The Planning Inspectorate

Appeal Decision

Site visit made on 10 March 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/Y3615/D/19/3241629
26 Jenner Road, Guildford GU1 3PP

- 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 Mr T Shea against the decision of Guildford Borough Council.
- The application Ref 19/P/01473, dated 20 August 2019, was refused by notice dated 29 October 2019.
- The development proposed is the erection of a single storey side extension, detached garage and alterations.

Decision

1. The appeal is dismissed insofar as it relates to the alterations to the roof in respect of all four dormer windows and to the replacement of the timber windows in the main house with windows of PVC-U frames. The appeal is allowed insofar as it relates to the single storey side extension and separate garage only. Planning permission is granted for a single storey side extension and detached garage at 26 Jenner Road Guildford GU1 3PP in accordance with the terms of the application, Ref 19/P/01473, dated 20 August 2019, and the plans submitted with it, so far as they are relevant to that part of the development hereby permitted and subject to the following conditions:

    1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

    2) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan Nos. 1466/03 and 1466/04 to match the existing dwelling in so far as they relate to the garage and single storey extension only.

    3) The windows to be incorporated into the single storey extension shall be of timber framed construction to the design as shown on the submitted plans and to construction detail which shall have first been submitted to and approved by the Local Planning Authority prior to their installation in the building.

    4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1466/02, 1466/03, and 1466/04 but only in so far as they pertain to the single storey side extension and the separate double garage.

Preliminary Matters

2. The Councils decision notice includes reference to four dormer windows which are not specifically mentioned on the appellants original planning application form. However, they are part of the proposal as applied for and consulted upon and I have dealt with the proposal on that basis.

3. The Council have advised that an article 4 direction is in place for this property and the wider area which prevents the replacement of timber framed windows with PVC-U which would have a harmful impact on the special character of the property or the Conservation Area.

4. The Council has raised no objection to that part of the proposal which relates to the single storey extension or to the erection of the separate garage. From all that I have read and seen I have no evidence before me on which to disagree. To that extent my analysis focuses on the alteration of the property insofar as it relates to the alterations to the roof and the proposal to replace the windows in the main property with PVC-U windows.

Main Issues

5. The main issues are the effect of the development on the character and appearance of the area and whether the development would preserve or enhance the Guildford Town Centre Conservation Area (CA).

Reasons

6. This part of the Guildford Town Centre CA, a designated heritage asset, is characterised by 19th Century Housing which varies in scale and appearance. However, the appeal site occupies a prominent corner position visible from both Harvey Road and Jenner Road and is noted as a building of particular townscape merit. The appeal property is an attractive building, making a positive contribution to the special character of the CA.

7. The proposed alteration to the roof through the addition of four substantial dormers would introduce dominant and disproportionally large additions to the roof which would represent competing and discordant elements. Even though part of the frontage is screened by vegetation the building is sufficiently visible that the roof alterations would be unacceptably prominent on both the building and within the CA. They would make the roof appear more dominant in the street scene and would introduce inharmonious features that would uncharacteristically interrupt the original roofline, causing harm to the character and appearance of the CA.

8. The wholesale replacement of timber windows to UPVC would also represent a harmful impact on the character of the property and character of the wider CA in an area where the Council has taken active steps through an article 4 direction to prevent such changes in order to protect its character.

9. These aspects of the proposal either separately or cumulatively would have a detrimental effect on the significance of a designated heritage asset although the harm would, in the words of the National Planning Policy Framework (The Framework), be 'less than substantial'.

10. For these reasons the proposal would conflict with Policies D1 and D3 of the Guildford Borough Local Plan: Strategy and Sites (2019) (the Local Plan); to

Saved Policies G5 and HE7 of the Guildford Borough Local Plan 2003 (Saved Local Plan); and to the aims of the Framework. These policies and guidance seek, amongst other things, to ensure that development is designed to a high standard including reflecting the characteristics of the locality.

Planning Balance and Conclusion

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, before reaching a decision on an appeal, I must pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given above the appeal proposal would not achieve that aim. In accordance with paragraph 196 of the Framework, where less than substantial harm to the significance of a designated heritage asset would occur, that harm should be weighed against the public benefits[1] of the proposal. There would be a benefit to the appellant from the enlargement of the dwelling within the roof space to provide enlarged accommodation however this is not a public benefit and it is insufficient to outweigh the harm which I have identified.

Other Matters

12. The appellant draws attention to sustainable development including reference to seeking positive improvements to the quality of the built and historic environment. Whilst sustainable development is a clear intent of national policy the Framework has to be taken as a whole and in this case it does not outweigh the harm to the heritage asset to which I have already referred.

13. The appellant contends that the proposal would accord with the aims of achieving well designed places as set out in Chapter 12 of the Framework by making the best use of the site in keeping with surrounding development. For the reasons already outlined I have not found aspects of the proposal would be harmful to the CA which is a designated heritage asset and to which significant weight must be given.

14. My attention has been drawn to the existence of dormer windows in buildings adjacent to the site which are argued to set a precedent for this proposal. However, I consider those which I saw were of lesser visual prominence than those in this appeal proposal and they do not therefore represent a comparable example nor examples which I would be bound to follow.

Conditions

15. As explained earlier there is no objection from the Council to that part of the proposal relating to the separate garage or the single storey extension and to that extent it is necessary to consider what conditions would be appropriate.

16. In addition to the statutory time limit condition and one relating to specific plans it is necessary to ensure that the new windows to be inserted into the property match the existing windows and that external walling materials also match those of the original building. To that extent a condition is necessary to ensure that the window details of the extension, albeit small in scale, are appropriate to the CA. I have imposed a condition requiring the windows to be

[1] Public benefits are defined in the Planning Practice Guidance[1] as "*of a nature or scale to be of benefit to the public at large and should not just be a private benefit*".

of timber construction to details to be approved by the Local Planning Authority in order that they can be appropriately detailed. Similarly, the external finishes of the walls and roof should match the existing building to protect the appearance of the development and a condition to that effect is necessary.

17. For the reasons set out and having regard to all other matters raised the appeal is dismissed in so far as it relates to the dormer windows and the alteration of the external windows to PVC-U but allowed insofar as it relates to the separate garage and single storey extension as per my formal decision above.

Janet Wilson

INSPECTOR