of CIL and affordable housing contributions

Officer comment: The change of use does not form part of this application.

- Object to rooflights

Officer comment: No rooflights are proposed.

- High quality materials should be used
- Removal of trees within the site

Officer comment: The application is for doors and windows and does not involve an tree removal

- Construction disruption
- Window openings will change the character of the building

- Lack of detail with regard to the replacement windows
- Overlooking from the windows
- Constraints and conditions must be applied to The Chapel to retain its character

6. Main Planning Policies

6.1. Government Guidance NPPF

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

6.2. Mole Valley Core Strategy CS14 – Townscape, Urban Design and the Historic Environment

6.3. Mole Valley Local Plan ENV22 – General Development Control Criteria ENV23 – Respect for Setting

6.4. Other Documents Built-up Area Character Appraisal Leatherhead

7. Main Planning Issues

- 7.1. The main planning issues for consideration are whether the proposed development (the installation of additional windows and doors and alterations to the existing windows on the north, south, east and western elevations of the building.) would be in keeping with the character of The Chapel building and the wider area and cause any significant harm to the amenity of neighbouring properties.

The impact on the character of The Chapel and the wider area

- 7.2. The site lies within the Southern Leatherhead area under the Built-up Area Character appraisal (BUCA) for Leatherhead. The key characteristics are;
- Attractive, well built and maintained suburban housing, including some impressive detached villas from the Edwardian era and 1930s.
 - Seeability (former Royal Blind School) building is a key landmark - impressive Victorian building with landscaped grounds to front. Now converted to residential use, but maintains imposing presence in a gracious landscaped setting.
 - Spacious street scenes - several roads with wide verges and/or street trees and houses set back from boundary, to create sense of openness. Often combined with generous lateral separation between houses, allowing views of back gardens and giving houses strong garden setting.
 - On the fringes, many properties enjoy spectacular views south west to Norbury Park, giving this area a strong connection to the town's fine landscape setting.
 - Widespread tree cover, with mature trees in back gardens visible because of space between buildings and contributing to arcadian setting.

- Relatively poor access to services or sustainable modes of transport, therefore a less sustainable location for more intensive development.
- 7.3. The BUCA guidance covers the area relating to the former Royal Blind School building. The locality is characterised by a mixture of two and three storey buildings. The former Chapel building size and scale is comparative to the existing buildings surrounding the site. The building is set back within the site where there is significant tree and vegetation screening the building from views on Reigate Road.
 - 7.4. The proposal will involve the provision of 16 new low level windows and 5 additional windows and a new access door on the south elevation and 3 new doors and 8 new windows on the northern elevation.
 - 7.5. The insertion of the windows and doors to the building are considered to be modest additions which have been designed and styled to replicate the attractive detailing of the existing openings. All the additional windows and doors would have aluminium frames, no wider than the existing fenestration. These additions are considered to be in keeping with the character of the building and are appropriate in terms of form and scale. Furthermore the changes to doors and windows would not be readily visible from the wider public view.
 - 7.6. Concern has been raised by local residents and members at the previous Development Control Committee about the impact development would have on The Chapel as a building of historic importance and value. It should be noted that The Chapel is neither listed or sited in a designated Conservation Area. Under the previous application the Council's Historic Environment Officer did not object to the proposal on heritage grounds. The previous reason for refusal related to the development in terms of inserting rooflights and the effect this would have on the character and appearance of the building. The rooflights have been removed from the scheme and the Council's Historic Environment Consultant has advised that the proposed alterations will have minimal effect upon the building and have been designed and positioned to fit in with the existing pattern and form of openings. They are all considered to be modest and appropriate for the building.
 - 7.7. Local residents have also raised a concern that The Chapel should be considered as a non-designated heritage asset (NDHA). The NPPF at paragraph 197 has introduced the concept of non-designated heritage assets (NDHA). The NPPF states '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*' This issue was considered under the previous application.
 - 7.8. This concept does not appear in statutory legislation or local policy and guidance. Therefore a judgement will need to be made as to whether the subject building falls within that designation. The HEO does not consider that this building should be treated as a NDHA or included on a local list if one were formed. The decision as to whether something can and should be designated as an NDHA is subjective and there is no clear definition of the criteria to make this judgement. However, there are recognised factors which should be used to assess significance and these are architectural, historic and cultural factors.
 - 7.9. Using these three factors, with regard to the former Chapel building the HEO considers
 - Architectural significance of the building has already been comprised because of the stripping out of the interior and implementation of the Prior Approval change of use

- The historic significance of the building has been comprised by the factor that the building no longer remains in the use for which it was built. The historic use has long since ceased and the use has further changed since the Chapel
- Under the Prior Approval change of use to residential the building would have zero cultural significance. The use to private housing has no community benefit opposed to The Chapel in its original form and purpose, or other publically accessible cultural space.

7.10. The Council's Historic Environment Officer contends that the alterations would not harm the building sufficiently to justify a refusal on these grounds. The proposed additional doors and windows in the building also are not considered to harm the character of the building given the replication of style, size and design of the new openings. The development is considered to successfully harmonise and integrates with the original buildings architectural style and design.

7.11. As such the development would harmonise and respect the design of the building and these alterations would not result in material harm to the character and appearance of the area, thereby according with Policy ENV22 of Mole Valley Local Plan.

Impact on the amenities of neighbouring properties and future occupiers

7.12. The site lies in a largely residential area close to other neighbouring properties. The nearest neighbours would be those properties to the west at Lavender Close and the adjoining neighbour at Greyford Close, due to the alignment the dwellings in Lavender Close range between approximately 11-18 metres distance from the building. The nearest neighbours at Greyford Close are west of the building with No. 12 having the end wall forming the northern rear garden boundary. The other closest neighbouring properties are 1-5 Lavender Cottages, however, these properties are also at a right angle to the building with the closes end terrace approximately 15 metres to the east.

7.13. The northern elevation faces towards the landscaped lawn and parking area, whilst the southern elevation faces towards the car park for the building.

7.14. The eastern elevation face towards vegetation into the curve of the driveway to the east. The proposed alterations are not considered to result in any harm to neighbouring amenity.

7.15. The western elevation of the building faces directly towards rear gardens of Greyford Close and the front of two properties in Lavender Close. The alterations to windows on this elevation would be obscurely glazed and therefore would not result in harm to the amenities of neighbouring properties.

7.16. The alterations to the building relating to doors and windows would be accommodated at ground floor level without harm to the neighbouring amenity. The windows proposed at first floor in the western elevation and small and one of which is partial concealed by an existing projecting element. Given the distance involved and the size of the windows it is considered unlikely that any overlooking would arise.

7.17. The additional windows and doors are needed to improve the quality of the residential accommodation being created via the Prior Notification approval. Many of the existing windows have fixed glazing and this is unsuitable for residential purposes and building regulation standards. It is proposed to change the glazing to meet with the standards.

Conclusion

- 7.18. In conclusion, it is considered that the proposed alterations to The Chapel would not give rise to any significant harm to the character of the building or the surrounding area and would not cause harm to the amenity of neighbouring properties in accordance with the NPPF and Mole Valley Local Plan policies ENV22 and ENV23 and Mole Valley Core Strategy CS14.

8. Recommendation

Permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers jw902-110 rev 1, jw902-105 rev 1 and jw902-108 rev 1 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. Prior to any above ground works commencing, details of all external joinery shall be submitted to and approved in writing by the Local Planning Authority including materials, method of opening and large scale drawings showing sections through mullions, transoms and glazing bars. Windows and door openings should have a reveal to be agreed. The development shall thereafter be implemented in accordance with the approved details.

Reason To ensure that the development is in keeping with the character of the locality in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall at any time be inserted in any elevation of the building.

Reason: To protect the amenity and privacy of adjoining residential properties in accordance with Mole Valley Local Plan policy ENV22.