

# Appeal Decision

Site visit made on 7 January 2021

**by M Scriven BA (Hons) MSc CMgr MCIHT MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 February 2021**

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**Appeal Ref: APP/Y3615/W/20/3258212**

**16B Martyr Road, Guildford, Surrey, GU1 1LE**

- 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 Roy Fieldus against the decision of Guildford Borough Council.
  - The application Ref 20/P/00528 dated 23 March 2020, was refused by notice dated 05 June 2020.
  - The development proposed is replacement windows.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The replacement windows are in situ and as such I have considered appeal retrospectively. Two documents titled Heritage 1 and Heritage 2 were submitted with the application. I have had regard to these documents, I have no reason to consider they seek to 'evolve' the scheme but rather provide technical detail of that in place.

## Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area (CA), including its effect on the locally listed building.

## Reasons

4. The significance of the CA lies in its character as an area comprising a mix of historic, commercial and residential land use at the heart of the town, with an attractive public realm. The surrounding area is punctuated by more recent, large development, however that which prevails is of a historic townscape. The terrace itself positively contributes to the CA by virtue of its uniform form and appearance, preserving an example of later Victorian architecture. The local listing description also places emphasis on the appearance of the terrace's windows.
5. Legislation and national policy state that the significance of heritage assets such as the CA should be preserved or enhanced, and great weight should be given to their protection.
6. By virtue of the appeal property directly fronting the footway, the windows are clearly apparent when seen from Martyr Road. The appearance of the installed windows are at odds with others in the locally listed terrace, that which prevails appear as of traditional timber construction, incorporating narrow frames

whereas the installed windows' frames appear thicker and incongruous in their setting. The installed frames also incorporate conspicuous trickle vents which amplify the departure from the uniform appearance of the terrace.

7. I accept that other buildings in the road and wider conservation area appear to have UPVC windows. Further, the appellant has also drawn my attention to other locally listed buildings which have UPVC windows, including on Jenner Road and Martyr Road. However, I have no detail of their acceptance, or otherwise, before me. Also, I must consider the appeal on its own merits, that the windows are UPVC is not in itself harmful but rather their appearance in the context of the locally listed building in which they sit and I noted similar trickle vents such as those in situ were uncommon in the area.
8. I recognise that other timber framed windows in the terrace require maintenance, and those installed at the appeal property are likely to be more energy efficient than that which they replaced. However, I have no reason to consider that the design of the installed windows could not have been more sympathetic and of a similar appearance to that which prevails in the terrace.
9. The appellant considers the local listing information as being outdated. Although other buildings have clearly been constructed and the terrace has been the subject of conversion to flatted development, this does not appear to have materially altered the terrace's overall appearance as described in the local listing information provided.
10. Consequently, the alterations harm the appearance of the locally listed building, resulting in it detracting from that which surrounds it and not preserving the significance of the setting of the CA. I do though consider that given the presence of other UPVC windows across the CA this harm is limited, nonetheless it constitutes harm.
11. The replacement windows do not therefore accord with policies D1 and D3 of the Guildford Borough Local Plan: Strategy and Sites 2015 – 2034, or policies G5, H8 and HE7 of the Guildford Borough Local Plan, 2003 (saved 2007), which amongst other things collectively seek to ensure development is of high quality design, reflecting local character and preserving historic assets.
12. For the reasons above, the development would not be sympathetic to local character and the surrounding historic built environment setting and would not accord with the National Planning Policy Framework, 2019, (the Framework), objectives of sustainable development and achieving well-designed places when read as a whole.
13. Although harmful to its surroundings, the harm to the CA is less than substantial. However, this still represents a harmful effect, adversely affecting the significance of the CA. Less than substantial harm should be weighed against the public benefits of the proposal. The benefits outlined by the appellant regarding thermal and cost efficiency being of largely private rather than public benefit. There would be a very minor benefit in the widows being retained and thus avoiding disposal waste. However, the harm to the CA area would clearly outweigh the identified public benefit.

### **Other matters**

14. The appellant contends that the Council have acted unprofessionally in their handling of the application and requests for information. I also have no reason

to consider that the appellant has intentionally sought to install unacceptable windows. However, these matters do not make the windows installed acceptable in planning terms.

### **Conclusion**

15. For the reasons above, having considered the Development Plan and Framework as a whole, the development fails to preserve or enhance the character or appearance of the Guildford Town Centre Conservation Area. Therefore, the appeal is dismissed.

*M Scriven*

INSPECTOR