
Appeal Decision

Site visit made on 9 November 2021

by Jo Dowling BA(Hons) MPhil MRTPI

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

Decision date: 3rd December 2021

Appeal Ref: APP/Y3615/Y/21/3268679

Vine Cottage, The Street, Effingham, Nr. Guildford, Surrey KT24 5QL

- 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 Perry Stock against the decision of Guildford Borough Council.
 - The application Ref 20/P/01577, undated, was refused by notice dated 11 November 2020.
 - The works proposed are replacement of existing (unlisted) garage in the grounds of a listed (grade 2) building with a usable sized garage and home office, to a high thermally insulated standard.
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Decision

1. This appeal is dismissed.

Procedural Decision

2. I note that the Council also refused to grant planning permission for the proposal as well as listed building consent (LBC). The Appellant's statement refers to the refusal of planning permission but an appeal has only been lodged against the refusal of LBC. It is this appeal against that refusal alone that I address below.
3. Since the application was determined the National Planning Policy Framework (the Framework) has been updated. The decision made by the Council refers to paragraph 196 of the 2019 Framework. The same wording used in paragraph 196 can now be found in paragraph 199 of the 2021 version and I have therefore referred to this version of the Framework when considering this appeal.

Application for costs

4. An application for costs was made by Mr Perry Stock against Guildford Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposal on the listed building, Vine Cottage, and its setting.

Reasons

6. Vine Cottage is a Grade II listed mid-18th Century red brick house which is located on the west side of The Street close to the junction with the A246/Guildford Road. The property is located at the southern end of the Effingham

Conservation Area which is characterised by a mix of villas, houses and cottages. Properties in this part of the Conservation Area are constructed from a pallet of traditional materials including soft red/ orange bricks, flint and clay tiles. Elsewhere in the Conservation Area there are examples of historic timber framed buildings and the use of feather edged weatherboarding.

7. The Appellant proposes to demolish an existing single storey brick and tile garage which is located to the side of Vine Cottage and replace it with a "hay barn style" building which would comprise a garage at ground floor with office space above. The building would be constructed of black shiplap timber with a clay tile roof. Two gable ended dormers would be located in the southern roofslope. The office would be accessed by means of an external stair to the rear of the proposed building.
8. Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering a proposal that would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
9. The existing garage is a modest structure of limited bulk and scale which is clearly subservient to Vine Cottage and does not detract from its setting. Whilst I accept that the proposed replacement garage through the use of materials and design features has been carefully designed to reflect and respect the character and appearance of the Effingham Conservation Area it would be of a size, scale, bulk and height that would be significantly bigger than the current garage and far more complex in form. As a result, it would lack subservience and would thereby compete with Vine Cottage. I therefore consider that the loss of the hierarchy in the relationship between house and garage would detract from the listed building, and its setting. In my view the harm to significance would be less than substantial and where this is the case paragraph 202 of the Framework says that such harm should be weighed against the public benefits of the proposal.
10. I accept that the provision of a new garage and home office would enable a car to be removed from the front forecourt and would enable the Appellant to work from home thereby reducing carbon emissions from commuting. However, these benefits are limited and as such I consider that they are insufficient to outweigh the harm that I have identified above.
11. In coming to this conclusion, I have visited several of the other examples of similar sized and styled buildings cited by the Appellant, including those within the village and the listed former fire station in Shere. However, I consider that the contexts of these buildings are different to those found at Vine Cottage and as a consequence they do not lead me to a different conclusion.
12. As a result, I consider that the works would fail to preserve Vine Cottage and its setting for which a clear and convincing justification has not been provided. The works would therefore not comply with the requirements of Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and the guidance contained within the Framework.

Other matters

13. I note that the Appellant has referred to a number of Local Plan policies and supporting documents in their statement. However, I assume that these were cited by the Council in their reason to refuse planning permission for the proposal as they are not included in the reason for refusal of LBC. As I am only considering an appeal against the refusal to grant LBC I have attached limited weight to these policies and in any event compliance with these policies would not outweigh the harm to the setting of Vine Cottage set out above.
14. I note that the Appellant considers that the Council did not positively engage with them when considering the application, including concerns that the Conservation officer did not undertake a site visit. However, I have limited information about the handling of the application by the Council and consequently I have determined the appeal on its merits and in light of my own site visit to the property.

Conclusion

15. Accordingly, for the reasons set out I conclude that the replacement of the existing garage with an alternative garage and home office would fail to preserve the setting of Vine Cottage and as such the appeal should be dismissed.

Jo Dowling

INSPECTOR