



Appeal Decisions

Site visit made on 15 August 2017

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

Decision date: 18 August 2017

Appeal A: APP/Y3615/W/17/3173811

St Nicholas House, 14 The Mount, Guildford GY2 4HN

- 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 Hamley Property Group against the decision of Guildford Borough Council.
 - The application Ref 16/P/01775, dated 8 August 2016, was refused by the Council by notice dated 17 October 2016.
 - The development proposed is conversion of St. Nicholas House into two 2-bed self-contained flats, to include reconfiguration of layout, and removal and repositioning of internal walls to the ground and first floor.
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Appeal B: APP/Y3615/Y/17/3173810

St Nicholas House, 14 The Mount, Guildford GY2 4HN

- 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 Hamley Property Group against the decision of Guildford Borough Council.
 - The application Ref 16/P/01779, dated 8 August 2016, was refused by the Council by notice dated 17 October 2016.
 - The works proposed are conversion of St. Nicholas House into two 2-bed self-contained flats, to include reconfiguration of layout, and removal and repositioning of internal walls to the ground and first floor.
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Decision Appeal A

1. I allow the appeal and grant planning permission for conversion of St. Nicholas House into two 2-bed self-contained flats, to include reconfiguration of layout, and removal and repositioning of internal walls to the ground and first floor at St Nicholas House, 14 The Mount, Guildford GY2 4HN in accordance with the terms of the application, Ref 16/P/01775, dated 8 August 2016, subject to conditions 1) to 3) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for conversion of St. Nicholas House into two 2-bed self-contained flats, to include reconfiguration of layout, and removal and repositioning of internal walls to the ground and first floor at St Nicholas House, 14 The Mount, Guildford GY2 4HN in accordance with the terms of the application Ref 16/P/01779, dated 8 August 2016 and the plans submitted with it subject to conditions 1) to 8) on the attached schedule.

Main Issues

3. These are;

- The effect of the proposal on the architectural and historic significance of the listed building and its setting.
- The effect of the proposal on the Thames Basin Heaths Special Protection Area.

Reasons

Listed Building

4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
6. Saved Policy HE1 of the Guildford Borough Local Plan 2003 concerns applications for planning permission that affect listed buildings, permission will be granted for alterations and additions where the proposal does not detract from the character or setting, and the proposal respects and enhances the original architecture, scale, materials, colour, detailing and other significant features of the building. New development in conservation areas is the subject of Policy HE7, reflecting the duties in section 72(1) and setting out matters to which consideration is required.
7. The building has a history of previous uses as set out in the appellant's Built Heritage Statement and Addendum, from being a coaching inn, to a public house, to offices, and most recently, to a single family dwelling. It is the physical arrangement for that latter use that was evident at the site inspection, and as shown on the updated drawing 118-SNG_07_100P3. The proposed further works to convert the building into two flats are as shown on drawing 101P3, which shows some minor changes to route a flue/vent through the building. Having in mind the Council's objections and the nature of these changes on both revision P3 drawings, those later drawings are accepted for consideration at Appeal.
8. It is clear that significant alterations have taken place over the years to suit the previous changes of use, but there are areas of doubt over the sequence of interventions, and what remains of the evidential, historical, aesthetic, and communal value. The appellant's Built Heritage Statement does however put forward a strong case for the various values being 'low' with the exception of the aesthetic values being 'medium'.

9. That Statement sums-up the remaining value with the words *'the main significance of the building is drawn from the positive contribution it makes to the streetscape of The Mount and conservation area. The exterior of the building, whilst not retaining any features associated with its historic use as an inn/public house, is considered to be of medium aesthetic value. The site is of local historical value and the well-documented history of the building as an inn/public house since at least the seventeenth century enhances our understanding of Guildford and the former prominence of what was once a main arterial road upon which the site located. Since the public house closed in c.1955 the building has been subject to an extensive amount of internal reconfiguration that has detracted from the understanding of the interior and the original/early arrangement of spaces.'*
10. Those opinions, based on a thorough analysis, are endorsed in this Decision. The building is a positive contributor to the street-scene and the Millmead and Portsmouth Road Conservation Area, and there are attractive elements in the now-converted building, but the other values are low due to intervening works and additions. The Council's Report states that the building has previously been renovated which has led to the loss of original features; however the layout and circulation has remained largely unaltered with any additional partitions only serving as dividers and the works are reversible.
11. The proposed further works would add a partition at ground floor level to provide a hallway and through route from the front door to the rear, whereas as presently converted, the front door enters into the living room. The use of that living room for a bedroom appears to require this more cellular arrangement. However, there is evidence of at least a draught screen from an earlier use and the proposed partition would be reversible whilst having limited adverse effects on the fabric of this previously much altered building. There would be what the Council describe as a 'crowding' of the fireplace, but it is clear that this was previously blocked up in the office use, so whilst there would be less beneficial works than at present, benefit would still accrue.
12. To accommodate an additional stair to the sub-divided upper floor, an area of the present kitchen would be taken over, although drawing 100P3 makes clearer the situation seen at the site inspection to the rear of the chimney stack. There would be some loss of fabric, but limited adverse architectural or historic effect. Recording as the work progresses would be required, but it appears unlikely that significant harm would occur. Nevertheless, in the terms of the Framework, there would be less than substantial harm. The reduction in size of the kitchen would be a loss of facilities, but in-line with the loss of bedrooms, and does not count against the proposal in any real effect on the historic or architectural significance.
13. On the first floor there would be some additional subdivision to separate the uses associated with the lower flat from those of the upper one, to provide a somewhat convoluted route to the front bedroom of the lower flat, and a route to the stairs for the upper flat, but none of this affects historic fabric or room layouts significantly more than was previous permitted. Similar comments apply to the proposed new kitchen as previously.
14. The fire curtain required to provide a safe passage from the second floor bedrooms to the outside in the upper flat would have some adverse aesthetic impact, and would need to be detailed further by condition, but its closed state

only occurs on activation of the fire detection system, whilst in its open state the aesthetic effect is acceptable as a clearly modern intervention.

15. The introduction of a bathroom on the second floor appears to be an item that was designed out of the approved family dwelling scheme, but subject to conditions on the flue/vent route, would be acceptable as the additional partition does not cause harm.
16. Harm has therefore been identified as being a slight adverse effect through the subdivision of the ground floor front room, and at a similar level through the visual effect on the fireplace. There would be risk of lost fabric through the formation of the new staircase, but it is by no means certain what that would be, and recording can preserve sufficient of the interest, if any. The subdivision, re-arranged room uses and circulation on the upper floors would not be harmful and would be reversible. The works there would preserve the items of real significance. No harm should be caused by the fire curtain, as conditions can control that work. The character and appearance of the Millmead and Portsmouth Road Conservation Area would remain unharmed as presently.
17. Overall, the level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The Council express the view that the single family dwelling is the optimum viable use, but it has not been proved so far that this has been viable. It could be that two flats are the optimum viable use.
18. The Council is unable to demonstrate a five year supply of housing land, and the provision of an additional unit would assist. At present the single unit is unused. The additional cost that is now contemplated to convert a newly altered building, and the wasted work and materials required to have completed the existing conversion is unfortunate, but financially is a risk for the developer alone. The grant of permission and consent would however allow a viable option if the alternative is continued underuse of an attractive and prominent building.
19. In the balance provide for in paragraph 134 of the Framework, the possible public benefits of an additional housing unit and use of a vacant property outweigh the limited harm caused in addition to that which has been caused previously to this building through its various uses.

Thames Basin Heaths Special Protection Area

20. Policies NE1 and NE4 state that planning permission will not be granted for proposals which are likely to destroy or have an adverse effect directly or indirectly on the nature conservation value of potential Special Protection Areas, nor for any development that would be liable to cause any demonstrable harm to a species of animal or plant or its habitat, protected under British law unless conditions are attached requiring the developer to take steps to secure their protection.
21. The Thames Basin Heaths Special Protection Area has been identified as an internationally important habitat for ground nesting birds that are vulnerable to additional recreational visitors including those with dogs. The site is within the

400m to 5km zone. The Council's Avoidance Strategy 2009 – 2016 requires a contribution towards Suitable Alternative Natural Greenspace and an Access Management contribution.

22. In such designated areas, the Inspector is the competent authority, and it is necessary to embark on the 7 steps of a habitats assessment as set out in Circular 06/2005, '*Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within The Planning System*' (August 2005). Step 1 does not apply, and Step 2 appears to have been answered positively with Step 3 having been carried out. However, the adverse effects identified can be mitigated as set out in Step 4, and the submission of the Undertaking which the Council has agreed as acceptable, means that there is no need to look further at the habitats assessment.
23. To conclude, the adverse effects of the formation of a single additional unit of accommodation on the Thames Basin Heaths Special Protection Area can be satisfactorily mitigated and planning permission may be granted.

Other Considerations

24. The Council object to the principle of the larger flat being on the upper floor and having no access to outdoor space. The same lack of garden and parking has been pointed out by various prospective purchasers of the family house as presently configured, as a shortcoming that prevented them proceeding to purchase, or perhaps this is what generated only a low offer. The existing conversion is for a four bedroom house with some *en-suite* accommodation, whereas the proposal would be aimed a different part of the housing market where a smaller dwelling close to the city centre and railway station could be seen as an attractive proposition notwithstanding the lack of garden and parking.
25. The occupier of the premises to the rear, number 14a, objects to the further conversion works due to the effect on the courtyard that is immediately to the rear of the red-line site boundary, that being the rear wall of the appeal building. The planning permission that has been carried out (Ref; 14/P/01886) contained a condition requiring the upper floor windows overlooking that courtyard to be obscure glass and permanently fixed shut, unless the parts of the windows which can be opened are more than 1.7m above the floor level. That was clearly acceptable in a bathroom. It is now proposed that the room in question be a kitchen for the upper flat, but the requirement for privacy remains. It would however be reasonable to allow clear glass at a height that did not allow a ready downward view, and therefore the same 1.7m height should apply to the obscuring as well as to the opening.
26. With regard to the ground floor room that remains a kitchen, this was not covered by the previous condition, which applied to a large house, whereas the use under the present proposal would be for a two bedroom flat. It would not be reasonable to attach a condition now where the risk is less.

Conditions

27. The Council suggested conditions for the listed building consent requiring details of making good; joinery; fire protection, which should include that of the fire curtain; and steps to be taken to protect the building during the works. Other conditions limiting the works to those on the approved drawings are not

necessary as otherwise than what is approved, such works would be unlawful. In addition and as set out in the reasoning, a condition is required to secure recording of the exposed fabric when the stairs are formed. Similarly further details of the flue/vent route should be sought.

28. A condition is required for the planning permission over the obscure glazing of the upper windows for the reasons previously set out. A condition is required detailing the drawings to which this permission relates, for the avoidance of doubt and in the interests of the proper planning of the area, but since the provision for greater flexibility in planning permissions does not apply to listed building consents, this condition is not required there.

Conclusions

29. The submitted Unilateral Undertaking overcomes the risk of harm to the Thames Basin Heaths Special Protection Area, and hence Policies NE1 and NE4 are accorded with. With conditions, the works now proposed to convert the single family house into two flats would preserve the significance of the listed building, and a limited area of harm is outweighed by the benefit of more certainly ensuring the building's future use and in providing housing in this area of housing need. The works would satisfy the aims of the 1990 Planning (Listed Buildings and Conservation Areas) Act and section 12 of the Framework, as well as Policies HE1 and HE7 on listed buildings and conservation areas. For the reasons given above it is concluded that both appeals should be allowed.

S J Papworth

INSPECTOR

SCHEDULE OF CONDITIONS APPEAL A – PLANNING PERMISSION

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; 118-SNG_07_101P3, 201P3, 400P1, 610P2 and SK_100P1.
- 3) The upper floor windows overlooking the courtyard to the rear serving the first floor kitchen are to be obscure glazed and permanently fixed shut up to a level of 1.7m above the adjacent floor.

SCHEDULE OF CONDITIONS APPEAL B– LISTED BUILDING CONSENT

- 1) The works hereby approved shall begin not later than 3 years from the date of this decision.
- 2) A photographic record is to be made of the opening-up of the masonry in the location of the new staircase and of any hidden fabric as it is uncovered. The Local Planning Authority is to be given 14 days' notice of this work being undertaken and be provided the opportunity to witness the works. A set of the photographic records is to be deposited with the Local Planning Authority on completion of the opening-up.

- 3) No works shall take place until details of the flue/vent and its route have been submitted to and approved in writing by the Local Planning Authority. These shall include details of holes through floors, walls or roof finishes, and of any boxing-round. The works shall be carried out in accordance with the approved details.
- 4) No works shall take place until details of all works of making good to the retained internal and external fabric have been submitted to and approved in writing by the Local Planning Authority. These shall include details to match the adjacent finishes with regard to the methods used, material, size, style, profile, colour, texture and finish. The works shall be carried out in accordance with the approved details.
- 5) No works shall take place until detailed drawings and/or samples of all new internal, doors frames (architraves, linings, mouldings and beading), staircases (including balusters, newel posts and handrails); beading and skirting boards have been submitted to and approved in writing by the Local Planning Authority. The submitted details be at a scale of not less than 1:20 for elevations, and no less than 1:2 for horizontal/vertical frame sections (including sections through glazing bars). The works shall be carried out in accordance with the approved details.
- 6) No works shall take place until details of the methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:1 of moulding sections, and to include full details of the fire curtain, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded a schedule and specification of works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be concealed within the thickness of the door. The works of fire protection, sound proofing and insulation shall be carried out in accordance with the approved details.
- 7) No works shall take place until details of the steps to be taken to secure the safety and stability of the building/architectural feature/s in particular, the timber framing throughout, and the chimney-stack which are to be retained are submitted to and approved in writing by the Local Planning Authority. Such steps shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface and to provide for protection for the building against the weather during the progress of the works.
- 8) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, doors, corbelled arches, cornices, decorative ceilings and other decorative features to be retained shall be protected for the duration of the works.