
Appeal Decision

Site visits made on 19 September and 10 October 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/Y3615/W/16/3148390

Buryfields House, Bury Fields, Guildford, Surrey GU2 4AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bowood Homes (Guildford) Ltd against the decision of Guildford Borough Council.
 - The application Ref 15/P/01135, dated 30 April 2015, was refused by notice dated 19 October 2015.
 - The development proposed is planning application for alterations, extensions and conversion of the roof form to create 4 residential units with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has provided a completed Section 106 Agreement dated 1 September 2016. The Agreement secures a payment of a SANGS contribution of £15,833.02 and an Access Management and Monitoring Contribution of £2,753.44. This is in accordance with policies NE1 and NE4 of the Guildford Borough Local Plan (LP) 2003 as well as the Thames Basin Heath's Special Protection Area – Avoidance Strategy 2009-2016. The Council have confirmed that in light of this document, the 6th and 7th reasons for refusal have now been overcome.
 3. On the basis of the information presented, I agree that the matter has been satisfactorily addressed and that the Section 106 Agreement accords with the tests as set out within the National Planning Policy Framework (the Framework) as well as regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL regulations). I have not approached the parties in connection with the issue of pooled contributions under Regulations 123(3) and I will return to this matter below.
 4. The appellant submitted amended elevation drawings dated 15 July 2016. These revisions refer to plans 1001/205C, 1001/206E, 1001/207D and 1001/208D. The appellant explained that the amendments were submitted in order to show a more accurate ridge height of the existing mansard roof and correct inaccuracies with the original plans. A further subsequent updated site plan was also submitted on 2 August 2016.
 5. The Council have confirmed that these plans have been published on the website. I do not consider that the scheme would be so changed by these
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modifications such that any interests would be prejudiced by having regard to these drawings as part of this appeal and have proceeded to determine the appeal on this basis.

Application for costs

6. An application for costs was made by Bowood Homes (Guildford) Ltd against Guildford Borough Council. This application is the subject of a separate decision.

Main Issues

7. This appeal has 3 main issues:
 - Whether the proposal would preserve or enhance the character and appearance of the Millmead and Portsmouth Road Conservation Area, including the effect on the setting of the adjacent listed buildings;
 - The effect of the proposal on the living conditions of the existing and future occupiers of 12-15 The Court and 19-23 Millmead Terrace;
 - Whether the proposal would result in an acceptable standard of accommodation for the future occupiers.

Reasons

Whether the proposal would preserve or enhance the character and appearance of the Millmead and Portsmouth Road Conservation Area, including the effect on the setting of the adjacent listed buildings

8. The appeal site comprises a detached 3 storey former office building which has recently been converted to residential use. It is classical in design. Unusually, the main entrance to the building does not face Bury Fields but is set on the flank elevation of the property. The appellant states that the existing building makes a neutral contribution to the Conservation Area. Taking into account the surrounding buildings and townscape, I would agree this to be the case.
9. To the north of the appeal site is a terrace of properties known as 12-15 The Court which are grade II listed two storey residential dwellings which face the entrance to the appeal property. Two of the flats at the rear of Bury Fields House have their own private access points. There have been a number of alterations to the property in particular, an existing roof extension.
10. The Council have been unable to provide a copy of the designation report for the Conservation Area. However, the area in my view has a varied style including the commercial areas of Guildford to the north and west and the residential areas beyond the appeal site up towards the Portsmouth Road. Bury Fields itself has a number of individual characterful buildings which all contribute to the character and appearance of the area. On the opposite side of Bury Fields, there are a number of office properties including Council offices. Nos 39 and 41 Bury Fields, which are a pair of semi detached dwellings on the opposite side of the road are also grade II listed.
11. Mead Cottage is a grade II listed two storey detached residential dwelling which abuts the appeal site to the south on the corner of Bury Fields and Millmead Terrace. The listing description notes the property dates from 1895 and is by Thackeray Turner. Millmead Terrace to the west comprises semi

detached two storey properties whose gardens face directly onto the rear elevation of the appeal site. The Bellairs Apartments building is located just beyond the south western corner and comprises 11 flats.

12. Under s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Under s.66 (1) I am also obliged to have special regard to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest. The glossary to the Framework defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced' and confirms that 'significance derives not only from the asset's physical presence but also from its setting'. I have considered the appeal proposal in the light of these weighty statutory requirements. In addition, paragraph 132 of the Framework states that great weight should be given to the conservation of a heritage asset and any harm to its significance should require clear and convincing justification.
13. My attention has been drawn to policies G5, H4, HE5 and HE7 of the Guildford Borough Local Plan (LP) 2003. Policy G5 is a general policy which states that proposal which do not comply with design requirements will not be permitted. These include, amongst other things, that new developments should respect established roof treatments and relationships with other buildings. Policy HE4 goes on to note that planning permission will not be granted for development that adversely effects the setting of a listed building. Policy HE7 refers specifically to new development in conservation areas. It advises that development should preserve or enhance the character or appearance of the conservation area. Applicants should demonstrate, amongst other things, that consideration has been given to the impact of the development on the townscape and roofscape of the conservation area. Policy H4 of the LP advises, amongst other things, that planning permission will be granted for residential development which is in scale and character with the area, and has no unacceptable effect on the existing context and character of the adjacent buildings and immediate surroundings.
14. In longer distant views when approaching the appeal site from the south, Bury Fields House stands out. It is already taller than the more domestic scale of Mead Cottage which sits in the foreground. The design and massing of the extension would in my view significantly alter the appearance of the building. The proposed extension would have the effect of significantly increasing the height and massing of the current building. Consequently it would become a more prominent structure in the setting of the heritage assets. It would create a bulky addition to the property, further emphasising the prominence of the building within its immediate surrounding environment. This would cause material harm to the setting of both Mead Cottage and 12-15 The Court, noted as grade II listed properties.
15. The appellant has provided evidence concerning the material proposed for the roof. Whilst I agree that the material may complement the existing pallet of materials within the Conservation Area, this fact alone does not outweigh the harm identified above in relation to the bulk and scale of the roof addition proposed.

16. I have not been provided with an extended street scene as proposed. However, drawing 1001/211A to my mind emphasises the bulk and massing of the roof extension relative to the neighbouring properties. The proposal would introduce visually discordant elements into an otherwise attractive civic building and would fail to respect the wider integrity of the elevations. This would in my view be harmful to the character and appearance of the area.
17. The appellant has referred to a number of taller buildings at paragraph 6.37 of their appeal statement. However, the buildings referred to are surrounding properties not immediate neighbours. Given the location of the appeal site and the heritage assets concerned, the proposal must also be assessed in the context of its immediate environment.
18. The appellant has referred me to the planning approval for the conversion of the former Guildford School of Acting and Dance (Bellairs). From the evidence submitted, it is clear from the officers report that the existing building was noted as making a positive contribution to the Conservation Area, and the works proposed would retain the building and secure its future. This is not the case here.
19. I therefore conclude on the first main issue, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area contrary to the provisions of S72 (1) of the Act. In addition, the proposal would harm the setting of the adjacent listed buildings, contrary to the requirements of s.66 (1) of the Act which carries substantial weight.
20. As the proposal only relates to a small part of the Conservation Area, the harm caused to the heritage asset concerned would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
21. In the circumstances of this appeal, the public benefit of the scheme is in the provision of 4 residential units. However, this benefit is in my view limited. Consequently the benefits of the scheme do not outweigh the harm caused to the designated heritage assets as outlined above, to which considerable importance and weight must be given.

The effect of the proposal on the living conditions of the existing and future occupiers of 12-15 The Court and Millmead Terrace

22. The Council state that the increase in the height and bulk of the building on the north elevation closest to the boundary with 12-15 The Court would result in an unneighbourly form of development which would have an unacceptable overbearing impact on the rear gardens and rear windows of The Court.
23. The plans indicate that the roof extension facing towards 12-15 The Court would be recessed in. Taking into account the recess proposed, I am not convinced that the proposal would result in an unacceptable overbearing impact which would cause material harm to the living conditions of the existing or future occupiers of 12-15 The Court.
24. Turning to consider 19 to 23 Millmead Terrace, I was able to view the appeal site during my site visit from two of these dwellings directly facing the appeal site. There is already a close relationship between the appeal property and these properties and therefore an existing degree of overlooking occurs. This

is particularly evident from the rear gardens and rear bedroom and bathroom windows. It is clear from both my observations and the letters submitted that the residents have attempted to address this issue through planting along the boundary.

25. Taking into account this existing relationship, as well as the location and proximity of the new windows proposed to the west elevation, I share the Council's concerns and those expressed by the residents that the proposal would result in direct overlooking to the rear gardens and rear windows of Nos 19-23 Millmead Terrace which would result in an unneighbourly form of development.
26. The Council have also raised concerns that the location of the bin stores as proposed would have a detrimental effect on the immediate adjacent properties in terms of noise and disturbance. The location as proposed is separated from the neighbouring gardens by boundary treatment. The bin area could be screened by an appropriate enclosure, the details of which could be satisfactorily addressed by an appropriately worded condition. As such, I am not convinced that this aspect of the proposal would result in material harm to the living conditions of the existing and future occupiers of the neighbouring properties.
27. I therefore conclude that the proposal would have an acceptable effect on the living conditions of existing and future occupiers of 12-15 The Court. However, for the reasons set out above I also conclude that the proposal would cause material harm to the living conditions of existing and future occupiers of Nos 19-23 Millmead Terrace. In this way, the proposal would fail to accord with policy G1(3) of the LP which relates to the protection of amenities enjoyed by occupants of buildings to ensure they are protected from, amongst other things, unneighbourly development. The proposal would also conflict with policy H4(2) of the LP which advises, amongst other things, that planning permission will be granted for residential development which does not have an unacceptable effect on the amenities enjoyed by the occupants of buildings in terms of privacy.

Whether the proposal would result in an acceptable standard of accommodation for the future occupiers

28. There is a disagreement between the parties regarding which flats are served by windows or rooflights. From drawing 1001/204C, it would appear that one of the bedrooms in unit 32 has no windows. The plan also indicates that the bedroom to flat 30 is served by 2 rooflights only, as are the bedrooms to unit 29. The appellant has explained that the current arrangement has been arrived at in order to address issues concerning potential overlooking to Millmead Terrace and The Court. Whilst this may be the case, I share the concerns expressed by the Council that the bedrooms effected would provide a poor standard of accommodation with no outlook from these bedrooms.
29. In light of the above, I conclude the proposal would provide a substandard level of accommodation which would fail to provide an adequate standard of living accommodation for the future occupiers of flats Nos 29, 30 and 32. The proposal would therefore be in conflict with policies H4(2) and G1(3) of the LP. For the same reasons, the proposal would also be contrary paragraph 17 of the Framework which seeks a good standard of amenity for future occupants of land and buildings.

Other Matters

30. A number of third parties have raised concerns regarding the possible effect of the proposal on noise and disturbance levels, light levels and traffic and parking. A number of the concerns expressed relating to noise and disturbance appear to relate to the use of a roof terrace which is not part of the appeal proposal. Taking into account the angle of the roof and separation distances involved, I am not convinced that the proposal would have a detrimental impact on the amount of light received by the neighbouring properties.
31. In terms of traffic and parking matters, I note that the Council consider the level of parking to be acceptable. I also note that the site is in a sustainable location and Surrey County Council as highways authority have also not raised any objections in terms of highways safety. As such, I do not consider the proposal would result in material harm in this regard.

Conclusion

32. I have concluded that the proposal would fail to preserve the character and appearance of the Millmead and Portsmouth Road Conservation Area. I have also conclude the proposal would cause material harm to the setting of the adjacent listed buildings. In addition, I have concluded that the proposal would result in material harm to the living conditions of the existing and future occupiers of Nos 19-23 Millmead Terrace.
33. However, the proposal would cause no harm to the living conditions of the existing and future occupiers of Nos 12-15 The Court. The location of the bin stores as proposed would also be acceptable. However, these matters are insufficient to outweigh the harm I have identified above. As such, the appeal should be dismissed. In these circumstances, it is not necessary for me to go back to the parties to explore the implications of regulation 123 of the CIL regulations.

Christa Masters

INSPECTOR