



Appeal Decision

Site visit made on 3 March 2022

by G Powys Jones MSc FRTPI

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

Decision date: 23rd March 2022

Appeal Ref: APP/Y3615/D/21/3288146

Chestnut Cottage, 50 Portsmouth Road, Guildford, GU2 4DU

- 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 Thomas Buckley against the decision of Guildford Borough Council.
 - The application Ref 21/P/00665, dated 24 March 2021, was refused by notice dated 25 October 2021.
 - The development proposed is the replacement of nine single glazed wood framed windows and door.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The Council's description of the proposed development used in its decision notice omits a reference to a replacement door, which also forms part of the proposal. The appellant wishes to replace all timber windows and a door with uPVC with a white grain finish.
3. The appeal property is located within the St Catherine's Conservation Area (CA).
4. The need for planning permission for the proposals arises because in August 2007 the Council made an Article 4 Direction, which effectively prevented residents using permitted development rights for various forms of development within the CA. The copy of the Direction made available to me signified only that it had been made. The Council has since indicated that the Direction was confirmed at a November 2007 Committee.
5. Since it is comprised of alterations, the development proposed appears to me to fall within the category of development listed first in the Direction's Schedule. This clarifies that the provisions of the Direction apply only '*..where any part of ... the alteration would front a highway or open space.*'
6. The dwelling is situated at the end of a terrace, and on a junction. Two of its elevations clearly front the highway, but the rear elevation does not appear to, and does not appear to front open space either. Accordingly, the question arises as to whether or not the replacement of windows comprised in the rear elevation is covered by the Direction, and whether planning permission is

needed for them. However, in view of my decision, I do not draw any conclusions on this matter.

Main issue

7. The main issue are the effects of the proposals on the host property and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

8. The host property is situated at the junction of Portsmouth Road (A3100) and Chestnut Avenue. It forms part of what I regard as a very attractive terrace, described in the representations as displaying 'Arts & Crafts' design features. The terrace is comprised mainly of brick, with some render panelling. Its' front elevation contains several gables, with tile hanging at first floor level. The terrace's chimneys appear to have all remained intact.
9. The appeal property is at the end of the terrace, with its twin gabled main elevation, and its front door, facing Chestnut Avenue. This elevation contains striking feature windows at first floor level just beneath the gables with its associated decorated panelling.
10. The property is virtually surrounded by a laurel hedge, and as a consequence, many of the ground floor windows and front door are at least partially hidden from view. However, there is no guarantee that the hedge will remain in place permanently. The windows on the first floor are all plainly visible from public vantage points at close quarters.
11. The appellant points to several properties in the locality which have used materials other than wood in their fenestration, including uPVC. However, some of these are far more modern than the appeal property, and the use of materials other than wood is understandable in the circumstances, particularly having regard to the overall design of the buildings.
12. The appellant also points to the use of uPVC windows on a property within the terrace. I saw that was the case, and to me it stood out as incongruous. There is no reason, in my view, why a similar mistake should be repeated. That others within the terrace have not replaced timber windows in their original form is unfortunate, but does not justify the use of uPVC.
13. The appellant says that the use of a 'wood effect' finish would give a similar appearance to the original timber frames. In my experience, however, the intrinsic qualities of timber can rarely, if ever, be mimicked by the use of uPVC in terms of finish, section thicknesses or window bars. On a property comprised within such an attractive terrace, I consider that every effort should be made to preserve its' appearance and character – indeed, that is the main purpose of conservation and heritage protection. The proposed windows would stand out, to my mind, as an inappropriate use of materials within the CA.
14. I fully understand the reason why the appellant would choose to replace the windows. I saw that at least some were in poor condition, and were not the original windows. Those I saw were single glazed, albeit a form of secondary glazing had been provided at the front to provide some protection from the noise of traffic using the main A road. I also appreciate the benefit of double glazing in insulation and consequent energy saving. However, no evidence has

been provided as to why such benefits could not be achieved by the use of high performance timber windows, which I have seen successfully installed in many properties within CAs. In my experience, they could more successfully replicate the originals while providing similar insulation benefits to uVPC.

15. I conclude that the proposal would cause harm to the character and appearance of the host property and to the terrace. Neither the character nor appearance of the CA would therefore be preserved. Accordingly, a clear conflict arises with those provisions of saved Policy HE7 of the Guildford Borough Local Plan 2003 and policy D3 of Guildford Borough Local Plan: Strategy and Sites 2019, directed to ensure that the character and appearance of the Borough's historic environment, including its conservation areas, is protected.
16. The harm caused would be less than substantial and under the terms of the NPPF¹ this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I have already referred to one of the public benefits arising from the installation of modern windows, that of energy conservation. However, I am not convinced that this benefit could not be achieved by another design solution more appropriate in this CA, which on the basis of the evidence, has apparently not been considered.

Other matters

17. All other matters referred to in the representations have been taken into consideration, including the representation made by a member of the public, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

¹ National Planning Policy Framework 2021.