
Appeal Decision

Site visit made on 15 August 2017

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 11 September 2017

Appeal Ref: APP/Y3615/Y/17/3172242

2 Half Moon Cottages, High Street, Ripley, Woking GU23 6AS

- 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 Paul Griffiths against the decision of Guildford Borough Council.
 - The application Ref 16/P/01941, dated 15 July 2016, was refused by the Council by notice dated 31 October 2016.
 - The works proposed are replacement of rotten and ill-fitting windows with same design sash and casement windows to south and west elevations.
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Decision

1. I dismiss the appeal.

Reasons

2. The building is listed Grade II and is within the Ripley Conservation Area. The main issue in this appeal is the effect of the works on the architectural and historic significance of the listed building and its setting.
3. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.
4. Whilst these duties are reflected in Policy HE1 of the Guildford Borough Local Plan, that is specific to the grant of planning permission, with the statement that listed building consent is a separate, but parallel process to that for planning permission. The statement continues with the information that the Borough Council will be producing Supplementary Planning Guidance containing the detailed policies and procedures for dealing with listed building consent applications. The Council has not referred to such a document.
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. The appeal premises are a prominent part of the conservation area, along with the neighbouring number 3, due to the corner location and proximity to the road. As stated by the Council, due to the building being small and plain in its detailing, the windows are a major part of the architectural and historic significance.
7. The application and appeal appears to be entirely retrospective so that the effect of the windows as installed could be judged at reasonably close quarters. The alleged condition of those windows that have been replaced could not however be judged and it appears that the Council were not given that opportunity either.
8. Three of the windows are arranged as vertical sliding similar to a sash window, but the sash boxes are not correctly formed with the lower parts of the pulley-stiles blocked-out rather than remaining as a recess for the lower sash down to the cill. The separate horns and glazing bars are clearly not formed or jointed into the main sash frame. Even if acceptable, the horns would have been a continuation of the stile rather than clearly added as here. In the case of the lower window on the west elevation, the cill appears poorly designed and not traditional in its arrangement. The use of two catches is not traditional.
9. The casement windows have mitred corners and that arrangement, and the way the casement overlaps the frame, are non-traditional and jarring features.
10. The Council objects to the use of uPVC on principle, and the appellant is of the view that this hardly discernible. Be that as it may, in particular it is the features that appear to result from the choice of material, as set out above, that cause harm through being not appropriate to the building or its setting.
11. 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 appropriate care and maintenance of listed buildings by private owners is a public benefit.
12. There does not appear to be a risk of this building falling out of an optimum viable use as a dwelling in this attractive location, and there are other ways of addressing a poor thermal or acoustic performance whilst using appropriate design features. It is not possible to judge the necessity of replacement, but taking the appellant's assertion at face value that the previous windows were beyond repair, that fact would not justify the design of windows now in place.
13. To conclude, accepting that replacement was the only viable option, and even allowing for the previous windows being modern 'Magnet' or similar joinery items, those now in place cause harm to the listed building and its setting contrary to statute, the Framework and the Development Plan, and there is no justification sufficient to outweigh that harm. The poor choice of window design elsewhere in the conservation area is not justification for this work, as the balance of considerations in those cases is not known. For the reasons given above it is concluded that the appeal should fail.

S J Papworth

INSPECTOR