

**EPSOM HOSPITAL SITE, DORKING ROAD, EPSOM, KT18 7EG**  
**Built Heritage Rebuttal on behalf of Senior Living Urban (Epsom) Limited**  
**LPA reference: 19/01722/FUL & 21/00252/FUL Appeal reference: APP/P3610/W/21/3272074 & APP/P3610/W/21/3276483**

1.0 Introduction

1.1 I note that impact on heritage assets was not expressed as a reason for refusing either of the above Planning Applications. Notwithstanding this, this rebuttal has been produced in response to heritage matters raised in Epsom & Ewell Borough Council's (the LPA) subsequent Proof of Evidence (PoE). It has been prepared by me, Helen Warren IHBC, a Senior Historic Buildings Advisor at Donald Insall Associates (Insalls), who has worked on the project since 2019. Graduating with first class honours in 2009, I also hold an MSt in Building History from the University of Cambridge, and am a full member of the Institute of Historic Building Conservation (IHBC).

2.0 Legislation and Policy

2.1 At 6.24 of the LPA's PoE it is suggested that '*where harm is caused to heritage assets it is subject to statutory duties and the decision maker is required to seek to protect those assets and great weight must be given to their protection in the planning balance*'. To clarify, this statement is only relevant for certain **designated** heritage assets.

2.2 The LPA's PoE suggests at 1.9, 6.9, 6.24, and 6.110 that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('The Act') is engaged in this Appeal. Section 72 is concerned with conservation areas and requires that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'. The Section 72 duty is concerned with the land and features within a designated conservation area; the protection afforded by The Act itself does not extend to its setting or surroundings. Given that the Appeal Site does not fall within a conservation area, Section 72 is, as a matter of fact, not engaged in this instance.

2.3 I also note that 3.9 of the LPA's PoE refers to an incorrect NPPF paragraph reference. In the revised NPPF 2021, paragraph 196 relates to evidence of deliberate neglect and damage to heritage assets, which is not relevant to this Appeal. The paragraph relating to weighing less than substantial harm against public benefits is 202.

2.4 The LPA's PoE summary suggests that the Planning Applications fail to comply with local plan policies DM8 and CS5. Both Appeal Schemes comply with policy DM8 insofar as the submitted HTVIAs clearly set out the significance of each potentially affected heritage asset which informed the impact assessment. Local policy CS5 states that '*The Council will protect and seek to enhance the Borough's heritage assets [...] The setting of these assets will be protected and enhanced. [...]*'. Given that a low level of less than substantial harm to heritage assets has been identified, the Appeal Schemes are partly non-compliant with this policy, however, CS5 and DM8 both pre-date and are non-consistent with the requirements of the NPPF which forms a material consideration for the purposes of section 38(6), and allows harm to be weighed against public benefits.

3.0 Methodology for Identifying and Assessing Impact on Heritage Assets

3.1 Historic England's Good Practice Advice in Planning Note 3 (Second Edition) *The Setting of Heritage Assets* advocates a staged approach to considering the impact of developments within a heritage asset's setting, including initially identifying which heritage assets and their settings are affected and assessing the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The NPPG notes that '*Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals*' (Paragraph: 007 Reference ID: 18a-007-20190723). The NPPG is also clear that '*It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed*' (Paragraph: 018 Reference ID: 18a-018-20190723). This guidance and advice informed the methodology used for the submitted HTVIAs which accompanied the Planning Applications.

3.2 The LPA's PoE has not been informed by this guidance, failing to clearly identify exactly which assets it considers would be affected and not considering the relative contribution made by each asset's current setting to its overall significance. Many of the statements appear to have been made on the basis of generalised or assumed information and via Google Street View instead of a site visit. Statements such as *'the historic building assets in the vicinity [...] are generally significant for the following reasons: intrinsic nature of the quality of the building [...]*' (Paragraph 5.2) demonstrate this lack of specificity. The PoE also suggests that the significance of the heritage assets in the vicinity of the area are set out in the Conservation Area Character Appraisals, however these appraisals are written to describe the character, appearance and significance of individual Conservation Areas, and should not be relied upon to provide a detailed assessment of every individual building's significance or the contribution to significance made by its setting.

3.3 5.7 of the PoE suggests that eight listed buildings adjacent to Dorking Road form an *'important group'* which would be harmed by the Proposed Development. The inclusion of the listed garden walls and Tamarisk Cottage to the north of Dorking Road within this group is contrary to Historic England's assessment, which identifies the buildings to the south of Dorking Road as forming a group in their list descriptions but does not include those north of the road within this grouping. Indeed, the busy Dorking Road, intervening distance and 20<sup>th</sup> century residential development largely divorce these buildings from each other. Furthermore 5.8 and 5.12 refer to a *'listed walled garden'* however no designated Registered Parks and Gardens are located in this area. There are, however the remains of garden walls – the former garden having been developed with residential housing. I would not agree that the significance of Tamarisk Cottage and the listed garden walls would be affected by the Proposed Development given the limited intervisibility as a result of intervening distance, built form and mature trees, the lack of any known or tangible association between these assets and the Appeal Site, and the fact that the Cottage's principal facade is designed to face the opposite direction to the Appeal Site, with a lean-to extension to the rear.

3.4 5.12 considers the importance of White Horse Drive, making the assumption that it *'may have connections to'* the nearby Tamarisk Cottage and the *'listed walled garden'* which as stated in paragraph 3.3 above no longer exists save for its boundary walls. It suggests that *'The Drive is very likely to date to about the C18 and the view from it when looking South across Dorking Road would have remained almost unchanged since the mid C19. This is therefore a significance historic vista'*. No archival evidence or site analysis has been provided to support these statements. The submitted HTVIAs included cartographic material dating back to the 19<sup>th</sup> century, the earliest of which (the Tithes Map), shows that White Horse Drive did not extend as it does today, but rather was a shorter length of road or track leading towards an unnamed 'Building and yard'. Beyond this, the route of the current road is shown as meadows. No information was found during Insall's research and analysis to suggest that this road had any particular status within the Hylands estate or was designed as a significant 'vista'. Given the level of subsequent development, including on the hospital site and the surrounding residential streets, the level of traffic and associated roadside paraphernalia, I strongly disagree with the statement that the view looking south from White Horse Drive has *'remained almost unchanged'* since the 19<sup>th</sup> century.

3.5 At 5.16-5.22 the PoE considers the impact of the Proposed Development on the Woodcote Green Conservation Area, and criticises the submitted HTVIAs for not assessing the correct boundary of the Conservation Area. However it should be noted that the Conservation Area Appraisal and Map provided on the LPA's website<sup>1</sup> refers to these boundary amendments as *'proposed'* rather than formally adopted. The assessment of heritage impacts within the HTVIAs was based on the adopted boundary of the designated heritage asset as shown in these published documents. Nonetheless, as shown by the HTVIAs (which included a copy of the proposed extensions and deletions, see plate 23), impacts of the development on listed buildings within the proposed extension were considered in detail, and a verified view of this area looking towards the Appeal Site from the north was assessed.

3.6 The PoE suggests that the open space adjacent to St Margaret's Drive, outside of the conservation area, provides a *'significant'* view into the heritage asset (although it is not clear exactly where the viewpoint being discussed is located, and we would suggest that the Inspector relies on the verified views produced in agreement with the LPA's specialist officers rather than any additional views that have been identified on the basis of a Google

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<sup>1</sup> <https://www.epsom-ewell.gov.uk/residents/planning/historic-environment/conservation-areas>

Street View search). The identification of this view as significant to the conservation area is not corroborated by the heritage specialists who authored the Conservation Area Appraisal, which highlights 'views or vistas of note', and does not include this view. None of the 'views of note' contained within the Conservation Area Appraisal would be harmed as a result of the additional development. At 5.22 the PoE suggest that the significance of the conservation area would be harmed as a result of the change to this view. Notwithstanding whether or not the proposed alterations to the conservation area boundary have been formally adopted and the LPA has failed to update their published documents, I do not consider that the incidental and undesignated views gained from St Margaret's Drive, which already contain the high-rise buildings within the hospital site, make any notable contribution to the significance of the conservation area (extended or not), which derives its significance from the collection of historic buildings within it and inward looking views, rather than it's heavily altered and urbanised setting to the south west.

3.7 5.16 also suggests that the HTVIA failed to recognise all of the listed buildings contained within the conservation area and ignored those in the proposed extension. This is incorrect. The statement that there are four listed buildings within the conservation area came directly from the LPA's own Conservation Area Appraisal (Page 2, section 1.5). As noted above, the listed buildings contained within the proposed extension a shown on the LPA's published map, were also considered in detail.

3.8 There are a number of directly contradictory statements regarding which listed buildings within the conservation area are considered to be affected. 5.20-21 suggest that the three listed buildings along Dorking Road and six surrounding the Dorking Road and Woodcote Road junction would not be affected. However, 5.22 suggests that the conservation area and all of its listed buildings would be harmed. The HTVIA's concluded that neither the significance of the Woodcote Conservation Area nor any of the listed buildings contained within its boundary (current or proposed) would be impacted by the Proposed Development.

3.9 Turning now to consider the Chalk Lane Conservation Area and buildings contained therein. The PoE suggests that Woodcote End House, its Service Block and Nos 9& 11 Woodcote Road would be '*particularly affected*' by the Proposed Development, without any consideration as to why these buildings are significant and the contribution that their settings make to this. The submitted HTVIAs concluded a negligible level of less than substantial harm would be caused to the jointly listed Woodcote End House and Queen Anne House due to the possibility that the Proposed Development may introduce additional height and massing glimpsed from the upper floors of the house where the sash windows face towards the Appeal Site, further eroding the sense of the asset's once, semi-rural setting. It consider that there would be no harm to the separately listed service block due to its orientation (facing away from the Appeal Site, towards the main house), limited fenestration and lack of association, and that there would be no harm to Nos 9 and 11 due to the level of intervening built form and mature trees, and lack of association.

3.10 Between 5.27 -5.30 it is unclear whether the PoE author considers that the significance of any of the buildings surrounding the Chalk Lane and Woodcote Green Road junction would be harmed. 5.27 suggests that it is the occupiers rather than the significance of the buildings that would experience '*intrusive impact*'. The HTVIA concluded that due to the orientation of the buildings which run parallel to and address Woodcote Green Road, the level of intervening trees and built form, and the likelihood that, any views of the Appeal Site would be peripheral and at a distance as to render them insignificant amongst the existing built form of the wider hospital site, the Proposed Development would have no impact on their individual significance, which is primarily derived from their group value with other buildings within this part of the conservation area and the historic and architectural value manifest within their built fabric – all of which would remain unaffected.

3.11 5.38 suggests that '*it is the impact of the Proposed Development on the junction and its collective historic character in the conservation area that is most important, rather than its impact on any individual listed building*' however the next paragraph goes on to suggests that a medium level of less than substantial harm is caused '*to the significance of the conservation area and its listed buildings*'. This generalised statement suggests that all of the listed buildings within the conservation area will be harmed, which, demonstrably, is not the case given that the many do not share any association, visual or functional, with the Appeal Site. The findings of the HTVIAs did not

come to the same conclusion regarding the medium level of less than substantial harm identified to the conservation area in the LPA's PoE, and I consider that the LPA's conclusion has been made without giving due consideration to the significance of the conservation area in its entirety and the relatively limited contribution that the Appeal Site makes to this significance. The Proposed Development would not be readily noticeable from the majority of spaces within the conservation area, which derives its character and appearance, as well as its overall significance, from the historic and architectural value of the properties within the area, the morphology of the settlement which largely relates to ribbon development along the roads and its semi-rural setting to the south and east; all of which would be unaffected by the Proposed Development. The Proposed Development would introduce a contemporary form and additional height and massing into a small number of views from the area towards its setting to the north and north-west, which would further erode the sense of the asset's once, semi-rural setting and cause less than substantial harm. The Conservation Area's setting to the north and north-west has already undergone considerable change which has lessened the contribution it makes to the asset's significance. Given this, the level of harm is considered to fall at the low rather than medium end of the less than substantial harm spectrum.

3.12 5.46 considers No 10. Highlands Road a non-designated heritage asset of '*some significance*' which would be harmed by the Proposed Development. This building is not included on the LPAs Local List of Non-Designated Heritage Assets (according to those shown on the LPA's website<sup>2</sup>) and I do not consider it to be of sufficient interest to merit identification as such. The Council's specialist Conservation Officer did not highlight this building as a non-designated heritage asset in any pre-application correspondence.

#### 4.0 Conclusion

4.1 In general the PoE lacks any detailed assessment of significance, fails to consider the relative contribution of the Appeal Site to the overall significance of assets, and fails to engage with the hospital character area, largely ignoring how the heavily developed, wider hospital site has already changed the setting of many of the nearby heritage assets and general character of the area. These are key considerations which need to be made in order to adequately assess the impact of the proposals on the historic environment.

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<sup>2</sup> <https://www.epsom-ewell.gov.uk/residents/planning/historic-environment/locally-listed-heritage-assets>