



Appeal Decision

Site visit made on 6 December 2021

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2022

Appeal Ref: APP/Y3615/F/21/3273180

200-202 London Road, Guildford, Surrey, GU4 7JS

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
 - The appeal is made by Dr Leon Barbour against a listed building enforcement notice issued by the Guildford Borough Council.
 - The listed building enforcement notice was issued on 9 March 2021.
 - The contravention of listed building control alleged in the notice is, without listed building consent, the installation of UPVC windows.
 - The requirements of the notice are set out in the schedule of works attached to the notice (duplicated at Annex A of this Decision).
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on grounds (e) and (g) as set out in section 39(1) of the Act.
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Decision

1. It is directed that the listed building enforcement notice be corrected and varied by:
 - a) in Section 3 after the word "windows" insert the words "and French doors";
 - b) in Section 5(i): Schedule of Works:-
 - at Step 14 (first line) delete numerals "22-24" and replace with "15-17";
 - at Step 18 (third line) delete the words "ten unauthorised windows marked 22, 23, 24, 25 & 27-32" and substitute instead the following words: "nine unauthorised windows marked 22, 23, 24, 25, 27-30, and 32";
 - at Step 19 delete the first sentence and substitute instead the following words: "Replace with one new double French door and nine new windows as specified in steps 20-24 of this notice"; and
 - delete all of Step 25.
2. Subject to the corrections and variations the appeal is dismissed and the listed building enforcement notice is upheld.

Reasons

The listed building enforcement notice

3. There are some typo errors in the notice. In the attached Schedule of Works step 14 incorrectly references steps 22-24. Similarly, step 19 incorrectly references steps 28-32. However, it is plainly clear from the details in the steps

immediately following step Nos. 14 and 19 that the further references should have been made to steps 15-17 and 20-25 respectively. I am satisfied that I can correct these minor errors without injustice to either party.

4. The notice requires the removal and replacement of a set of French doors¹. Although these are not individually specified in the alleged contravention of listed building control at Section 3 of the notice, the appellant has appealed on ground (e) that listed building consent should be granted for all of the works carried out. As such, there would be injustice to him if they were not included within his ground (e) appeal. I will therefore correct Section 3 of the notice to include them.

Appeal on ground (e)

5. The ground of appeal is that listed building consent should be granted for the works that have been carried out.
6. The main issue is whether the uPVC windows and doors subject of the notice (as corrected) preserve the listed building or any features of special architectural and historic interest that it possesses.
7. The listed building known as Nos 200-202 London Road comprises the amalgamation of two properties (New Inn Farmhouse and Lilac Cottage). It was originally constructed as a timber framed building in the 17th century with later 18th and 20th century extensions, having a rendered plinth with whitewashed brick infill, some in herringbone pattern, and with hanging fish-scale pattern tiling above. It has tall and imposing three-bay chimney stacks, decorated with brick bands on the caps and bases, which sit centrally within the plain tiled roof. The front elevation to the road at ground floor has a central doorway under a flat hood. The official listing notes that either side of the door there are two 19th century windows at ground floor with two more above. Also noted are the steep-gabled porch recess over the left side extension, the timber framed wing at right angles to the left side, and 19th century wings to the rear.
8. In the context of the above, and in the language of the Framework², I consider that the significance of the listed building, a designated heritage asset, is in part derived from its historic form and composition, including its traditional craft construction methods and materials. Although the building has evolved over the centuries through various alterations and additions, the submitted photographic evidence confirms to me the integrally important contribution of the former windows and doors to the overall significance of the listed building. These were simple timber-framed casement structures with timber cills and single glazing, some with structural dividing timber glazing bars.
9. Contrary to the appellant's assessment, I find that the installed windows and doors are not sympathetic to the historic architectural detail and character of the building. The uPVC double glazed units are overtly modern in both materials and design, having wider and heavier looking frames, a visible internal parting bead between glazing, and a degree of double register from the glass. Overall, their appearance is starkly at odds with the simpler and finer construction details of the traditional timber units that were removed. As such, the historic and special architectural interest of the listed building has been significantly diminished.

¹ Listed Building Enforcement Notice, Fig. 4.1, No.26.

² The National Planning Policy Framework (2019)

10. I note the appellant's submissions and photographs that some of the windows and cills were in poor condition. However, a more appropriate response would have been to make repairs to them, or, if they were beyond repair, to replace them on a like-for-like basis. However, there is no convincing evidence before me that any were beyond repair. Moreover, even if they were beyond repair, the uPVC units now installed are not like-for-like and instead diminish the historic and special architectural interest of the listed building as previously described.
11. Drawing all of the above factors together, I find that the replacement uPVC windows and doors fail to preserve the special architectural and historic interest of the listed building, thereby harming its significance as a heritage asset. The harm is not minor in scale, however I find it to be *less than substantial* in the context of paragraph 202 of the Framework.
12. The Framework indicates that less than substantial harm should be weighed against any public benefits that accrue from the works that have been carried out. In this regard, reference is made to improved hygiene, energy efficiency and comfort for staff and patients from when the building was in use as a medical surgery. Also, that the building is available once again for use as an NHS facility.
13. Although no detailed quantified assessment of such improvements are before me I accept in principle that a reduction in heating requirements and energy usage would result in a lower carbon footprint for the building which can be considered to be a wider public benefit. The future use of the building as a medical or other service facility is also a public benefit. However, the weight I attach to these benefits are very limited since alternative methods of accruing the same or similar public benefits are achievable without resulting in the harm from the works subject of the appeal I have described.

Conclusion on ground (e)

14. For all the above reasons, I conclude that the uPVC window and door units subject of the notice fail to preserve the special architectural and historic interest of the listed building, harming its significance as a designated heritage asset. The public benefits advanced in support of allowing the appeal, either singularly or in combination, do not outweigh the harm. The works carried out also conflict with Policy D3 of the Guildford Borough Local Plan: Strategy and Sites (2019) insofar as it seeks to implement the provisions of the Act.

Appeal on ground (g)

15. For an appeal on ground (g) to succeed it needs to be demonstrated that the requirements (steps) of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
16. The building was first listed in 1953. Any works carried out since then, without the benefit of listed building control, that have affected the special architectural and historic interest of the building, are in contravention of listed building control. The Act provides for remedies to such contraventions to be sought from whoever is a current owner, even though those works may have been carried out by previous owners. Ownership of a listed building therefore places a weighty responsibility of stewardship upon an owner.

17. The appellant states that one window, No. 31 in the Schedule of Works attached to the notice, is an original single glazed window. Whether it is or not is unclear. It appears possible that it may have been inserted as part of a previous consent for alterations since it occupies a space at the head of a former doorway that has been blocked up. That aside, the Council have not submitted any alternative contrary evidence to dispute the appellant's evidence. On balance therefore I accept the appellant's evidence and so will delete the notice requirements in relation to this window.
18. Other than window No.31, it is clear to me that the remedial requirements of the notice, set out in detail in the Schedule of Works, go no further than restoring the building back to the condition that existed before the works were carried out. Consequently, the steps cannot be excessive.
19. The appeal on ground (g) succeeds to the limited extent set out above in respect of window No. 31, and the notice is varied accordingly, but otherwise the appeal on ground (g) fails.

Thomas Shields

INSPECTOR