
Appeal Decision

Site visit made on 14 October 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 October 2016

Appeal Ref: APP/R3650/Y/16/3154206

36 Castle Street, Farnham, Surrey, GU9 7JB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Michael Martin against the decision of Waverley Borough Council.
 - The application Ref WA/2016/0529, dated 1 February 2016, was refused by notice dated 9 May 2016.
 - The works are described as *'installation of a velux rooflight as alternative to dormer window for which planning and listed building consent were given in 2005 [WA2004/2723 and WA2004/2724 refer]. All work with the exception of the dormer was completed in 2005. The current owner approached Waverly Planning Department in August 2014 with a view to complete the works by installing the dormer. The request was agreed. Due to the high cost, a verbal request was made to put a velux roof light instead of the dormer – this was agreed by David Ridley and confirmed by email [see Doc 1 attached]. After installation of the velux [Sean Rix Heritage and Design Officer] advised that the given permission was not valid'*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above header description is taken from the application form. The Council has described the works on the decision notice as 'listed building consent for the installation of a roof light'. The header description references the case presented. I also acknowledge that the works for which consent are sought for have already been undertaken. For the avoidance of doubt, I have proceeded on the basis that consent is sought for the installation of a roof light on the rear roof slope.

Main Issue

3. The main issue is whether the works undertaken preserve any features of special architectural or historic interest the listed building possesses.

Reasons

4. The appeal site comprises a mid-terraced three storey building dating from the early 19th Century. Together with the adjoining building, No 37, it is a Grade II listed building. The significance of the listed building principally derives from its architectural details, as detailed in the listing description. It also derives from its historical association with Nos 1 to 9 (consec) Lowndes Buildings (located to the rear of the site) and buildings along the western side of Castle

Street forming a group; this interest is also reflected in the fact the building is contained within the Farnham Conservation Area.

5. The works undertaken have seen the insertion of a 'Velux' conservation style roof light. Originally, in around 2004, planning permission and listed building consent had been given for *inter alia* the construction of a dormer window (ref WA/2004/2723 and WA/2004/2724). I understand that other elements of the permitted works had been undertaken, but a dormer was not inserted in the rear roof slope of 36 Castle Street. On 17 March 2015, the Council's building control service issued a 'Certificate Completion of Work' for '*single storey extension velux window to non-habitable loft and alterations*'.
6. This was work undertaken, in part, on the understanding of the appellant that a rooflight could be installed *in lieu* of the (2004) approved dormer. This may be permissible under the building control regulations. Nonetheless, the appeal building is a listed building and works which affect its character require listed building consent irrespective of approval by building control or an 'Approved Inspector'. The appellant should have been informed at a number of stages that such consent was required – both by the relevant building regulations inspector, any contractors carrying out the work, and any persons providing planning or heritage advice. It is not for me to determine the rights or wrongs of other people's action (or possible inaction) in this case, as such matters are beyond the scope of what I am required to consider under the Planning Acts.
7. My primary concern under a Section 20 appeal (listed buildings) is whether the works preserve any features of special architectural or historic interest the listed building possesses. In this case, the inserted roof light has a wide frame and is set in from the roof tiles on either side by a noticeable gap. This is evidenced in Doc 4, where photos showing the installed 'Velux' roof light with conservation bar are provided. I saw during my site inspection that from Lowdnes Passage, the roof light is a prominent feature within the rear roof slope of No 36, and this prominence is heightened by both the wide frame and the area of large spacing around the roof light – even if such views are limited by the character of the street scene and angles involved for a distance of 4 or 5 metres along the passage.
8. Typically one would expect to see some form of replica 19th Century roof light, which would have a much thinner frame - owing to the strength provided by either cast iron or steel. Instead, the installed roof light has a significant internal timber frame between the rafters and a clearly visible external area of flashing around the roof light, which is further exacerbated by the roof tiles surrounding the roof light being slightly raised on either side, compounding the prominence of the roof light within the rear roof slope.
9. Whilst I saw that the roof light could be opened via a top hung mechanism, I understand it could also be opened with a central pivot which, when used, would further draw attention to the inappropriateness of this particular type of roof light in this location. I note the comments made in respect of the differences in frame sizes presented in Doc 5. However, even seemingly small differences in width of cills and headers can have a disproportionately significant impact on the visual appearance of the final look.
10. I therefore find that the works for which consent is sought have a negative impact on the significance of the listed building and would therefore fail to

preserve its special interest. It would also fail to preserve or enhance the character or appearance of the Farnham Conservation Area.

11. The local planning authority indicates in their reason for refusal that the proposal would result in 'substantial' harm to its special interest. The National Planning Policy Framework (the Framework) at Paragraphs 123 to 141 indicates degrees of harm being 'substantial' or 'less than substantial'. Neither degree of harm is fully defined. Nevertheless, for something to result in substantial harm, one would typically expect that the significance of the heritage asset is vitiated altogether or very much reduced. I do not consider that the insertion of a roof light results in this degree of harm in this case, and accordingly consider the works to result in less than substantial harm. Yet, less than substantial harm does not equate to less than substantial planning objection, and decision-makers should give considerable importance and weight to the desirability to preserve the special architectural or historic features of listed buildings; as I have done here.
12. I therefore conclude that the works undertaken fail to preserve features of special architectural or historic interest the listed building possesses and have therefore resulted in less than substantial harm to the heritage assets in the form of the listed building and the conservation area. In accordance with Paragraph 134 of the Framework, no public benefits have been cited in this case. Accordingly, not only are the works contrary to the provisions of the Planning Acts as aforesaid, but they also fail to comply with Policies HE3 and HE5 of the Waverley Local Plan and the policies of the Framework, which, amongst other aims seek to ensure that alterations to listed buildings preserve or enhance the special architectural or historical interest of the listed building.
13. For the reasons given above, I conclude that the appeal should fail.

Cullum J A Parker

INSPECTOR