

Appeal Decision

Site visit made on 18 May 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Appeal Ref: APP/R3650/Y/21/3268223

The Carriage House, Peper Harow Park, Peper Harow, Godalming GU8 6BG

- 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 John Barrow (Studiobarrow) against the decision of Waverley Borough Council.
 - The application Ref WA/2020/0247, dated 31 January 2020, was refused by notice dated 14 August 2020.
 - The works proposed are described as 'Listed Building Consent for provision of a new vehicular access into walled garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal as detailed on the application form has been altered in subsequent documents. The appellant originally submitted a joint application seeking planning permission and listed building consent for the construction of a dwellinghouse and creation of a new vehicular access within the listed walled garden. This decision solely deals with the appeal against the Council's refusal of listed building consent, for the creation of a vehicular access. I have therefore adopted the description included within the appeal form, which reflects accurately the extent of the proposal before me.
3. Amended plans were submitted as part of the appeal, which did not form part of the original listed building consent application. Being mindful of the Wheatcroft principles¹, I consider that, in the interests of fairness, this appeal must be determined on the basis of the plans submitted to the Council, which have been subject to consultation and upon which it based its decision. Furthermore, as detailed within the Planning Inspectorate's Procedural Guide, the appeal process should not be used as a means to progress alternatives to proposals which have been refused. For these reasons, my findings therefore relate to the proposed works as determined by the Council.
4. The proposal would affect listed walls located within a conservation area, and I have therefore had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Main Issue

5. The main issue is whether the proposed works would preserve the Grade II listed Garden walls to north of Peper Harow House or any features of special architectural or historic interest that they possess.

Reasons

6. The proposed works relate to Grade II listed Garden walls which, according to the listing description, date from the late 18th century and 19th century. The 3.5 metre high walls, which are built of red and blue bricks with sandstone rubble to the eastern side, remain on three sides and include an ornate Inigo Jones gate to the lower corner. They form a rectangular plan, with the northern section curving gently to the east corner.
7. The significance of these listed structures derives primarily from their architectural and historic interest as an attractive example of a walled garden which represents an integral component of the Peper Harow estate. The listing description refers to the group value held by the Garden walls and other listed buildings sited in proximity. Accordingly, the special interest of these designated heritage assets also resides in the important contribution which they make collectively to the Peper Harow estate, as a historically outstanding and picturesque estate developed for a nobleman during the 18th century. There is no doubt that these heritage assets, including the listed walls subject to this appeal, also contribute positively to the character and appearance of the Peper Harow Conservation Area, which draws its special interest from the rich collection of historic buildings making up the estate.
8. The proposed works seek to create a vehicular access by forming a new opening in the listed wall, within proximity to the existing pedestrian gate. The appeal scheme includes the installation of a double gate, constructed in traditional oak framing and planking, which would be painted black. However, the new access would be significantly wider than the pedestrian opening and would lead to an important loss of historic fabric.
9. Additionally, the proposed works would harmfully disrupt the continuity and strong sense of enclosure provided by the listed walls, to the detriment of their significance. As noted by Historic England, the garden was designed to be enclosed with access from the road through a small ornate door, the understanding of which would be compromised if further openings were added, and the aesthetic qualities of the wall, with the single, small entrance would also be diminished.
10. By reason of their prominence within the street scene, it follows that the appeal scheme would also fail to preserve the character and appearance of the Peper Harow Conservation Area. The proposed works would cause less than substantial harm to the special interest of the Grade II listed Garden walls and the Peper Harow Conservation Area, to which I afford considerable importance and weight. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) requires the harm to be weighed against the public benefits of the proposal.
11. The appellant has sought to justify the proposed works by the difficulties experienced in accessing the appeal site, following changes to previous access arrangements which appear to have been compromised by residential

development in the southern half of the original walled garden. However, there is limited evidence before me to demonstrate that the maintenance issues experienced by the appellant could not be satisfactorily addressed in ways which would not cause permanent damage to the listed wall. In this particular instance, I have not been presented with any public benefits which would outweigh the identified harm.

12. My attention has been drawn to a similar gateway, which has previously been granted listed building consent within proximity to the appeal site. However, in the absence of full details of this particular scheme, I cannot be certain that the circumstances which led to this proposal being granted represent a direct parallel to the works subject to this appeal, which I am required to assess on their individual merits.
13. For the foregoing reasons, the proposal would fail to preserve the special interest of the Grade II listed Garden walls, but also the character and appearance of the Peper Harow Conservation Area. It would therefore be contrary to Policy HA1 of the Waverley Borough Local Plan Part 1 (adopted February 2018) and Saved Policy HE3 of the Waverley Borough Local Plan 2002, as well as the requirements of the Act. Amongst other things, these seek to ensure that the significance of heritage assets is conserved or enhanced to ensure the continued protection and enjoyment of the historic environment.

Conclusion

14. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR