



Heritage Appeal Statement

Fonthill,
58 Reigate Road,
Reigate

LPA Ref: 21/03270/F

January 2023 | Project Ref 8639

HCUK Group is a multi-disciplinary environmental practice offering expert advice in archaeology, heritage, landscape, arboriculture, and planning. We began life as Heritage Collective LLP in 2010, before becoming Heritage Collective UK Limited in 2014. Finally, in 2020, we became HCUK Group Limited.



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Executive summary

This statement has been written and prepared by Dr Jonathan Edis, Director of HCUK Group, who has more than forty years of continuous employment in the heritage sector, including a decade as a local authority conservation officer. The appeal proposal involves the conversion of a former nursing home, Fonthill, to eight flats, the conversion of the coach house to two flats, and the erection of 27 flats and ancillary accommodation in two new three storey blocks with associated car parking.

Fonthill was built c.1879 as a detached house in a Gothic revival theme with a distinctive gabled roofscape. The original residential use was relatively short-lived (c.1879-c.1924) and there was considerable extension and alteration for hotel and nursing home uses thereafter. It is now a locally listed building within Chart Lane Conservation Area, contained within walls on three sides, with dense planting on the main frontages. To the east is the Mount Green Estate, built partly over the former grounds.

It is accepted that the appeal proposal will have an effect on the setting of the locally listed building, resulting in a slight amount of harm to its heritage significance within the context of paragraph 203 of the National Planning Policy Framework (NPPF). Consequently, there will be less than substantial harm to the significance of Chart Lane Conservation Area, within the category in paragraph 202 of the NPPF. The extent of the harm will be very slight, falling at the bottom of the notional scale of harm. None of the principal attributes of the conservation area, as identified in the council's appraisal of 2014, will be affected, and there will be no material change in views from the public realm. The change will be visually contained, and will take effect in an area that has already been modified and altered by the adjacent Mount Green Estate of c.1965. There will be consequential heritage benefits, including the preservation of the locally listed building known as Fonthill, and any harm is of a low level,

The effect of the appeal proposal will be very similar to the effect of the previously permitted scheme (20/02081/F) which being implemented. Any differences in detail are relatively minor, and there is little to choose between the approved scheme and the appeal scheme in heritage policy terms.

1. Introduction

Qualifications and experience

- 1.1** I am Dr Jonathan Edis. I hold the degrees of BA (Hons) in History, MA with distinction in Architectural Building Conservation, and PhD, and I am a Member of the Chartered Institute for Archaeologists (MCI(A)) and a Member of the Institute of Historic Building Conservation (IHBC). I have forty years of professional experience of the historic built environment in the public and private sectors, including six years with the Royal Commission on the Historical Monuments of England (RCHME), ten years as a Conservation Officer with Bedfordshire County Council, and ten years as Head of Historic Buildings in CgMs Limited (now RPS) 2000-2010.
- 1.2** I am a founding director of HCUK Group, a company which since 2010 has provided independent heritage consultancy and that has diversified into a multi-disciplinary environmental company which works in all sectors (e.g. housing, renewables, commercial, infrastructure etc) throughout the country.
- 1.3** I have advised on literally thousands of cases involving change to historic buildings and conservation areas. I have provided expert heritage evidence at more than 150 public inquiries and many other appeals involving heritage assets, and I have given expert evidence on heritage in both civil and criminal courts.

Background to this appeal

- 1.4** Planning application 21/03270/F sought permission for the following development at Fonthill (Figures 9 and 10),¹ 58 Reigate Road, which is within Chart Lane Reigate Conservation Area² (Figure 8):

"The conversion of a former nursing home to 8 flats, including the addition of dormer windows, and fenestration changes, demolition of modern extensions, conversion and sunroom/terrace extension of the Coach House to two flats, erection

¹ I have referred to the building by its original name of Fonthill throughout this statement. The name comes from Fonthill Gifford in Wiltshire, which was the site of Fonthill Abbey, a celebrated Gothic revival country house built 1796-1813 and almost completely demolished by 1845.

² Henceforth referred to simply as Chart Lane Conservation Area.

of 27 flats and ancillary accommodation in the form of a two new 3 storey blocks all for people aged 55 and over with associated car parking.”

1.5 Application 21/03270/F sought to revise previous planning application 20/02081/F, for which planning permission was granted on 20th August 2021. The revision provided for additional flats within the new build element, involving reconfiguration of the footprint and massing into two blocks. The application was refused by Reigate and Banstead Borough Council on 11 October 2022 for four reasons, of which the first is relevant to my heritage evidence. It reads as follows:

“The proposed development, by way of the design, scale, and spread of development of the two new blocks of flats, as well as associated levels of car parking, would sit uncomfortably in the setting of the locally listed building due to their lack of subservience and affinity with the Locally Listed building and would harm both the Conservation Area and Locally Listed Building. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.”

1.6 I was not involved in application 21/03270/F, but my evidence addresses and rebuts the council’s heritage reason for refusal of planning permission on behalf of the appellant, Beechcroft Development Limited. My evidence should be read in conjunction with the Design and Access Statement (by RM Architects) submitted with the planning application, and the Statement of Case by Ridge Planning, including urban design evidence.

1.7 Application 21/03270/F was accompanied by a Heritage Statement prepared by Savills, dated 2021, to which I refer below.

1.8 In my evidence I refer to the delegated reports for applications 20/02081/F and 21/03270/F, and I highlight the fact that the circumstances relating to the earlier permission are materially the same as those relating to the present appeal, as far as heritage considerations are concerned.

1.9 I undertook a site visit on 7 November 2022, at which time Fonthill was scaffolded and in the process of conversion under permission 20/02081/F (Figures 14 to 16).

For this reason I have reused some of the pre-scaffold photographs from the Savills Heritage Statement, with acknowledgement accordingly (Figures 9 to 12).

2. Relevant Planning Policy Framework

- 2.1** The Inspector is required by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area when exercising planning functions relating to land within that area. The Inspector must give considerable importance and weight to the desirability of preserving the significance of the conservation area, and there is a strong presumption against the grant of permission for development that would harm its heritage significance.³
- 2.2** For the purposes of this assessment, preservation equates to an absence of harm.⁴ Harm is defined in paragraph 84 of Historic England’s Conservation Principles as change which erodes the significance of a heritage asset.⁵
- 2.3** The significance of a heritage asset is defined in the National Planning Policy Framework (NPPF) as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The assessments of heritage significance and impact are normally made with primary reference to the four main elements of significance identified in the NPPF.
- 2.4** The setting of a heritage asset (in this case the setting of the locally listed building known as Fonthill) can contribute to its significance. Setting is defined in the NPPF as follows:
- “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*
- 2.5** Historic England has published guidance on development affecting the setting of heritage assets in *The Setting of Heritage Assets* (second edition, December 2017), better known as GPA3. The guidance proposes a stepped approach to assessment in which Step 1 involves the identification of the relevant heritage assets, Step 2

³ Barnwell Manor Wind Energy Limited v East Northamptonshire District Council and others [2014] EWCA Civ 137.

⁴ South Lakeland v SSE [1992] 2 AC 141.

⁵ Conservation Principles, 2008, paragraph 84.

establishes their significance, and Step 3 describes how the change within the setting of the assets might affect their significance. In cases where there is a resultant loss in significance, amounting to harm, Step 4 is engaged, requiring the discussion of mitigation.

2.6 The NPPF requires the impact on the significance of a designated heritage asset⁶ to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 201 and 202 of that document. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.⁷

2.7 Paragraphs 201 and 202 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit. Paragraph 18a-020-20190723 of National Planning Practice Guidance (NPPG) online makes it clear that some heritage-specific benefits can be public benefits. Paragraph 18a-018-20190723 of the same NPPG makes it clear that it is important to be explicit about the category of harm (that is, whether paragraph 201 or 202 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”

2.8 Paragraph 199 of the NPPF states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise that harm might be.

2.9 Paragraph 203 of the NPPF refers to the approach to be taken towards non-designated heritage assets as follows:

“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

⁶ The seven categories of designated heritage assets are World Heritage Sites, Scheduled Monuments, Listed Buildings, Protected Wreck Sites, Registered Park and Gardens, Registered Battlefield and Conservation Areas, designated under the relevant legislation.

⁷ Bedford Borough Council v SSCLG and Nuon UK Limited [2013] EWHC 4344 (Admin).

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.”

2.10 Paragraph 203 of the NPPF is relevant to the appeal building, known as Fonthill, which is a locally listed building.

2.11 Local heritage policy has been taken into account in the preparation of this assessment, with particular regard to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019.

3. Statement of Significance

Introduction

3.1 This chapter of my statement establishes the significance of the relevant heritage assets in the terms set out in the NPPF and, in the case of Fonthill as a non-designated heritage asset, it comments on the contribution of setting to significance. The identification of the heritage assets equates in part to Step 1 of GPA3, and the assessment of significance equates to Step 2 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 4 (Heritage Impact Assessment) and with the tabular methodology at Appendix 1.

Chart Lane Conservation Area

3.2 The council's appraisal of Chart Lane Conservation Area summarises the character, appearance and special interest of the area in the introductory paragraphs, which can be distilled as follows:

- Interrelationship between townscape and landscape features.
- Large open space known as Church Fields, around the parish church, appreciated by a network of paths connecting the church to the town.
- A sequence of views within these fields, in which the greensand ridge to the south is important.
- A cluster of related uses – grammar school, cemetery, high status estates and mansions.
- Semi-rural and historic character of Chart Lane.

3.3 It is common ground that the above characteristics are key to the significance of Chart Lane Conservation Area, and that it is a place of special architectural and historic interest.

3.4 The appeal site is on the eastern edge of the conservation area, as shown in Figure 8.

Fonthill

3.5 Reigate and Banstead Borough Council's List of Buildings of Architectural and Historic Interest (sixth edition, May 2014) contains the following entry on page 44, in relation to the north side of Reigate Road:

"Grade L - Fonthill (c.1880, Reigate stone)"

3.6 The grade "L" stands for "locally listed building". The list does not contain specific selection criteria for local listing, but the context is provided on pages 2 and 3 of the document as follows:

"The Statutory list is supplementary by a "local list" consisting of 634 buildings and structures identified as being of local architectural or historic interest. Whilst local list status itself does not afford any form of statutory protection, it is an important consideration in any planning application. Before contemplating works of repair or alteration, it is advisable to contact the Borough Conservation Officer, as properties on the local list are being constantly upgraded and added to the Statutory List. The Borough Council will seek to ensure the preservation of buildings on the local list, promoting good design, traditional materials and the conservation of historic fabric. Many locally listed buildings are located in conservation areas and thus have a degree of statutory protection. An Article 4(1) Direction has been served on a number of Locally Listed dwelling houses to control external alterations..."⁸

3.7 Fonthill (Figures 9 and 10) is known to have been in existence in October 1879 when it was mentioned as a location in respect of the diversion of a footpath in the meadow to the south.⁹ The first occupant seems to have been William John Payne, barrister and coroner of the City of London and Southwark, who is recorded in the census of 1881, a few days before his sudden death at the age of 52.¹⁰ It was sold later that year (see the sales particulars in Figure 26) and bought by Mr H. Evans Broad, Vice President of the Reigate Liberal Association.¹¹ The next owner was Peter Riddoch, Chairman of the East Surrey Water Company, who had *"large interests in the Argentine and Brazil"*; he died at Fonthill in 1915, and had been

⁸ The appeal site is not subject to an Article 4 Direction.

⁹ Vestry meeting reported in the Surrey Gazette, 4 October 1879.

¹⁰ Illustrated London News, 19 April 1881.

¹¹ Surrey Mirror, 22 September 1888 (birth of son), and Surrey Gazette, 9 May 1889 (Liberal candidate for Malden, Essex).

resident there since 1900 or before.¹² At the time of the 1911 census the house was described as having 17 rooms occupied by Mrs Eliza Henrietta Riddoch, two children and six female servants. In "Fonthill stable" (the coach house) was Edward Bertie Staines, coachman, with his wife and daughter, living in four rooms.¹³ By October 1924 the house had become the Fonthill Hotel,¹⁴ run by Captain Mason and his wife until 1951 when planning permission was approved for conversion to a residential hotel or hostel restricted to aged nurses.¹⁵ It was later used as a nursing home.

3.8 Fonthill can be described as follows:

Detached house, c.1879¹⁶ in a Gothic revival style. Architect, if any, not known. Possibly built for William John Payne, barrister and coroner of the City of London and Southwark. Reigate stone with red brick dressings and clay tile roofs. Complex plan on two main storeys, with further accommodation in attics. Steep gables with wavy cut bargeboards. Several chimneys. Interior altered, and in process of conversion. Detached coach house of similar materials, style and design, on one main storey with further accommodation in attics, altered internally and externally.

3.9 Fonthill is of local interest because of the use of Reigate stone, the Gothic revival theme, the distinctive gables, the surviving coach house, and the connections with local people, primarily William John Payne. In heritage terms, its significance can reasonably be described as moderate or medium within the category of locally listed buildings (non-designated heritage assets). That is to say, it is a credible addition to the local list, but it falls short of the requirements for statutory listing (i.e. it is not of special architectural or historic interest).

3.10 The setting of Fonthill is visually and contextually contained by strong boundaries, thus:

¹² Surrey Gazette, 10 August 1900 (Riddoch family left for holiday in Filey); he died on 9 April 1915.

¹³ In 1911 the Reverend Walter Earle was at Redgate House (next door to the west, more commonly known as Eversfield) with four family members and five servants in 17 rooms, plus a gardener and his family living in "The Gardens, Redgate House".

¹⁴ Surrey Mirror, 31 October 1924, advertisement for servant.

¹⁵ Surrey Mirror, 2 February 1951. The applicant was the Nurses' Memorial Fund to King Edward VII.

¹⁶ No evidence has yet been found that Fonthill is earlier than 1879. Enumeration District 5 of the civil parish of Reigate Foreign was searched in the 1871 census, but the house names are rarely given, and the order in which the houses are listed is open to interpretation.

- On the south side, along Reigate Road, by a strong boundary of walls and vegetation, much of which appears to be evergreen (Figures 13 and 20).
- On the west side, along Ringley Park Road, by a strong boundary of walls and vegetation, much of which appears to be evergreen (Figure 21).
- On the north side, along the public right of way, by a substantial brick wall, too tall to allow views of Fonthill itself (Figure 22).
- On the east side (which is outside the conservation area) by modern garages and buildings, including 1-17 Fir Tree Walk (Figure 23).

3.11 The changing surroundings of Fonthill are illustrated in the map sequence in Figures 1 to 5, and in an air photograph of 1944 which is examined in Figures 6 and 7. It should be noted that the original grounds of the locally listed building were significantly reduced in size in the post-war period by the formation of the c.1965 Mount Green Estate to the east (Figures 23 to 25). This is illustrated on plan in Figure 4. It should also be noted that the built form of the new estate extended noticeably forward (south) of the line of the front wall of Fonthill, within that had recently been part of the grounds, as shown on plan in Figure 5. These changes materially altered the original setting of Fonthill.

3.12 In practice, the boundaries of the appeal site are now so visually impenetrable that there is very little connection between Fonthill and its wider surroundings (Figures 20 to 23). There is nothing but the most abstract relationship with Eversfield,¹⁷ which is a locally listed building of 1910¹⁸ on the west side of Ringley Park Road - to the extent that Fonthill and Eversfield could not be described as a meaningful group. There are no significant relationships with land or buildings to the north or the east of the appeal site, both of which are outside the conservation area boundary (Figure 8). In effect, the grounds of Fonthill form a visually and contextually enclosed bubble on an extreme eastern salient of the conservation area, particularly when looking inward from the outside. For the most part, the same applies on the north, west and south sides of the appeal site when looking out, but there is a notable exception on the east side, where the view leaks out into the back of the Mount Green Estate, which is of little or no architectural distinction

¹⁷ Known in the early-mid 20th century as Redgates, or Redgate House, on maps(see Figures 2 to 4), and in the 1911 census.

¹⁸ The local list says it was built in 1910, but it was shown on the map of 1896 in Figure 2. It was possibly rebuilt.

(Figure 25). This aspect of the setting of Fonthill must be described as “altered”. Insofar as there are positively contributing factors within the setting of Fonthill, they include (1) the coach house to the east (Figures 11, 12 and 18), (2) the trees and boundary planting, mainly to the south, within the walled boundaries, and (3) the original walled boundaries on the south and west sides, in Reigate Road and Ringley Park Road (Figures 20 and 21). It should be noted that these visually attractive walls are made of flint panels between red brick piers that rise from a brick plinth, topped with a band of dentil brickwork and half-round capping. Having said that, the boundary planting is so dense that there is little or no appreciation of Fonthill itself from the public realm, so there is little direct visual connection between the main building and the boundary walls; therefore, the walls now act as a signal that there might be a large house within secluded grounds, rather than as a foil to a setting that was possibly more open when first laid out c.1879.¹⁹ This means that the primary contribution to the setting of Fonthill is now the coach house.

Summary of significance

3.13 Chart Lane Conservation Area is a place of special architectural and historic interest. Fonthill is a detached house of c.1879, probably built for William John Payne, that employs Reigate stone in a Gothic revival theme to showcase a distinctive gabled roofscape. Now a locally listed building and non-designated heritage asset, Fonthill still makes a positive contribution to the character and appearance of Chart Lane Conservation Area despite the fact that the original residential use was relatively short-lived (c.1879-c.1924) and that there was considerable extension and alteration for hotel and nursing home uses thereafter. A detached coach house, in a matching style, forms an important part of the setting and context of Fonthill, which is strongly contained within walls on three sides (south, west and north), and, additionally, within dense planting on the important southern and western sides facing towards Chart Lane Conservation Area (i.e. facing Ringley Park Road and Reigate Road). The fourth, eastern, side of the grounds of Fonthill was completely altered c.1965 by the construction of the Mount

¹⁹ Although the boundary planting looks quite well established by the time of the O.S. map of 1896 in Figure 2, suggesting that it was always intended to be secluded, rather than open to view.

Green Estate, which cut into the former gardens of the building, and which is excluded from the conservation area.

4. Heritage Impact Assessment

Introduction

- 4.1** This chapter of my statement describes how the proposed development will affect the character and appearance of Chart Lane Conservation Area and the setting and significance of Fonthill, identified in the preceding chapter. It equates in part to Step 3 of GPA3. Steps 2 and 3 of GPA3 are closely connected, so this chapter should be read in conjunction with Chapter 3 (Statement of Significance) and with the tabular methodology at Appendix 1.

The proposed development

- 4.2** The proposed development is described as:

"The conversion of a former nursing home to 8 flats, including the addition of dormer windows, and fenestration changes, demolition of modern extensions, conversion and sunroom/terrace extension of the Coach House to two flats, erection of 27 flats and ancillary accommodation in the form of a two new 3 storey blocks all for people aged 55 and over with associated car parking."

- 4.3** I now turn to the effect of the proposed development on the significance of the heritage assets, with particular regard to the new-build element to the rear (north) of Fonthill.

Effect on the setting of Fonthill

- 4.4** The proposed development will have no material effect on views of the front elevation of Fonthill or the coach house, or on the perception of Fonthill from any public place within Chart Lane Conservation Area (the latter being the result of the strong boundaries on all four sides). Insofar as the proposal will affect views from the south, within the appeal site, the change will be (1) in the relatively narrow gap between Fonthill and the coach house, and (2) on the west side of Fonthill, where there was, until recently, a modern extension.

4.5 In my opinion, the opening up of the space to the west (left) of Fonthill is a visual improvement, restoring it closer to its original appearance, and better revealing the western elevation. The fact that a new structure will be visible to the north, looking through this modified “gap” is a consideration to which I will turn below. The effect on the gap between Fonthill and the coach house is a relatively small one. Importantly, I have sought confirmation that the new structures at the rear of the site will not be visible over the roof of the coach house, which is lower than the roof of Fonthill itself (CD1.40).

4.6 The northern part of the grounds of Fonthill will be changed as a result of the two new structures. Having regard to the visual material submitted with the planning application and appeal, I do not regard the relationships between Fonthill and the new structures to be overbearing or unacceptable in terms of spatial matters such as height, volume, proximity, design, materials or other details, but I return to this considerations below.

4.7 In my view, the main heritage consideration is the introduction of new built form within what was originally the rear garden (probably a kitchen garden, at least in part) of Fonthill. This is a noticeable change within the setting of the building, departing from the original arrangement of houses next to each other along Reigate Road, as can be seen in the O.S. map of 1896 in Figure 2, and in later maps in Figures 3 and 4. The map of 1896 shows that the buildings were conceived and designed as detached houses within their own grounds – namely, Eversfield, Fonthill and Firlands, in that order, from west to east. Those detached houses did not have structures to the rear on the same scale as the appeal proposal. To that extent, I would say that the appeal proposal changes the setting of the locally listed building by introducing an uncharacteristic relationship to the rear (north), which slightly reduces its heritage significance within the context of paragraph 203 of the NPPF.²⁰ However, the following factors are also relevant:

- The setting of Fonthill has already been significantly altered by the demolition of Firlands and the construction of the Mount Green Estate over part of the grounds c.1965.

²⁰ It is self-evident that this uncharacteristic relationship has already been accepted by the council in granting planning permission for application 20/02081/F, a subject on which I enlarge below.

- The original use of Fonthill as a single family dwelling ceased about a century ago, since which time it has been used as a hotel and nursing home. Therefore, the original use has long since been altered.
- The effect on the significance of Fonthill will only be appreciable from private land within the appeal site. While it is generally accepted that no distinction should be made between public and private views when considering matters to do with setting, the effect is so contained (not only within the site, but largely towards the rear) that the impact is ameliorated.

4.8 In conclusion, my assessment is that the appeal proposal will cause a slight amount of harm to the significance of Fonthill, as a non-designated heritage asset, within the context of paragraph 203 of the NPPF.

Effect on Chart Lane Conservation Area

4.9 In terms of its effect on the character and appearance of Chart Lane Conservation Area, the appeal proposal will be barely perceptible from Ringley Park Road and Reigate Road because of the strong boundaries on those sides. The effect will only be brought to bear on private land within the appeal site, and there will be no effect on the following principal characteristics of the conservation area, which were identified in Chapter 3 as being:

- Interrelationship between townscape and landscape features.
- Large open space known as Church Fields, around the parish church, appreciated by a network of paths connecting the church to the town.
- A sequence of views within these fields, in which the greensand ridge to the south is important.
- A cluster of related uses – grammar school, cemetery, high status estates and mansions.
- Semi-rural and historic character of Chart Lane.

4.10 On the basis of the above assessment, the change within the conservation area is very small, and it has positive heritage-related effects in (1) helping to preserve a locally listed building and its attendant coach house, and (2) removing additions that dated mainly from the use as a nursing home. Therefore, the only harm

caused to the significance of the conservation area arises from the fact that it contains a locally listed building (and non-designated heritage asset) that is, itself, affected by the new-build element in the north of the appeal site. I have already established that the amount of harm to the significance of the non-designated heritage asset itself will be slight, so the amount of harm to the significance of the conservation area must (at its very highest) be described as slight – that is, at the very bottom of the notional scale of harm in paragraph 202 of the NPPF.

Analysis of the delegated reports 20/02081/F and 21/03270/F

4.11 The delegated report relating to application 20/02081/F (CD10.4) did not say, in terms, that the proposal then before the council caused any harm to the significance of Chart Lane Conservation Area (a designated heritage asset) within the meaning in paragraph 202 of the NPPF. However, the report stated this (page 7), with added emphasis:

"In this instance, planning permission has been previously granted for similar development on the site three times before in 2006, 2010 and 2016, albeit since the time of the previous applications the DMP has been adopted. This development is solely for flats, whereby smaller 1 and 2 bedroom units are more characteristic. Further spread of development on this site would result in harmful impact upon the setting of Fonthill, a locally listed Victorian house built in 1880 using Reigate stone in Chart Lane Conservation Area. The Conservation Officer raised a query over whether there are any issues such as parking which may have increased in their requirements since the original proposals which would necessitate the reduction in the size of the scheme as he would not wish to see an increase in parking. An increase in 3 bedroom dwellings would increase the number of parking spaces required for the site and further spread of hardstanding into the landscaped grounds of the site. On this basis, there would be an adverse impact on the character of the surrounding area and Conservation Area and therefore one of the exceptions set out in DMP Policy DES4 would apply to this scheme." (with added emphasis).

4.12 Given that harm to the significance of the conservation area was found in application 20/02081/F, and given that planning permission was granted, the council must have concluded that the public benefits of the scheme outweighed the harm, even if the balancing exercise was not set out in full in the report.

4.13 The delegated report relating to the appeal proposal (21/03270/F – CD10.2) says a great deal about harm to the significance of heritage assets, much of it quoted from the memorandum supplied by the council’s conservation officer. Starting from first principles, I am very puzzled by the following extract, from the last paragraph on page 6 of the delegated report:

"In regard to the discussion of the effect of the proposed scheme on the Conservation Area it appeared that the applicant was of the view that development behind the locally listed building within the site would not affect the Conservation Area but we mentioned other cases in the locality where inspectors felt that such schemes in the rear garden of locally listed buildings did affect the Conservation Area as a whole."

4.14 The delegated report then goes on to discuss (on page 7) a 2013 appeal relating to a building called Brockmere, which is within a different conservation area.²¹ However, the point goes nowhere because, irrespective of the then applicant’s view on the matter, Reigate and Banstead Borough Council concluded, in approving application 20/02081/F, that a scheme that (1) harmed the significance of Chart Lane Conservation Area and (2) involved harmful development behind the locally listed building known as Fonthill, was acceptable. Unsurprisingly, the delegated report for the appeal scheme (21/03270/F) came to the same conclusion, but it then started to introduce new issues (page 7) as follows:

"The proposed new buildings towards the rear of the site are considered to result in a detrimental impact upon the setting of the locally listed building due to their lack of subservience and affinity with the Locally Listed building, and their design, and would harm both Conservation Area and Locally Listed Building."

4.15 In arriving at this conclusion, some reliance seems to have been placed on whether the Brockmere case, mentioned above, involved a new building that was or was not larger than a “coach house” (see the opening paragraphs on page 7 of the delegated report). However, given that (1) Fonthill already has an original coach house, and (2) nobody could possibly have been under the illusion that the new-build element of the scheme permitted under application 20/02081/F, at the rear of Fonthill, could have been described as a “coach house”, the council’s entire point about “subservience”, falls away. The council has long since conceded that there

²¹ Wray Common Conservation Area.

can be significant development to the rear of Fonthill, and a key point is that the difference between the appeal scheme (21/03270/F) and the approved scheme (20/02081/F) is not so great as to mean that the first was subservient and that the second was not subservient.

4.16

Looking at the more detailed elements of the council’s objection on heritage grounds, the penultimate paragraph on page 6 of the delegated report for the appeal scheme sets out the main points, which I summarise here as follows, in tabular form, with the council’s allegation in the left hand column and my response in the right hand column:

Council’s allegation	My response
<p>The appeal scheme increases the built form and parking, and there is an increase in width, height and depth.</p>	<p>These are factual matters on which I have sought advice from RM Architects, namely:</p> <ul style="list-style-type: none"> • The width of the new buildings east-west has increased from 43.9m to 53.8m. • There is <u>no significant increase in height.</u> • The maximum depth of the building north-south has <u>reduced.</u>
<p>There would be a reduction in the gap between the new block and Fonthill.</p>	<p>It is not as simple as the council states. Having sought advice from RM Architects, I can record that the facts are:</p> <ul style="list-style-type: none"> • The eastern gap has <u>increased</u> from 22.3 to 37.3m. • The western gap has reduced from 30.8 to 24.4m.
<p>The symmetry is at odds with the asymmetry of the Victorian mansion and would create monumentality.</p>	<p>I do not agree, since Fonthill will remain the more monumental building of the two. Even if it were accepted that the new-build element of the</p>

	<p>appeal scheme were to be more monumental than the approved scheme, I do not see how this, in itself, would materially reduce the significance of the locally listed building or the significance of the conservation area.</p>
<p>The large gables add to the scale.</p>	<p>I do not agree. The gables help to reduce the scale.</p>
<p>The "odd box dormer" behind the main front is contrary to the "<i>Borough Dormer's SPD</i>" (sic).</p>	<p>The feature is the head of the lift shaft, which will be obscured when seen from ground level.</p>
<p>The parking is closer to the locally listed building</p>	<p>Again, I have sought advice from RM Architects, and the facts are:</p> <ul style="list-style-type: none"> • Parking on south side is as approved. • Parking on north is 18.0m minimum from Fonthill.
<p>The reduction in space between the proposed blocks and the locally listed mansion results in a reduction in the potential for maintenance of a wooded setting.</p>	<p>There was no mention of a "wooded setting" in the 2020 committee report. I would not describe the setting to the north of Fonthill as "wooded", so it is difficult to understand what is being "maintained" here.</p>
<p>The introduction of brick in a site where the buildings are of stone also adds a discordant element to the proposed blocks.</p>	<p>This is a fine distinction which verges on being a matter of individual taste. It could equally be said that the contrast would act as a foil to the original structures.</p>
<p>The use of a repetitive and powerful tripartite symmetry in both blocks would sit uncomfortably in the setting of the locally listed building due to their lack of subservience and affinity.</p>	<p>I do not see how symmetry within the new-build will reduce the significance of the locally listed building or the significance of the conservation area.</p>

4.17 It seems to me that the council's refusal of the proposal now at appeal had much to do with a comparison with the previously permitted proposal (i.e. increase in built form, reduction in gap, closer parking, differences in materials and symmetry) rather than an objective assessment of the proposal on its own merits. The conservation officer may not like the newly proposed design as much as the previously permitted one, but that does not mean to say that it will unacceptably reduce the significance of the locally listed building or the conservation area. The appeal scheme will also deliver public benefits, which are the subject of other evidence. As far as the character, appearance and significance of the conservation area is concerned, as a whole, the difference between the approved scheme and the appeal scheme is not, in my opinion, so marked as to say that one should be permitted and the other refused. That is to say, in terms of the harm to the significance of the conservation area, there is nothing to choose between the approved scheme and the appeal scheme. They differ in detail, but the key principle of building to the rear of Fonthill has already been accepted, and has to be seen in the context of:

1. An altered setting, which has included open views of Mount Green Estate for some sixty years.²²
2. A history of building forward of the line of Fonthill, within its grounds.²³
3. A site that is visually contained on the two sides that connect with the rest of the conservation area, to the south and west.
4. A detached house that has been significantly altered as a result of the hotel and nursing home uses that have dominated most of its existence.

Local policy considerations

4.18 Insofar as I have identified very low levels of less than substantial harm (within the context of paragraph 202 of the NPPF) there is accepted to be some conflict with policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development

²² Neither of the officer reports discussed the Mount Green Estate as a component of the setting of the locally listed building, or considered the new build at the rear of Fonthill in the context of that estate, from a heritage perspective.

²³ Neither of the officer reports took this into consideration.

Management Plan 2019. This is to be considered in the overall balancing exercise, and is the subject of discussion in other evidence before the Inspector.

Summary of effects

- 4.19** The appeal proposal will have an effect on the setting of the locally listed building (and non-designated heritage asset) known as Fonthill, resulting in a slight amount of harm to its heritage significance within the context of paragraph 203 of the NPPF. Consequently, there will be less than substantial harm to the significance of Chart Lane Conservation Area, within the category in paragraph 202 of the NPPF, the extent of which is very slight, falling at the bottom of the notional scale of harm. None of the principal attributes of the conservation area, as identified in the council's appraisal (2014) will be affected, and there will be no material change in views from the public realm. The change will be visually contained, and will take effect in an area that has already been modified and altered by the adjacent Mount Green Estate of c.1965. There will be consequential heritage benefits, including the preservation of the locally listed building known as Fonthill, and any harm is of a low level.
- 4.20** The effect of the appeal proposal is, in terms of the assessment of harm under paragraph 202 of the NPPF, the same as the previously permitted scheme (20/02081/F). Any differences in detail are relatively minor for the purposes of the consideration of the issues surrounding the balancing exercise in paragraph 202 of the NPPF and local policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019.

5. Conclusions

- 5.1** Chart Lane Conservation Area is a place of special architectural and historic interest. Fonthill is a detached house of c.1879, probably built for William John Payne, that employs Reigate stone in a Gothic revival theme to showcase a distinctive gabled roofscape. Now a locally listed building and non-designated heritage asset, Fonthill still makes a positive contribution to the character and appearance of Chart Lane Conservation Area despite the fact that the original residential use was relatively short-lived (c.1879-c.1924) and that there was considerable extension and alteration for hotel and nursing home uses thereafter. A detached coach house, in a matching style, forms an important part of the setting and context of Fonthill, which is strongly contained within walls on three sides (south, west and north), and, additionally, within dense planting on the important southern and western sides facing towards Chart Lane Conservation Area (i.e. facing Ringley Park Road and Reigate Road). The fourth, eastern, side of the grounds of Fonthill was completely altered c.1965 by the construction of the Mount Green Estate, which cut into the former gardens of the building, and which is excluded from the conservation area.
- 5.2** The appeal proposal involves the conversion of Fonthill to eight flats, the conversion of the coach house to two flats, and the erection of 27 flats and ancillary accommodation in two new three storey blocks with associated car parking.
- 5.3** The appeal proposal will have an effect on the setting of the locally listed building (and non-designated heritage asset) known as Fonthill, resulting in a slight amount of harm to its heritage significance within the context of paragraph 203 of the NPPF. Consequently, there will be less than substantial harm to the significance of Chart Lane Conservation Area, within the category in paragraph 202 of the NPPF, the extent of which is very slight, falling at the bottom of the notional scale of harm. None of the principal attributes of the conservation area, as identified in the council's appraisal (2014) will be affected, and there will be no material change in views from the public realm. The change will be visually contained, and will take effect in an area that has already been modified and altered by the adjacent Mount Green Estate of c.1965. There will be consequential heritage benefits, including the

preservation of the locally listed building known as Fonthill, and any harm is a low level.

5.4

The effect of the appeal proposal is, in terms of the assessment of harm under paragraph 202 of the NPPF, the same as the previously permitted scheme (20/02081/F). Any differences in detail are relatively minor for the purposes of the consideration of the issues surrounding the balancing exercise in paragraph 202 of the NPPF and local policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019.

Appendix 1

GPA3 Assessment

In assessing the effect of the proposed development on the setting and significance of Fonthill as a locally listed building and non-designated heritage asset, it is relevant to consider how the following factors may or may not take effect, with particular reference to the considerations in Steps 2 and 3 of GPA3. The following analysis seeks to highlight the main relevant considerations.

Relevant Considerations

<i>Proximity of the development to the asset</i>	The proposed development is to the rear of Fonthill, within its original grounds (garden).
<i>Proximity in relation to topography and watercourses</i>	There are no particular watercourses to consider, and the topography is generally level for all practical purposes.
<i>Position of development in relation to key views</i>	<p>There are no public key views of Fonthill.</p> <p>Insofar as there are private views of the south and east elevations of Fonthill, on approach from the gate on Reigate Road, the new development will result in very little visual change (and no more change than the permitted scheme).</p> <p>Insofar as there are private views of the north elevation of Fonthill, these will be reduced in extent by the presence of the new development (but the loss of view will not be so different from what has already been permitted that there is a material difference between the effect of the two schemes).</p>
<i>Orientation of the development</i>	The new development is oriented orthogonally with Fonthill and with Reigate Road.
<i>Prominence, dominance and conspicuousness</i>	<p>The appeal development will not be “prominent, dominant or conspicuous” in relation to Fonthill (no public views are affected, and views of the front will be almost completely unaffected).</p> <p>It has already been accepted by the council, in granting permission for the previous scheme, that uncharacteristic development to the rear of Fonthill can be permitted.</p>

<i>Competition with or distraction from the asset</i>	The proposed development will only compete with or distract from Fonhill to the extent that the private rear garden land will be affected. This has already been accepted by the council, as explained above.
<i>Dimensions, scale, massing, proportions</i>	<p>The dimensions, scale, massing and proportions of the proposed development have been designed to as to minimise the effect on the setting of Fonhill.</p> <p>It is important not to take the view that the previously permitted scheme is a benchmark, and that any increase is automatically unacceptable. The appeal proposal should be judged on its own merits.</p>
<i>Visual permeability</i>	The proposed development not be visually permeable, save for a gap between the two blocks.
<i>Materials and design</i>	Materials and design are for later consideration, and can be conditioned.
<i>Diurnal or seasonal change</i>	No issues are anticipated in respect of diurnal or seasonal change.
<i>Change to built surroundings and spaces</i>	The built surroundings and spaces to the rear of the locally listed building will change (as is also the case with the permitted scheme).
<i>Change to skyline, silhouette</i>	There will be no changes to important skylines or silhouettes.
<i>Change to general character</i>	The general character of the surroundings of Fonhill will be changed, to the rear, but the impact will be limited, and it has already been accepted by the council that the setting of the building (which has already been altered by the Mount Green Estate) can absorb further change.

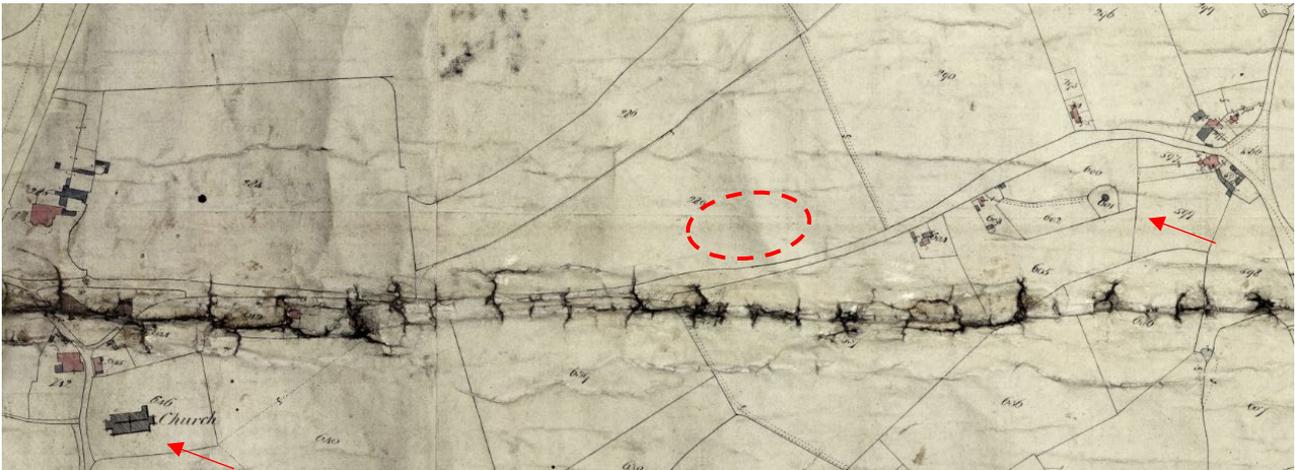
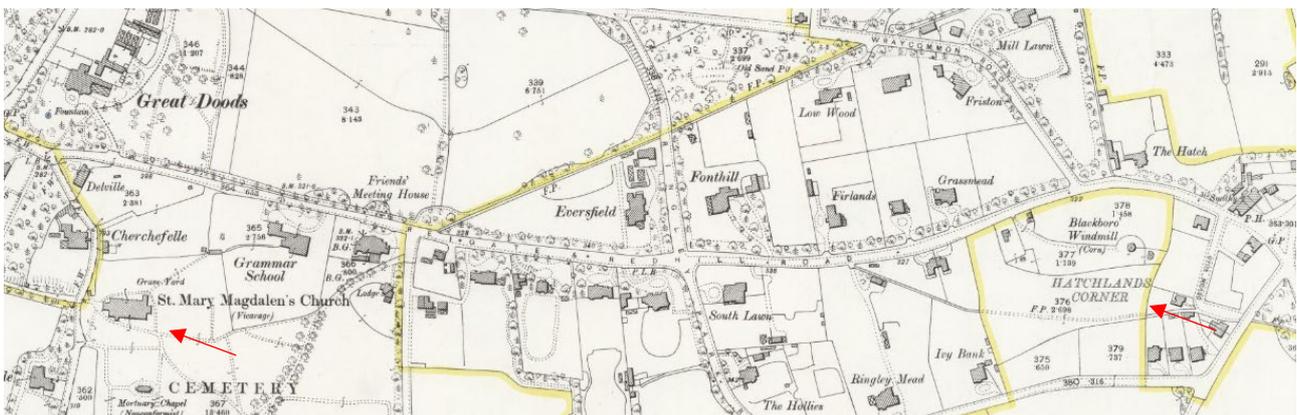


Figure 1 – Above: Extract from the tithe map of Reigate, c.1843-c.1845, with the approximate future location of Fonthill shown with a pecked oval. The reference points are the Church of St Mary Magdalen and Hatchlands corner, which can be seen on the extract from the O.S. map of 1896 below. The tithe apportionment (20 November 1843) indicates that the land on the north side of the road was all in arable cultivation.



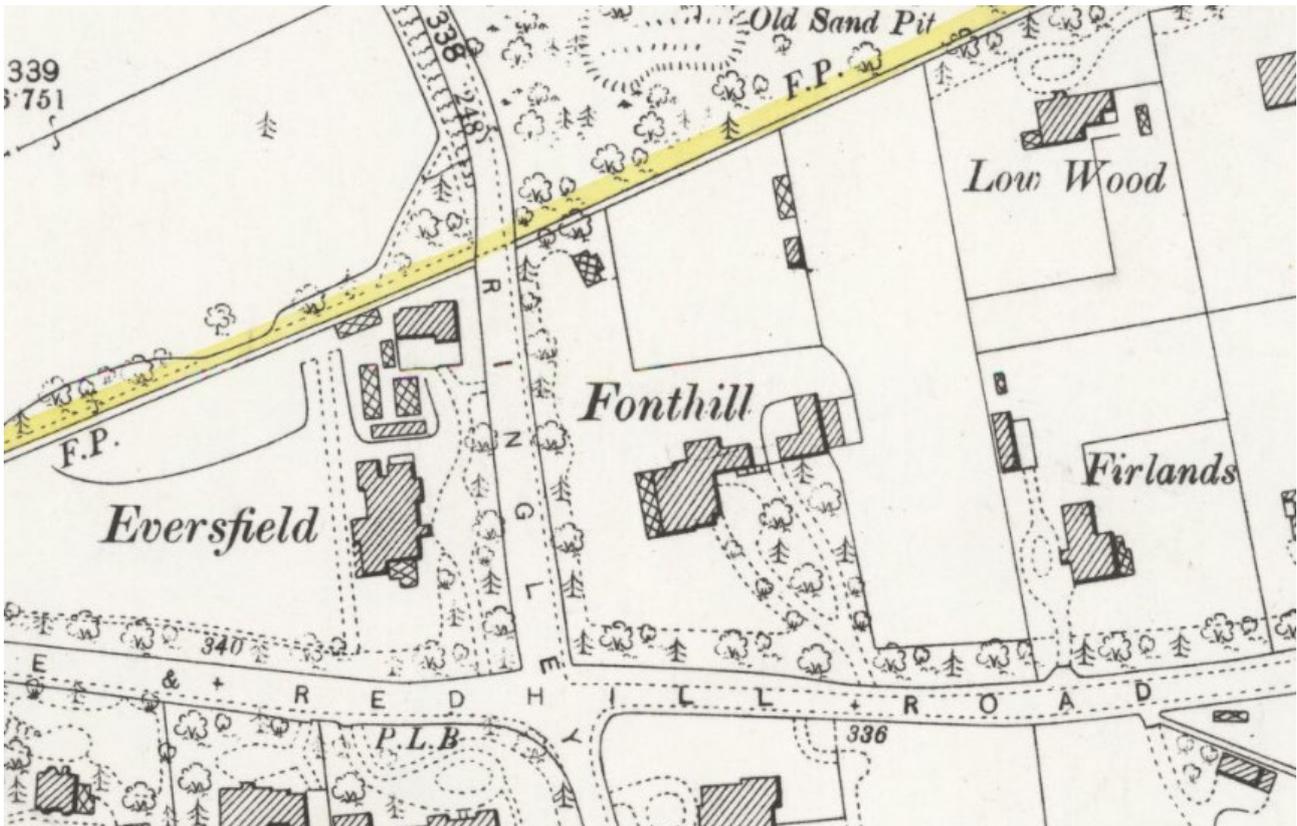


Figure 2 – Extract from the O.S. map of 1896, surveyed 1895, showing Fonthill and the neighbouring buildings. Note that the planting, landscaping and approach were to the south of the house. The area to the north seems to have contained sheds and greenhouses, some of which may have been within a form of kitchen garden.

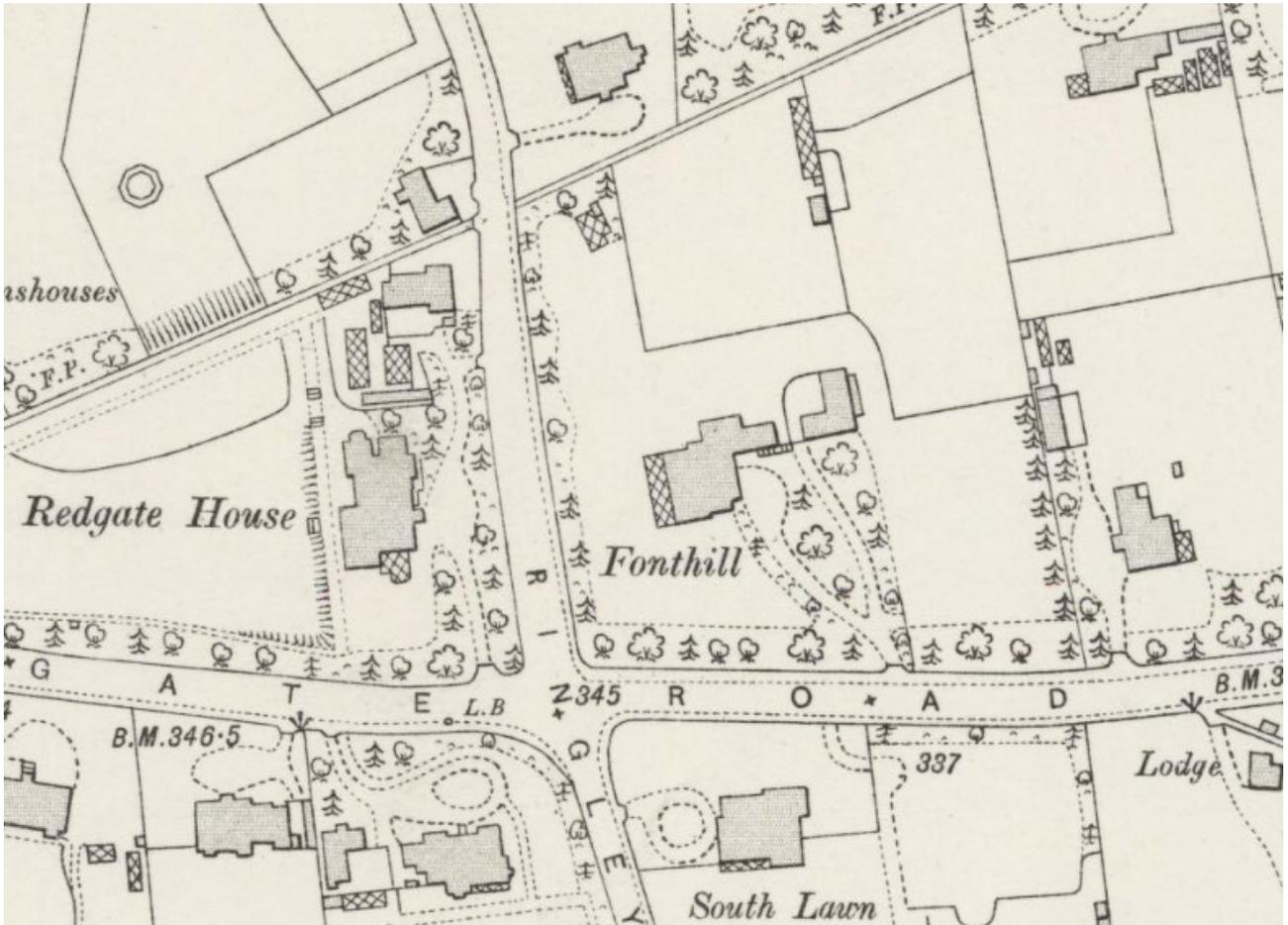


Figure 3 – Extract from the O.S. map of 1914, revised 1912, showing Fonthill and the neighbouring buildings. The main structural landscaping was to the south-east of the house, as also shown on the O.S. map of 1896 in Figure 2.

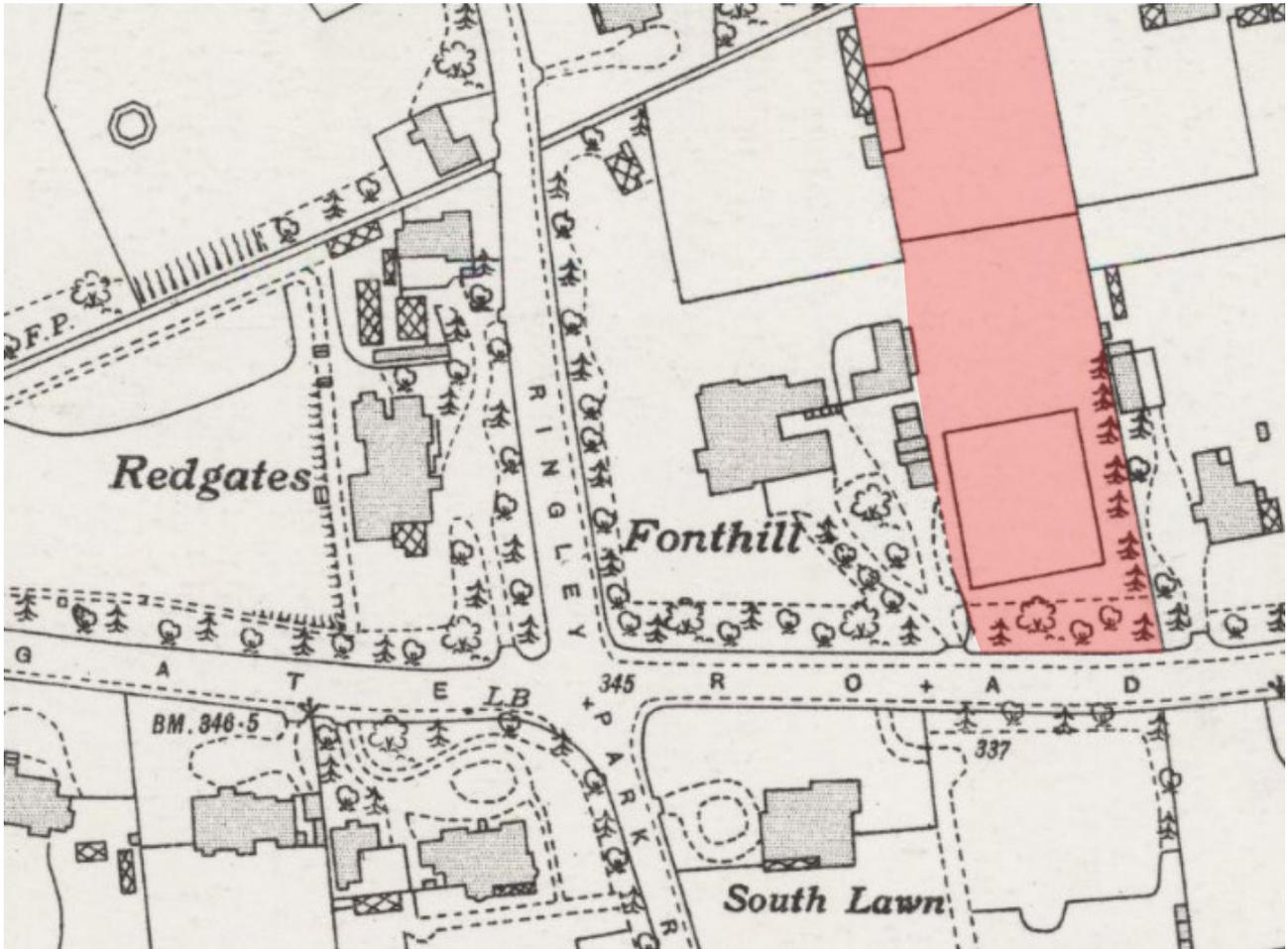


Figure 4 – Extract from the O.S. map of 1935, revised 1933, showing Fonthill and the neighbouring buildings. The possible kitchen garden to the north, and the landscaping to the south east, are similar to the earlier maps.

The pink wash represents that part (probably more than a third) of the original grounds of Fonthill that were taken out by the post-war housing estate in Fir Tree Walk (Mount Green Estate), fundamentally altering the setting of the building. See also Figure 5, which shows that buildings in the Mount Green Estate were built forward of the line of Fonthill.

The pink shaded area may have been the paddock referred to in the sales particulars of 1884, which appear in Figure 26.



Figure 5 – This map shows that buildings in the Mount Green Estate (c.1965) were built noticeably forward of the line of Fonthill, on what had been, up to that point, part of the grounds of the house (probably a paddock - see Figure 4). This is a modern map base that shows the full footprint of built form at Fonthill before the approved conversion scheme was implemented.



Figure 6 – The vicinity of Fonthill (arrowed) in 1944 (RAF/106G/LA/30/RP/3124, flown 7 August 1944). For enlargement see Figure 7.



Figure 7 – Fonthill in 1944 (RAF/106G/LA/30/RP/3124, flown 7 August 1944). For the wider surroundings see Figure 6. Note that the northern part of the grounds of Fonthill seem to be laid out for vegetables, within what is thought to have been a kitchen garden (production may have been intensified during wartime, extending eastward into what may have once been a paddock).



Figure 8 – Fonthill (circled) in relation to the boundary of Chart Lane Conservation Area, taken from the council’s appraisal of 2014.



Figure 9 – Fonthill prior to November 2021 (Savills), west and south elevations. Note the modern extensions.



Figure 10 – Fonthill prior to 2021 (Savills), north and west elevations. Note the modern extensions.



Figure 11 – The coach house prior to November 2021 (Savills). Note the modern bridge extension.



Figure 12 – The coach house prior to 2021 (Savills). Note the modern extension.



Figure 13 – Looking northward into the appeal site from the gate on Reigate Road (November 2022). The building in the middle distance is the coach house.



Figure 14 – Fonthill (left, under scaffolding) and the coach house, looking north into the site from the entrance on Reigate Road (November 2022).



Figure 15 - Fonthill from the south-east, seen from private land within the appeal site (November 2022).



Figure 16 - The rear of Fonhill, looking southward from private land within the appeal site (November 2022).



Figure 17 – The west side of Fonhill (November 2022).



Figure 18 – The rear of the coach house, looking south-east from private land within the appeal site (November 2022).



Figure 19 - General view of Fonthill and the coach house looking southward (November 2022). This is a private that will be lost in any event (i.e. it will be lost even if the permitted scheme is built out).



Figure 20 – The southern boundary of the appeal site on Reigate Road, looking north-west, with the gate into the appeal site at the right hand of the photograph.



Figure 21 - The western boundary of the appeal site, looking northward into Ringley Park Road.



Figure 22 – The northern boundary of the appeal site, looking eastward along part of the public right of way that (ultimately) connects Reigate Road to the footway over the railway that gives access to Madeira Walk. Note that the wall is too high to see over. The wall is the northern boundary of this part of the conservation area.



Figure 23 – Looking north-west towards Fonthill from the junction of Reigate Road and Fir Tree Walk. This is a view into the conservation area, over garage blocks, with part of the modern terrace known as 1-17 Fir Tree Walk to the right.



Figure 24 – Flats (numbers 2-54) on the corner of Reigate Road and Fir Tree Walk, part of the Mount Green Estate. The appeal site is immediately to the left of the photograph.



Figure 25 – The view eastwards, out of the conservation area, from the appeal site, to the back of 19-45 Fir Tree Walk (the longer and earlier building to the right, which was part of Mount Green Estate c.1965), and 1-12 Charlotte House (the more modern flats on the left). Both these blocks were built over land that was once within the grounds of Fonthill. Possibly a paddock. Together with the boundary fencing, they have noticeably changed this part of the setting of the locally listed building.

I have looked at the committee report relating to the development now known as Charlotte House (10/08/2009) and I can see no evidence that the council took the view that there were any material heritage considerations relating to that proposal.

By Order of the Executors of the late W. J. Payne, Esq., Reigate.—“Font-hill,” a family Residence, in an elevated position in Ringley-park. — The house contains spacious hall, three reception-rooms, billiard-room, 12 bedrooms, bath and dressing-rooms, stabling, coachman’s apartments, out-buildings, pleasure grounds, garden conservatory, greenhouses, and paddock.

MR JOHN LEES will Sell by Auction at

Figure 26 – Extract from the Surrey Advertiser, 21 June 1884.